

## TO MEMBERS OF THE COUNCIL

**Notice is hereby given that a meeting of the Council of the London Borough of Bromley is to be held in the Council Chamber at Bromley Civic Centre, Stockwell Close, Bromley, BR13UH on Monday 11 December 2023 at 7.00 pm which meeting the Members of the Council are hereby summoned to attend.**

### Prayers

## A G E N D A

- 1 Apologies for absence
- 2 Declarations of Interest
- 3 To confirm the Minutes of the meeting of the Council held on 16 October 2023 (Pages 3 - 30)
- 4 Petition (Pages 31 - 34)
- 5 Questions (Pages 35 - 42)

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.

Questions specifically seeking clarification of details in a report on the agenda must 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 Tuesday 5<sup>th</sup> December 2023.

(a) Questions from members of the public for oral reply.

(b) Questions from members of the public for written reply.

(c) Questions from members of the Council for oral reply.

(d) Questions from members of the Council for written reply.

- 6 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees. (Pages 43 - 44)
- 7 Capital Programme Monitoring Quarter 2 2023/24 (Pages 45 - 68)
- 8 Treasury Management Quarter 2 Performance 2023/24 and Mid-Year Review (Pages 69 - 94)

- 9 Review of the Constitution (Pages 95 - 302)
- 10 Development Control Committee and Plans Sub-Committees - Terms of Reference (Pages 303 - 308)
- 11 Committee Appointments (Pages 309 - 312)
- 12 SACRE Annual Report 2022/23 (Pages 313 - 334)
- 13 To consider Motions of which notice has been given. (Pages 335 - 336)
- 14 The Mayor's announcements and communications.

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*Ao Adetosoye*

**Ade Adetosoye CBE**  
**Chief Executive**

**BROMLEY CIVIC CENTRE**  
**STOCKWELL CLOSE**  
**BROMLEY BR1 3UH**  
**Friday 1 December 2023**  
**Vol.60 No.4**

# Agenda Item 3

## LONDON BOROUGH OF BROMLEY

### MINUTES

of the proceedings of the Meeting of the  
Council of the Borough  
held at 7.00 pm on 16 October 2023

Present:

**The Worshipful the Mayor  
Councillor Mike Botting**

**The Deputy Mayor  
Councillor Keith Onslow**

#### Councillors

Jeremy Adams	Christine Harris	Chloe-Jane Ross
Jonathan Andrews	Colin Hitchins	Shaun Slator
Jessica Arnold	Alisa Igoe	Colin Smith
Kathy Bance MBE	Julie Ireland	Diane Smith
Yvonne Bear	Mike Jack	Mark Smith
Nicholas Bennett J.P.	Simon Jeal	Alison Stammers
Kim Botting FRSA	David Jefferys	Melanie Stevens
Mark Brock	Charles Joel	Harry Stranger
David Cartwright QFSM	Kevin Kennedy-Brooks	Ryan Thomson
Graeme Casey	Josh King	Michael Tickner
Will Connolly	Kate Lymer	Pauline Tunnicliffe
Robert Evans	Tony Owen	Thomas Turrell
Kira Gabbert	Christopher Marlow	Sam Webber
Adam Jude Grant	Ruth McGregor	Rebecca Wiffen
Hannah Gray	Tony McPartlan	
Dr Sunil Gupta FRCP	Angela Page	
FRCPPath	Chris Price	

Before the meeting started the Mayor led Members in a period of silence in memory of Honorary Freeman Richard Lane OBE FCA and Councillor Andrew Lee, who had died since the last meeting of the Council.

The meeting was opened with prayers.

In the Chair  
The Mayor  
Councillor Mike Botting

## **23 Apologies for absence**

Apologies for absence were received from Councillors Felicity Bainbridge, Aisha Cuthbert, Sophie Dunbar, Simon Fawthrop, Jonathan Laidlaw, Alexa Michael and Will Rowlands. Apologies for lateness were received from Cllr Ryan Thomson.

Councillors Fawthrop, Michael and Rowlands joined the meeting online.

## **24 Declarations of Interest**

There were no declarations of interest.

## **25 To confirm the Minutes of the meeting of the Council held on 17 July 2023**

**RESOLVED that the minutes of the meeting held on 17<sup>th</sup> July 2023 be confirmed as a correct record.**

## **26 Questions**

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

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

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

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

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

The Leader of the Council, Councillor Colin Smith, made a statement following the recent deaths of Honorary Freeman Richard Lane OBE, FCA and Councillor Andrew Lee.

Richard Lane was a long-time resident of the borough with an impressive professional career in accountancy and a wide-ranging contribution to the education, health, business and voluntary sectors. While doing all of this, he suffered from type 1 diabetes and underwent pioneering transplant treatment in 2005. He was chairman of Diabetes UK between 2008 and 2015, after which he continued to be an ambassador for the charity. He received national

recognition with the award of an OBE in 1998, while the borough had granted him its highest honour, the Freedom of the Borough, in 2004. Few people had made such a valuable contribution to the borough.

Councillor Andrew Lee had died while in office at just 66 years on 5<sup>th</sup> October. He had begun his career in the hard world of Lewisham politics and served as an agent for many years and at Conservative Central Office. His long-held ambition was to serve as an elected representative and he had finally achieved this in May 2022, being elected for Hayes and Coney Hall. His wife Gill had asked that he be remembered as a great motivator, for his sense of humour and for his ability to get things done.

Councillors Jeal, Webber, Michael and Bennett added their thoughts and condolences.

**28 Budget Monitoring 2023/24**  
Report CSD23123

A motion to (i) agree that a sum of £1.8m be drawn down from the 2023/24 contingency as detailed in paragraph 3.2.2 of the report to the Executive and (ii) agree that a sum of £4.25m be transferred to the capital programme as detailed in paragraph 3.2.15 of the report to the Executive was moved by Cllr Colin Smith, seconded by Cllr Christopher Marlow and **CARRIED**.

**29 Capital Programme Monitoring - Quarter 1, 2023/24**  
Report CSD23124

A motion to amend the capital programme by agreeing (i) an increase of a total of £2,656k in relation to Disabled Facilities Grant (£2,443k original award plus £213k supplementary award) and (ii) an additional £4,250k to be added to the Accommodation Capital Programme to be funded as follows - £2,000k of funding from the 2023/24 central contingency and £2,250k from the growth fund reserve, was moved by Cllr Christopher Marlow and seconded by Cllr Yvonne Bear and **CARRIED**.

**30 Local Pension Board Annual Report**  
Report CSD23130

A motion to receive and note the 2023 Annual Report of the Local Pension Board was moved by Cllr Keith Onslow, seconded by Cllr Kira Gabbert and **CARRIED**.

**31 Local Pension Board - Appointment of Board Member**  
Report CSD23119

A motion to appoint David Kellond as an Employer Representative to the Local Pension Board for the balance of the four-year term of office commencing 17 July 2023 was moved by Cllr Keith Onslow, seconded by Cllr Kira Gabbert and **CARRIED**.

**32 To consider Motions of which notice has been given.**

**(A) Criminal Damage and Vandalism**

The following motion was moved by Councillor Simon Jeal and seconded by Councillor Angela Page:

“Bromley Council unequivocally condemns acts of criminal damage and vandalism. We will continue to work with the Metropolitan Police, seeking to ensure all such crimes are investigated and the criminal perpetrators prosecuted.”

On being put to the vote, the motion was **CARRIED**.

**(B) Local Government Funding**

The following motion was moved by Councillor Jeremy Adams and seconded by Councillor Tony McPartlan:

“Bromley Council and local authorities across the United Kingdom have been facing severe financial challenges due to years of cuts in government funding, with several councils including Woking, Thurrock and Birmingham having to issue S114 notices as they are effectively bankrupt. Bromley Council faces significant funding challenges with the prospect of a £29 million deficit by 2026.

Uncertainty over the future of government funding for local authorities is hampering their ability to plan and allocate resources effectively over the medium term. The proposed Fair Funding Review, developed in 2018 and aimed at redistributing resources more fairly among local authorities, has been delayed until April 2025 at the earliest.

This Council therefore calls on the government to provide an intermediate funding solution in time for financial year 2024-25, comprising:

- Additional funding to local authorities to address acute funding pressures.
- A multi-year settlement to move away from the current year-to-year approach that is leaving councils less able to plan for the future.

This Council further calls on all Members of Parliament representing Bromley constituencies to support this request for additional funding for local government by actively advocating for it in Parliament.”

An amendment was moved by Councillor Colins Smith and seconded by Councillor Christopher Marlow for the motion to read –

“Bromley Council and other Local Authorities across the United Kingdom are facing severe financial challenge, due to years of reduced Central Government funding, by successive Governments of all political persuasions,

with several Councils including Woking, Thurrock, Croydon, Slough and Birmingham having to issue S114 Notices as they are now effectively bankrupt.

Bromley Council itself faces significant funding challenges with the prospect of a £36.2m deficit by 2026-2027.

Uncertainty over the future of Government funding for local authorities is hampering Local Government's ability to plan and allocate resources effectively over the medium term.

The proposed Fair Funding Review, developed in 2018 and aimed at redistributing resources more fairly among local authorities, has been delayed until April 2025 at the earliest.

The Council therefore calls on the Government again to provide an intermediate funding solution in time for the financial year 2024-25 comprising:

- Additional funding to Local Authorities to address acute funding pressures.
- A multi-year settlement to move away from the current year-to-year approach that is leaving Councils less able to plan for the future.

This Council further calls on all Members of Parliament representing Bromley constituencies to continue to lobby for additional funding for Local Government by actively advocating for it in Parliament and to bring forward the Fair Funding Review."

On being put to the vote the amendment was **CARRIED**.

The motion as amended was put to the vote and **CARRIED**.

### **(C) Public Toilets**

The following motion was moved by Councillor Will Connolly and seconded by Councillor Chloe-Jane Ross:

"When public toilets owned and managed by Bromley Council were closed, the Council implemented the Community Toilet Scheme that saw numerous businesses across the borough sign up to offer residents and visitors toilet facilities without needing to make a purchase. Since the COVID-19 pandemic the number of businesses signed-up to the scheme has fallen dramatically. In addition, the standard of public toilets in some of the borough's parks has fallen.

A 2019 report from the Royal Society of Public Health found that one-in-five experience the 'loo leash' – leaving the house much less often than they would like due to a lack of public or available toilets. Bromley Council does not want this for our residents or visitors.

Council notes:

- That clean and safe publicly accessible toilets are critical in encouraging residents and visitors to get out and about in our borough.
- The lack of high-standard publicly accessible toilets prevents some adults and children from leaving the house as often or for as long as they would like to.
- This can stop people visiting our towns, high streets, shopping parades and outdoor spaces, it will cause social isolation for some.
- Age UK London reports that some people reduce the amount they drink before going to some places, and for older residents and many with impairments this can lead to dehydration and serious health consequences.
- The community toilet scheme in towns, and toilets in our parks and green spaces, make these places accessible to everyone.

Therefore, Council calls for the Executive:

- To develop a Publicly Accessible Toilet Strategy, with a designated Officer or Team responsible for its delivery, that will increase the number of Community Toilet venues and improve toilet provision in parks and green spaces.
- To launch a public information awareness campaign on publicly accessible toilets across the borough, including a directory on the Council website.
- To work with Councillors, residents' groups and other stakeholders to review the quality and accessibility of community and parks toilets, and identify opportunities for expanding the borough's Publicly Accessible Toilet network."

On being put to the vote, the motion was **LOST**.

### **33 The Mayor's announcements and communications.**

The Mayor thanked Members who had booked tickets for the Ball at The Warren on 21<sup>st</sup> October and reminded them about the charity dinner at the Tamasha Restaurant on 28<sup>th</sup> November.

The Mayor announced the following events –

- The Civic Christmas Carol Concert on Sunday 17<sup>th</sup> December at All Saints Church, Bark Hart Road, Orpington.
- A Sunday Lunch at The Warren on 21<sup>st</sup> January 2024 - money raised to be donated to the Rotary Club of Bromley to add to their funds for supporting Ukraine.
- The annual Mayor's Quiz on Friday 23<sup>rd</sup> February 2024.
- Dinner at the East India Club on 11<sup>th</sup> April 2024.

The Meeting ended at 8.55 pm

Chairman



**Council**

**16 October 2023**

**Questions from Members of the Public for Oral Reply**

**1. From Dermot Mckibbin to the Portfolio Holder for Renewal, Recreation and Housing**

Why were the two 3 bedroomed Council owned properties recently put up for sale and then withdrawn from the auction, when was the last time these two properties were occupied, why have they not been allocated to rehouse households in housing need and when will they be re-occupied?

**Reply:**

The two properties have been vacant since 2019 and 2021. The decision was taken to sell the properties as due to subsidence/structural integrity issues, it would not be financially viable to bring them into use as affordable housing. Consequently, the properties are being sold as redevelopment opportunities to raise funds for more suitable affordable housing developments such as those already completed in Chislehurst, Anerley and Burnt Ash Lane.

The withdrawal from auction was as a result of statutory searches undertaken in preparation of the legal pack which discovered that independent utilities services were not available (this would be required to achieve a sale). Work is being undertaken to resolve this.

Once resolved both sites will be put back for auction to ensure the Council meets its S123 obligations under the Local Government Act 1972 to achieve best value.

**Supplementary Question:**

Is there no way these properties could be used to reduce the amount of money the Council spends on temporary accommodation for the 1,550 households in temporary accommodation? Would it be possible to sell them to a housing association and to provide much needed accommodation for households in need?

**Reply:**

As I said, both need significant work so are unlikely to be attractive to a housing association but they are welcome to bid for the properties. The funds that we are raising from these disposals will be put to other housing schemes and we have upcoming schemes at West Wickham, which is already under way, and we have just got planning permission for Bromley North, so we are continuing with our programme

of developing more affordable housing. It is just the most efficient way of spending the money.

**Additional Supplementary question from Cllr Tony McPartlan:**

Do we have a clear criteria for which properties we keep and which properties we sell and if we do would it be possible for us to see that?

**Reply:**

Are you talking specifically about residential properties? We do not have very many, and indeed there is a question for written reply that asks for a list of them. If they can be economically brought back into use they would be, if not we will dispose, raise the capital and put it to better schemes that make more financial sense.

**2. From John Haddock to the Portfolio Holder for Transport, Highways and Road Safety**

How can the Council justify putting the price of a residents permit up by 50% when state pension only went up by 10.1% and wages far less.

**Reply:**

This is the first increase for four years. In that period there has been a substantial rise in costs. Our charges, which equate to one tank of fuel, are considerably cheaper than our neighbouring boroughs.

**Supplementary Question:**

I cannot see how you can justify a 50% rise. You have not increased the number of permit holder bays where I live. There are 107 bays in the five roads surrounding where I live; only 33 are for permit holders only. The rest, apart from pay and display and a few disableds, 61 of them are for permit condition A, or pay and display. Why can't you just take the conditions A away from them so residents can find somewhere to park. Still have them as pay and display, but no conditions. Obviously you know what condition a means. Why can't you give us some more permit bays and take the conditions A away from Florence Road and Hammelton Road where those roads are empty in the daytime and permit holders cannot find places to park.

**Reply:**

I don't know about where you live; if you care to write to me I will look into it.

(The third question, from Mr Tony Banfield, was taken as a question for written reply.)

**Council**

**16 October 2023**

**Questions from Members of the Public for Written Reply**

**1. From Steve Wehrle to the Portfolio Holder for Renewal, Recreation and Housing**

I am concerned about the number of empty premises in Orpington High Street. Some retail premises have been unoccupied for more than 5 years. What is the Council's position regarding the 'compulsory purchase' of these premises please?

**Reply:**

Compulsory Purchase Orders are expensive and used only as a last resort generally to enable public infrastructure and regeneration works to proceed. The Council has very little power in relation to empty commercial premises. The Council will continue to work with Orpington BID and provide whatever support it can to ensure Orpington High Street remains vibrant.

**2. From Richard E Hart to the Portfolio Holder for Renewal, Recreation and Housing**

Can you please supply details of the Council's policy about the use of compulsory purchase orders as a way of bringing back certain long term vacant properties into use and explain why the Council will not use such powers to reduce the number of long-term empties.

**Reply:**

Compulsory Purchase Orders are expensive and used only as a last resort generally to enable public infrastructure and regeneration works to proceed. In relation to empty residential properties, a report will be coming forward shortly with recommendations for encouraging landlords to bring their properties up to standard and make them available to the Council for local people in need of housing.

**3. From Thomas Murphy to the Portfolio Holder for Renewal, Recreation and Housing**

Please produce a table by ward of plots of land that the Council owns, in and outside Bromley and show how the Council intends to develop these sites to increase the number of homes built and to reduce expenditure on temporary accommodation.

**Reply:**

The Transparency data for Estates Management - Land and buildings data is public available on the council website here -

<https://www.bromley.gov.uk/downloads/download/140/land-and-property-asset-list>

The full list extends to 1,346 plots. The vast majority of these are not available for development or of a suitable size or designation for residential developments. All holdings are regularly reviewed and where surplus to requirements undergo a full options appraisal. Where suitable and viable for the development these sites will be brought forward within the Council's affordable housing development programme, which has already included developments on Council land in Chislehurst, Anerley, Burnt Ash Lane, Orpington and West Wickham.

#### 4. From Kathryn Heller to the Portfolio Holder for Renewal, Recreation and Housing

Please produce a table by ward showing a list of residential properties that the Council owns in its list of assets, whether in or outside the borough by bedroom size, whether they are currently occupied, and how long they have been empty for.

**Reply:**

Below is the list of residential properties identified by ward area. Where these relate to individual street properties it is only possible to identify the area rather than address:

No of units	Bed sizes	Address	Ward	Designation	Status
25	1&2	Chris Whitty Place	Chislehurst	Affordable rented	Fully Let
10	1&1	Georges Grove Road	Crystal Palace & Anerley	Affordable rented	Fully Let
25	1&2	Burnt Ash Lane	Plaistow	Affordable rented	Fully Let
10	2	Ethelbert Road	Bromley Town	Temporary accommodation	1 unit vacant
5	2	Individual street properties various addresses	St Pauls Cray	affordable rented temporary accommodation	Fully Let
1	3	BR1	Bromley Town	affordable rented	Fully Let

Historically, the Council did own a small number of tied units – usually school or park caretaker cottages. These were not suitable for residential lettings once the need for tied accommodation had ceased and so have either been repurposed, sold or are in the process of disposal (see question above).

#### **5. From Duncan Shrubsole to the Portfolio Holder for Environment**

High Elms Country Park is much used for exercise and as a place for families to get together. The public toilets are only open Monday to Friday 8am – 4pm. Why are they shut at weekends and evenings when the park is busiest and can they be opened then asap?

**Reply:**

The toilets are to be open at the weekends and we are looking at options to extend the hours.

#### **6. From Jeff Royce, Chairman, Friends of Bromley Town Parks & Gardens, to the Portfolio Holder for Environment**

Will the Council ensure that good public access to the retained park is provided, during both the construction phase of work and beyond, on the former Civic Centre site?

**Reply:**

Yes, although there may be some safety restrictions during any construction work.

#### **7. From Tony Banfield to the Portfolio Holder for Renewal, Recreation and Housing**

The Churchill Theatre and Library are purpose built, valued cultural assets. In view of the public concern over their future will the Council commit to preserving these facilities either in the present building or to the same quality of facility in any new development?

**Reply:**

Reports about plans for the Churchill Theatre and Central Library are being considered at the October meeting of the Executive. The Council is in discussion with the Trafalgar Theatre Group, who operate the Churchill Theatre, about them acquiring the whole Churchill tower building, which would enable full redevelopment of the site including a new theatre and potentially a more significant cultural venue. Additionally, plans to relocate the Central Library to the former Topshop building on Bromley High Street are being brought forward which will represent a significant investment in our flagship library provision.

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**Council**

**16 October 2023**

**Questions from Members of the Council for Oral Reply**

**1. From Cllr Michael Tickner to the Chairman of Development Control Committee**

Under the current Legislation and Government Guidance does a resident or business in a Conservation Area need to notify the Local Planning Authority and obtain consent to use the whole of their garden as a car park?

**Reply:**

The advice that I am going to give applies inside and outside conservation areas.

Dwellinghouses benefit from permitted development to create a hard surface which can be used for car parking (that is subject to restrictions which mean if it is in front of the dwelling and more than 5 square metres the materials and/or design must allow for drainage).

The parking of a car itself within a residential curtilage by residents or visitors is not development and therefore requires no planning approval irrespective of how much of the garden this takes up.

Businesses and flats are likely to require planning permission for the formation of a hard surface although car parking itself on an existing surface is unlikely to require permission because it is not development.

A commercial car park would require planning permission, although the government planning guidance offers the following information about renting a space on your drive.

The Government's view is that it should be possible to rent parking spaces without planning permission, provided there are no substantive planning concerns such as public nuisance to neighbours.

*"There is a public interest from such renting, by providing more cheap and flexible parking spaces for people to park their car and taking pressure away from on-street parking.*

*The decision on whether renting out a parking space requires planning permission will depend on 2 principal factors:*

1. *The first is whether renting out a parking space results in a material change in the use of the space. Determining whether there has been a material change of use will depend on whether a space is used in a significantly different way to how a parking space would normally be used (irrespective of the identity of the driver). For example, if by renting out spaces, it causes a notable public or neighbour nuisance. A local planning authority will make this decision based on relevant facts and on a case-by-case basis.*
2. *The second is whether there are any other relevant planning considerations, such as planning conditions, which impose restrictions that prevent parking spaces being rented out.*

*If renting out parking spaces does not amount to a material change of use and if there are no other planning considerations that prevent parking spaces from being rented out then it would not require planning permission.”*

**Supplementary Question:**

Are you aware that in my ward there is a listed building, a commercial building, in a conservation area, where the new owners have torn up the garden - it is in excess of 5 metres - to make a car park? When this was reported to Planning Investigation my residents were fobbed off with the response that they should speak to Highways Officers about it. Are you aware that in Shortlands Village Conservation Area the front garden has been filled with hardcore, the front wall torn down, all without planning permission? Whilst I understand that there are staff shortages in Planning is it not about time that officers' delegated authority to close enforcement cases is removed so that Planning Members can decide whether or not a case should be dropped?

**Reply:**

I am aware of both of these cases and I would agree that planning enforcement should be as robust as it possibly can to stop incidents like this from happening again.

**2. From Cllr Chloe-Jane Ross to the Leader of the Council**

Given the disgusting misogynistic comments broadcast by GB News on 26th September, will the Leader of the Council be asking his Conservative colleagues, and any other inclined Councillors, to refrain going on the discredited GB News Channel in their capacity as Councillors representing the good people of Bromley?

**Reply:**

I must confess to being rather surprised to receive a question concerning misogyny from the Liberal Democrats at this time, given the vulgar and utterly tasteless 'joke' made by their Party Leader, Sir Ed Davey, at the Liberal Democrat conference on 26<sup>th</sup> September, for which he has still not apologised to the 34 Conservative women MPs to whom he caused offence at the last time of checking.



I also note in complete contrast, how swiftly GBN moved to remove those concerned from post for their excesses. A question of double standards, perhaps?

In either event, the answer to the substantive question is no.

We believe in free speech within bounds of the law on this side of the Chamber and we will continue to appear through any legally approved broadcasting medium, if, and when invited to do so.

**Supplementary Question:**

I was outraged that day. This is about standards in public life for all of us as councillors. Are you aware that there are twelve Ofcom complaints against GB News, so not just for this incident. It has been widely reported that the owner of GB News is so worried that he is concerned that he will not be considered a fit and proper person to make a bid and buy the Telegraph newspaper. Given that information, do you still think it is appropriate that Bromley Councillors go on GB News in their capacity as Councillors?

**Reply:**

I find it quite telling that the Liberal Democrat Group opposite is concerned that Bromley Councillors are getting a very clear and distinct message out on what I understand is one of the most popular TV channels in the country. I think it says more about their concern about our message getting across than the reputation of the TV channel itself.

(Councillor Simon Fawthrop declared an interest that he had been on GB News and other broadcasters.)

**Additional Supplementary Question from Cllr Simon Jeal:**

Would the Leader like to reconsider his position in the light of Councillor Fawthrop's comments?

**Reply:**

I am reconsidering my position.

**3. From Cllr Simon Jeal to the Portfolio Holder for Environment (taken by the Portfolio Holder for Transport, Highways and Road Safety in the Portfolio Holder's absence)**

When were the waterways in Kelsey Park, Crystal Palace Park, Betts Canal and others across the borough last desilted and why was an ongoing requirement for regular desilting not included in the contracts for parks management and related services, awarded to idverde in 2019?

**Reply:**

Unfortunately, it appears that these were last desilted around 20 years ago or more. Croydon Canal in Betts Park was completed in the summer. Desilting requires a

specialist supply chain. The Council has committed £2m to desilt Kelsey Lakes with works planned next year.

**Supplementary Question:**

Is he aware that the requirement was withdrawn from the contract at the last minute, and could he explain who took that decision and why. I would be happy for the Portfolio Holder to write to me with that answer.

**Reply:**

Councillor Jeal anticipates my answer.

**4. From Cllr Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing**

Referencing this article: <https://www.mylondon.news/news/south-london-news/terminally-ill-south-londoner-trapped-27516863>

Following the Ombudsman's decision and after calling this case an "injustice", what lessons have been learnt and changes put in place that ensure we offer residents with complex medical needs the best housing service possible?

**Reply:**

This is a very complex case and we have great sympathy for the lady in question. She was made offers of accommodation, including a new build property in one of the Bromley's own led developments, which she declined. However, the service recognises that communication with her was not as clear as it could have been and consequently failed to properly manage her understanding of the process and her expectations. In addition, there was an administrative error which led to a delay in a further offer being made.

Staff have been reminded of the importance of following the correct procedures in respect of assessments and nominations. A high needs panel, made up of senior staff including housing officers and OT's meets regularly to discuss the cases of those clients with complex medical circumstances in order to ensure that they are properly assessed and prioritised for assistance. This also ensures that the best use is made of any adapted or adaptable accommodation that becomes available to the local authority to nominate to.

I am pleased to advise that a further offer with a Registered Provider has been made to the lady in question. This is in a new build, within her preferred area of choice. The development is due to be handed over at the end of the month and we expect tenants to be able to move in shortly thereafter.

**Supplementary Question:**

This is a complex case. Is there an argument that we might need additional resources or additional training to help our incredibly stretched teams deal with complex case like this in future?

**Reply:**

The approach being taken to address this is working more collaboratively across teams to ensure that all angles are covered. With any case where mistakes are discovered in retrospect lessons have to be learned and working practices have to be addressed and that is what has gone on with this one. We will try to do things better going forward and make sure that we more efficiently deal with cases of this nature.

**Additional Supplementary Question from Cllr Jeremy Adams**

Lots of us are getting emails in our inboxes regarding housing issues and demystifying the process for people going through housing applications for the first time. Are there active steps in making communication more simple, explaining the jargon, explaining the procedures?

**Reply:**

The Team will walk someone through filling out the application form. They can do that by phone, they can come into the Civic Centre, but they can be hand-held through the process if necessary.

**5. From Cllr Alisa Igoe to the Portfolio Holder for Transport, Highways and Road Safety**

*Reference: GOV.UK - Active Travel England announcement 29 September 2023.*

*“£60million government investment to transform the school run for 2 million children”*

It's good to see this investment in walk and cycle to school programmes over the next 2 years, including £50million in Bikeability cycle training. £5million will, via charity Living Streets, support walk to school programmes aimed at hundreds of thousands of pupils across England.

Does the Portfolio Holder support Living Streets' aim “to tackle the barriers that prevent families choosing to walk to school, such as unsafe walking environments” and how will he break down those barriers?

**Reply:**

Making our streets safer is the central core of our road safety policies. Cllr Igoe will have seen the comprehensive report I tabled at the June Environment PDS.

We have a first-rate School Travel Plans team. In recent years we have built a dozen new zebra crossings and improved many other streets in different ways and more are in the pipeline.

**Supplementary Question:**

That is excellent to hear, and I am on the Environment Committee so, yes, I have seen that report. On a recent walk with Bromley Officers and School Travel Officers around the roads surrounding one of the schools in my ward, Plaistow, the officers queried whether the “Slow” flashing signs were actually working close to the school. Those are being checked. Do we, and if we do not do you agree that we ought to,

regularly check that all of these road safety signs around schools are working, and will you agree to have all such signs around each school checked that they are working before the end of this school term please?

**Reply:**

We can do that, subject to the resources. I was at Raglan Road School last Thursday with the ward councillors Councillor Jefferys and Councillor Gupta and there the 20mph zone was not working, so we are going to replace that. Yes, we will see if we can make sure that they are all working, otherwise there is no point in having them.

**6. From Cllr Ruth McGregor to the Portfolio Holder for Resources, Commissioning and Contract Management**

Is the Portfolio Holder aware of whether the Council or any of their contractors employ the use of artificial intelligence (AI) in determining access to services or for any other purposes, or whether they have the intention to do so?

**Reply:**

Signposting Voice Bots are currently live on our Registrars telephony service and the Council Tax and Business Rates lines. Voice Bot functionality uses artificial intelligence (AI) and natural language to interpret intent and speech commands to direct customers accordingly.

Further development is underway to increase the number of services that the VoiceBot functionality is available on for residents to make access to services easier. We will be looking to take the lessons from the Signposting VoiceBot developments to look to introduce Web Bots onto the Bromley Council website, to improve the experience of those who access it.

**Supplementary Question:**

This question came up at a meeting with residents, so it would be helpful if that information could be made available. I was thinking more around decision-making. As technology moves on there may be potential for a decision that moves through a chain of events. If we are going to use it those circumstances what safeguards would be in place and would be doing consultation with residents about extending its use?

**Reply:**

At the moment, our use of AI is at the rudimentary Or initial stages. Officers are working on the groundwork for an updated digital and IT strategy and that will consider additional applications of AI which may be more advanced than those we are currently using. It depends on the service area what degree of consultation is appropriate but Members, certainly through the relevant PDS Committees, will be involved in drawing up the strategy and will have many opportunities to contribute.

## **7. From Cllr Jessica Arnold to the Portfolio Holder for Renewal, Recreation and Housing**

Bromley Council recently refused planning permission for a hand car wash business to operate from the Council-owned car park of Beckenham Spa. However, the business was already operational and has a contract to rent the site from the Council.

Will the Council be enforcing the planning permission refusal and terminating its contract with the business, or continuing to draw an income?

### **Reply:**

This application is currently the subject of an appeal. If the appeal is unsuccessful then the tenancy agreement with the car wash will be terminated forthwith.

### **Supplementary Question:**

I do sympathise with the Council's situation where we find ourselves and the impact we are having with residents who want fair planning enforcement but also we are doing business with businesses who are setting themselves up. Where the reason for refusing planning permission is some kind of nuisance, for example excessive noise, and the Council as landlord has responsibility for its tenants, how does the Council reconcile that when not enforcing planning permission and remaining the landlord of these potential nuisance-causing activities? Not this specific one, where I appreciate there is a resolution, but there are other examples in the borough – I understand run the risk of falling foul of doing right by both residents and the businesses?

### **Reply:**

Enforcement action cannot be taken whilst an application is in an appeal process. You have to await the outcome of the appeal, because there is still a valid route for them to take and until that route is concluded they are still "innocent."

### **Additional supplementary question from Cllr Jessica Arnold**

Is there a period of time before the refusal and the appeal coming in because in this specific case it has been quite a long time so residents are a bit befuddled about why it had not been enforced.

### **Reply:**

I do not know the details of this specific case to know whether that was an issue, but we can find out and I am happy to get back to you.

### **Additional Supplementary Question from Cllr Mark Smith**

I note that the Portfolio Holder replied to the same question that Councillor Arnold put as a written question, and referenced the car wash in High Street, Chislehurst car park, which is in exactly the same position – it has gone to appeal, and we are waiting for the result. The car wash in High Street, Chislehurst has been operating for about eight years – can the Portfolio Holder shed any light as to why and how it has been allowed to operate without any permission?

**Reply:**

Is it still in appeal at the moment? That will be why – it is the same principle. If there is an appeal.

**Additional Supplementary Question from Cllr Mark Smith**

My question was, what happened eight years ago to give the car wash permission to start, when it did not have permission. How was it able to operate for eight years without permission?

**Reply:**

I do not know the specifics of that scenario; we will have to look into that and get back to you.

**Additional Supplementary Question from Cllr Josh King**

What due diligence and other checks are carried out to ensure that when Council land is leased it is used lawfully to ensure fairness for residents and businesses?

**Reply:**

That question may be better directed at Licensing.

The Mayor suggested that a written response be provided to Cllr King.

**8. From Cllr Kathy Bance to the Portfolio Holder for Children, Education and Families**

What is the current waiting time for Autism Assessments?

**Reply:**

These assessments are overseen by the ICB and are delivered jointly by Oxleas (CAMHS) and Bromley Health Care. The current wait time is an average of 18 months. Both organisations are very aware that this level of waiting time is clearly not in the interests of our young people, and have recently agreed additional resources to speed up initial contacts and the triaging of cases. They are already seeing some early improvements in waiting times. The length of waiting times have been impacted by a rise in demand in recent years and this is a pattern that has also been experienced nationally.

**Supplementary Question:**

We have parents whose children are literally in limbo with this long, protracted wait time for assessment. Is there anything that can be put in place to engage with these children, even if it is not exactly what they need so that they are not left for all this time with no support for the parents and the children doing nothing?

**Reply:**

There are certain schemes being put in place by the ICB, the Education Department and the schools to try and support these children while they wait. Here at the Council, with the South-East London ICB, we have a new all-age Autism Strategy

2022/27 which aims to help us understand what more is needed to shorten the length of time and how to support those waiting. Bromley Council and South-East London ICB have also brought in a project manager to lead on improving diagnostics and support services. The ICB want to assure you that all referrals are triaged so that the young people with the most acute needs are prioritised, and they have also agreed additional funding for two new posts to provide extra capacity and to support intervention with those young people while they are waiting. The ICB have also increased funding to Mencap to increase their capacity to provide practical help.

I can give you some information as to how schools are supporting them. Last year at the Council we co-produced with parents a 100-day Challenge for Autism. This focused on up-skilling skills in schools and settings to raise awareness of Autism and this also led to Autism Champions in our schools. The Education Department offers comprehensive guidance and training packages for schools including accredited Autism Trust training and this helps ensure the school staff are able to identify and support Autism spectrum conditions within the school. Schools are also supported by the Department here to adopt ways in which school environments can become more Autism-friendly, which can have a positive impact on pupils with Autism and prevent placement breakdown.

**Additional Supplementary Question from Cllr Simon Jeal**

Could you please confirm how many children across the borough are currently out of education and have been since the start of term due to awaiting such an assessment?

**Reply:**

I do not know that number, but I will get back to you on that.

**Additional Supplementary Question from Cllr Alisa Igoe**

Are the families told at the very beginning that there is an eighteen month wait or do they only find out further down the line?

**Reply:**

This is an area managed by Health – I don't know if someone more health related might know the answer?

**Additional comment from Cllr Kathy Bance**

Two of my parents were informed that the wait would be twenty-four months, so they are made aware early on that there is going to be a long wait.

(At this point the time allowed for questions expired – the remaining questions received written replies.)

**9. from Cllr Chris Price to the Portfolio Holder for Children, Education and Families**

The Mayor of London is funding Free School Meals for children in years 3 to 6 at £2.65 per meal at an expected take up rate of 90%. Bromley Council have received the funding. Can you confirm that all Bromley primary schools have received their full first term grant?

**Reply:**

The GLA has not provided a detailed breakdown of the allocation for Bromley schools. The first tranche of funding has been allocated to Bromley schools in accordance with the grant criteria and an update provided to Schools Forum.

**10. From Cllr Josh King to the Portfolio Holder for Transport, Highways and Road Safety**

There was yet another accident on Elmers End Road at the end of September which involved an overturned car and a trapped occupant. Residents are concerned that given the repeated serious accidents on this road it is only a matter of time before there is a fatality.

What is the Portfolio Holder doing to prevent this?

**Reply:**

I refer Cllr King to the reply to Cllr Igoe with regard to our road safety policies and actions.

At each location where there have been a number of injury collisions, Officers investigate to see if there is a common cause behind them and whether there are measures that can be taken to prevent them.

Officers are looking at the junction of Ash Grove and Bourdon Road.

**11. From Cllr Kevin Kennedy-Brooks to the Portfolio Holder for Resources, Commissioning and Contract Management**

What is the Portfolio Holder's justification to more than doubling the rents of community centres run by unpaid volunteers? An action which essentially prices out renters which leads to the prevention of important community services for the most vulnerable residents.

**Reply:**

Leases entered into by community centre groups, in common with all property assets owned by the Council, are governed by S123 of the Local Government Act. Lease renewals or rent reviews, which occur at regular intervals throughout the tenancy period, are required by this legislation to achieve best value.



## **12. From Cllr Jeremy Adams to the Portfolio Holder for Resources, Commissioning and Contract Management**

The cost of the capital programme for the refurbishment of Churchill Court has risen by £4.25 million. There are also added costs of £1.8 million for dual running of two HQs. Can the Portfolio Holder guarantee that the costs of the move to Churchill Court will not rise significantly further?

### **Reply:**

The costs of the refurbishment of Churchill Court have not risen by £4.25m as suggested; at the time that members agreed to the purchase, indicative figures were provided for the refurbishment. Since then, the scheme has been developed with information obtained from surveys and additional background information and from this detailed work, the full cost of the refurbishment has been established. There was also an opportunity identified to generate additional income from the site, and the updated costs needed to reflect this.

There is always uncertainty in predicting the final cost of building works and relocation arrangements given the current inflationary environment and cost arising from any additional work that is deemed necessary but could not have been foreseen at an earlier stage. However, no additional costs are expected from the latest estimate, with some contingency remaining.

In considering the overall costs, it is essential to recognise that there remains a fundamental business case to support moving to the new headquarters with:

- (a) One-off capital savings currently estimated at £15m over the planning period after allowing for the impact of staying on the current site and attempting to bring it up to a suitable and fit standard;
- (b) The new office accommodation also provides significant opportunities to generate revenue through commercial lettings which will lead to a positive ongoing revenue savings by year six of occupation of around £1.4m per annum;
- (c) There are further cost savings not included above relating to the release of other property used by staff other than the civic centre site. For example, moving Adult Social Care staff from the Walnuts to Churchill Court enables the council to save on potential liabilities of £2m.

In addition, the new headquarters are likely to have a significant effect on the recruitment and retention of staff, which is a significant benefit to the organisation.

## **13. From Simon Jeal to the Portfolio Holder for Transport, Highways and Road Safety**

Over a year on since the camera was removed outside Harris Kent House Primary on Kent House Road, the school has reported daily incidents to the Council of unsafe driving and parking by parents, putting children at risk of harm, while a civil

enforcement officer said in April the number of incidents was "more than at any school" they had observed.

Why is the Council refusing to move the camera back?

**Reply:**

There are more than 100 schools in the borough and so the available cameras are moved when they have served their purpose at one school. Compliance with the school zig zag lines at Kent House improved as a result of the camera and it has been moved to another school with a greater need.

Nearly all schools report problems of bad parking around school pick up/drop times and the team will continue to share the resources accordingly.

It should be noted that a camera will only issue PCNs to vehicles stopping on the school keep clear zig zag markings, the more common parking problems around schools are vehicles parked on yellow lines, the footway or blocking driveways and these restrictions can only be enforced by a Civil Enforcement Officer on foot, not by camera.

**14. From Cllr Alisa Igoe to the Portfolio Holder for Environment**

On 27/09/23 two annual residents' surveys opened on the Council website, a) Street Cleansing, b) Recycling & Waste Collection, with only 27 days, until 24/10/23, to complete. In 2022 Veolia sent surveys to a statistically representative sample of homes, and held face to face surveys in Bromley Town centre, receiving only 395 respondents (123 postal & 272 on-street).

How many of our 330,000 residents are you hoping will complete the surveys this year?

**Reply:**

I see no point in trying to estimate how many residents will respond. I would encourage all members to publicise the surveys on their social media websites.

**15. From Cllr Kathy Bance to the Portfolio Holder for Environment**

We are suffering from a sudden increase of graffiti that is costing our residents large sums of money to rid their vans, shopfronts and properties of the painted TAGS/Dates. Is the rest of Bromley suffering from this increased problem and if so, is anything being done Bromley-wide to address this issue?

**Reply:**

There does not appear to be a marked increase in graffiti reports. As Cllr Bance will know, we have an excellent record of removing graffiti and fly posters. We aim to clear and remove reported graffiti and flyposting within three working days, where the location is visible and accessible from the public highway (which would include

3rd party property such as shop fronts) but we require authorisation and a signed waiver form to be completed before any work will take place.

**16. From Cllr Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing**

Bromley is one of just a handful of local authorities where there is a shortfall of over £20 per week between Local Housing Allowance (LHA) rates and 30th percentile rents for two-bedroom homes. This means private rental properties are unaffordable to those on housing benefit. Are we lobbying the government to increase LHA rates?

**Reply:**

Yes we are. Lobbying is being led by London Councils on behalf of all London Boroughs and is also raised by the Council at meetings directly held with government. In the meantime, we continue to work with private landlords in order to bridge the shortfall through a variety of services and incentives in order to support our residents to secure private rented accommodation.



**Council**

**16 October 2023**

**Questions from Members of the Council for Written Reply**

**1. From Cllr Mike Jack to the Portfolio Holder for Transport, Highways and Road Safety**

It has been claimed that 20mph limits during school hours only, are a more effective deterrent than blanket 20mph zones. What evidence does the Council have to support this claim?

**Reply:**

We do install 20 MPH flashing signs at the beginning and end of the school day in appropriate locations. It is not our policy to introduce blanket 20 MPH zones.

Research commissioned by the DfT shows that following the introduction of signed-only 20mph limits, such as in Edinburgh, the median speed fell by just under 1mph and found no significant change in collisions and casualties. Please see the study commissioned by DfT:

[20mph Research Study: Process and Impact Evaluation Headline Report November 2018](#)

I quote from the report: "Further analysis of safety outcomes – This study has found no significant safety outcome (in terms of collisions and casualties) in residential areas, based on the post implementation data available to date."

**2. From Cllr Jessica Arnold to the Portfolio Holder for Resources, Commissioning and Contract Management**

How many sites across Bromley is the Council leasing it's land or buildings to businesses or other uses that do not have planning permission; how much income would we lose if we enforced planning rules at all of these sites; and are there any guidelines that we have adopted in Bromley to ensure consistency of approach in both the initial leasing of sites and the planning enforcement action that is taken?

**Reply:**

All properties let by the Council have planning permission for their permitted use.

However, there are 3 car washes within Council car parks, High Street Chislehurst, The Spa, Beckenham and High Street, West Wickham where occupation has been granted on a tenancy at will basis where the car park operator has applied for retrospective planning permission. These applications have been refused and appeals have been submitted on all 3 locations. If these appeals are unsuccessful, then the tenancy at will agreements with the car wash operators will be terminated.

There are also 17 car parks with amazon/in-post lockers installed where retrospective planning is being applied for.

The income generated to the Council for the 3 car washes and 17 lockers is £29,250 per annum.

**3. From Cllr Sam Webber to the Portfolio Holder for Resources, Commissioning and Contract Management**

Can the Portfolio Holder confirm that Officers will draw up a list of objects and assets in the grounds of the Civic Centre which will need to be relocated when the site is sold? The art deco ornamental lamps outside the public entrance to the Chamber came from the old Beckenham Town Hall for example and there are also benches in memory of former Councillors and staff. Could some of these items be relocated into the adjacent Bromley Palace Park which is being retained by LBB as a public park?

**Reply:**

The Accommodation Programme is undertaking a piece of work to document all the objects and assets across the old Civic Centre grounds and within the buildings and will be pulling all of this together into one document and working with colleagues from across the Council to look at ways to relocate items.

**4. From Cllr Sam Webber to the Portfolio Holder for Environment**

Would the Portfolio Holder consider works by our contractors to remove the trees which have fallen into the lake in Bromley Palace Park and are causing it to get silted up. Could removing these trees be undertaken as part of an ongoing programme to improve this park for the residents who use it and want to see it restored to its former glory.

**Reply:**

In July 2023, works were undertaken to improve the conditions around the lake in Bromley Palace Park. This included cutback of vegetation, removal of self-set trees under 25mm in diameter, and cutting and clearing low hanging branches to improve the views and condition of the areas around the lake.

Whilst the Council does seek to remove logs and trees that fall into waterbodies, there are occasions where this is not desirable on the balance of cost and benefit.

# Agenda Item 4

Report No.  
CSD23145

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:**       **COUNCIL**

**Date:**                   **Monday 11 December 2023**

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

**Title:**                   **PETITION**

**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:**                    Clock House

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1.    Reason for decision/report and options

- 1.1 Under the Council's Petition Scheme, if petitioners are dissatisfied with the Council's response to their petition they can present their case to full Council, provided that the number of verified signatures exceeds the threshold of 500 signatures for a traditional paper petition, or 4,000 signatures for an online petition. The lead petitioner or their nominee can address the Council for up to five minutes, after which Members can debate the issues raised. The choice before the Council is essentially to either recommend the Executive, or the relevant Portfolio Holder, to take action, or it can note the petition and decide that no further action be taken.

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2.    **RECOMMENDATION**

**The Council is requested to consider the case made by the lead petitioner and either recommend action to be taken by the Executive or relevant Portfolio Holder, or note the petition and decide that no further action be taken.**

### 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: 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: None
  2. Call-in: Not Applicable: Council 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
- 

### Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

### Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable
- 

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

3.1 The Council's Petition Scheme allows for petitioners to present their case to full Council if they are dissatisfied with the Council's response to their petition, provided that the number of verified signatures exceeds the threshold (for paper petitions) of 500 signatures from people who live, work or study in the borough. The lead petitioner or their nominee can address the Council for up to five minutes – they do not take part in any subsequent debate and must return to the public gallery. Once Members have considered the matter, they can choose whether to recommend any further action, or to agree that no further action should be taken.

3.2 The petition to be considered is entitled "Save Lewis House" and it states –

"We, the undersigned, object to the proposed demolition of Lewis House and the displacement or closure of the service it provides."

3.3 Lewis House is a Council owned property adjoining the Spa Leisure Centre in Beckenham; it is currently used to provide services for people with disabilities. The Council is in the process of enhancing the service and moving it to more suitable premises.

3.4 The petition was submitted to the Council on 19<sup>th</sup> October 2023. It includes 676 signatures, of which 511 are from people providing valid addresses in the borough (mainly in Beckenham). The number of signatures is therefore above the threshold allowing the lead petitioner to speak at a full Council meeting. The following reply was sent to the lead petitioner on 27<sup>th</sup> November 2023, explaining the Council's position –

"The Council re-states its position on this. The service being provided is not being closed. The service is to be moved to a more appropriate site, which has full disabled access and where the service can be provided by qualified Occupational Therapy staff directly employed by the Council. The service will be enhanced by the extension of the provision of Assistive Technology in line with the Council's ambitions to enable disabled people to live as independently as possible."

3.5 The lead petitioner, Mr Garnet Frost, has indicated that he is not satisfied with the Council's response and would like to take up the opportunity to address full Council in support of his petition.

<b>Non-Applicable Headings:</b>	Impact on vulnerable adults and children/Policy/Finance/Legal/Human Resources/Procurement/Property/Carbon Reduction/Local Economy/health and Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Petition "Save Lewis House"

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**(A)**

## **Council**

**11 December 2023**

### **Questions from Members of the Public for Oral Reply**

**1. From Dermot Mckibbin to the Portfolio Holder for Renewal, Recreation and Housing**

Please list the annual energy bill for each of the Council owned leisure centres, what plans are there to reduce the energy bills at these buildings, does the Council accept responsibility to make all these buildings completely climate change friendly and if not why not?

**2. From Ju Owens to the Portfolio Holder for Renewal, Recreation and Housing**

With the winter weather starting to bite, and the cost of living crisis increasing what provisions has Bromley Council put in place to ensure that no one is forced to sleep rough this winter; and that everyone found homeless is helped to find to secure and affordable housing?

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**(B)**

**Council**

**11 December 2023**

**Questions from Members of the Public for Written Reply**

**1. From Fiona Brandhorst to the Portfolio Holder for Children, Education and Families**

Will LLB introduce council tax exemption for care leavers up to 25, and those who move to Bromley from other areas, as called for by The Children's Society? As the corporate parent to these young people, can you provide them with a fairer start into adulthood and protection from debt?

**2. From Kyle Sewell to the Portfolio Holder for Transport, Highways and Road Safety**

Would the Portfolio Holder say that, whilst crossing at the Homesdale Road roundabout, pedestrians experience near misses with speeding cars because their parents haven't told them how to cross the road properly?

**3. From Susan Sulis to the Portfolio Holder for Transport, Highways and Road Safety**

A question to the 16/11/23 ECS PDS Committee asking for dates and locations of surface water flooding in the Crays in 2021 elicited a response detailing only those on 20 October 2021. Serious flooding also took place on 20 July 2021.

Please detail all other flooding locations and dates for 2021.

**4. From Ian Dunn to the Portfolio Holder for Resources, Commissioning and Contract Management**

Please provide the balance in each Earmarked Reserve as of 30 September 2023, showing the following information:- The date the reserve was created and the initial amount, the value and date of the most recent deposit and the value and date of the most recent withdrawal. Please sort the table by current balance.

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**Council**

**11 December 2023**

**Questions from Members of the Council for Oral Reply**

**1. From Cllr Chloe-Jane Ross to the Portfolio Holder for Environment**

What action is the Council taking to reduce light pollution and promote dark skies (is there a policy) and what enforcement occurs to deal with excessive light complaints?

**2. From Cllr Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing**

What plans do we have to bid for funding from the Mayor of London's new Council Homes Acquisition Programme?

**3. From Cllr Alisa Igoe to the Portfolio Holder for Transport, Highways and Roads Safety**

*Reference: Environment PDS Committee 16 November, Item 13, page 221: "The first part of 2023 has not been good in terms of serious collisions".*

The paper and Appendix show a high projection of 122 KSIs (People Killed & Seriously Injured in Road Traffic Collisions) against a "target" of 79 KSIs on Bromley roads, for 2023/24.

Previous years:

Actual	Target	Year
103	79	2022/23
109	86	2021/22
77	92	2020/21 Pandemic year

Of the actual 61 KSIs so far this year up to June 2023, how many of the drivers involved in these collisions were aged 17-24 years old?

**4. From Cllr Julie Ireland to the Leader of the Council**

Residents across Bromley Borough and particularly some in Bromley Town are reporting receiving post only two or three times a month. This is particularly important as Christmas approaches but also affects official time critical correspondence, such as parking tickets that arrive too late to qualify for the discounted period. What steps has the Council Leader taken to liaise with Royal Mail to highlight the particular problems in Bromley and what mitigation can he put in place for people who suffer a financial penalty caused by post arriving late?

**5. From Cllr Jeremy Adams to the Portfolio holder for Renewal, Recreation and Housing**

The Chancellor announced in the Autumn Statement that local authorities will be able to claim back the costs of processing major business planning applications on the condition they meet faster timelines. Based on current planning application flows and staffing, how well-equipped is Bromley Council to meet accelerated timelines and regain costs?

**6. From Cllr Kathy Bance MBE to the Portfolio Holder for Public Protection and Enforcement**

Can the Portfolio Holder request an update from the Metropolitan Gangs Unit on its work and achievements in Bromley?

**7. From Cllr Chris Price to the Portfolio Holder for Children, Education and Families**

The introduction of the Mayor of London's Free School Meals for primary schools this term has helped many families during the cost-of-living crisis. Please can you update the chamber of the take up rate in schools and of the actions that Bromley has taken to promote the scheme.

**8. From Cllr Julie Ireland to the Portfolio Holder for Transport, Highways and Road Safety**

Does the Portfolio Holder expect The Hill Car Park to re-open and if so when? What efforts have been made to let visitors know about alternative late night parking locations in this important trading period for the entertainment and hospitality sector?

**9. From Cllr Chris Price to the Leader of the Council**

Does the Leader agree that following the Home Secretary allegedly using derogatory language about an area in another MP's Constituency, that members of this chamber should not use derogatory language when referring to areas of this Borough, when in the chamber?

**10. From Cllr Alisa Igoe to the Portfolio Holder for Transport, Highways and Road Safety**

Did Bromley send any personnel to The Transport & Energy Forum held in Birmingham 16/11/23? The theme - the need to accelerate the transition to decarbonisation. Invitees included transport planners, technology innovators for EV charging, and local authorities were offered fully funded places. Sessions included the Local Electric Vehicle Infrastructure (LEVI) Fund, from which London has received a total of £35million in capital funding plus £3million in capability funding, and insight on collaborating with charge point operators.



**(D)**

**Council**

**11 December 2023**

**Questions from Members of the Council for Written Reply**

**1. From Cllr Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing**

Please detail the number of households on Bromley's Housing Register split out by ward and band.

**2. From Cllr Mark Smith to the Portfolio Holder for Transport, Highways and Road Safety**

The Levelling-up and Regeneration Act received Royal Assent in November.

One of the provisions in the Act is to enable retailers, currently using parking space in front of their premises for temporary seating, to now make this permanent.

Could the Portfolio Holder confirm the proposed timescales for this facility to be made available in the borough?

**3. From Cllr Kathy Bance MBE to the Portfolio Holder for Public Protection and Enforcement**

Can the Portfolio Holder provide an update on the Prevent Project in relation to healthy relationships being rolled out to our Bromley Schools?

**4. From Cllr Sam Webber to the Portfolio Holder for Transport, Highways and Road Safety**

Would the Transport Portfolio Holder consider these following suggestions from concerned residents in Palace View and Bishops Avenue in Bromley Town ward?

- Installing Zig Zag lines on Bishops Avenue (on the Widmore Road - Mason's Hill rat run) at the rear entrance to Bickley and La Fontaine Primary Schools for the safety of the children, parents and carers. This is a fast down-hill residential road with the footpath off it serving both schools.
- Consider installing a traffic island or traffic calming measure close to the blind downhill right-hand bend at the corner of Bishops Avenue and Palace View.

## **5. From Cllr Sam Webber to the Portfolio Holder for Transport, Highways and Road Safety**

Would the Portfolio Holder and Transport Officers consider a review of parking restrictions in Coniston Road around the Bromley Court Hotel?

Residents have been complaining about a number of large vans and small lorries which are permanently parked in this road and about which nothing can be done currently, due to a lack of parking restrictions.

## COUNCIL

11<sup>th</sup> DECEMBER 2023

## STATEMENTS

**(A) A request from Councillors Julie Ireland and Sam Webber for a statement from the Portfolio Holder for Transport, Highways & Road Safety:**

It is now nearly 8 months since Bromley Council forced the use of the RingGo parking app on to residents. Our councillors' in-boxes are still full of residents writing to complain about this change. Will the Portfolio Holder now make a statement on the effect of the change on local car parks, and what evidence will he take into account when he reviews whether the scheme should be continued.

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# Agenda Item 7

Report No.  
CSD23151

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:**       **COUNCIL**

**Date:**                   **Monday 11 December 2023**

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

**Title:**                   **CAPITAL PROGRAMME MONITORING QUARTER 2 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:**

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1.   Reason for decision/report and options

- 1.1.   At its meeting on 29<sup>th</sup> November 2023, the Executive considered the attached report summarising the current position on capital expenditure and receipts following the first quarter of 2023/24 and seeking approval to a revised capital programme. The Executive approved the recommendations. A separate report on the same agenda (Operational Property Repair Programme) provided more detail on the proposed increase of £3,000k for surveys and potential remedial works in relation to reinforced autoclaved aerated concrete (RAAC).

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2.   **RECOMMENDATION**

**Council is requested to approve the following amendments to the capital programme (paragraph 3.3 of the attached report) -**

- (a) increase of £3,000k for surveys and potential remedial works in relation to reinforced autoclaved aerated concrete (RAAC);**
- (b) increase of £1,893k in relation to depots;**
- (c) increase of £700k in relation to increased costs on the social care case management system.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable

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## Transformation Policy

1. Policy Status: Existing Policy: See attached report
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.

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## Financial

1. Cost of proposal: Total new estimates of £5,593k over the five years 2-23/24 to 2027/28.
2. Ongoing costs: Not Applicable
3. Budget head/performance centre: Capital Programme
4. Total current budget for this head: £313.8m over the five years 2023/24 to 2027/28
5. Source of funding: Capital grants, capital receipts and earmarked revenue contributions

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## Personnel

1. Number of staff (*current and additional*): 1 fte
2. If from existing staff resources, number of staff hours: 36 hours per week

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## Legal

1. Legal Requirement: Non-Statutory - Government Guidance
2. Call-in: Not Applicable: Full Council decisions are not subject to call-in

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## Procurement

1. Summary of Procurement Implications: Not Applicable

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## Property

1. Summary of Property Implications: Not Applicable

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## Carbon Reduction and Social Value

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

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## Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable

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## Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable

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## Customer Impact

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

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## Ward Councillor Views

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

<b>Non-Applicable Headings:</b>	Vulnerable adults and children, policy, finance, personnel, legal, procurement, property, carbon reduction, local economy, health and wellbeing, customers, ward councillors
Background Documents: (Access via Contact Officer)	See attached report

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**Decision Maker:** EXECUTIVE  
COUNCIL

**Date:** Executive on 29 November 2023  
Council on 11 December 2023

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

**Title:** CAPITAL PROGRAMME MONITORING – QUARTER 2 2023/24

**Contact Officer:** Sean Cosgrove, Principal Accountant (Capital and Treasury)  
Tel: 020 8313 4312 E-mail: [sean.cosgrove@bromley.gov.uk](mailto:sean.cosgrove@bromley.gov.uk)

**Chief Officer:** Peter Turner, Director of Finance  
Tel: 020 8313 4338 E-mail: [peter.turner@bromley.gov.uk](mailto:peter.turner@bromley.gov.uk)

**Ward:** All

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1. Reason for report

This report summarises the current position on capital expenditure and receipts following the first quarter of 2023/24 and seeks the Executive's approval to a revised capital programme.

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2. RECOMMENDATION(S)

2.1 The Executive is requested to:

- (a) note the report, including a total re-phasing of £25,375k from 2023/24 into future years, and agree a revised capital programme.
- (b) note the need going forward, given the full utilisation of capital receipts by 2026/27 forecast in this report and the limited options to replenish this resource in the future, to consider funding options for all new schemes, including external borrowing where appropriate.
- (c) recommend that Council approve the following amendments to the capital programme (paragraph 3.3)
  - (i) increase of £3,000k in relation to reinforced autoclaved aerated concrete (RAAC)
  - (ii) increase of £1,893k in relation to depots
  - (iii) increase of £700k in relation to increased costs on the social care case management system

**(d) note that a report elsewhere on the agenda requests a supplementary capital estimate of £3,000k for additional costs associated with reinforced autoclaved aerated concrete (RAAC)**

**2.2 Council is requested to approve the following amendments to the capital programme (paragraph 3.3)**

**(a) increase of £3,000k in relation to reinforced autoclaved aerated concrete (RAAC)**

**(b) increase of £1,893k in relation to depots**

**(c) increase of £700k in relation to increased costs on the social care case management system**



### Impact on Vulnerable Adults and Children:

1. Summary of Impact: None arising from this report.
- 

### Corporate Policy

1. Policy Status: Existing Policy: capital programme monitoring and review is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. For each of our portfolios and service priorities, the Council reviews its main aims and outcomes through the AMP process and identify those that require the use of capital assets. The primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Making Bromley Even Better". The capital review process requires Council directors to ensure that bids for capital investment provide value for money and match Council plans and priorities.
  2. BBB Priority: Excellent Council
- 

### Financial

1. Cost of proposal: Total new estimates of £5,593k over the five years 2023/24 to 2027/28
  2. Ongoing costs: Not applicable
  3. Budget head/performance centre: Capital programme
  4. Total current budget for this head: Total £313.8m over the five years 2023/24 to 2027/28
  5. Source of funding: Capital grants, capital receipts and earmarked revenue contributions
- 

### Personnel

1. Number of staff (current and additional): 1FTE
  2. If from existing staff resources, number of staff hours: 36 hours per week
- 

### Legal

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

### Procurement:

1. Summary of Procurement Implications: None arising from this report.
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

#### Capital expenditure

3.1 Appendix A sets out the proposed changes to the capital programme following a monitoring exercise carried out after the second quarter of 2023/24. The base position is the programme approved by the Executive on 18 January 2023, as amended by variations approved at subsequent Executive meetings. Should the changes proposed in this report be approved, the total capital programme 2023/24 to 2027/28 would increase by £7,873k (the net of £5,593k increase for changes requiring approval and £2,280k increase for changes not requiring approval) over the five years 2023/24 to 2027/28.

The variations are summarised in the table below with further detail set out in Appendix A.

	2023/24	2024/25	2025/26	2026/27	2027/28	Total
	£'000	£'000	£'000	£'000	£'000	£'000
Programme approved by Executive 18/01/23	79,302	33,098	34,744	10,150	0	157,294
Net underspend 22/23 rephased to 23/24	99,645					99,645
Net changes agreed in Q1 monitoring	Cr 56,982	52,454	38,336	6,112		39,920
<b>Approved programme prior to Q2 monitoring</b>	<b>121,965</b>	<b>85,552</b>	<b>73,080</b>	<b>16,262</b>	<b>0</b>	<b>296,859</b>
<b>Variations requiring the approval of Executive</b>						
Supplementary estimate for depots (ECS)		1,893				1,893
Supplementary estimate for RAAC (RCCM)		3,000				3,000
Supplementary estimate for social care case management system (RCCM)	700					700
<b>Sub-total - variations requiring approval</b>	<b>700</b>	<b>4,893</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,593</b>
<b>Variations not requiring the approval of Executive</b>						
Correction to Basic Need budget (CEF)		2,280				2,280
Addition of budget for Central Library (RCCM)		500				500
Use of OPR Churchill Theatre contingency (RCCM)		Cr 500				Cr 500
Rephasing between 23/24 and future years	Cr 25,375	19,828	1,547	4,000	0	0
<b>Sub-total - variations not requiring approval</b>	<b>Cr 25,375</b>	<b>22,108</b>	<b>1,547</b>	<b>4,000</b>	<b>0</b>	<b>Cr 2,280</b>
<b>Revised capital programme</b>	<b>97,290</b>	<b>112,553</b>	<b>74,627</b>	<b>20,262</b>	<b>0</b>	<b>304,732</b>
Less: estimated further slippage	Cr 50,000	20,000	20,000	10,000		0
Provision: uncertainty and future schemes		0	1,107	4,000	4,000	9,107
<b>Projected programme for capital financing</b>	<b>47,290</b>	<b>132,553</b>	<b>95,734</b>	<b>34,262</b>	<b>4,000</b>	<b>313,839</b>

3.2 Variations approved at subsequent Executive meetings (£2,280k increase)

#### *Central Library (nil impact)*

At the October 2023 meeting of the Executive, Members approved a capital estimate of £500k for initial works to relocate the Central Library, currently housed in the same building as the Churchill Theatre in Bromley. This estimate is to be funded from the budget already in the capital programme for the Churchill Theatre as part of the Operational Property Review (OPR) and therefore the net impact of this decision is cost neutral.

#### *Correction of Basic Need budget (£2,280k increase)*

As a result of a detailed reconciliation activity between Finance and heads of service, it was identified that a net total of £2,280k of section 106 funding had been added to Basic Need in previous years but not recorded in the capital monitor. This total is therefore now reflected.

3.3 Variations requiring the approval of the Executive (£5,593k increase)

#### *Supplementary estimate for depots (£1,893k increase)*

A report by the Director of Environment and Public Protection, appended to this report as Appendix G, requests approval of a supplementary estimate of £1,893k to cover increased costs for Waldo and Churchfield depots and avoid further costs in future years.

### *Reinforced autoclaved aerated concrete (RAAC) (£3,000k increase)*

A report elsewhere on this agenda requests approval of a supplementary estimate of £3,000k to cover the costs of investigative surveys relating to reinforced autoclaved aerated concrete (RAAC) and any subsequent remedial works required across the Council's property portfolio. The Council's Property team has implemented a full review of the Council's estate for the presence of RAAC. A building surveying practice has been commissioned and surveys are progressing. It is anticipated this will take six months to complete. The properties in the OPR are being reviewed as part of this commission. The funding for this project will be drawn from provisions currently made in the capital programme for financing uncertainty and future schemes, and this line has been adjusted accordingly in the table above.

### *Supplementary estimate for the social care case management system (£700k increase)*

Given existing and forecast overspends on the social care case management system, it is recommended that a supplementary estimate, assessed at £700k, be added to the capital programme to avoid a shortfall in overall funding in future years.

## 3.4 Scheme re-phasing

In this quarter's monitoring exercise, slippage of £25.4m has been identified and this has been re-phased from 2023/24 into future years to reflect the latest estimates of when expenditure is likely to be incurred. This has no overall impact on the total approved estimate for the capital programme. Further details are provided in Appendix B.

### **Capital receipts**

- 3.5 Details of the receipts forecast in the years 2023/24 to 2027/28, provided by the Assistant Director of Strategic Property, are included in Appendix E to this report for consideration under part 2 proceedings of the meeting. No receipts yet to be identified in later years are currently included in the forecast.

### **Financing of the capital programme**

- 3.6 A capital financing statement is attached at Appendix C and the following table summarises the estimated impact on balances of the revised programme and revised capital receipt projections which, as noted above, reflect assumptions on the level and timing of disposals. This appendix also assumes the full utilisation of £10.0m from reserves, as agreed in principle by Executive in January 2023, including separate funding arrangements for the revised capital programme for Churchill Court. Total balances would reduce from £51.8m (General Fund £20.0m; capital receipts £31.8m) at the end of 2022/23 to £20.0m by the end of 2027/28 (General Fund £20.0m, capital receipts £0.0m). Therefore, for any significant future capital schemes not fully funded by grants/contributions or revenue, Executive will need to give full consideration to funding options, and this is likely to include external borrowing to maintain a sustainable position in the short to medium term. This position will be kept under close review and reflected in future reports to the Executive. In particular, given the current volatility in interest rates, it is likely that internal borrowing will be used as an interim measure before external borrowing is utilised.

	<b>Balance 01/04/23 £m</b>	<b>Estimate 31/03/28 £m</b>
General Fund	20.0	20.0
Capital receipts	31.8	0.0
	<b>51.8</b>	<b>20.0</b>

## Operational Property Review

3.8 When the Operational Property Review (OPR) was added to the Council's capital programme in January 2023 it was presented for monitoring purposes as a single overarching project, with a separate budget for leisure centres. Subsequent work has now disaggregated this larger budget and it has been decided to reflect projects in the appropriate portfolio. The budgets shown also include an element of the delivery budget, which has been apportioned out across schemes for reporting; and this has now been added to the original budgets. The following table shows these budgets on a scheme-by-scheme basis, along with total spend to date across the life of the project.

Scheme	Portfolio	Approved estimate	Delivery estimate	Total estimate	22/23 estimate	23/24 estimate	24/25 estimate	25/26 estimate	26/27 estimate	Spend to date
		£m	£m	£m	£m	£m	£m	£m	£m	£m
Adult day centres/care homes	ACH	12.110	0.743	12.853	0.000	0.140	5.988	6.725	0.000	0.000
<b>ACH sub-total</b>		<b>12.110</b>	<b>0.743</b>	<b>12.853</b>	<b>0.000</b>	<b>0.140</b>	<b>5.988</b>	<b>6.725</b>	<b>0.000</b>	<b>0.000</b>
Children and family centres	CEF	6.700	0.413	7.113	0.000	0.078	3.507	3.528	0.000	0.000
SEN services	CEF	0.470	0.030	0.500	0.000	0.005	0.247	0.248	0.000	0.000
Youth Offending Service	CEF	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Youth Centres	CEF	3.400	0.210	3.610	0.000	0.039	1.780	1.791	0.000	0.000
Adult education centres	CEF	7.400	0.453	7.853	0.000	0.086	3.872	3.895	0.000	0.000
<b>CEF sub-total</b>		<b>17.970</b>	<b>1.106</b>	<b>19.076</b>	<b>0.000</b>	<b>0.208</b>	<b>9.406</b>	<b>9.462</b>	<b>0.000</b>	<b>0.000</b>
Surface car parks	RCCM	1.000	0.060	1.060	0.000	0.012	1.048	0.000	0.000	0.000
Cemetery properties	RCCM	0.860	0.052	0.912	0.000	0.010	0.450	0.452	0.000	0.000
Central Library	RCCM	0.500	0.000	0.500	0.000	0.000	0.500	0.000	0.000	0.500
<b>RCCM sub-total</b>		<b>1.860</b>	<b>0.112</b>	<b>1.972</b>	<b>0.000</b>	<b>0.022</b>	<b>1.998</b>	<b>0.452</b>	<b>0.000</b>	<b>0.000</b>
Traveller sites	RRH	3.000	0.184	3.184	0.000	0.250	0.350	1.000	1.584	0.000
Libraries	RRH	10.770	0.355	11.125	0.000	1.181	5.106	2.579	2.259	0.000
Leisure centres (Gp 2)	RRH	27.100	0.500	27.600	0.027	1.623	8.650	8.650	8.650	0.447
<b>RRH sub-total</b>		<b>40.870</b>	<b>1.039</b>	<b>41.909</b>	<b>0.027</b>	<b>3.054</b>	<b>14.106</b>	<b>12.229</b>	<b>12.493</b>	<b>0.447</b>
<b>Total - schemes</b>		<b>72.810</b>	<b>3.000</b>	<b>75.810</b>	<b>0.027</b>	<b>3.424</b>	<b>31.498</b>	<b>28.868</b>	<b>12.493</b>	<b>0.447</b>
Contingency budget		4.000	0.000	4.000	0.000	0.000	0.000	0.000	4.000	0.000
Risk provision - Churchill		4.500	0.000	4.500	0.000	4.500	0.000	0.000	0.000	0.002
<b>Grand total - all programme</b>		<b>81.810</b>	<b>3.000</b>	<b>84.810</b>	<b>0.027</b>	<b>7.924</b>	<b>31.498</b>	<b>28.868</b>	<b>16.493</b>	<b>0.449</b>

## Investment Fund and Growth Fund

- 3.9 To help support the achievement of sustainable savings and income, the Council has set aside funding in the Investment Fund earmarked reserve (formerly known as the Economic Development and Investment Fund) to contribute towards the Council's economic development and investment opportunities. To date, total funding of £84.5m has been placed in the Investment Fund earmarked reserve, with a further £20.3m of capital receipts earmarked to supplement this, and £39.2m placed in the Growth Fund earmarked reserve.
- 3.10 Appendix D provides a detailed analysis of the funds dating back to their inception in September 2011. To date, schemes totalling £119.0m have been approved (£98.0m on the Investment Fund, and £23.2m on the Growth Fund), and the uncommitted balances as at end June 2023 stand at £6.8m for the Investment Fund and £15.9m for the Growth Fund.

### Feasibility works – property disposals

- 3.13 At its meeting on 24 May 2017, Executive agreed to the creation of a new earmarked reserve with an initial allocation of £250k funded from the Growth Fund to allow for the commissioning of feasibility works against specific sites, so as to inform the Executive of sites' viability for disposal or re-development and potential scheme optimisation, together with an appraisal of worth.
- 3.14 Members requested that an update from strategic property be included in quarterly capital monitoring reports. This information, provided by the Assistant Director of Strategic Property, is provided in Appendix F.

### Section 106 receipts

- 3.15 In addition to capital receipts from asset disposals, the Council holds a number of section 106 contributions received from developers. These are made to the Council as a result of the granting of planning permission and are restricted to being spent on capital works in accordance with the terms of agreements reached between the Council and the developers. These receipts are held as a receipt in advance on the Council's balance sheet, the balance of which stood at £6,717k as at 30 September 2023, and will be used to finance capital expenditure from 2023/24 onwards. The current position on capital section 106 receipts (excluding commitments) is shown in the following table:

Agreed service area	Balance 31/03/23 £'000	Receipts to Q2 23/24 £'000	Expenditure to Q2 23/24 £'000	Balance 30/09/23 £'000
Housing	1,307	0	0	1,307
Education	4,734	43	0	4,777
Highways	20	0	0	20
Local economy	613	0	0	613
Other	0	0	0	0
<b>Total</b>	<b>6,674</b>	<b>43</b>	<b>0</b>	<b>6,717</b>

- 3.16 The Council's budgets are limited and, where a developer contribution can be secured, this will be required as a contribution towards projects, notwithstanding any other allocation of resources contained in the Council's spending plans.

### Post-completion reports

- 3.17 Under approved capital programme procedures, capital schemes should be subject to a post-completion review within one year of completion. These reviews should compare actual expenditure against budget and evaluate the achievement of the scheme's non-financial objectives. Post-completion reports on the following schemes are due to be submitted to the relevant PDS committees and budget holders have been notified:

- Upgrade of Core Network Hardware
- Replacement of Storage Area Network
- Rollout of Windows 7 and Office 2000
- Replacement of MD110 Telephone Switch
- Windows Server 2003 Replacement Programme
- Early Education for Two-Year-Olds
- 30 Hour Funded Childcare IT Solution
- Performance Management/Children’s Services IT scheme
- Bromley My Time Investment Fund
- Relocation of Exhibitions - Bromley Museum
- Norman Park Athletics Track

#### **4 POLICY IMPLICATIONS**

4.1 Capital programme monitoring and review is part of the planning and review process for all services.

#### **5 FINANCIAL IMPLICATIONS**

5.1 These are contained in the main body of the report and in the appendices. Attached as Appendix C is a capital financing statement, which gives a long-term indication of how the revised programme would be financed if all the proposed changes were approved and if all the planned receipts were achieved. The financing projections assume approval of the revised capital programme recommended in this report.

<b>Non-applicable sections:</b>	Legal, Personnel & Procurement Implications, Impact on Vulnerable Adults and Children
Background documents: (access via Contact Officer)	Capital programme monitoring Q3 2022/23 and capital strategy 2023-2027 (Executive 18/01/23) Capital programme monitoring Q1 2023/24 (Executive 20/09/23)

## APPENDIX A - VARIATION SUMMARY

### CAPITAL PROGRAMME MONITORING - Q2 - SUMMARY OF VARIATIONS FROM APPROVED PROGRAMME

Variations on individual schemes	Date of meeting	Revised 2023/24	Revised 2024/25	Revised 2025/26	Revised 2026/27	Revised 2027/28	Total
		£'000	£'000	£'000	£'000	£'000	£'000
<b>Current approved capital programme</b>							
Programme approved by Executive 18/01/2023	Exec 18/01/23	79,302	33,098	34,744	10,150	0	157,294
Net underspend 22/23 rephased to 23/24	Exec 05/07/23	99,645					99,645
<b>Sub-total - approved programme prior to Q1 monitoring</b>		<b>178,947</b>	<b>33,098</b>	<b>34,744</b>	<b>10,150</b>	<b>0</b>	<b>256,939</b>
<b>Variations in the estimated cost of approved schemes</b>							
<b>(i) Variations previously approved by the Executive</b>							
Chislehurst Library redevelopment	ERC PDS 23/11/22		Cr 1,000				Cr 1,000
West Wickham library and housing improvements (RRH)	Exec 08/02/23	3,959					3,959
Changing Places Fund (RRH)	Exec 29/03/23 05/07	405					405
Crystal Palace Park (RRH)	Exec 29/03/23	304					304
Addition to Basic Need (s106) (CEF)	Exec 29/03/23	43					43
Digital infrastructure - Strategic Investment Fund (RRH)	Exec 05/07/23	49					49
Non-turf cricket pitches (RRH)	Exec 05/07/23	40					40
Addition to Devolved Formula Capital (CEF)	Exec 20/09/23	55					55
Adjustments to TfL estimates (grant funded) (ECS)	Exec 20/09/23	Cr 1,425	Cr 500				Cr 1,925
Supplementary estimate for Churchill Court (RCCM)	Exec 20/09/23		4,250				4,250
Investment Fund used for housing schemes	Exec 20/09/23	Cr 11,688					Cr 11,688
Addition to Disabled Facilities Grant (RRH)	Exec 20/09/23	2,656					2,656
Proposed housing scheme - Bromley North (RRH)	Exec 20/09/23	6,283	12,150	7,067			25,500
Proposed housing scheme - Beckenham (RRH)	Exec 20/09/23	631	7,200	6,600	769		15,200
Supplementary estimate for York Rise - approved Jun 2021 (RRH)	Exec 20/09/23	2,072					2,072
Net rephasing between 23/24 and future years - Q1	Exec 20/09/23	Cr 60,366	30,354	24,669	5,343		0
		<b>Cr 56,982</b>	<b>52,454</b>	<b>38,336</b>	<b>6,112</b>	<b>0</b>	<b>39,920</b>
<b>Sub-total - approved capital programme prior to Q2 monitoring</b>		<b>121,965</b>	<b>85,552</b>	<b>73,080</b>	<b>16,262</b>	<b>0</b>	<b>296,859</b>
<b>(ii) Variations requiring the approval of the Executive</b>							
Supplementary estimate for depots (ECS)			1,893				1,893
Supplementary estimate for the treatment of RAAC (RCCM)			3,000				3,000
Supplementary estimate for Liquid Logic (RCCM)		700					700
		<b>700</b>	<b>4,893</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,593</b>
<b>(iii) Variations not requiring the approval of the Executive</b>							
Correction to Basic Need budgets for s106 (CEF)			2,280				2,280
Supplementary estimate for OPR Central Library (RCCM)			500				500
Use of OPR Churchill Theatre budget to fund Central Library (RCCM)			Cr 500				Cr 500
Net rephasing between 23/24 and future years - Q2		Cr 25,375	19,828	1,547	4,000		0
		<b>Cr 25,375</b>	<b>22,108</b>	<b>1,547</b>	<b>4,000</b>	<b>0</b>	<b>2,280</b>
<b>TOTAL REVISED CAPITAL PROGRAMME</b>		<b>97,290</b>	<b>112,553</b>	<b>74,627</b>	<b>20,262</b>	<b>0</b>	<b>304,732</b>
Less: estimated further slippage projection		Cr 50,000	20,000	20,000	10,000	0	0
Add: provision for uncertainty and future schemes			0	1,107	4,000	4,000	9,107
<b>TOTAL TO BE FINANCED</b>		<b>47,290</b>	<b>132,553</b>	<b>95,734</b>	<b>34,262</b>	<b>4,000</b>	<b>313,839</b>

**CAPITAL PROGRAMME MONITORING - Q2 2023/24 - SUMMARY OF VARIATIONS FROM APPROVED PROGRAMME - SCHEME REPH**

Variations on individual schemes	2023/24	2024/25	2025/26	2026/27	TOTAL
	£'000	£'000	£'000	£'000	£'000
<b><u>Rephasing of schemes</u></b>					
Basic Need (CEF)	Cr 1,000	1,000			0
Capital maintenance in schools (CEF)	Cr 1,500	1,500			0
Feasibility studies (CEF)	Cr 60	60			0
Health and Well-Being Centre (RCCM)	Cr 9,000	8,750	250		0
York Rise modular housing (RRH)	Cr 500	500			0
West Wickham library and housing (RRH)	Cr 7,000	7,000			0
Operational Property Review (all portfolios)	Cr 6,315	1,018	1,297	4,000	0
<b>TOTAL REPHASING ADJUSTMENTS</b>	<b>Cr 25,375</b>	<b>19,828</b>	<b>1,547</b>	<b>4,000</b>	<b>0</b>



**CAPITAL FINANCING STATEMENT - Q2 - ALL RECEIPTS**

(NB. Assumes all capital receipts - see below)

	2023-24	2024-25	2025-26	2026-27	2027-28
	Estimate	Estimate	Estimate	Estimate	Estimate
	£'000	£'000	£'000	£'000	£'000
<b><u>Summary financing statement</u></b>					
Capital grants	18,683	23,306	10,000	1,500	0
Other external contributions	5,907	19,643	250	0	0
Usable capital receipts	3,344	69,830	70,484	5,990	0
Internal borrowing	1,424	8,400	8,400	0	0
Revenue contributions	14,337	4,250	0	0	0
Borrowing (external)*	3,595	7,124	6,600	26,772	4,000
<b>Total expenditure</b>	<b>47,290</b>	<b>132,553</b>	<b>95,734</b>	<b>34,262</b>	<b>4,000</b>
<b><u>Usable capital receipts</u></b>					
Balance brought forward	31,787	65,004	52,674	5,990	0
New usable receipts	43,925	65,900	32,200	0	0
	75,712	130,904	84,874	5,990	0
Capital financing	Cr 3,344	Cr 69,830	Cr 70,484	Cr 5,990	0
Repayment of internal borrowing	Cr 7,364	Cr 8,400	Cr 8,400	0	0
<b>Balance carried forward</b>	<b>65,004</b>	<b>52,674</b>	<b>5,990</b>	<b>0</b>	<b>0</b>
<b><u>Internal borrowing</u></b>					
Balance brought forward	Cr 5,940	0	0	0	0
Capital financing	Cr 1,424	Cr 8,400	Cr 8,400	0	0
Repaid from new capital receipts	7,364	8,400	8,400	0	0
Balance carried forward	0	0	0	0	0
<b><u>General Fund</u></b>					
Balance brought forward	20,000	20,000	20,000	20,000	20,000
Less: capital financing	0	0	0	0	0
Less: use for revenue budget	0	0	0	0	0
Balance carried forward	20,000	20,000	20,000	20,000	20,000
<b>TOTAL AVAILABLE RESERVES</b>	<b>85,004</b>	<b>72,674</b>	<b>25,990</b>	<b>20,000</b>	<b>20,000</b>
<p>The future transfer of land from the General Fund to the HRA does not result in a capital receipt, as the HRA is not a separate legal entity but the effect would be similar in that it would mean that the Council can incur more capital expenditure without needing to borrow. Although the accounting arrangements are 'technical' in order to meet statutory accounting requirements the effective transfer of land has the same impact as generating a capital receipt of an equivalent value and therefore the equivalent value can be used to fund future capital schemes.</p>					
<p>Notes/assumptions:</p> <p>*External borrowing - housing schemes. Given the volatility in interest rates, internal borrowing may be used as an interim measure where suitable. Internal borrowing is also being used to fund Site G until capital receipts pay back.</p> <p>Capital receipts - includes figures reported by Property Division as shown in Appendix E</p>					

<u>Investment Fund</u>	£'000
<u>Revenue Funding:</u>	
Approved by Executive 7th September 2011	10,000
Approved by Council 27th February 2013	16,320
Approved by Council 1st July 2013	20,978
Approved by Executive 10th June 2014	13,792
Approved by Executive 15th October 2014	90
Approved by Executive 26th November 2014 (Transfer to Growth Fund)	Cr 10,000
New Home Bonus (2014/15)	5,040
Approved by Executive 11th February 2015 (New Homes Bonus)	4,400
Approved by Executive 10th June 2015	10,165
Approved by Executive 2nd December 2015 (New Homes Bonus)	141
Approved by Executive 10th Feb 2016 (New Homes Bonus)	7,482
Approved by Executive 6th December 2017	3,500
Approved by Executive 21st May 2018	2,609
	<hr/> 84,517
<u>Capital Funding*:</u>	
Approved by Executive 11th February 2015 (general capital receipts)	15,000
Approved by Executive 2nd December 2015 (sale of Egerton Lodge)	1,216
Approved by Executive 7th November 2017 (Disposal of 72-76 High St)	4,100
	<hr/> 20,316
Total Funding Approved:	<hr/> 104,833
<u>Property Purchase</u>	
Approved by Executive 7th September 2011 (95 High St)	Cr 1,620
Approved by Executive 6th December 2012 (98 High St)	Cr 2,167
Approved by Executive 5th June 2013 (72-76 High St)	Cr 2,888
Approved by Executive 12th June 2013 (104 - 108 High St)	Cr 3,150
Approved by Executive 12th February 2014 (147 - 153 High St)	Cr 18,755
Approved by Executive 19th December 2014 (27 Homesdale)	Cr 3,938
Approved by Executive 24/03/15 (Morrisons)	Cr 8,672
Approved by Executive 15/07/15 (Old Christchurch)	Cr 5,362
Approved by Executive 15/07/15 (Tilgate)	Cr 6,746
Approved by Executive 15/12/15 (Newbury House)	Cr 3,307
Approved by Executive 15/12/15 (Unit G - Hubert Road)	Cr 6,038
Approved by Executive 23/03/16 (British Gas Training Centre, Thatcham)	Cr 3,666
Approved by Executive 15/06/16 (C2 and C3)	Cr 6,394
Approved by Executive 14/03/17 (Trinity House)	Cr 6,236
Approved by Executive 01/12/17 (54 Bridge Street, Peterborough)	Cr 3,930
	<hr/> Cr 82,869
<u>Other Schemes</u>	
Approved by Executive 20th November 2013 (Queens's Garden)	Cr 990
Approved by Executive 15th January 2014 (Bromley BID Project)	Cr 110
Approved by Executive 26th November 2014 (BCT Development Strategy)	Cr 135
Approved by Executive 2nd December 2015 (Bromley Centre Town)	Cr 270
Approved by Executive 15th June 2016 (Glades Shopping Centre)	Cr 400
Approved by Executive 11th January 2017 (Disposal of Small Halls site, York Rise)	Cr 46
Approved by Executive 10th July 2019 (Modular Homes at York Rise site)	Cr 3,500
Approved by Executive 2nd August 2019 (Provision of Housing in Burnt Ash Lane)	Cr 2,989
Approved by Executive 10/02/21 - property acquisition scheme	Cr 6,000
Valuation for 1 Westmoreland Rd	Cr 5
Valuation for Biggin Hill - West Camp	Cr 10
Growth Fund Study	Cr 170
Crystal Park Development work	Cr 200
Civic Centre for the future	Cr 50
Strategic Property cost	Cr 258
Total further spending approvals	<hr/> Cr 15,133

Uncommitted Balance on Investment Fund	6,831
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\* Executive have approved the use of specific and general capital receipts to supplement the Investment Fund

<u>Growth Fund:</u>		£'000
<u>Funding:</u>		
Approved by Executive 26th November 2014 (Transfer from Investment Fund)		10,000
Approved by Executive 2nd December 2015		6,500
Approved by Executive 23rd March 2016		6,000
Approved by Executive 15th June 2016		7,024
Approved by Executive 22nd March 2017		4,000
Subject to approval by Executive 20h June 2017 (Provisional final accounts 2016/17)		3,311
Approved by Executive 21st May 2018		2,319
Total funding approved		<u>39,154</u>
<u>Schemes Approved and Committed</u>		
Approved by Executive 24th March 2015 (Housing Zone Bid (Site G))	Cr	2,700
Approved by Executive 24th March 2015 ((Site G) - Specialist)	Cr	200
Approved by Executive 18th May 2016 (Feasibility Studies and Strategic Employer	Cr	180
Approved by Executive 18th May 2016 (Broadband Infrastructure Investment)	Cr	50
Approved by Executive 20th Jul 2016 (BID - Penge & Beckenham)	Cr	110
Approved by Executive 1st Nov 2016 (19-25 Market Square)	Cr	10,705
Approved by Executive 1st Nov 2016 (63 Walnuts)	Cr	3,804
Approved by Executive 22nd March 2017 (Council 10th April 2017) - Bromley Town Centre Public Realm improvement Scheme	Cr	2,844
Approved by Executive 7th November 2017 - Bromley Town Centre and Public Realm	Cr	464
Approved by Executive 17th October 2018 (Bromley Town Centre - Mirrored Canopies & Shops)	Cr	415
Approved by Executive 22nd March 2017 - Project Officer cost Bromley Town Centre Public Realm improvement Scheme	Cr	40
Approved by Executive 22nd March 2017 - Community Initiative	Cr	15
Approved by Executive 24th May 2017 - Feasibility Works/Property Disposal Renewal Team Cost	Cr	250
Approved by Executive 28th November 2018 (Housing Development Feasibility)	Cr	310
Approved by Executive 27th March 2019 (West Wickham BID)	Cr	100
Approved by Executive 21st May 2019 (Specialist advice for setting up local Housing company)	Cr	75
Noted by Executive 12th February 2020 - £1.5m of s106 to replace Growth Fund allocation for Bromley Town Centre capital scheme		100
Approved by Executive April 1st 2020 - Consultancy services for advice on urban design scheme	Cr	1,500
Noted by Executive May 2020 - £2m of s106 to replace Growth Fund allocation for Bromley Town Centre capital scheme		Cr 50
Approved by Executive 30th June 2021 - £116k for 2 year FTC Planning Officer	Cr	Cr 800
Approved by Executive 20th Oct 2021 - Professional Services: Civic Centre Development	Cr	2,000
Approved by Executive on 9th February 2021 - Operational Maintenance Programme Manager	Cr	Cr 116
Approved by Executive on 6th October 2022 - Local Plan review process	Cr	Cr 500
Approved by Executive on 20th September 2023 - £2,250k to support supplementary estimate for Churchill Court	Cr	Cr 65
Total further spending approvals	Cr	<u>Cr 600</u>
		<u>Cr 2,250</u>
		<u>Cr 23,243</u>
<u>Schemes approved, but not yet committed</u>		
Approved by Executive 26th November 2014 (for Biggin Hill and Cray Valley)	Cr	6,790
Reversed by Executive 5th July 2023 (for Biggin Hill and Cray Valley)		6,790
Uncommitted Balance on Growth Fund		<u>15,911</u>

**APPENDIX F - FEASIBILITY WORKS**

Location	Estimated Feasibility / Viability Cost (£'000)	Description	2023/24 Q2 status
West Wickham Leisure Centre		HRA/Regen opportunity	Awaiting condition reports
Hill Car Park		Environmental Services	

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## **APPENDIX G – financial update for capital programme monitoring report re: depots**

### **1. BACKGROUND**

- 1.1. On 30th November 2022, the Executive (ES20222) approved an increase in the capital budget for the Depot Capital Infrastructure works, providing a total capital budget of £9.1m. This increase was required due to a rise from the previous construction cost estimates (detailed in report numbers ES20109 and ES18032) that had arisen due to:
  - 1.1.1. Unanticipated construction market inflationary changes particularly as a result of world events i.e. the war in Ukraine.
  - 1.1.2. Analysis of ground investigation reports and consequent need to excavate and replace substantial unanticipated levels of made ground.
  - 1.1.3. Fire suppression system design development showing that a higher volume of water needs to be stored and contained for removal in a fire event due to the hazard category of the site.
  - 1.1.4. Further survey work revealing the substantial extent of works required to repair Waste Transfer Station structures.
- 1.2. Design work has since progressed on the scheme to produce the detailed technical designs needed to prepare a tender package to put out to the market. In parallel, the waste services provider has developed their proposals for how services can continue to be delivered during the capital works.
- 1.3. This has identified that there are greater costs required to deliver the proposed scheme in full than previously anticipated. This includes an increase of around £1.7m to the construction costs, along with an increase of around £300k to support adjustments needed for the delivery of waste management services during construction.

### **2. SUMMARY OF THE BUSINESS CASE**

- 2.1. The original business case for the Depot Capital Infrastructure Works was outlined in the 2018 Executive Report (reference ES18032) and further refined within the 2021 Executive Report (ES20109). The overall aim of the works is to create the sustainable infrastructure required for the statutory delivery of waste services and reduce the Council's long term financial liability. It also serves to uphold the requirements of the Waste Permits, issued by the Environment Agency in respect of Central and Churchfields Depots. The detailed scope is outlined in Table 1, at the end of this document.
- 2.2. The project has now reached the end of RIBA (Royal Institute of British Architects – industry standard) stage 4, technical design, and the construction cost estimate has been updated. The up-to-date budget estimate is set out in Table 2 at the end of this document. The estimate for the works includes allowances for a standard 10% construction contingency as well as inflation. There is also a further client-side contingency allocated to manage unforeseen consequences of the proposed works or essential changes once on site.

- 2.3. The construction cost increase estimate has increased by £1.7m since the previous design stage, which can predominantly be attributed to:
- 2.3.1. Increases to the electrical and mechanical works packages, which had not previously been captured and therefore costed by the design team.
  - 2.3.2. Additional ground investigation surveys, including previously inaccessible locations, have increased expectations of the amount of ground remediation needed and level of anticipated spoil that will need to be disposed of as contaminated waste, at greater cost.
  - 2.3.3. Additional temporary infrastructure, enabling and rectification works needed to create, and later remove or relocate, alternative operational areas during the construction works, to enable continued service delivery.
- 2.4. With regard to point 2.3.3, prior to the current design stage, it had been proposed to deliver the works, particularly at Central Depot, via multiple smaller construction phases, to keep as much of the working area operational as possible during construction. However, a change has had to be made to the previously anticipated phasing for reasons of:
- 2.4.1. buildability, identified through technical design,
  - 2.4.2. operational practicality and safety, and
  - 2.4.3. increasing costs due to extended time on site and highly challenging working implications.

This change has shortened the duration of works on site, made the works manageable for both the contractor and waste services operator, and reduced the substantial construction challenges associated with keeping operational parts of the site and services working during construction.

- 2.5. In addition to the construction cost changes, the development in service planning undertaken by the waste services provider has enabled further understanding of the operational implications and related costs for managing temporary changes. This has highlighted the need for a greater budget to cover increased service delivery costs, which are necessary to minimise the on-site construction time and address the issues noted in 2.4 above.

### **3. OPTIONS APPRAISAL AND PREFERRED OPTION**

- 3.1. Following the completion of RIBA design stage 4 and review of the increase in costs, officers have undertaken a further analysis of the infrastructure works required to support service delivery and provide a safe and fit for purpose environment for the Council's environmental service depots in the immediate future.
- 3.2. The options considered were:
- 3.2.1. Progress the full scope of depot infrastructure works on both sites at increased cost.
  - 3.2.2. Progress a reduced scope or specification of works at both sites.
  - 3.2.3. Progress with the full scope of depot infrastructure works but only at Central Depot, due to the higher volume of waste handled at this site and remain



within the current allocated budget.

3.2.4. Progress with the full scope of depot infrastructure works at Central Depot and a reduced scope of works at Churchfields Depot.

3.3 In evaluating the most efficient way forward in relation to options 3.2.1 to 3.2.4, consideration has been given to the following.

3.3.1 Value engineering options have been considered on the current works package and options have been proposed to decrease the specification or omit various aspects of the works. This follows similar review processes at the end of each prior design stage, including reconsideration of any previously proposed value engineering solutions.

3.3.2 Review of the implications of value engineering options has identified that there are safety, operational and maintenance implications to reducing or changing the works. The resultant works would not achieve the outcomes necessary of a capital works scheme to protect and preserve the structures on the site and provide appropriate compliant systems.

3.3.3 It is considered that omitting or reducing the scope or specification of aspects of the works would decrease the resulting life of the works to unacceptable levels. This would lead to increased short to medium term maintenance budget liabilities and medium-term capital liabilities to both address unmet needs and repair and replace reduced design life items.

3.3.4 Should the works at Churchfields be omitted or reduced, this would mean that the current compliance and safety issues at this site were left unattended with resultant consequences.

3.3.4.1 This would increasingly impact upon current extensive maintenance liabilities, as issues already arise on a week-to-week basis and cannot be left unresolved due to the high-risk nature of this type of operational site.

3.3.4.2 The known issues at this site would present an ongoing high draw on both planned and reactive maintenance budgets to keep the site operating compliantly and safely for both staff and the public both now and going forward.

3.3.4.3 Whilst a lower specification works and ongoing maintenance projects (which become inefficient when procured individually) could keep the site running, it is considered that a capital works project would still need to be completed at this site within the next 5 years to address the larger scale issues on site as reduced scope of works would lead to reduced design life of the installation. There would also be duplication of costs associated with partially addressing current issues with a lesser scope, which then later has to be redone to address other connected works.

#### **4. RECOMMENDATION**

4.3 Based on the above factors, and considering the most efficient option overall, the preferred option is 3.2.1, to progress the full scope of infrastructure works at both sites. This option would minimise maintenance costs, comply with environmental and safety

standards and avoid medium term equivalent or greater capital costs at the sites .

- 4.4 The approved budget to date is £9.107m. It is anticipated that to complete the full scope of works at both sites, as the preferred option, will cost £11m, as broken down in Table 2 below. Therefore, it is recommended that an additional sum of £1.893m be approved to increase the total budget to £11m.
- 4.5 Work will continue throughout the rest of the project to ensure that the most economical design proposals, that appropriately achieve the aims of the scheme, are progressed.

**Reference Tables**

**Table 1 – Proposed scope of works**

<b>Depot</b>	<b>Works</b>
Central Depot	<ul style="list-style-type: none"> <li>• Surface Water Drainage alterations and repairs/separator replacement</li> <li>• Floor Slab replacement to Waste Transfer Station</li> <li>• Waste Transfer Station roof and cladding repairs (including column replacements and protection and new push walls to protect the structure plus corrosion painting)</li> <li>• Fire suppression system</li> <li>• Pedestrian entrance adjustments at Waldo Road entrance</li> <li>• Replacement weighbridges</li> <li>• Some smaller repairs to the hardstanding in the Reuse and Recycling Centre and Baths Road</li> </ul>
Churchfields Depot	<ul style="list-style-type: none"> <li>• Surface Water Drainage repairs/ separator replacement</li> <li>• Floor Slab replacement in Waste Transfer Station</li> <li>• Fire suppression system</li> <li>• Repairs to Waste Transfer Station cladding/walls</li> <li>• Ancillary hardstanding repairs required in relation to drainage works</li> </ul>

**Table 2 – Summary of Depot Improvement Programme Total Costs**

<b>Cost element</b>	<b>Cost £'000</b>
Construction contracts (main works and enabling package)	£8,800
Fees (consultancy, surveys, statutory fees, project management)	£1,654
Client Contingency	£500
Discontinued sites (surveys and feasibility design fees)	£46
<b>TOTAL</b>	<b>£11,000</b>

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# Agenda Item 8

Report No.  
CSD23152

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** COUNCIL

**Date:** Monday 11 December 2023

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

**Title:** TREASURY MANAGEMENT QUARTER 2 PERFORMANCE  
2023/24 AND MID-YEAR REVIEW

**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

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1. Reason for decision/report and options

- 1.1 At its meeting on 27<sup>th</sup> November 2023 the Executive, Resources and Contracts PDS Committee considered the attached report prior to the Resources, Commissioning and Contract Management Portfolio Holder approving the recommendations. The report summarises treasury management activity during the second quarter of 2023/24 and includes a mid-year review of the treasury management strategy statement and annual investment strategy (Appendix 4). The report ensures that the Council is implementing best practice in accordance with the CIPFA Code of Practice for Treasury Management. Investments as at 30 September 2023 totalled £379.6m (£390.6m at 30 September 2022) and there was no outstanding external borrowing.

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2. **RECOMMENDATION**

**Council is recommended to note treasury management performance for the second quarter of 2023/24 and approve the prudential indicators set out in Appendix 4.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable

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## Transformation Policy

1. Policy Status: Existing Policy: See attached report
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.

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## Financial

1. Cost of proposal: Not Applicable
2. Ongoing costs: Not Applicable
3. Budget head/performance centre: Interest on balances
4. Total current budget for this head: £9,841k
5. Source of funding: Net Investment Income

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## Personnel

1. Number of staff (*current and additional*): 0.25 fte
2. If from existing staff resources, number of staff hours: 9 hours per week

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## Legal

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

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## Procurement

1. Summary of Procurement Implications: Not Applicable

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## Property

1. Summary of Property Implications: Not Applicable

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## Carbon Reduction and Social Value

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

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## Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable

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## Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable

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## Customer Impact

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

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## Ward Councillor Views

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

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults & Children, Personnel, Legal, Policy, Finance, Procurement, Property, Carbon Reduction, Local Economy, Health and Wellbeing, Customers, Ward Councillors
Background Documents: (Access via Contact Officer)	See attached report

**Decision Maker:** Resources, Commissioning and Contracts Management  
Portfolio Holder

**Date:** For pre-decision scrutiny by Executive, Resources and Contracts PDS  
Committee on 27 November 2023  
Council on 11 December 2023

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

**Title:** TREASURY MANAGEMENT - QUARTER 2 PERFORMANCE  
2023/24 AND MID-YEAR REVIEW

**Contact Officer:** Sean Cosgrove, Principal Accountant (Capital and Treasury)  
Tel: 020 8313 4312 E-mail: [sean.cosgrove@bromley.gov.uk](mailto:sean.cosgrove@bromley.gov.uk)

**Chief Officer:** Peter Turner, Director of Finance  
Tel: 020 8313 4668 E-mail: [peter.turner@bromley.gov.uk](mailto:peter.turner@bromley.gov.uk)

**Ward:** All

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**1. Reason for report**

- 1.1. This report summarises treasury management activity during the second quarter of 2023/24. The report also includes a mid-year review of the treasury management strategy statement and annual investment strategy (Appendix 4). The report ensures that the Council is implementing best practice in accordance with the CIPFA Code of Practice for Treasury Management. Investments as at 30 September 2023 totalled £379.6m (£390.6m at 30 September 2022) and there was no outstanding external borrowing.
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**2. RECOMMENDATION(S)**

- 2.1. The Resources, Commissioning and Contracts Management Portfolio Holder is requested to:

(a) note the treasury management performance for the second quarter of 2023/24;

(b) recommend that Council approve the 2023/24 prudential indicators as set out in Appendix 4

- 2.2. Council is requested to note the report

### Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

### Corporate Policy

1. Policy Status: Existing policy. To maintain appropriate levels of risk, particularly security and liquidity, whilst seeking to achieve the highest rate of return on investments.
  2. BBB Priority: Excellent Council .
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Interest on balances
  4. Total current budget for this head: £9,841k
  5. Source of funding: Net investment income
- 

### Personnel

1. Number of staff (current and additional): 0.25 fte
  2. If from existing staff resources, number of staff hours: 9 hours per week
- 

### Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is applicable
- 

### Procurement

1. Summary of Procurement Implications: N/A
- 

### 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: N/A



### 3. COMMENTARY

- 3.1 Under the requirements of the CIPFA Code of Practice on Treasury Management, the Council is required, as a minimum, to approve an annual treasury strategy in advance of the year, a mid-year review report and an annual report following the year comparing actual activity to the strategy. This effectively means that in-year monitoring is incorporated into the three reports required by the Code of Practice: Q1 monitoring is no longer reported unless there are any matters that officers feel should come before the Committee sooner.
- 3.2 This report includes details of investment performance in the second quarter of 2023/24. The 2023/24 annual treasury strategy, including the Minimum Revenue Provision (MRP) policy statement and prudential indicators, was originally submitted to the Executive, Resources and Contracts PDS Committee on 2 February 2023 and Council on 27 February 2023.
- 3.3 Changes in the regulatory environment have placed a much greater onus on Members to undertake the review and scrutiny of treasury management policy and activities. This report is important in that respect as it provides details of the actual position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 3.4 The Council has monies available for treasury management investment as a result of:
- positive cash flow
  - receipts (mainly from government) received in advance of payments being made
  - capital receipts not yet utilised to fund capital expenditure
  - provisions made in the accounts for liabilities e.g. provision for outstanding legal cases which have not yet materialised
  - general and earmarked reserves retained by the Council
- 3.5 Some of the monies identified above are short term and investment of these needs to be highly "liquid", particularly if it relates to a positive cash flow position which can change in the future. Future monies available for treasury management investment will depend on the budget position of the Council and whether the Council will need to substantially run down capital receipts and reserves. Against a backdrop of sustained cuts in government funding, which will require the Council to make revenue savings to balance the budget in future years, there is a likelihood that such actions may be required in the medium term, which will reduce the monies available for investment.
- 3.6 The Council has also identified an alternative investment strategy relating to property investment. To date, this has resulted in actual and planned acquisitions which generated £5.6m in 2017/18, £5.5m in 2018/19, £5.4m in 2019/20, £5.3m in 2020/21, £5.4m in 2021/22, £4.5m in 2022/23 and is budgeted to achieve £6.3m in 2023/24. This is based on a longer-term investment timeframe of at least three to five years and ensures that the monies available can attract higher yields over the longer term.
- 3.7 A combination of lower risk investment relating to treasury management and a separate investment strategy in the form of property acquisitions (generating higher yields and risks) provides a balanced investment strategy. Any investment decisions will also need to consider the current ongoing volatility in interest rates. The available resources for the medium term, given the ongoing reductions in government funding, will need to be regularly reviewed.

#### **Treasury performance in the quarter ended 30 September 2023**

- 3.8 **Borrowing:** the Council's healthy cashflow position continues and, other than some short-term borrowing at the end of 2015/16, no borrowing has been required for a number of years.

3.9 **Investments:** the following table sets out details of investment activity during the second quarter and year to date:

	Qtr ended 30/09/23		2023/24 year to date	
	Deposits	Avg rate	Deposits	Avg rate
	£m	%	£m	%
Balance of "core" investments b/f	200.00	3.85	230.00	2.97
New investments made in period	115.00	5.85	165.00	6.15
Investments redeemed in period	-95.00	2.63	-175.00	2.40
<b>"Core" investments at period end</b>	<b>220.00</b>	<b>5.58</b>	<b>220.00</b>	<b>5.58</b>
Money Market Funds	36.10	5.02	36.10	4.71
CCLA Property Fund*	40.00	2.24	40.00	3.14
Multi-Asset Income Funds*	40.00	0.87	40.00	-2.13
Schroders Global Diversified Growth Fund*	20.00	2.39	20.00	1.55
Project Beckenham loan	3.49	6.00	3.49	6.00
Sovereign bonds	20.00	4.23	20.00	4.23
<b>"Alternative" investments at period end</b>	<b>159.59</b>	<b>2.87</b>	<b>159.59</b>	<b>1.11</b>
<b>Total investments at period end</b>	<b>379.59</b>	<b>4.44</b>	<b>379.59</b>	<b>3.70</b>

\*The rates shown in here are the total return (ie. the dividend income plus the change in capital value.) A more detailed breakdown of the rates for these investments is shown in the relevant paragraphs.

3.10 Details of the outstanding investments at 30 September 2023 are shown in maturity date order in Appendix 2 and by individual counterparty in Appendix 3. The return on the new "core" investments placed during the second quarter of 2023/24 was 5.85%.

3.11 Reports to previous meetings have highlighted the fact that options with regards to the reinvestment of maturing deposits have become seriously limited in recent years following bank credit rating downgrades. Changes to lending limits and eligibility criteria, as well as the introduction of pooled funds and housing associations, have alleviated this to some extent. More recently, however, successive increases in the Bank of England base rate have fed through into significantly improved lending rates with eligible counterparties.

3.12 The chart in Appendix 1 shows total investments at quarter-end dates back to 1 April 2004 and shows how available funds have increased steadily over the years. This has been a significant contributor to the over-achievement of investment income against budget in recent years.

### Interest rate forecast (provided by Link Asset Services)

3.13 The Bank of England base rate was 5.25% at the September meeting of the Monetary Policy Committee. Link has stated that it believes the rate will remain the same before a decrease next year. Its detailed forecast (as at 25 September 2023) is shown in the table below.

Link Group Interest Rate View	25.09.23												
	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26
BANK RATE	5.25	5.25	5.25	5.00	4.50	4.00	3.50	3.00	2.75	2.75	2.75	2.75	2.75
3 month ave earnings	5.30	5.30	5.30	5.00	4.50	4.00	3.50	3.00	2.80	2.80	2.80	2.80	2.80
6 month ave earnings	5.60	5.50	5.40	5.10	4.60	4.10	3.60	3.10	2.90	2.90	2.90	2.90	2.90
12 month ave earnings	5.80	5.70	5.50	5.20	4.70	4.20	3.70	3.20	3.00	3.00	3.00	3.00	3.00
5 yr PWLB	5.10	5.00	4.90	4.70	4.40	4.20	4.00	3.90	3.70	3.70	3.60	3.60	3.50
10 yr PWLB	5.00	4.90	4.80	4.60	4.40	4.20	4.00	3.80	3.70	3.60	3.60	3.50	3.50
25 yr PWLB	5.40	5.20	5.10	4.90	4.70	4.40	4.30	4.10	4.00	3.90	3.80	3.80	3.80
50 yr PWLB	5.20	5.00	4.90	4.70	4.50	4.20	4.10	3.90	3.80	3.70	3.60	3.60	3.60

## Money Market Funds

- 3.14 The Council currently has five AAA-rated Money Market Fund accounts (“MMFs”) with Federated Prime Rate, Aberdeen Standard (formerly known as Ignis), Insight, Fidelity and Legal & General, all of which have a maximum investment limit of £15m. In common with market rates for fixed-term investments, interest rates on MMFs have risen significantly in the last year and remain high. LGIM and Federated Prime Rate Funds currently offer the best rate at around 5.36%.
- 3.15 The total balance held in MMFs has varied during the year to date moving from £0 as at 31 March 2023, a month with minimal council tax and NNDR receipts and following the repayment of significant government grants, to £36.1m as at 30 September 2023. The MMFs currently offer the lowest interest of all eligible investment vehicles with the exception of the Government Debt Management Account Deposit Facility; however, they are the most liquid, and funds can be redeemed up until midday for same day settlement.
- 3.16 Daily balances in the MMFs vary considerably throughout the year, though tend to be lower in February and March when the Council’s income from Council Tax and Business Rates is significantly lower than the rest of the year and so there is less liquid cash available for investment purposes. Occasionally, these balances are inflated to ensure that the Council has sufficient liquidity to cover any “non-standard” expenditure such as investment property purchases.

## Housing associations

- 3.17 Deposits with housing associations have attracted favourable rates and in 2021 the Council’s treasury management strategy statement was amended to increase the overall limit for investments with housing associations to £80m. The Council currently has no deposits placed with housing associations – this is due to a combination of less attractive rates and less demand for funds on the part of the housing associations than in previous periods.

## Loan to Project Beckenham

- 3.18 On 26 June 2017, Council approved the inclusion in the strategy of a secured loan to Project Beckenham, relating to the provision of temporary accommodation for the homeless, that had previously been agreed to be advanced from the Investment Fund. A loan of £2.3m was made in June 2017, at a rate of 6% (increasing to 7.5% if the loan to value ratio exceeded a set value). £1.0m of this loan was re-paid during 2019/20, leaving a £1.3m balance at the end of March 2020. Advances totalling £2.45m were made in 2020/21 and 2021/22 leaving a balance of £3.75m. A further five loan advances totalling £1.2m were made in 2022/23 and repayments of £0.96m were received in November and December, leaving the balance at 31 March 2023 at £4.0m. In May, August and September 2023, repayments totalling £0.68m were made, leaving the balance as at 30 September 2023 at £4.68m, as shown in the following table:

FY	Bal b fwd £'000	Advanced £'000	Repaid £'000	Bal cfwd £'000
Prior to 2019/20	0	2,313	0	2,313
2019/20	2,313	0	(1,000)	1,313
2020/21	1,313	800	0	2,113
2021/22	2,113	1,650	0	3,763
2022/23	3,763	1,200	(960)	4,003
Q2 2023/24	4,003	0	(681)	3,322

## Sovereign bonds

- 3.19 During November 2021, it was agreed that the Council's treasury management strategy be amended to allow investment in sterling-denominated sovereign bonds, subject to a maximum of duration of 3 years and an exposure limit of £25m. On 30 November 2021, an investment of £10m was made for two years at a rate of 1.84% and a further investment of £10m was made for two years on 1 August 2023 at a rate of 6.61%.

## Pooled investment schemes

- 3.20 In September 2013, the Portfolio Holder and, subsequently, Council approved the inclusion of collective (pooled) investment schemes as eligible investment vehicles in the Council's Investment Strategy with an overall limit of £25m and a maximum duration of five years. The limit was subsequently increased to £40m by Council in October 2015, £80m in June 2017 and £100m in December 2017. Such investments would require the approval of the Director of Finance in consultation with the Resources, Commissioning and Contracts Management Portfolio Holder.
- 3.21 Until March 2018, accounting rules required that the change in capital value of these investments be held in the Available for Sale Financial Assets Reserve, and only recognised in revenue on the sale of the investment. In-year projections for interest on balances therefore only reflected the dividends from these investments.
- 3.22 However, from 2018/19 onwards, local authorities have been required to account for financial instruments in accordance with IFRS9. One of the results of this is that changes in the capital value of pooled fund investments are recognised in revenue in-year. Subsequently, MHCLG issued regulations providing a statutory override to reverse the impact of IFRS9 on the Council's General Fund, which came into force in December 2018 and would apply until 31 March 2023, after which it was intended for movements in value to be recognised in year. Following consultation, DLUHC announced in January that the override would be extended for a further two years to 31 March 2025, after which the standard will be applied fully.
- 3.23 Due to the regulations being time limited and the potentially volatile nature of these investments, interest/dividend earnings above a determined threshold have been set aside in an earmarked Income Equalisation reserve. This will protect the Council against unexpected variations in the capital value of these investments and any timing issues arising from the expiry of the statutory override. Details are shown in the following table:

FY	Threshold %	Bal b fwd £'000	Set aside £'000	Bal cfwd £'000
2018/19	2.5	0	1,509	1,509
2019/20	2.5	1,509	1,196	2,705
2020/21	2.0	2,705	1,520	4,225
2021/22	2.0	4,225	1,676	5,901
2022/23	2.0	5,901	2,044	7,945
Q2 2023/24	2.5	7,945	0	7,945

## CCLA Property Fund

- 3.24 Following consultation between the Director of Finance and the Portfolio Holder, an account was opened in January 2014 with the CCLA Local Authorities' Property Fund and an initial deposit of £5m was made, followed by further deposits of £5m in July 2014, £5m in March 2015, £10m in October 2015, £5m in October 2016 and £10m in October 2017. The investment in this fund is viewed as a medium- to long-term investment and dividends are paid quarterly. A breakdown of dividends earned and capital growth is provided in the table below:

Annualised net return	Dividend %	Capital gain/(loss) %	Total return %
01/02/14 - 31/03/14	4.29	-29.64	-25.35
01/04/14 - 31/03/15	5.03	3.44	8.47
01/04/15 - 31/03/16	5.02	1.63	6.65
01/04/16 - 31/03/17	4.55	-2.50	2.05
01/04/17 - 31/03/18	4.59	2.41	7.00
01/04/18 - 31/03/19	4.46	1.57	6.03
01/04/19 - 31/03/20	4.45	-3.68	0.77
01/04/20 - 31/03/21	4.30	-0.71	3.59
01/04/21 - 31/03/22	3.82	17.29	21.12
01/04/22 - 31/03/23	4.19	-19.09	-14.90
01/04/23 - 30/09/23	4.83	-1.68	3.14
Cumulative return	4.42	-0.53	3.89

3.25 The annualised fund return for the year to 30 September 2023 was capital decline of -1.68% and dividends paid of 4.83%, resulting in a total return of 3.14%. Since inception, dividends paid have averaged 4.42% per annum and the capital value has decreased by -0.53% per annum resulting in a net annual return of 3.89%.

### Multi-Asset Income Fund

3.26 Following approval by Council in June 2017, the limit for pooled investment schemes was increased to £80m and an investment of £30m was made on 12 July 2017 in the Fidelity Multi-Asset Income Fund, following the agreement of the Resources, Commissioning and Contracts Management Portfolio Holder. A further investment of £10m was made on 30 December 2019.

Annualised net return	Dividend %	Capital gain/(loss) %	Total return %
12/07/17 - 31/03/18	4.42	-6.27	-1.85
01/04/18 - 31/03/19	4.26	1.45	5.71
01/04/19 - 31/03/20	4.37	-11.81	-7.44
01/04/20 - 31/03/21	4.38	9.52	13.9
01/04/21 - 31/03/22	4.16	-4.98	-0.82
01/04/22 - 31/03/23	4.17	-12.08	-7.92
01/04/23 - 30/09/23	5.38	-7.51	-2.13
Cumulative return	4.36	-4.16	0.20

3.27 The annualised fund return for the year to 30 September 2023 was a capital decline of -7.51% and dividends paid of 5.38%, resulting in a total return of -2.13%. Since inception, dividends paid have averaged 4.36% per annum and the capital value has declined by -4.16% per annum, resulting in a net annual return of 0.20%.

### Global Diversified Income Fund

3.28 During 2020/21 a new investment was made in the Global Diversified Income Fund, managed by Schroders. The aim of this fund is to provide long-term capital growth and income of 3%-5% per annum. An initial £10m was invested in March 2021, followed by a further £10m in April 2021. A breakdown of the dividends earned and capital growth is provided in the table below.

Annualised net return	Dividend %	Capital gain/(loss) %	Total return %
01/03/21 - 31/03/21	2.45	2.43	4.88
01/04/21 - 31/03/22	2.96	-3.15	-0.19
01/04/22 - 31/03/23	3.50	-8.38	-4.88
01/04/23 - 30/09/23	4.10	-2.54	1.55
Cumulative return	3.39	-4.99	-1.60

3.29 The annualised fund return for the year to 30 September 2023 was capital decline of -2.54% and dividends paid of 4.10% resulting in a total return of 1.55%. Since inception, dividends

paid have averaged 3.39% per annum and the capital value has decreased by -4.99% per annum resulting in a net annual return of -1.60%.

### **Property acquisition scheme (Meadowship Homes)**

- 3.30 As agreed by the Executive during 2021, the Council has embarked on a property acquisition scheme under a funding arrangement with Orchard & Shipman. This will involve the formation of an LLP which will be a joint venture between the Council and Orchard & Shipman. As part of this scheme, the Council will make a £20m loan (in tranches) for 50 years. Annual repayments will start from year 3 of 1.6% (£320k) per annum and increasing annually by CPI (collared at 0-4%). As the Effective Interest Rate on the loan is dependent on CPI, it is possible that this will be lower than the rate the Council might achieve through treasury management investments, so there may be a loss of treasury management income. Phase 2 of the scheme was approved in July 2022, involving a further loan of £15m on similar repayment terms to the initial scheme.

### **Mid-year review: treasury management strategy statement and annual investment strategy 2023/24**

- 3.31 The CIPFA Code of Practice on Treasury Management requires the Council to receive a mid-year review report on performance against the approved strategy. The annual investment strategy was originally approved by Council in February 2020. A mid-year review, including comments on the economic background during the first half of 2023/24 and on the outlook, is included at Appendix 4.
- 3.32 The 2023/24 annual treasury strategy, including the Minimum Revenue Provision (MRP) policy statement and prudential indicators, was originally submitted to the Executive, Resources and Contracts PDS Committee on 2 February 2023 and to Council on 27 February 2023. Many of the indicators are academic as far as the Council is concerned, as they seek to control debt and borrowing (not currently applicable to Bromley), but they are a statutory requirement.
- 3.33 While the Council effectively determines its own eligible counterparties and limits, it also uses Link Asset Services (Link) as an advisor in investment matters. Link uses a modelling approach that combines credit ratings, credit watches, credit outlooks and CDS spreads in a weighted scoring system for which the end product is a measure of the relative creditworthiness of counterparties: these indicate Link's recommendations on the maximum duration for investments. The Council will use its own eligibility criteria for all investment decisions but will also be mindful of Link's advice and information and will not use any counterparty not considered by Link to be a reasonable risk. In line with the requirements of the CIPFA Treasury Management Code of Practice, the Council will always ensure the security of the principal sum and the Council's liquidity position before the interest rate.
- 3.34 The Council has determined that it will only use approved counterparties from countries with a minimum sovereign credit rating of AA- from Fitch Ratings (or equivalent from other agencies if Fitch does not provide). Currently, the strategy permits the following type of investments:
- a) Specified investments: these investments are sterling investments of not more than one-year maturity or those which could be for a longer period but where the Council has the right to be repaid within 12 months if it wishes. These are relatively low risk investments where the possibility of loss of principal or investment income is small and subject to a minimum credit rating. These would include investments with:
    1. UK Government, e.g., a UK treasury bill or gilt with a maximum of one year to maturity
    2. a local authority, parish council or community council
    3. corporate or supranational bonds

4. pooled investment vehicles
5. banks and building societies
6. certificates of deposit, commercial paper or floating rate notes.

b) Non-specified investments: these are any other type of investment and can be for any period over one year, subject to category and duration limits, namely:

1. bank deposits
2. building society deposits
3. deposits with other local authorities
4. gilt-edged securities
5. non-rated subsidiary of a credit-rated institution
6. corporate or sovereign bonds
7. collective (pooled) investment schemes
8. certificates of deposit, commercial paper and floating rate notes
9. housing associations

3.35 Although, as indicated above, the strategy allows the Council to make a range of investments, in practical terms the Council has recently utilised only a narrow range of investment types, namely money market deposits, fixed interest loans to banks, housing associations and local authorities, sovereign bonds and pooled investment vehicles. Moreover, the Council's investment decisions have been informed by consideration of maximising available returns whilst operating within the parameters set out within the strategy, namely credit-ratings and investment category limits.

3.36 Recent treasury management updates have highlighted the fact that options with regards to the reinvestment of maturing fixed-interest deposits have become seriously limited in recent years following bank credit rating downgrades and the low-interest rate environment that persisted for some time in the UK and is only now starting to return to former levels. Changes to lending limits and eligibility criteria, as well as the inclusion of pooled funds and housing associations within the strategy, have alleviated this to some extent, but there are still limited options available other than placing money with instant access accounts at relatively low interest rates.

3.37 Despite the challenges outlined above, the Council has achieved a significant income stream from interest on balances, as shown below:

<b>Financial year</b>	<b>Interest on balances £'000</b>
2017/18	4,049
2018/19	4,951
2019/20	5,133
2020/21	5,140
2021/22	4,202
2022/23	7,252
2023/24	12,841 (projected)

### **Revised Treasury Management and Prudential Codes**

3.38 During December 2021 CIPFA published a revised Prudential Code (Prudential Code for Capital Finance in Local Authorities) and Treasury Management Code (Treasury Management

in the Public Services Code of Practice and Cross-Sectoral Guidance Notes). It also stated that formal adoption is not required until the 2023/24 financial year. This Council is required to have regard to these codes of practice when it prepares the Treasury Management Strategy Statement and Annual Investment Strategy, and also related reports during the financial year, which are taken to Full Council for approval.

3.39 The revised codes will have the following implications:

- a requirement for the Council to adopt a new debt liability benchmark treasury indicator to support the financing risk management of the capital financing requirement
- clarify what CIPFA expects a local authority to borrow for and what they do not view as appropriate. This will include the requirement to set a proportionate approach to commercial and service capital investment
- address ESG issues within the capital strategy
- require implementation of a policy to review commercial property, with a view to divest where appropriate
- create new investment practices to manage risks associated with non-treasury investment (similar to the current treasury management practices)
- ensure that any long-term treasury investment is supported by a business model
- a requirement to effectively manage liquidity and longer-term cash flow requirements
- amendment to TMP1 to address ESG policy within the treasury management risk framework
- amendment to the knowledge and skills register for individuals involved in the treasury management function - to be proportionate to the size and complexity of the treasury management conducted by each council
- a new requirement to clarify reporting requirements for service and commercial investment, (especially where supported by borrowing/leverage)

3.40 In addition, all investments and investment income must be attributed to one of the following three purposes:

- (i) **treasury management:** arising from the organisation's cash flows or treasury risk management activity, this type of investment represents balances which are only held until the cash is required for use. Treasury investments may also arise from other treasury risk management activity which seeks to prudently manage the risks, costs or income relating to existing or forecast debt or treasury investments
- (ii) **service delivery:** investments held primarily and directly for the delivery of public services including housing, regeneration and local infrastructure. Returns on this category of investment which are funded by borrowing are permitted only in cases where the income is "either related to the financial viability of the project in question or otherwise incidental to the primary purpose"
- (iii) **commercial return:** investments held primarily for financial return with no treasury management or direct service provision purpose. Risks on such investments should be proportionate to a council's financial capacity – i.e., that "plausible losses" could be absorbed in budgets or reserves without unmanageable detriment to local services. An authority must not borrow to invest primarily for financial return

3.41 The Council's treasury management practices are currently under review in collaboration with external consultants to ensure they are fit for purpose and fully compliant with the revised codes. Members will be updated on how all these changes will impact our current approach



and any changes required will be formally adopted within the upcoming 2024/25 treasury management strategy.

## **Regulatory framework, risk and performance**

3.42 The Council's treasury management activities are regulated by a variety of professional codes, statutes and guidance:

- The Local Government Act 2003 ("the Act") which provides the powers to borrow and invest as well as providing controls and limits on this activity
- the Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing that may be undertaken (although no restrictions have been made to date)
- Statutory Instrument 3146 2003 ("the SI"), as amended, develops the controls and powers within the Act
- the SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities
- the SI also requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services
- under the Act, the MHCLG has issued investment guidance to structure and regulate the Council's investment activities
- under section 238(2) of the Local Government and Public Involvement in Health Act 2007, the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8 November 2007

3.43 The Council has complied with all of the above relevant statutory and regulatory requirements, which limit the levels of risk associated with its treasury management activities. In particular, its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means that its capital expenditure is prudent, affordable and sustainable and its treasury practices demonstrate a low-risk approach.

## **4 POLICY IMPLICATIONS**

4.1 In line with government guidance, the Council's policy is to seek to achieve the highest rate of return on investments whilst maintaining appropriate levels of risk, particularly security and liquidity.

## **5 FINANCIAL IMPLICATIONS**

5.1 The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low-risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.

5.2 The budget for interest on balances for 2023/24 was set at £9,841k. This reflected the increase in anticipated interest earnings as a result of the significant increases in the Bank of England base rate, partly offset by an expected reduction in balances available for investment as a result of the utilisation of capital receipts and grants/contributions as well as earmarked revenue reserves.

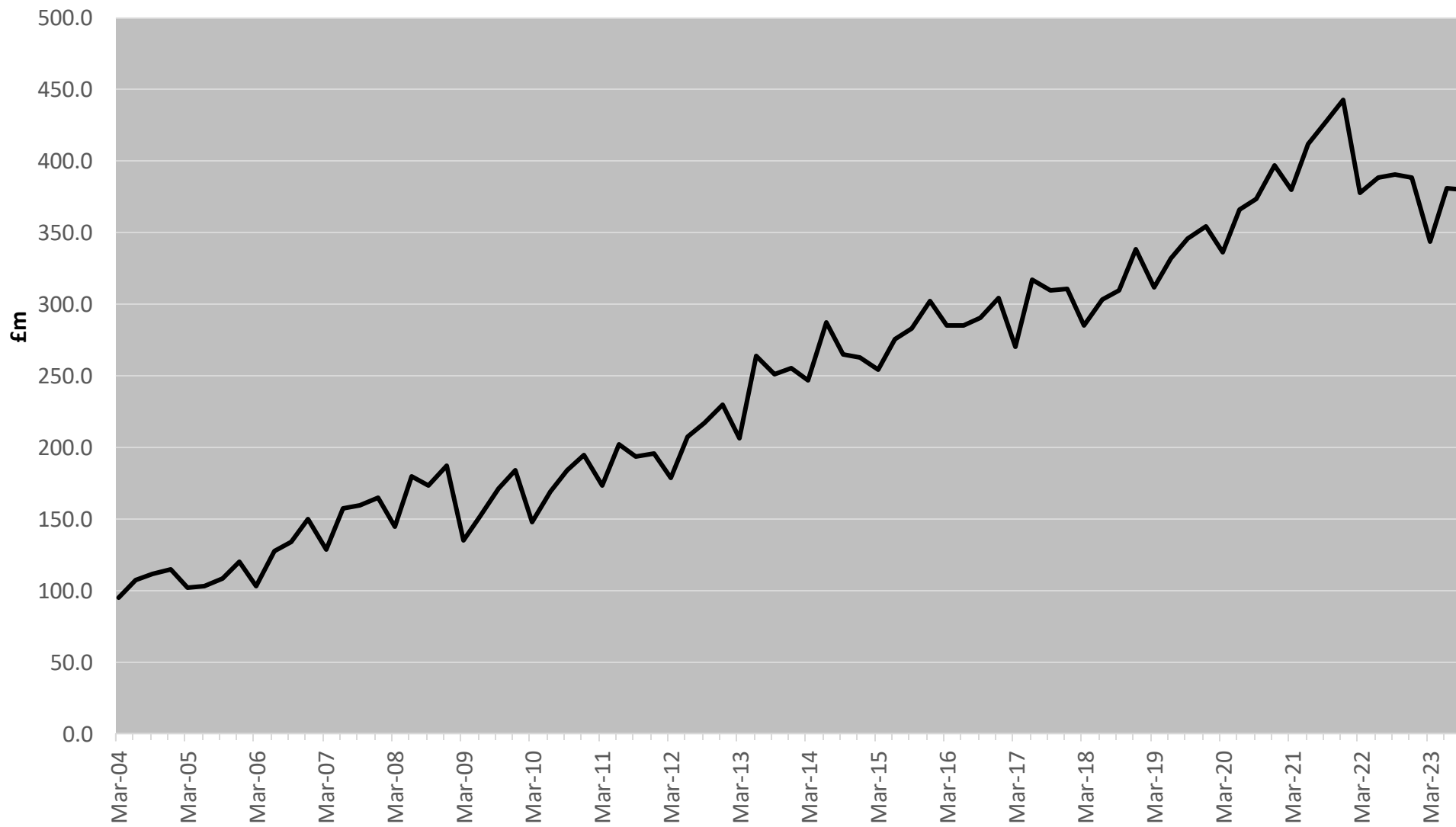
- 5.3 The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council. Although the Council does not currently borrow to finance its General Fund capital spending plans, officers still plan and forecast the longer-term cash flow position in order to ensure that the Council can meet its capital spending obligations and that it maintains balances (working capital) at a prudent and sustainable level.
- 5.4 The Council's treasury management strategy and day-to-day operations of the treasury function are informed by our professional adviser, Link Group. Link Group advises the Council on counterparties, investment and borrowing options, and risk management.
- 5.5 The Treasury Management Strategy was revised to enable alternative investments of £100m which will generate additional income of around £2m compared with lending to banks.

## 6 LEGAL IMPLICATIONS

- 6.1 Under Section 151 of the Local Government Act 1972, the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority, including securing effective arrangements for treasury management.
- 6.2 This report fulfils the requirements of the Chartered Institute of Public Finance & Accountancy's Treasury Management and Prudential Codes of Practice 2017 and the 2018 Statutory Guidance on Local Government Investments.

<b>Non-applicable sections:</b>	Impact on Vulnerable Adults and Children, Personnel, Legal and Procurement Implications
Background documents: (access via contact officer)	CIPFA Code of Practice on Treasury Management CIPFA Prudential Code for Capital Finance in Local Authorities CLG guidance on investments External advice from Link Asset Services

TOTAL INVESTMENT PORTOFOLIO



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INVESTMENTS HELD AS AT 30 SEPTEMBER 2023															APPENDIX 2	
Counterparty	Start Date	Maturity Date	Rate of Interest	Amount	Fitch		Moody's		S&P		Fitch		Moody's		S&P	
					Long Term	Short Term	Long Term	Short Term	Long Term	Short Term	Long Term	Short Term	Long Term	Short Term	Long Term	Short Term
									Ratings at time of Investment				Ratings as at September 2023			
<b>FIXED DEPOSITS</b>																
CLOSE BROTHERS	28/10/22	27/10/23	5.20000	10.0	A+	F2	Aa3	P-1	A	A-1	A+	F2	Aa3	P-1	A+	A-1
NATIONAL WESTMINSTER BANK	28/10/22	30/10/23	4.52000	15.0	A	F1	Aa3	P-1	A+	A-1	A	F1	Aa3	P-1	A+	A-1
QATAR NATIONAL BANK SAQ	02/12/22	01/12/23	4.98000	10.0	A+	F1	A1	P-1	A+	A-1	A+	F1	A1	P-1	A+	A-1
GOLDMAN SACHS INTERNATIONAL BANK	28/12/22	28/12/23	4.59500	5.0	A+	F1	Aa3	P-1	A	A-1	A+	F1	Aa3	P-1	A	A-1
NATIONAL BANK OF CANADA	20/01/23	19/01/24	4.60000	10.0	A+	F1			A	A-1	A+	F1			A	A-1
NATIONAL BANK OF KUWAIT (INTERNATIONAL) - LONDON	27/01/23	26/01/24	4.70000	5.0	A+	F1	A1	P-1	A+	A-1	A+	F1	A1	P-1	A+	A-1
GOLDMAN SACHS INTERNATIONAL BANKS	27/04/23	29/01/24	5.06000	5.0	A+	F1	Aa3	P-1	A	A-1	A+	F1	Aa3	P-1	A	A-1
NATIONAL BANK OF CANADA	05/05/23	05/02/24	4.95000	5.0	N/A				N/A							
BIRMINGHAM CITY COUNCIL	30/08/23	29/02/24	5.65000	10.0	A+	F1	A1	P-1	A+	A-1	A+	F1	A1	P-1	A+	A-1
NATIONAL WESTMINSTER BANK	07/06/23	07/03/24	5.32000	5.0	A+	F1	A1	P-1	A	A-1	A+	F1	A1	P-1	A	A-1
SANTANDER	19/06/23	19/03/24	5.55000	10.0	A-	F2	Aa3	P-1			A-	F2	Aa3	P-1		
CLOSE BROTHERS	20/04/23	19/04/24	5.00000	10.0	A+	F1	A1	P-1	A+	A	A+	F1	A1	P-1	A+	A-1
GOLDMAN SACHS INTERNATIONAL BANKS	21/04/23	19/04/24	4.93000	10.0	A+	F1			A	A-1	A+	F1			A	A-1
NATIONAL BANK OF KUWAIT (INTERNATIONAL) - LONDON	24/05/23	22/05/24	5.31000	5.0	A+	F1			A	A-1	A+	F1			A	A-1
NATIONAL BANK OF KUWAIT (INTERNATIONAL) - LONDON	14/07/23	12/07/24	6.65000	10.0	A+	F1	A1	P-1	A+	A-1	A+	F1	A1	P-1	A+	A-1
NATIONAL WESTMINSTER BANK	19/07/23	18/07/24	6.19000	10.0	A+	F1+	Aa3	P-1			A+	F1+	Aa3	P-1		
LANDESBANK HESSEN-THUERINGEN GIROZENTRALE (HE)	21/07/23	19/07/24	6.20000	15.0			A1	P-1					A1	P-1		
AL RAYAN BANK	26/07/23	24/07/24	6.05000	10.0	AA-	F1+	Aa3	P-1			AA-	F1+	Aa3	P-1	AA-	A-1+
FIRST ABU DHABI BANK PJSC	27/07/23	26/07/24	6.28000	15.0	A	F1	Aa3	P-1	A+	A-1	A	F1	Aa3	P-1	A+	A-1
QATAR NATIONAL BANK SAQ	28/07/23	26/07/24	6.37000	5.0	BBB+	F2	Baa1	P-2			BBB+	F2	Baa1	P-2		
PRINCIPALITY BUILDING SOCIETY- CARDIFF	28/07/23	26/07/24	5.95000	10.0	A-	F2	Aa3	P-1			A-	F2	Aa3	P-1		
CLOSE BROTHERS	16/08/23	15/08/24	6.20000	10.0	A+	F1	A1	P-1	A+	A-1	A+	F1	A1	P-1	A+	A-1
NATIONAL WESTMINSTER BANK	24/08/23	22/08/24	6.07000	10.0	A+	F1	A1	P-1	A	A-1	A+	F1	A1	P-1	A	A-1
SANTANDER	24/08/23	27/08/24	6.10000	10.0	A+	F1			A	A-1	A+	F1			A	A-1
<b>TOTAL FIXED INVESTMENTS</b>				<b>220.0</b>												
<b>OTHER FUNDS</b>																
FIDELITY MONEY MARKET FUND				0.0												
ABERDEEN -STANDARD LIFE (IGNIS) LIQUIDITY FUND				0.0												
INSIGHT STERLING LIQUIDITY FUND				6.1												
LGIM STERLING LIQUIDITY FUND				15.0												
FEDERATED (Hermes) STERLING LIQUIDITY FUND				15.0												
CCLA LOCAL AUTHORITY PROPERTY FUND	30/01/14			40.0												
SCHRODERS	12/07/17			20.0												
FIDELITY MULTI-ASSET INCOME FUND	01/03/21			40.0												
SPRING CAPITAL LOAN	09/06/17			3.5												
SOVEREIGN BONDS	01/12/21	01/12/23	1.84000	10.0												
SOVEREIGN BONDS	01/08/23	01/08/25	6.61000	10.0												
<b>TOTAL INVESTMENTS</b>				<b>379.6</b>												

## INVESTMENTS HELD AS AT 30 SEPTEMBER 2023

	Start Date	Maturity Date	Rate of Interest %	Amount £m	Total £m	Limit £m	Remaining £m
<b>UK BANKS</b>							
NATWEST BANK PLC	28/10/22	30/10/23	4.52000	15			
NATWEST BANK PLC	07/06/23	07/03/24	5.32000	5			
NATWEST BANK PLC	19/07/23	18/07/24	6.19000	10			
NATWEST BANK PLC	24/08/23	22/08/24	6.07000	10	40	80	40
SANTANDER PLC UK	19/06/23	19/03/24	5.55000	10			
SANTANDER PLC UK	24/08/23	27/08/24	6.10000	10	20	20	0
CLOSE BROTHERS LTD	28/10/22	27/10/23	5.20000	10			
CLOSE BROTHERS LTD	20/04/23	19/04/24	5.00000	10			
CLOSE BROTHERS LTD	16/08/23	15/08/24	6.20000	10	30	30	0
GOLDMAN SACHS INTERNATIONAL BANK	28/12/22	28/12/23	4.59500	5			
GOLDMAN SACHS INTERNATIONAL BANK	21/04/23	19/04/24	4.93000	10			
GOLDMAN SACHS INTERNATIONAL BANK	27/04/23	29/01/24	5.06000	5	20	20	0
AL RAYAN BANK PLC - LONDON	26/07/23	24/07/24	6.05000	10	10	20	10
NATIONAL BANK OF KUWAIT (INTERNATIONAL) - LONDON	27/01/23	26/01/24	4.70000	5			
NATIONAL BANK OF KUWAIT (INTERNATIONAL) - LONDON	24/05/23	22/05/24	5.31000	5			
NATIONAL BANK OF KUWAIT (INTERNATIONAL) - LONDON	14/07/23	12/07/24	6.65000	10	20	20	0
<b>UK BUILDING SOCIETIES</b>							
PRINCIPALITY BUILDING SOCIETY	28/07/23	26/07/24	5.95000	10	10	10	0
<b>OVERSEAS BANKS</b>							
QATAR NATIONAL BANK	02/12/22	01/12/23	4.98000	10			
	28/07/23	26/07/24	6.37000	5	15	15	0
FIRST ABU DHABI	21/07/23	19/07/24	6.20000	15	15	15	0
LANDESBANK HESSEN-THUERINGEN GIROZENTRALE (HELABA	21/07/23	19/07/24	6.20000	15	15	15	0
NATIONAL BANK OF CANADA	20/01/23	19/01/24	4.60000	10			
	05/05/23	05/02/24	4.95000	5	15	15	0
<b>LOCAL AUTHORITIES</b>							
BIRMINGHAM CITY COUNCIL	30/08/23	29/02/24	5.65000	10	10	15	5
<b>OTHER INVESTMENTS</b>							
INSIGHT STERLING LIQUIDITY FUND				6.1	6		
LGIM STERLING LIQUIDITY FUND				15	15		
FEDERATED (PRIME RATE) STERLING LIQUIDITY FUND				15	15		
CCLA LOCAL AUTHORITY PROPERTY FUND	30/01/14			40	40		
FIDELITY - MULTI ASSET INCOME FUND	12/07/17			40	40		
SCHRODERS	01/03/21			20	20		
SPRING CAPITAL LOAN	09/06/17		6.00000	3.5	3		
SOVEREIGN BONDS	01/12/21	01/12/23	1.84000	10	10		
SOVEREIGN BONDS	01/08/23	01/08/25	6.61000	10	10		
<b>TOTAL INVESTMENTS</b>				<b>379.6</b>	<b>379.6</b>		

## Treasury Management Strategy Statement and Annual Investment Strategy Mid-year review report 2023/24

### 1 Background

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low-risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer-term cash may involve arranging long or short-term loans or using longer term cash flow surpluses and, on occasion, any debt previously drawn may be restructured to meet Council risk or cost objectives.

Accordingly, treasury management is defined as:

“The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

### 2 Introduction

The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (last revised in 2021) was adopted by this Council on 20 February 2012.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full council of an annual Treasury Management Strategy Statement - including the annual investment strategy and Minimum Revenue Provision policy - for the year ahead, a mid-year review report and an annual report covering activities during the previous year
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is the Executive, Resources and Contracts PDS Committee.

This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:

- An economic update for the first part of the 2023/24 financial year
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy
- The Council's capital expenditure, as set out in the capital strategy, and prudential indicators;

- A review of the Council's investment portfolio for 2023/24
- A review of the Council's borrowing strategy for 2023/24
- A review of any debt rescheduling undertaken during 2023/24
- A review of compliance with treasury and prudential limits for 2023/24

### **3 Key changes to the treasury and capital strategies**

No amendments to the strategy are proposed at this time.

### **4 Economic update (provided by Link Asset Services)**

- The first half of 2023/24 saw:
  - Interest rates rise by a further 100bps, taking Bank Rate from 4.25% to 5.25% and, possibly, the peak in the tightening cycle.
  - Short, medium and long-dated gilts remain elevated as inflation continually surprised to the upside.
  - A 0.5% m/m decline in real GDP in July, mainly due to more strikes.
  - CPI inflation falling from 8.7% in April to 6.7% in August, its lowest rate since February 2022, but still the highest in the G7.
  - Core CPI inflation declining to 6.2% in August from 7.1% in April and May, a then 31 years high.
  - A cooling in labour market conditions, but no evidence yet that it has led to an easing in wage growth (as the 3myy growth of average earnings rose to 7.8% in August, excluding bonuses).
- The 0.5% m/m fall in GDP in July suggests that underlying growth has lost momentum since earlier in the year. Some of the weakness in July was due to there being almost twice as many working days lost to strikes in July (281,000) than in June (160,000). But with output falling in 10 out of the 17 sectors, there is an air of underlying weakness
- The fall in the composite Purchasing Managers Index from 48.6 in August to 46.8 in September left it at its lowest level since COVID-19 lockdowns reduced activity in January 2021. At face value, it is consistent with the 0.2% q/q rise in real GDP in the period April to June, being followed by a contraction of up to 1% in the second half of 2023
- The 0.4% m/m rebound in retail sales volumes in August is not as good as it looks as it partly reflected a pickup in sales after the unusually wet weather in July. Sales volumes in August were 0.2% below their level in May, suggesting much of the resilience in retail activity in the first half of the year has faded.
- As the growing drag from higher interest rates intensifies over the next six months, we think the economy will continue to lose momentum and soon fall into a mild recession. Strong labour demand, fast wage growth and government handouts have all supported household incomes over the past year. And with CPI inflation past its peak and expected to decline further, the economy has got through the cost-of-living crisis without recession. But even though the worst of the falls in real household disposable incomes are behind us, the phasing out of financial support packages provided by the government during the energy crisis means real incomes are unlikely to grow strongly. Higher interest rates will soon bite harder too. We expect the Bank of England to keep interest rates at the probable peak of 5.25% until the second half of 2024. Mortgage rates are likely to stay above 5.0% for around a year.
- The tightness of the labour market continued to ease, with employment in the three months to July falling by 207,000. The further decline in the number of job vacancies from



1.017m in July to 0.989m in August suggests that the labour market has loosened a bit further since July. That is the first time it has fallen below 1m since July 2021. At 3.0% in July, and likely to have fallen to 2.9% in August, the job vacancy rate is getting closer to 2.5%, which would be consistent with slower wage growth. Meanwhile, the 48,000 decline in the supply of workers in the three months to July offset some of the loosening in the tightness of the labour market. That was due to a 63,000 increase in inactivity in the three months to July as more people left the labour market due to long term sickness or to enter education. The supply of labour is still 0.3% below its pre-pandemic February 2020 level.

- But the cooling in labour market conditions still has not fed through to an easing in wage growth. While the monthly rate of earnings growth eased sharply from an upwardly revised +2.2% in June to -0.9% in July, a lot of that was due to the one-off bonus payments for NHS staff in June not being repeated in July. The headline 3myy rate rose from 8.4% (revised up from 8.2%) to 8.5%, which meant UK wage growth remains much faster than in the US and in the Euro-zone. Moreover, while the Bank of England's closely watched measure of regular private sector wage growth eased a touch in July, from 8.2% 3myy in June to 8.1% 3myy, it is still well above the Bank of England's prediction for it to fall to 6.9% in September.
- CPI inflation declined from 6.8% in July to 6.7% in August, the lowest rate since February 2022. The biggest positive surprise was the drop in core CPI inflation, which declined from 6.9% to 6.2%. That reverses all the rise since March and means the gap between the UK and elsewhere has shrunk (US core inflation is 4.4% and in the Euro-zone it is 5.3%). Core goods inflation fell from 5.9% to 5.2% and the further easing in core goods producer price inflation, from 2.2% in July to a 29-month low of 1.5% in August, suggests it will eventually fall close to zero. But the really positive development was the fall in services inflation from 7.4% to 6.8%. That also reverses most of the rise since March and takes it below the forecast of 7.2% the Bank of England published in early August.
- In its latest monetary policy meeting on 20 September, the Bank of England left interest rates unchanged at 5.25%. The weak August CPI inflation release, the recent loosening in the labour market and the downbeat activity surveys appear to have convinced the Bank of England that it has already raised rates far enough. The minutes show the decision was "finely balanced". Five MPC members (Bailey, Broadbent, Dhingra, Pill and Ramsden) voted for no change and the other four (Cunliffe, Greene, Haskel and Mann) voted for a 25bps hike.
- Like the US Fed, the Bank of England wants the markets to believe in the higher for longer narrative. The statement did not say that rates have peaked and once again said if there was evidence of more persistent inflation pressures "further tightening in policy would be required". Governor Bailey stated, "we'll be watching closely to see if further increases are needed". The Bank also retained the hawkish guidance that rates will stay "sufficiently restrictive for sufficiently long".
- This narrative makes sense as the Bank of England does not want the markets to decide that a peak in rates will be soon followed by rate cuts, which would loosen financial conditions and undermine its attempts to quash inflation. The language also gives the Bank of England the flexibility to respond to new developments. A rebound in services inflation, another surge in wage growth and/or a further leap in oil prices could conceivably force it to raise rates at the next meeting on 2nd November, or even pause in November and raise rates in December.
- The yield on 10-year gilts fell from a peak of 4.74% on 17th August to 4.44% on 29th September, mainly on the back of investors revising down their interest rate expectations. But even after their recent pullback, the rise in gilt yields has exceeded the rise in most other Developed Market government yields since the start of the year. Looking forward, once inflation falls back, gilt yields are set to reduce further. A (mild) recession over the

next couple of quarters will support this outlook if it helps to loosen the labour market (higher unemployment/lower wage increases).

- The pound weakened from its cycle high of \$1.30 in the middle of July to \$1.21 in late September. In the first half of the year, the pound bounced back strongly from the Truss debacle last autumn. That rebound was in large part driven by the substantial shift up in UK interest rate expectations. However, over the past couple of months, interest rate expectations have dropped sharply as inflation started to come down, growth faltered, and the Bank of England called an end to its hiking cycle.
- The FTSE 100 has gained more than 2% since the end of August, from around 7,440 on 31st August to 7,608 on 29th September. The rebound has been primarily driven by higher energy prices which boosted the valuations of energy companies. The FTSE 100's relatively high concentration of energy companies helps to explain why UK equities outperformed both US and Euro-zone equities in September. Nonetheless, as recently as 21st April the FTSE 100 stood at 7,914.

## **5 Treasury Management Strategy Statement and Annual Investment Strategy update**

The Treasury Management Strategy Statement (TMSS) for 2023/24 was approved by this Council on 27 February 2023. No revisions were proposed in the annual report 2022/23 (reported to Council on 17 July 2023) or in the mid-year review report.

## **6 Investment portfolio**

In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As shown by forecasts in section 3, it is a very volatile investment market, though recent successive increases in the Bank of England base rate have fed through into significantly improved lending rates with counterparties. The continuing potential for a re-emergence of a Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk and short-term strategy.

Details of the Council's investment activity during the first six months of 2023/24 are provided in the covering report and lists of current investments are provided in Appendices 2 (in maturity date order) and 3 (by counterparty). The Council held £379.6m of investments as at 30 September 2023 (£390.6m as at 30 September 2022).

The Director of Finance confirms that the approved limits within the annual investment strategy were not breached during the first six months of 2023/24.

The Council's budget for interest on investments in 2023/24 is £9.841m and the current projection is that the outturn will be £12.841m – a £3.000m surplus against budget.

## **Investment counterparty criteria**

The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

## **7 Borrowing**

The Council's estimated capital financing requirement (CFR) for 2023/24 is £28.8m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The Council does not currently borrow to finance its capital expenditure and has, in recent years, only had to borrow short-term (for cashflow purposes) on very few occasions.

No borrowing is currently anticipated during this financial year, but it is possible that some may be required in future years.

### Prudential and treasury indicators – mid-year review 2032/24

The old capital control system was replaced in April 2004 by a prudential system based largely on self-regulation by local authorities themselves. At the heart of the system is The Prudential Code for Capital Finance in Local Authorities, developed by CIPFA. The Code requires the Council to set a number of prudential indicators designed to monitor and control capital expenditure, financing and borrowing. The indicators for 2023/24 were approved by Council in February 2023 and this annex sets out the actual performance against those indicators in the first six months, updating them where necessary. Prudential and treasury indicators are relevant for the purposes of setting an integrated treasury management strategy.

The Council is required to indicate if it has adopted the CIPFA Code of Practice on Treasury Management. This original 2001 Code was adopted by the full Council in February 2002 and the revised 2011 Code was initially adopted by full Council in February 2012.

### Prudential indicators for capital expenditure

This table shows the revised estimates for capital expenditure and the changes since the capital programme for 2023/24 was agreed in February 2023. The increase in the latest estimate for 2023/24 is mainly brought forward underspend from the prior year, additional funding for Basic Need in schools (CEF line) and Disabled Facilities Grant (RRH line) and, more generally, the result of new schemes added to the programme, as highlighted in previous reports to the Executive and to PDS committees; offset by the re-phasing of budgets into future years. Budgets have also shifted between portfolios as a result of a decision to monitor Operational Property Review budgets, originally entirely held within RCCM, within the relevant portfolios.

<b>Capital expenditure by portfolio</b>	<b>2023/24 original estimate £m</b>	<b>2023/24 revised estimate £m</b>
Adult Care and Health	0.7	0.9
Children, Education and Families	4.3	4.4
Environment and Community Services	7.6	16.1
Resources, Commissioning and Contract Management	54.3	42.1
Renewal, Recreation and Housing	12.4	33.8
Estimated slippage/new schemes	23.0	-50.0
<b>Total</b>	<b>102.3</b>	<b>47.3</b>

### Changes to the financing of the capital programme

The table below draws together the main strategy elements of the capital expenditure plans (above), highlighting the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure.

<b>Capital expenditure</b>	<b>2023/24 original estimate £m</b>	<b>2023/24 revised estimate £m</b>
Supported	102.3	47.3
Unsupported	0.0	0.0
<b>Total spend</b>	<b>102.3</b>	<b>47.3</b>
Financed by:		
Capital receipts	40.6	3.4
Capital grants/contributions	40.1	24.6
General Fund	0.0	0.0
Internal borrowing	1.4	1.4
Revenue contributions	14.3	14.3
<b>Total financing</b>	<b>96.4</b>	<b>43.7</b>
<b>Borrowing need*</b>	<b>5.9</b>	<b>3.6</b>

\*In practice, while interest rates are high, the external borrowing requirement will be supported by internal borrowing.

### Changes to the prudential indicators for the CFR, external debt and operational boundary

It is a statutory duty for the Council to determine and keep under review the “affordable borrowing limits”, which comprise external/internal borrowing and other long-term liabilities, mainly finance leases. The Council’s approved treasury and capital prudential indicators (affordability limits) are outlined in the approved TMSS. The table below shows the expected “worst case” debt position over the period. This is termed the operational boundary. Bromley has an operational “borrowing” limit (“operational boundary”) of £40m.

The authorised limit, which represents the limit beyond which borrowing is prohibited, is another of the prudential indicators and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003 and, for Bromley, this figure has been set at £60m.

<b>Prudential Indicators</b>	<b>2023/24 original estimate £m</b>	<b>2023/24 revised estimate £m</b>
<b>CFR</b>	<b>29.9</b>	<b>28.8</b>
<b>Debt – operational boundary</b>		
Borrowing	10.0	10.0
Other long-term liabilities	30.0	30.0
<b>Total operational boundary</b>	<b>40.0</b>	<b>40.0</b>
<b>Debt – authorised boundary</b>		
Borrowing	30.0	30.0
Other long-term liabilities	30.0	30.0
<b>Total authorised boundary</b>	<b>60.0</b>	<b>60.0</b>

The table also shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. The Council’s capital financing requirement (CFR) as at 1 April 2023 was £29.9m. If the CFR is positive, the Council may borrow from the PWLB or the market (external

borrowing) or from internal balances on a temporary basis (internal borrowing). The Council's CFR relates to liabilities arising from finance leases entered into in recent years in respect of various items of plant and equipment and housing; the Council currently has no external borrowing.

### Other prudential indicators

Other indicators designed to control overall borrowing and exposures to interest rate movements are included in the summary table below, which will require the approval of full Council.

### Prudential and treasury indicators – summary

	<b>2023/24</b>	<b>2023/24</b>
	<b>Original estimate</b>	<b>Revised estimate</b>
<b>Total capital expenditure</b>	£102.3m	£47.3m
Ratio of financing costs to net revenue stream	0.0%	0.0%
Net borrowing requirement (net investments for Bromley)		
brought forward 1 April	£344.0m	£344.0m
carried forward 31 March	£379.6m	£379.6m
in year borrowing requirement (reduction in net investments for Bromley)	£35.6m	£35.6m
<b>Estimated CFR as at 31 March (finance lease liabilities)</b>	£29.9m	£28.8m
<b>Change in CFR</b>	-	- £1.1m

<b>TREASURY MANAGEMENT INDICATORS</b>	<b>2023/24</b>	<b>2023/24</b>
	<b>Original estimate</b>	<b>Revised estimate</b>
<b>Authorised limit for external debt -</b>		
<b>Borrowing</b>	£30.0m	£30.0m
<b>other long-term liabilities</b>	£30.0m	£30.0m
<b>TOTAL</b>	<b>£60.0m</b>	<b>£60.0m</b>
<b>Operational boundary for external debt -</b>		
<b>borrowing</b>	£10.0m	£10.0m
<b>other long-term liabilities</b>	£30.0m	£30.0m
<b>TOTAL</b>	<b>£40.0m</b>	<b>£40.0m</b>
<b>Upper limit for fixed interest rate exposure</b>	100%	100%
<b>Upper limit for variable rate exposure</b>	20%	20%
<b>Upper limit for total principal sums invested beyond year-end dates</b>	£170.0m	£170.0m

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Report No.  
CSD23144

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:**       **COUNCIL**

**Date:**                   **Monday 11 December 2023**

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

**Title:**                   **REVIEW OF THE CONSTITUTION**

**Contact Officer:**       Graham Walton, Democratic Services Manager  
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**Chief Officer:**        Tasnim Shawkat, Director of Corporate Services and Governance

**Ward:**                   All

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1.   Reason for decision/report and options

- 1.1 At its meeting on 8<sup>th</sup> November 2023 the General Purposes and Licensing Committee considered the attached report recommending a new, simpler and more user-friendly format for the Council's Constitution, as proposed by the Constitution Working Group. The new format includes updates and corrections where necessary, but no major changes to the contents of the Constitution. The new chapters 1-8 and 10 are attached, showing the proposed changes; chapters 9 (Finance Rules) and 11 (Members' Allowances Scheme) have not been changed and are not attached.
- 1.2 Since the meeting of General Purposes and Licensing Committee, one further minor change is proposed to chapter 8 (Access to Information Procedure Rules). This is at the end of the chapter, paragraph 23.4, fourth and fifth sub-paragraphs, where the wording around Members' rights to information has been clarified.
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2.   **RECOMMENDATION**

**That Council approves the new layout and updated contents of the Constitution at Appendix 1 to the attached report.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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## 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: £402k
  5. Source of funding: Revenue Budget
- 

## Personnel

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

## Legal

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

## Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

## Impact on Health and Wellbeing

1. Summary of Health and Wellbeing 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

<b>Non-Applicable Headings:</b>	Impact on vulnerable adults and children/Policy /Procurement/Property/Carbon Reduction/Local Economy/ Health and Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Constitution of the London Borough of Bromley



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

**Date:** Wednesday 8 November 2023

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

**Title:** REVIEW OF THE CONSTITUTION

**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

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1. Reason for decision/report and options

- 1.1 At the Committee's meeting on 11<sup>th</sup> July 2023 a report was presented setting out a new, simplified structure for the Council's Constitution. The Committee deferred the proposals pending consideration by the Constitution Working Group. The Working Group has now met and considered the proposals, which are set out in the attached appendices to this report. This is an exercise to make the Constitution clearer and easier to use; no changes of substance are proposed. The detailed changes are track-changed in red, with additional changes requested by the Constitution Working Group highlighted in yellow.

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2. **RECOMMENDATION**

**That the Committee recommends to Council that the new structure and updated contents of the Constitution attached to this report be adopted.**

## 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: £402k
  5. Source of funding: Revenue Budget
- 

## Personnel

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

## Legal

1. Legal Requirement: Statutory Requirement: Local Government Acts 1972 and 2000
  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
- 

## Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

## Impact on Health and Wellbeing

1. Summary of Health and Wellbeing 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? No
2. Summary of Ward Councillors comments: Not Applicable

### **3. COMMENTARY**

3.1 The Constitution Working Group has approved a new structure for the Council's Constitution, which is recommended for support by this Committee and referral to full Council for approval. The aim of the proposal is to simplify the Constitution, replacing a confusing mix of several Parts and various appendices with a streamlined structure of eleven chapters as follows –

1. The Constitution
2. The Full council
3. The Leader and executive
4. Scrutiny
5. Committees
6. Scheme of Delegation to Officers
7. Ethical Governance
8. Access to Information Procedure Rules
9. Finance Rules (*not changed and not attached to this report*)
10. Officer Employment Procedure
11. Councillors Allowance Scheme (*not changed and not attached to this report*)

3.2 As part of the review, out of date or duplicate material has been removed and references to legislation checked and updated, with hyperlinks included where possible. Although the layout and presentation of the Constitution has been changed significantly, there is no intention to make changes of substance at this stage.

3.2 The amended Constitution is attached. The track changes show amendments made as part of the review, with additional changes requested by the Constitution Working Group showing as yellow highlights.

3.4 Working with the Constitution Working Group, the Monitoring Officer intends to carry out further reviews focussing on significant sections of the Constitution. These will include –

- Financial Procedure Rules and Contract Procedure Rules (following consultation with the S.151 Officer and the Executive)
- Key Decision Thresholds (a review in consultation with the Leader and Executive)
- Local Planning Protocol and Code of Conduct (with the assistance of Development Control Committee)
- Outside Bodies (to check the guidance meets Members' requirements)

### **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications relating to this decision.

### **5. LEGAL IMPLICATIONS**

5.1 The Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer is satisfied that the Council's proposed Constitution, as attached to this report, continues to fulfil its stated purposes.

<b>Non-Applicable Headings:</b>	Impact on vulnerable adults and children/Policy/ Procurement/Property/Carbon Reduction/ Local Economy/Health and Wellbeing/Customers/ Ward Councillors
Background Documents: (Access via Contact Officer)	Report to GP&L 11/7/23 Council Constitution

# **CONSTITUTION**

## **OF THE**

# **LONDON BOROUGH OF BROMLEY**

### **CHAPTER 1 - THE CONSTITUTION**

1. Summary and Explanation
2. Management of the Constitution
3. Roles and Functions of Elected Members
4. Citizen's Rights
5. Decision Making
6. Governance, including Finance, Contracts and Legal Matters
7. Officers

### **CHAPTER 2 - THE FULL COUNCIL**

8. The Role and Functions of Council
9. Council Procedure Rules
10. The Mayor and Chairperson of the Council

### **CHAPTER 3 - THE LEADER AND THE EXECUTIVE**

11. The Executive
12. Executive Assistants
13. Executive Procedure Rules
14. Budget and Policy Framework Procedure Rules
15. The Executive Portfolios
16. Responsibility for Functions
17. Joint Arrangements

### **CHAPTER 4 - SCRUTINY**

18. Introduction to the Policy Development and Scrutiny Process and Committees
19. Policy Development and Scrutiny Procedure Rules
20. Terms of Reference of Policy Development and Scrutiny Committees
21. Members of Scrutiny

### **CHAPTER 5 - COMMITTEES**

22. The Committees and Sub-Committees of the Council
23. The Committees - Terms of Reference
24. Area Committees and Forums
25. Members of the Committees

## **CHAPTER 6 - SCHEME OF DELEGATIONS TO OFFICERS**

26. Scheme of Delegation to Officers

## **CHAPTER 7 – ETHICAL GOVERNANCE**

27. Member's Code of Conduct
28. Employee Code of Conduct
29. Member / Officer Protocol
30. Local Planning Protocol and Code of Conduct
31. Code of Governance
32. Guidance to Councillors: Membership of Outside Bodies

## **CHAPTER 8 – ACCESS TO INFORMATION PROCEDURE RULES**

33. Access to information Rules

## **CHAPTER 9 – FINANCE RULES**

34. Financial Procedure Rules
35. Contracts Procedure Rules

## **CHAPTER 10 – OFFICER EMPLOYMENT PROCEDURE**

36. Officer Employment Procedure Rules
37. Politically restricted posts

## **CHAPTER 11 – COUNCILLORS' ALLOWANCE SCHEME**

38. Member's Allowance Scheme

# CHAPTER 1 – THE CONSTITUTION

## 1. Summary and Explanation

### 1.1 The Council's Constitution

The London Borough of Bromley ("the Council") has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into ~~Chapters~~16 articles which set out the basic rules governing the Council's business and also include ~~more detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.~~

### 1.2 What's in the Constitution?

~~The Article 1 of the~~ Constitution commits the Council to having strategies to deliver delivering its priorities under the Making Bromley Even Better Strategy, providing clear Leadership in partnership with local people, businesses and others with a stake in the well-being of the Borough of Bromley. ~~exercise all its powers and duties in accordance with the law and this Constitution. It Articles 2-16 explains~~ the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council ~~(Article 2).~~
- Citizens and the Council ~~(Article 3).~~
- ~~The Council meeting (Article 4).~~
- ~~The Executive Chairing the Council. (Article 5)~~
- ~~Committees~~
- ~~Policy Development and Scrutiny (including overview and scrutiny role) (Article 6).~~
- ~~The Executive (Article 7)~~
- ~~Regulatory and other Committees (Article 8)~~
- ~~The Standards Committee (Article 9).~~
- ~~Area Committees (Article 10).~~
- ~~Joint arrangements (Article 11).~~
- ~~Officers (Article 12) and their delegations~~
- ~~Members Allowances~~
- ~~Decision making (Article 13).~~
- ~~Finance, contracts and legal matters (Article 14).~~

- ~~Review and revision of the Constitution (Article 15).~~
- ~~—~~
- ~~Suspension, interpretation and publication of the Constitution (Article 16).~~



### **1.3 How the Council operates**

The Council is composed of 58 Councillors elected every four years. Councillors are democratically accountable ~~to the whole community and owe particular responsibilities~~ to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, ~~including those who did not vote for them.~~ The names and addresses of all Councillors are published in this Chapter and on the Council's website.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for ensuring that training and advice is given on the Code of Conduct ~~and in dealing with complaints about breaches of the Code.~~

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will elect the Leader of the Council Executive at the Annual Meeting immediately following the ordinary election of who in turn appoints and provides leadership to an Executive ~~all Councillors who will normally hold office until the day of the Annual Meeting following from the next ordinary election of all Councillors.~~ The Executive will consist of the following:-

- the Executive Leader;
- at least 2 but not more than 9 Councillors appointed by the Leader.

The Council holds the Executive to account by appointing Policy Development and Scrutiny Committees to question decisions and to propose policy changes.

~~The Council will consider reports from the Policy Development and Scrutiny Committees (see Page 4 under "Overview and Scrutiny") where the Executive is believed to have taken a decision outside the powers of the Executive such as a decision taken contrary to policy or budget. In other cases, decisions of the Executive may be "called in" for scrutiny before being implemented.~~

The Council will also appoint central Committees to deal with development control, licensing, registration and other functions which cannot be undertaken by the Executive.

A Standards Committee ~~composed of non-Executive Councillors~~ will monitor the maintenance of high standards of conduct in all the Council's activities.

The procedure for Council meetings is set out in Chapter 2 of this constitution.

### **1.4 How decisions are made -**

#### **The Executive**

The Executive is the part of the Council which is responsible for most day-to-day decisions. ~~The Executive is made up of a Leader and between two and nine Councillors.~~ The full Council elects the Leader who appoints all other members of the Executive. When key decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. Meetings of ~~If these key decisions are to be discussed~~

~~with Council officers at a meeting of~~ the Executive, ~~this~~ will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

## 1.5

### How decisions are made – Council Functions

Whilst most decisions are taken by the Executive meeting together (ie by the Cabinet or by individual Portfolio holders) a number of important decisions are also taken by the full Council or by Committees or Sub-Committees of the Council eg planning and licensing applications.

## 1.6 Policy Development ~~Overview~~ and Scrutiny

There are 6 ~~Committees called~~ Policy Development and Scrutiny Committees. ~~They who~~ support the work of the Executive and the Council as a whole. They have a major role in policy development and scrutinise the decisions of the Executive. They make reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Policy Development and Scrutiny Committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

## 1.7 The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol, in Chapter 7, governs the relationships between officers and members of the Council.

## **2. Management of the Constitution**

### **2.1 Powers of the Council**

The Council will exercise all of its powers and duties in accordance with the law and this Constitution.

### **2.2 The Constitution**

This Constitution, and all its appendices, is the Constitution of the London Borough of Bromley ("the Council").

## 2.3 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help Councillors represent their constituents effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they have been ~~were directly~~ involved ~~in making~~;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

## 2.4 Review of the Constitution

The General Purposes and Licensing Committee, supported and advised by the Monitoring Officer, will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

~~A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve its purposes. In undertaking this task, the Monitoring Officer may:~~

- ~~1. observe meetings of different parts of the member and officer structure;~~
- ~~2. undertake an audit trail of a sample of decisions;~~
- ~~3. record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders;~~
- ~~4. compare practices in this Authority with those in other comparable authorities, or national examples of best practice; and~~
- ~~5. in carrying out these functions the Monitoring Officer will regularly consult the Head of Paid Service and as and when appropriate the Standards Committee, Policy Development and Scrutiny Committee and the Executive before formulating proposals for change.~~

## 2.5 Changes to the Constitution

### (a) Approval

Changes to the Constitution (other than minor drafting or consequential amendments) will normally only be approved by the full Council after consideration of a proposal by the General Purposes and Licensing Committee unless the Monitoring Officer considers it appropriate to directly refer amendments to Full Council or makes such amendments acting under delegated powers. ~~However, proposals for change may be made by the Head of Paid Service, Monitoring Officer, the Executive, the General Purposes Committee, the Policy Development and Scrutiny and the Standards Committees. Any proposals for change will only be approved after consideration of a report from the Director of Corporate Services and Governance.~~

### (b) Delegated Powers of the Monitoring Officer

The Monitoring Officer shall have power to amend the constitution in line with the Scheme of Delegation to Officers:

- ~~i) to correct errors or comply with any legal requirement;~~
- ~~ii) to implement decisions of the Council, Committees, the Leader, the Executive, Portfolio Holders or Officers acting within the scope of their powers in relation to the Constitution.~~
- ~~iii) to make inconsequential amendments such as updating officer titles.~~

- (c) **Change from a Leader and Cabinet form of Executive to alternative arrangements.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

## 2.6 Suspension of the Constitution

- (a) **Limit to suspension.** The Rules specified below may be suspended by the full Council, Committees and the Executive to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this **Chapter**.
- (c) **Rules capable of suspension.** The following Rules may be suspended:
- ~~• Standing Orders~~
  - Contracts Procedure Rules
  - Council Procedure Rules
  - Executive Procedure Rules
  - Financial Regulations

## 2.7 Interpretation

The ruling of the Mayor (~~or as the case may be, person presiding~~) as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.

~~Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above in paragraph 2.3.~~

## 2.8 Publication

- (a) The Director of Corporate Services and Governance will ~~circulate~~ give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Director of Corporate Services and Governance will ~~make available a full copy of this Constitution ensure that copies are available for inspection at Council offices, libraries, on the Council's website and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.~~(c) The Director of Corporate Services and Governance will ensure that the summary of the Constitution is made widely available within the area and is updated as necessa

# 3. Roles and Functions of Elected members

## 3.1 Composition and eligibility

- (a) **Composition.** The Council will comprise 58 members, otherwise called Councillors. Up to 3 Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

## 3.2 Election and terms of Councillors

The regular election of Councillors will usually be held on the first Thursday in May every four years beginning in 2002. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

## 3.3 Roles and functions of councillors

### (a) Key roles

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

- (ii) represent their communities and bring their views into the Council’s decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics.

**(b) Rights and duties**

- (i) Councillors will, subject to statute and the Council’s Constitution, have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in **Chapter 8** of this Constitution.

**3.4 Conduct**

Councillors will at all times observe the Code of Conduct and the Member/ Officer Protocol set out in Chapter 7 the appendix to of this Constitution.

**3.5 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in **Chapter 11** of this Constitution.

**~~3.6 — Councillors and their wards~~**

**~~Beckenham Town and Copers Cope ward~~**

- ~~Cllr Will Connolly (Liberal Democrat)~~
- ~~Cllr Chloe Jane Ross (Liberal Democrat)~~
- ~~Cllr Michael Tiekner (Conservative)~~

**~~Bickley and Sundridge ward~~**

- ~~Cllr Kira Gabbert (Conservative)~~
- ~~Cllr Kate Lymer (Conservative)~~
- ~~Cllr Colin Smith (Conservative)~~

**~~Biggin Hill ward~~**

- ~~Cllr Sophie Dunbar (Biggin Hill Independent)~~

Cllr Melanie Stevens (Biggin Hill Independent)

**Bromley Common and Holwood ward**

Cllr Sunil Gupta FRCP, FRCPath (Conservative)

Cllr David Jefferys (Conservative)

Cllr Jonathan Laidlaw (Independent)

**Bromley Town ward**

Cllr Graeme Casey (Liberal Democrat)

Cllr Julie Ireland (Liberal Democrat)

Cllr Sam Webber (Liberal Democrat)

**Chelsfield ward**

Cllr Mike Botting (Conservative)

Cllr Angela Page (Conservative)

**Chislehurst ward**

Cllr Mike Jack (Chislehurst Matters)

Cllr Mark Smith (Chislehurst Matters)

Cllr Alison Stammers (Chislehurst Matters)

**Clock House ward**

Cllr Jeremy Adams (Labour)

Cllr Jessica Arnold (Labour)

Cllr Josh King (Labour)

**Crystal Palace and Anerley ward**

Cllr Ruth McGregor (Labour)

Cllr Ryan Thomson (Labour)

**Darwin ward**

Cllr Jonathan Andrews

**Farnborough and Crofton ward**

Cllr Robert Evans (Conservative)

Cllr Charles Joel (Conservative)

Cllr Christopher Marlow (Conservative)

**Hayes and Coney Hall ward**

Cllr Andrew Lee (Conservative)

Cllr Alexa Michael (Conservative)

Cllr Thomas Turrell (Conservative)

**Kelsey and Eden Park ward**

Cllr Peter Dean (Conservative)

Cllr Christine Harris (Conservative)

Cllr Diane Smith (Conservative)

**Mottingham ward**

Cllr David Cartwright QFSM (Conservative)

Cllr Will Rowlands (Conservative)

**Orpington ward**

Cllr Kim Botting FRSA (Conservative)

Cllr Pauline Tunnicliffe (Conservative)

**Penge and Cator ward**

Cllr Kathy Bance MBE (Labour)

Cllr Simon Jeal (Labour)

Cllr Kevin Kennedy-Brooks (Labour)

**Petts Wood and Knoll ward**

Cllr Simon Fawthrop (Conservative)

Cllr Keith Onslow (Conservative)

Cllr Tony Owen (Conservative)

**Plaistow ward**

Cllr Alisa Igoe (Labour)

Cllr Tony McPartlan (Labour)

**Shortlands and Park Langley ward**

Cllr Felicity Bainbridge (Conservative)

Cllr Aisha Cuthbert (Conservative)

Cllr Adam Grant (Conservative)

**St Mary Cray ward**

Cllr Yvonne Bear (Conservative)

Cllr Shaun Slator (Independent)

Cllr Harry Stranger (Conservative)

**St Paul's Cray ward**

Cllr Colin Hitchins (Conservative)

Cllr Chris Price (Labour)

Cllr Rebecca Wiffin (Labour)

**West Wickham ward**

Cllr Nicholas Bennett MA, JP (Conservative)

Cllr Mark Broek (Conservative)

Cllr Hannah Gray (Conservative)

## **4. Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. **These are set out in more detail in Article 3.** Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;



- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- participate in the Council's question time and contribute to investigations by the Policy Development and Scrutiny Committees;
- find out, from the Executive's forward plan, what key decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive ~~where key decisions (non-personal or non-confidential) are being discussed or decided~~;
- see reports and background papers, and any record of decisions made by the Council and Executive subject to personal or confidential restrictions;
- complain to the Council about any aspect of Council services;
- complain to the [Local Government and Social Care Ombudsman](#) if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain in writing to the ~~Monitoring Officer Council's Standards Committee~~ if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.
- ~~The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Corporate Services and Governance.~~ inspect the Council's [Members' Interests Register](#).
- request information under the [Freedom of Information Act 2000](#) or the [Environmental Information Regulations 2004](#)

The Council welcomes participation by its citizens in its work. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in **Chapter 8** of this Constitution. For further information on your rights as a citizen, please contact the Director of Corporate Services and Governance.

~~Citizens' responsibilities include~~ The Council will not tolerate citizens being violent, abusive or threatening to Councillors or officers or and not wilfully harming things owned by the Council, Councillors or officers.

Members of the public may film, audio-record, take photographs and use social media to report on meetings as they are taking place and the Council will make reasonable provision for this to take place. Members of the public are advised to contact the Council in advance so that necessary arrangements can be made. Any person whose recording activities are disruptive to the meeting may be required by the chairperson to stop recording and may be removed from the meeting.

## 5. Decision Making

### 5.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in **Chapter 2 (the Council)**, **Chapter 3 (the Executive)**, **Chapter 5 (Committees)** and **Chapter 6 (Delegations to Officers)** of this Constitution.

### 5.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action resulting from the decision must be proportionate to the desired outcome);
- (b) after taking and considering professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes
- (f) identification of the options which were considered in reaching the decision; and
- (g) the giving of reasons for reaching the decision

### 5.3 Types of Decision

~~(a) Decisions reserved to full Council. Decisions relating to the functions listed in Chapter 2 will be made by the full Council and not delegated.~~

~~(b) Key decisions:~~

~~(i) A key decision is an executive decision made by the Executive, a Portfolio Holder or an officer which meets either of the following criteria set out in regulations:~~

~~• It results in significant expenditure (or savings) above thresholds for each portfolio, currently:~~

~~• Adult Care & Health/Children, Education & Families/Environment & Community Services – £500,000~~

~~• Resources, Commissioning & Contract Management – £250,000~~

~~• Renewal, Recreation & Housing /Public Protection & Enforcement – £50,000~~

~~(ii) It has a significant impact on the community in two or more wards.~~

~~(iii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in **Chapter 3** of this Constitution.~~

#### **5.4 Decision making by the full Council**

The Council meeting will follow the Council Procedure Rules set out in **Chapter 2** of this Constitution when considering any matter.

#### **5.5 Decision making by the Executive**

The Executive will follow the Executive Procedure Rules set out in **Chapter 3** of this Constitution when considering any matter.

#### **5.6 Decision making by Policy Development and Scrutiny**

Policy Development and Scrutiny Committees will follow the Policy Development and Scrutiny Procedure Rules set out in **Chapter 4** of this Constitution when considering any matter.

#### **5.7 Decision making by other Committees established by the Council**

Other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in **Chapter 2** of this Constitution as apply to them.

#### **5.4.8 Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a ~~quasi-judicial~~quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## 8 Council Structure

**FULL COUNCIL**  
 (58 Members)  
 (5 meetings p.a.)  
 Agrees designated plans and Budget



## **6. Governance including Finance, Contracts and Legal Matters**

### **6.1 Governance**

The Council recognises that effective local government relies upon maintaining the confidence of the public in both the elected Members and Officers of the Council. The Council continually reviews Governance arrangements and related procedures to ensure best practice so that the highest standards are maintained.

The CIPFA/SOLACE Delivering Good Governance in Local Government Framework introduced the requirement to produce an annual governance statement. The An Annual Governance Statement is available on the Council's website;- the Statement is updated following the end of each financial year.

The Council has an Audit and Risk Management Committee, independent of both the Executive and the Scrutiny process as recommended by CIPFA.

The Council's Standards Committee's main responsibility is to ensure that high standards of Member conduct are maintained. It does this by ensuring that Members attend training on the Code of Conduct, are briefed on relevant issues and receives an annual overview report on complaints about Member Conduct.

### **6.2 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in **Chapter 9** of this Constitution.

### **6.3 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in **Chapter 9** of this Constitution.

### **6.4 Legal proceedings**

The Director of Corporate Services and Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Corporate Services and Governance considers that such action is necessary to protect the Council's interests.

### **6.5 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Corporate Services and Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Every contract whatever its value will be in writing and signed by or on behalf of the appropriate Chief Officer. Contracts exceeding £200,000 will be made under the Common Seal of the Council and signed by the Director of Corporate Services and Governance, or by

some other person authorised by him/her, ~~and by a Councillor.~~ Electronic sealing and execution of documents will be acceptable.

## 6.6 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Corporate Services and Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Corporate Services and Governance should be sealed. The affixing of the Common Seal will be attested by the Director of Corporate Services and Governance or some other person authorised by him/her. Electronic sealing and execution of documents will be acceptable.

## 7. Officers

### 7.1 Management structure

#### (a) General

The ~~full~~ Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

All officers are employees of the Council as a whole. ~~They serve the Council as a whole and are accountable to the Council as a whole. The Chief Executive has overall responsibility for all staff, which responsibility will be shared with all Chief Officers.~~

#### (b) Chief Officers

The full Council will engage persons for the following posts, who will be designated Chief Officers, each of whom will have responsibility for specific portfolios.

Post	Functions and areas of responsibility
Chief Executive ( <del>and</del> Head of Paid Service)	<p>Overall corporate management and operational responsibility <del>(including (including overall management responsibility for all staff)- overall management responsibility for all officers)</del></p> <p>Staffing of the authority; ensuring that the work of officers is effectively co-ordinated and making sure the organisation runs efficiently.</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring Officer, <del>has</del> responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Ensuring that the Mayor has comprehensive and independent advice on exercising the functions of Mayor.</p>

<p>Director of Corporate Services and Governance (and Monitoring Officer)</p>	<p><del>To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible including responsibility for all the Council's democratic processes.</del></p> <p>To perform the statutory responsibilities of the Monitoring Officer <u>under the Local Government and Housing Act 1989 and successive legislation as set out in paragraph 7.3 below and in the Scheme of Delegation to Officers</u> and to act as the Council's solicitor.</p> <p>Ensuring that the Mayor has comprehensive and independent advice on exercising the functions of Mayor.</p>
<p>Director of Finance</p>	<p><del>To work with the Chief Executive and colleague Chief Officers on the strategic and financial management of the Council and the co-ordination of Council-wide initiatives and projects; to develop cross service policies and financial planning and control systems; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.</del></p> <p>To discharge the statutory function for the Council's financial administration given by Section 151 Local Government Act 1972.</p>
<p>Director of Children, Education and Families, <del>Director of Adult Services, Director of Public Health, Director of Environment and Public Protection, Director of Housing, Planning and Regeneration and Director of Human Resources, Customer Services and Public Affairs</del></p>	<p><del>To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.</del></p> <p><del>The Directors of Children's Services, Adult Services and Public Health to perform the statutory responsibilities relating to their services.</del> <u>Schools and Services for Children, Young People and Families</u></p>
<p><u>Director of Adult Services</u></p>	<p><u>Adult Social Care and relationships with Health services</u></p>
<p><u>Director of Public Health</u></p>	<p><u>Public Health Functions</u></p>
<p><u>Director of Environment and Public Protection</u></p>	<p><u>Street and Premises Management including Highways, Parking, Parks and Open Spaces</u> <del><u>Sports and Leisure and Communities</u></del></p>

<u>Director of Housing, Planning and Regeneration</u>	<u>Planning, Housing and Regeneration</u>
<u>Director of Human Resources, Customer Services and Public Affairs</u>	<u>Human Resources, Customer Services <del>complaints</del>, and Public Affairs</u>

In addition, aAll Chief Officers will work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.

~~will discharge their statutory and professional responsibilities with independence and in a manner which will enhance the reputation of the Council. It is recognised that the ability to discharge these responsibilities effectively depends on excellent working relationships between Chief Officers and Councillors. It also depends on Chief Officers and Councillors recognising and respecting their differing roles. The relationship between all officers and Councillors should be friendly and courteous but maintaining the degree of distance which is essential for the differing roles to be effectively carried out in a way which always puts first the overall interests of the Council. Councillors in their relationships with officers will abide by the Member's Code of Conduct.~~

~~The Chief Executive and all Chief Officers will, in addition to their overall statutory and professional responsibilities, each have a lead role in respect of one of the Council's portfolios. In exercising that lead role, Chief Officers will work closely with the member of the Executive holding the particular portfolio.~~

~~Chief Officers will also have a role in supporting the Chairmen of the Policy Development & Scrutiny Committees and the Chairmen of other Council Committees and Area Committees.~~

(c) **Head of Paid Service, Monitoring Officer and, Chief Finance Officer and Scrutiny Officer**

The Council will designate the following posts as shown (the Deputy Monitoring Officer and the Deputy Chief Finance Officer being appointed by the Monitoring Officer and the Chief Finance Officer respectively, not the Council):

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Corporate Services and Governance	Monitoring Officer
Director of Finance	Chief Finance Officer
<del>Democratic Services Manager</del>	<del>Statutory Scrutiny Officer</del>



The Chief Executive, the Director of Corporate Services and Governance and the Director of Finance will meet regularly to consider and recommend action in connection with current issues of governance and other matters of concern regarding probity. ~~They will maintain a close working relationship on all such matters.~~

~~The Council will provide the Chief Executive, the Director of Corporate Services and Governance and the Director of Finance with the resources (staff, accommodation and finance) they require to discharge their statutory functions.~~

~~The Head of Paid Service, Monitoring Officer and Chief Finance Officer have statutory protection; which means the post holders cannot be dismissed by the Council without an investigation involving an independent person.~~

(d) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.



~~This is set out in the appendix to this Constitution.~~

(e) **Deputy Chief Executive**

A Chief Officer shall be nominated by the Chief Executive to act when the Chief Executive is absent or unable to act.

**7.2 Statutory Functions of the Head of Paid Service**

(a) **Discharge of functions by the Council.**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and

grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on functions.**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified Accountant.

### 7.3 Statutory Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness ~~or if any decision or omission has given rise to maladministration~~. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. He or she will also report where the Local Government & Social Care Ombudsman has carried out an investigation.

(c) **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee ~~and its sub-committee~~. This support will include arranging for investigations on Code of Conduct complaints.

~~(d) **Receiving reports**~~

~~The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.~~

~~(e) **Conducting investigations**~~

~~The Monitoring Officer will conduct (or appoint another to conduct), investigations into matters referred by the Standards Committee for investigation or to pursue such action as the Standards Committee directs, to make reports or recommendations in respect of investigations or alternative action to the Standards Committee.~~

(d) **Proper Officer for access to information**

The Monitoring Officer as proper officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(e) **Advising whether Executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework in consultation with the Head of Paid Service, Chief Finance Officer and other Chief Officers as appropriate.

(f) **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.

The Monitoring Officer will contribute to the corporate management of the Council in particular through the provision of legal advice.

(g) **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### **7.4 Statutory Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an Executive function and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is likely to lead to a loss or deficiency or to the Council entering into an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, Members of the public and the community.

**7.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**7.6 ~~Other Statutory Functions of the Scrutiny officers~~**

The Democratic Services Manager is the Scrutiny Officer who will promote the role of the Council's Policy Development and Scrutiny Committees, ~~provide support to those Committees and provide support and guidance to Members of the authority on the functions of overview and scrutiny.~~ and the Assistant Director, IT Services, is the Council's Data Protection Officer.

**7.7 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/ Officer relations set out in **Chapter 7** of this Constitution.

**7.8 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in **Chapter 10** of this Constitution.

# CHAPTER 2 – THE FULL COUNCIL

## 8. The Role and Functions of the Council

### 8.1 Meanings

**(a) Policy Framework.** The policy framework means the following plans and strategies.

- Library Strategy;
- Children’s Services Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Development Framework;
- Youth Justice Plan;

In respect of those plans where the ~~City~~ Council has a discretion to produce them should these plans be produced because it is deemed desirable to do so, they will not require adoption by the full Council in the same way as statutory plans.

**(b) Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limit

### 8.2 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution (other than minor drafting or other consequential changes authorised in **Chapter 1**);
- (b) approving or adopting the Policy Framework and the Budget;
- (c) making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget. This function to be subject to the urgency procedure contained in the Access to Information Procedure Rules **Chapter 8**.
- (d) appointing and removing the Leader;
- (e) agreeing and/or amending the terms of reference of the Leader and also non-Executive committees, in the latter case deciding on their composition and making appointments to them;
- (f) adopting an allowances scheme under **Chapter 11**;
- (g) changing the name of the area, conferring the title of honorary alderman or granting freedom of the borough;

- (h) the appointment of the Chief Executive as head of the paid service and the dismissal and other disciplinary action of the Chief Executive together with the appointment and disciplinary action and dismissal of Chief Officers and Deputy Chief Officers (which have not been delegated) in accordance with the Officer Employment Procedure Rules in **Chapter 10**;
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (j) all local choice functions set out in this constitution which the Council decides should be undertaken by itself rather than the Executive and which have not been delegated;
- (k) appointing the Councillors who are to sit on the Policy Development and Scrutiny Committees;
- (l) considering reports of the Policy Development and Scrutiny Committees;
- (m) all other matters which, by law, must be reserved to the Council.

### **8.3 Council Meetings**

There are three types of Council meeting:

- (a)** the annual meeting
- (b)** ordinary meetings
- (c)** special meetings

and they will be conducted in accordance with the Council Procedure Rules.

## **9. Council Procedure Rules**

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1 Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in April or May.

The annual meeting will:

- (i) choose a person to preside if the Mayor is absent;
- (ii) elect the Mayor;
- (iii) note the Deputy Mayor;
- (iv) approve the Minutes of the last meeting;
- (v) elect the Leader;
- (vi) receive notification from the Leader of the Members to be appointed to the Executive;
- (vii) appoint the Policy Development and Scrutiny Committees, a Standards Committee and such other Committees as the Council considers appropriate;
- (viii) agree the scheme of delegation – or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (ix) consider any business set out in the notice convening the meeting.
- (x) receive any announcements from the Mayor and/or Head of Paid Service and, if the Leader of the Council so elects to make a statement to receive that statement on the Executive plans for the year;

#### **1.2 Selection of Councillors on Committees**

At the annual meeting, the Council meeting will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) appoint the Chairperson and Vice-Chairpersons of Committees;
- (v) receive nominations of Councillors to serve on each Committee; and

- (vi) appoint to those Committees except where appointment has been delegated by the Council or is exercisable only by the Executive.

## 2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme and normally commence at 7pm. Ordinary meetings will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) approve the Minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (v) receive questions on notice from members submitted in accordance with rule 10 for up to 30 minutes, if any
- (vi) deal with any business from the last Council meeting;
- (vi) (a) ~~to~~ receive a statement from the Leader of the Council at the first ordinary Council meeting on the Executive Plans for the year if not made at the annual meeting;
- (b) at the last meeting of each Municipal year to receive a statement from the Leader of the Council on performance against matters set out in the Opening Statement;
- (vii) receive statements, if any, from the Leader of the Council, Portfolio Holders and Chairpersons of all Committees, and receive questions and answers arising from those questions. A statement may arise in two ways –
  - (a) the Leader, a Portfolio Holder or a Chairperson may decide to make a statement by ~~5pmnoon, tenthree~~ working days before the meeting of the Council; or
  - (b) a PDS Chairperson and one other Member, a Group Leader and one other Member or any five Members may request that a statement be made by the Leader, a Portfolio Holder or a Chairperson.

Statements must be requested by ~~5pmnoon, ten-three~~ working days before the meeting (~~i.e. on the previous Thursday for a Monday meeting~~); requests for statements on matters of urgency may be allowed at the discretion of the Mayor.

Notice of the intended statement will be circulated by email as soon as possible after notification to the Director of Corporate Services and Governance.

Statements will be limited to five minutes each, with an overall time limit of thirty minutes to ensure that more time is available for Council questions,



subject to the Mayor having discretion to ask the meeting whether the session can be extended.

- (viii) receive reports from the Executive and the Council's Committees and receive questions and answers on any of those reports;
- (ix) consider motions;
- (x) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Policy Development and Scrutiny Committees for debate;
- (xi) receive any announcements from the Mayor, Leader, Members of the Executive or the Head of Paid Service; and
- (xii) debate any matter on which the Executive is to make a decision where a request has been received by the Leader or five Members of the Council.

### **3. SPECIAL MEETINGS**

#### **3.1 Calling special meetings.**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (iv) the Director of Corporate Services and Governance as Monitoring Officer; the Head of Paid Service; the Director of Finance.

#### **3.2 Business**

The business to be considered shall be as set out on the agenda

#### **3.3 Additional Items**

Any Member of the Council may require the proper officer to add an item relevant to that body's functions to the agenda for the next scheduled meeting of the Council, a committee or sub-committee, or, where this will not permit the matter to be dealt with adequately, to convene a special meeting.

#### **3.4 Questions**

There will not be a general public question time at special meetings of the Council, except in exceptional circumstances agreed in advance by the Mayor, but questions

seeking clarification of the details of a report on the agenda may be submitted within two working days of the report being published on the Council website.

- 3.5 A special meeting shall be held in February or March each year to consider the Council's budget and Council Tax and related issues.

#### **4. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the summons. Evening meetings will normally commence at 7pm.

#### **5. NOTICE OF AND SUMMONS TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the proper officer will send a summons signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **6. CHAIRPERSON OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairperson also include the Chairperson of Committees and Sub-Committees.

#### **7. QUORUM**

- 7.1 The quorum of a meeting will be one third of the whole number of Members. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

- 7.2 A meeting may be postponed or cancelled in exceptional and unforeseen circumstances by the Chief Executive at the request of a Committee or Sub-Committee Chairperson (or by the Leader or a Portfolio Holder in the case of an executive meeting.)

#### **8. DURATION OF MEETING**

- 8.1 The Mayor may, at the commencement of each Council meeting, put a time limit for discussion on any item where a time limit is not set elsewhere in these Council Procedure Rules, provided, always, this time limit may be extended with the agreement of the meeting during the course of an item if it is considered that more time is required.

#### **8.2 Interruption of the meeting**

If the business of the meeting has not been concluded by 10.00 pm (or after three hours, if the meeting did not commence at 7pm) the Mayor will, at the first convenient opportunity, draw the attention of the Council to the time and to the provisions of this Standing Order.

### 8.3 **Adjournment of the meeting**

The Mayor will then decide if any of the remaining business is of sufficient importance to warrant an adjournment of the meeting and, if so, will declare the meeting adjourned to such date and time (prior to the next ordinary meeting of the Council) as he/she may direct at the time or afterwards.

### 8.4 **Voting on outstanding business**

With the exception of business so specified, the Mayor will put to the vote one by one and without debate all outstanding Committee reports and motions on the agenda for this meeting and then close the meeting.

## 9. **QUESTIONS FROM THE PUBLIC**

### 9.1 **General**

Members of the public may ask one question for either an oral or written reply at each meeting of Members of the Executive or any Committee Chairperson at ordinary meetings of the Council and a maximum period of 30 minutes will be allowed for such questions. This is subject to the discretion of the Mayor to refer the question to another Council body if the Mayor considers it a more appropriate body to respond to the question.

### 9.2 **Order of questions**

Questions will be asked in the order notice of them was received. The Mayor may group together similar questions or vary the order as he or she sees fit. Where there are several questions on the same issue, the responding Member may make a general statement answering these questions together.

### 9.3 **Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than 5pm, ten working days before the meeting. Each questioner must give their name and an address in the borough where they live, work or study and must name the Member of the Council to whom it is to be put.

Questions which are submitted after the ten working day deadline has passed will only be accepted if they seek clarification of the details of a report to the meeting and the question could not have been tabled until the report had been published. These questions must be submitted within two working days of the report being published on the Council website.

### 9.4 **Scope of questions**

The proper officer may reject a question if it:

- is not about a matter for which the Local Authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;

- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- requires excessive research – more than three hours; or
- exceeds fifty words in length.

#### 9.5 **Record of questions**

The proper officer will record each question and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

#### 9.6 **Asking the question at the meeting**

The Mayor will invite the Member named in the notice to answer the question. If a questioner who has submitted a question for oral reply is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

#### 9.7 **Supplementary questions**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by Members (this will usually be no more than one per Member.)

#### 9.8 **Written answers**

Any question for oral reply which cannot be dealt with during the 30 minute period of public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

#### 9.9 **Reference of question to the Executive or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

## 10. QUESTIONS BY MEMBERS

### 10.1 On reports of the Executive or Committees

A Member of the Council may ask the Leader or the Mayor or the Chairperson of a Committee any question without notice upon an item of the report of the Executive or a Committee or on a motion when that item is being received or is under consideration by the Council.

### 10.2 Questions on notice at full Council

Subject to Rule 9.4, a Member of the Council may ask:

- the Mayor
- a Member of the Executive
- the Leader or
- the Chairperson of any Committee, Sub-Committee or Policy Development and Scrutiny Committee

a question on any matter in relation to which the Council has powers or duties or which affects the area of the Council

#### **General**

10.2.1 The number of questions a Member asks at any meeting be limited to no more than two written questions and two oral questions. For the purposes of calculating the number of questions, a request for information or action shall be regarded as a question, even when asked as a subsidiary part of the main question;

10.2.2 A Member may ask another Member to submit a question on their behalf having notified the Director Corporate Services and Governance of the situation beforehand;

10.2.3 A Member may send questions in via either their personal LBB email account, their personal home email account, or in writing;

10.2.4 Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions. The Mayor may group together similar questions or vary the order as he or she sees fit. Where there are several questions on the same issue, the responding Member may make a general statement answering these questions together.

10.2.5 Members of the Executive may not submit questions on notice at full Council except where the matter is a non-executive function.

10.2.6 Executive Assistants may not submit questions to the Portfolio Holder that they assist, nor can they ask questions of the Chairman of the PDS Committee that scrutinises that portfolio.

10.2.7 Questions to the chairpersons of working groups set up by Committees or Sub-Committees shall be addressed to the Chairperson of the appointing Committee or Sub-Committee.

### 10.3 Questions on notice at the Executive, Committees and Sub-Committees

Subject to Rule 10.4, a member of the Executive, a Committee or Sub-Committee may ask the Chairperson of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that Committee or Sub-Committee.

### 10.4 Notice of questions

A Member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given notice in writing of the question to the proper officer by 5pm ten working days before the meeting; or
- (b) if the question is about a report on the agenda, it has been submitted before 5pm on the second working day after the final day on which the agenda may be published; or
- (c) the question relates to urgent matters, they have the consent of the Chairperson to whom the question is to be put and the content of the question is, if possible, given to the proper officer by 10.00 am on the day of the meeting.
- (d) The proper officer may reject a question if it –
  - Is not about a matter for which the Local Authority has a responsibility or which affects the borough;
  - Is defamatory, frivolous or offensive;
  - Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - Requires the disclosure of confidential or exempt information;
  - Requires excessive research – more than three hours;
  - Exceeds fifty words in length.

### 10.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer sent later to the questioner;
- (d) replies to questions will be recorded in the Minutes and shall be made available to members within five days of the meeting.
- (e) every question shall be put and answered without discussion. The person to whom the question is directed may decline to answer or may ask another Member to answer it on their behalf, but will give reasons for so doing.

## 10.6 **Supplementary question**

A member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by other Members (this will usually be no more than one per Member.)

## 10.7 **Written replies**

Notwithstanding the provisions for other forms of questions, Members may put down questions requiring a written reply, at Full Council Meetings, where the question requires a fuller or more in depth answer than can be accommodated in an oral response.

## 11. **MOTIONS WITH NOTICE**

### 11.1 **Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by the Member or Members giving the notice, must be delivered to the Director of Corporate Services and Governance at least ten working days before the date of the meeting unless

- (a) it is urgent, or
- (b) it may be moved without notice

### 11.2 **Motion set out in agenda**

The Director of Corporate Services and Governance will, maintaining the order of receipt, publish each motion in the agenda for the following Council meeting.

### 11.3 **Scope**

Every motion shall be relevant to a matter in which the Council has powers or duties or which affects the Borough. The Mayor shall, if a need arises, give a ruling on the relevance of motions.

### 11.4 **Motions withdrawn or not withdrawn**

A motion may be withdrawn by the mover. If a motion is not moved at the Council meeting by the person giving notice or by some other Members on the mover's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn.

### 11.5 **Automatic reference to the Executive, an Executive Member or a Committee**

If the subject matter of a motion comes within the Terms of Reference of the Executive, an Executive Member or a Committee, it shall, after being moved and seconded, be referred without debate for consideration and report unless previously resolved.

### 11.6 **Discretion of Mayor**

A motion may be dealt with at the meeting at which it is brought forward if the Mayor considers it convenient and conducive to the despatch of business. A motion will be rejected if the Mayor considers it to be defamatory, frivolous or offensive.

## 12. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairperson of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Executive, Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and



- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) a motion without notice may be dealt with at the meeting at which it is brought forward if the Mayor considers it convenient and conducive to the despatch of business.

### **13. RULES OF DEBATE**

#### **13.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded, and until any amendments have been moved and seconded.

#### **13.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

#### **13.3 Secunder's speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### **13.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.

#### **13.5 When a Member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) in exercise of a right of reply; and/or
- (b) on a point of order; and/or
- (c) by way of personal explanation.

#### **13.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or

- (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Amendments to formal motions should be submitted in writing at least two days before the start of the meeting.
- (c) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion.

### 13.7 **Alteration of motion**

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### 13.8 **Withdrawal of motion**

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 13.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) Following the conclusion of all votes on amendments to the original motion there shall be only one speech allowed, namely the mover of the original motion or, if amended, the mover of the successful amended motion (the new substantive motion), shall have a right of reply before the final vote.

### 13.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;

- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

### 13.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### 13.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

### 13.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may

appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### 13.14 **Chief Officers**

Chief Officers will participate in debates at Council only if invited to do so by the Mayor but the Mayor will always exercise the discretion to permit a Chief Officer to speak to facilitate the exercise of a statutory responsibility of a Chief Officer.

### 14. **PREVIOUS DECISIONS AND MOTIONS**

#### 14.1 **Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 Members.

#### 14.2 **Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### 15. **VOTING**

#### 15.1 **Majority**

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put unless the meeting decides otherwise. Members should only vote on a matter if they have been present in the room for the whole of that item.

#### 15.2 **Mayor's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

#### 15.3 **Show of hands**

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### 15.4 **Ballots**

The vote will take place by secret ballot if one third of the Members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

## 15.5 **Recorded vote**

If five of the Members present at the meeting demand it by rising in their seats, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote will be taken on Budget and Council Tax setting matters and where required by law.

## 15.6 **Right to require individual vote to be recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## 15.7 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## 16. **MINUTES**

### 16.1 **Signing the Minutes**

The Mayor will sign the Minutes of the proceedings at the next suitable meeting. The Mayor will move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

### 16.2 **No requirement to sign Minutes of previous meeting at special meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (a Special Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of Minutes.

### 16.3 **Form of Minutes**

Minutes will contain all motions and amendments agreed in the exact form and order the Chairperson put them.

## 17. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 8 of this Constitution or Rule 19 (Disturbance by Public). ). All Members shall have the right to attend all meetings of the Council (including for items where the public are excluded) and to have access to agendas for those meetings, except:

- where the Member has a de-barring interest in an item as set out in the Council's Code of Conduct;

- exceptionally where the Council is unable to comply with the presumption due to a conflict with another legal duty and the Monitoring Officer has set out the reasons on the relevant agenda.

## **18. MEMBERS' CONDUCT**

### **18.1 Standing to speak**

When a Member speaks at full Council they must stand, if they are able to do so, and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **18.2 Mayor standing**

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **18.3 Member not to be heard further**

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **18.4 Member to leave the meeting**

If the Member continues to behave improperly after a motion at 18.3 is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **18.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

## **19. DISTURBANCE BY THE PUBLIC**

### **19.1 Removal of a member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

### **19.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

### **19.3 Clearance of whole public gallery**

The Mayor may exercise discretion to remove all persons from the public gallery whether or not all of them are causing a disturbance.

## 20. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### 20.1 **Suspension**

All of these Council Rules of Procedure except Rule 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### 20.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 21. **SUBSTITUTES**

- 21.1 All Members of the Council except for the Executive may serve as substitute Members of a Committee or Sub-Committee in the absence of the appointed Member. Members of the Executive may serve as substitutes on the regulatory Committees, provided that only one ~~they only substitute for other~~ Executive Member is sitting at any one time. s.
- 21.2 Recognised groups shall substitute no more than one half of their Members at any Committee or Sub-Committee (all figures to be rounded up to the nearest whole number.)
- 21.3 The substitute member shall:
- a) be from the same group as the Member who is unable to attend the meeting;
  - b) not substitute for more than one Member;
  - c) not be a Member of the Committee or Sub-Committee already.
- 21.4 Subject to any legal limits, a substitute Member may attend, speak and vote as a Member of the Committee or Sub-Committee at the meeting.
- 21.5 Substitution is not permitted for any reconvened meetings for quasi-judicial bodies.
- 21.6 If the appointed Member attends the meeting when he or she has already been substituted, he or she may not attend as a Member of the Committee.
- 21.7 There shall be no substitution on the Executive or Standards Committee.
- 21.8 Only Members of the General Purposes and Licensing Committee may act as substitutes on Licensing Sub-Committees.

22. **APPLICATION TO THE EXECUTIVE COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 3-13 and 15-22 (but not Rule 18.1) apply to meetings of the Executive, Committees and Sub-Committees. Rule 21 applies to all Council Committees but not to meetings of the Executive or Standards Committees.



## 10. The Mayor and Chairperson of the Council

### 10.1 Role and function of the Mayor

The Chairperson of the Council will be the Mayor, and in his/her absence - the Deputy Mayor, and will have the following roles and functions:

- (a) the Mayor will, as the first citizen of the Borough, be the ceremonial representative of the Council, taking precedence on all such occasions;
- (b) the Mayor will chair meetings of the full Council and in this connection will exercise all the powers and duties described in the Council's Rules of Procedure set out in **this Chapter** of the Constitution.
- (c) The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:
  1. to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
  2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
  3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Executive or hold committee chairs are able to hold the Executive and Committee Chairpersons to account;
  4. to promote public involvement in the Council's activities;
  5. to attend such civic and ceremonial functions as the Mayor in his/her discretion shall think appropriate;
  6. generally to act as a representative of both the Council and the community.

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## CHAPTER 3 – THE LEADER AND THE EXECUTIVE

### 11. The Executive

#### 11.1 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

#### 11.2 Form and composition

~~(a) — The Executive will consist of the Executive Leader plus at least two but not more than 9 other Councillors.~~

~~11.(b) The Leader will oversee the development of the Council's policy priorities and may also exercise Executive functions.~~

~~(c) — Within the discretion allowed by statute the form and composition of the Executive may change.~~

### 3 Leader

The Leader will be a Councillor elected to the position of Leader ~~by normally at the Annual Meeting of the full Council following on from the ordinary election of all Councillors signified by a show of hands.~~ The Leader will hold office until ~~the day of the next Annual meeting following the ordinary election of all Councillors unless:~~

(a) he/she resigns from the office; or

(b) he/she ceases to be a Councillor ~~except where the Leader fails to be returned as a Councillor following an ordinary election of all Councillors when unless the Leader resigns, is disqualified or is otherwise removed from office he/she shall continue as Leader until the day of the Annual Meeting;~~ or

~~(c) — he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or~~

~~(cd) he/she is removed from office by resolution of the Council for misconduct or other good reason established following investigation by the Standards Committee; or~~

~~(e) — he/she is removed by resolution at a special Meeting of the Council called for that purpose; or~~

~~(f) — by resolution of the Council where he/she fails for six months to attend any meeting of the Executive, or any Committee of the Executive or, acting alone, fails to discharge any functions which are the responsibility of the Leader then unless the failure was due to some reason approved by the Local Authority, he/she shall cease to be a member of the Local Authority.~~

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The Leader of the Council will be elected at the Annual Council Meeting in the year of the Borough-wide elections.

~~Where the Annual Meeting or any other meeting of the Council fails to elect a Leader a Special Meeting of the Council shall be held within a maximum of ten working days for the purpose of electing a Leader. Where a Leader resigns then a Special Meeting of the Council shall be held within ten working days of the resignation for the purpose of electing a Leader. Where a meeting of the Council removes a Leader from office then a new Leader is to be elected at that meeting.~~

In the period between the ordinary election of Councillors and the appointment of a Leader, if ~~for any reason~~ there is not a Leader in place then any executive decisions normally reserved to Members which need to be taken as a matter of urgency ~~to protect the interest of the Council or which cannot be delayed until the appointment of the Leader~~ shall be taken by the Chief Executive in consultation with the Leader of the Group with the majority of seats following the election. In the event of there being no group with an overall majority of seats the Chief Executive shall consult with all Group Leaders.

#### 11.4 Other Executive Members

Each Executive Member shall be appointed by the Leader and shall hold office for a period determined by the Leader which must terminate no later than the fourth day after the ordinary election of all Councillors unless:

- (a) he/she resigns from office; or
- (b) he/she ceases to be a Councillor; or
- ~~(c) he/she is disqualified or suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension at the discretion of the Leader); or~~
- ~~(cd) he/she is removed from office by the Leader of the Council. The Leader shall serve the Councillor, the Chief Executive and all Members with written notice (including e-mail) of the removal which shall take effect upon service of the Chief Executive.~~
- ~~1-(e) the Council removes them from office by resolution following a recommendation to that effect from the Standards Committee;~~
- ~~(f) he/she fails for six months to attend any meeting of the Executive, or any Committee of the Executive or, acting alone, fails to discharge any functions which are the responsibility of the Executive then unless the failure was due to some reason approved by the Local Authority, he/she shall cease to be a member of the Local Authority.~~

#### 1.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in **this Chapter** of the Constitution.

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## 1.6 ~~Responsibility for Functions~~

The exercise of functions which are the responsibility of the Executive will be determined by the Leader. The Proper Officer will, on behalf of the Leader, will maintain a list in ~~Part 3 of this the~~ Constitution setting out which individual Members of the Executive, Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions. ~~The list shall include the general areas of responsibility of the individual member of the Executive. The Leader shall also maintain a list of Executive functions delegated to officers. The Leader shall advise all Members and the Chief Executive and monitoring officer in writing (to include e-mail) where the identity of an Executive member or portfolio holder or the scope of a portfolio changes or where a new portfolio is created or a portfolio is terminated.~~

## 11.7 Deputy Leader

The Leader will appoint one of the Executive members as his/her Deputy to act when the Leader is absent or otherwise unable to act. This shall include any period following the resignation or removal of the Leader and the appointment of a new Leader. Provided always that the Deputy Leader:

(a) is not permitted to make changes to Executive Functions or delegations or appoint or dismiss any member of the Executive;

(i) except following the resignation or removal of the Leader to protect the interests of the Council and which action cannot be delayed until the appointment of a new Leader and following consultation with the Chairperson of the main Policy Development and Scrutiny Committee and the Chairperson of the General Purposes and Licensing Committee and the Chief Executive, or

(ii) where in the opinion of the Chief Executive the Leader of the Council is incapacitated for such a period of time that the efficient operation of the Council would be impaired and only then following consultation by the Deputy Leader. ~~with members at a meeting of the full Council.~~

(b) shall not act in the Leader's stead for a consecutive period of more than three or a combined period of six months in any municipal year without having obtained the endorsement of the full Council. If the Council is not prepared to endorse the Deputy Leader then a special meeting shall be held within 10 working days to consider the removal of the Leader and the appointment of a new Leader. Subject to the restrictions in paragraph 1.4 of this Chapter, the Deputy Leader can continue to act until the appointment of a new Leader.

## 11.8 –Portfolios

The Executive comprises of the following Members –

- Leader of the Council
- Portfolio Holder for Children and Young People
- Portfolio Holder for Adult Care and Health
- Portfolio Holder for Public Protection and Enforcement
- Portfolio Holder for Renewal, Recreation and Housing
- Portfolio Holder for Resources, Commissioning and Contract Management
- Portfolio Holder for Environment
- Portfolio Holder for Transport, Highways and Road Safety

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## 11.9 Key decisions.

(a) A key decision is an executive decision made by the Executive, a Portfolio Holder or an officer which meets either of the following criteria set out in regulations:

(i) It results in significant expenditure (or savings) above thresholds for each portfolio, currently:

- Adult Care & Health/Children, Education & Families/Environment/Transport, Highways and Road Safety - £500,000
- Resources, Commissioning & Contract Management - £250,000
- Renewal, Recreation & Housing /Public Protection & Enforcement - £50,000

(ii) It has a significant impact on the community in two or more wards.

(b) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in **Chapter 3** of this Constitution.

## **12. Executive Assistants**

- The Council's Constitution allows the Leader to appoint Executive Assistants to support Portfolio Holders. Their overall role will be to provide support and advice to their Portfolio Holder.
- The budget currently allows for up to six Executive Assistants to receive a special responsibility allowance.
- Each Portfolio Holder should ensure that any councillor appointed as their Executive Assistant is in a position to undertake the role and accept the receipt of the SRA and that Executive Assistant is clear as to what will be their role and responsibilities during the year.
- Executive Assistants cannot exercise executive powers, and therefore cannot take executive decisions in the place of their respective executive Members. However, they can represent their Portfolio Holder, and deputise for him or her, in most other circumstances. This might include attending, and speaking at, Executive and Policy Development and Scrutiny meetings, and answering questions in the Portfolio Holder's absence.
- Executive Assistants will usually accompany the Portfolio Holder to relevant meetings, such as Policy Development and Scrutiny Committees, partnership board meetings, site visits and meetings with senior officers or partners.

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- Executive Assistants may be asked by their portfolio holders to take a lead on specific issues, or carry out particular tasks, within the portfolio.
  - Executive Assistants may not serve as Chairpersons or Vice-Chairpersons of Policy Development and Scrutiny Committees, or as members of Executive, Resources and Contracts PDS Committee.
  - PDS Committees should consider inviting the Executive Assistants at the first meeting of each Municipal Year to set out what they hope to do and to be questioned by the Committee.
  - ~~Executive Assistants will provide a report once a year to the General Purposes and Licensing Committee on the work they have undertaken in justification of the receipt of their allowance.~~

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## 13. Executive Procedure Rules

### 1. How does the Executive operate?

#### 1.1 Who may make Executive decisions?

The arrangements for the discharge of Executive functions ~~will be~~ are set out in **this Chapter** ~~Executive arrangements~~. If they are not set out, then the Leader may decide how they are to be exercised. In either case, the arrangements of the Leader and may provide for Executive functions to be discharged by:

- i) the Executive as a whole; ~~and/or~~
- ii) a Committee of the Executive; ~~and/or~~
- iii) him/herself or an individual Member of the Executive, including the Leader; ~~and/or~~
- iv) an officer; ~~and/or~~
- v) joint arrangements; ~~and/or~~
- vi) another local authority.

#### 1.2 Delegation by the Leader

At the annual meeting of the Council, immediately following the full Borough Council elections (or otherwise if necessary), the Leader will provide ~~present~~ to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at **Chapter 6 Part 3** to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- i) the names and addresses ~~for correspondence and wards of the Councillors of the people~~ appointed to the Executive by the Leader ~~if applicable~~;
- ii) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- iii) the Terms of Reference and Constitution of such Executive Committees as may be appointed from time to time and the names of Executive Members appointed to them;
- iv) the nature and extent of any delegation of Executive functions to Area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.



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### 1.3 Sub-delegation of Executive functions

- (a) Unless the Council directs otherwise, the Executive may delegate further to a committee of the Executive or to an officer.
  - (b) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
  - (c) Unless the Leader directs otherwise, an Executive- member to whom functions have been delegated by the Leader may delegate further to an officer. ~~Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements or an officer.~~
- ~~(d)~~ Where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### 1.4 Amending Executive Delegations

- (a) The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (b) Where the Leader seeks to withdraw a delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairperson.

### 1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter 7 ~~the appendix to this Constitution.~~
- (b) If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in ~~the appendix to this Constitution~~ Chapter 7.
- (c) If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Chapter 7 ~~in the appendix to this Constitution.~~

### 1.6 Executive meetings – when and where?

- (a) The Executive will have scheduled meetings. The time and place of meetings are set out in the Council's calendar of meetings ~~conventions~~. Additional unscheduled meetings may be called if necessary.

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- (b) The Executive will meet in public. Any member of the public may attend Executive meetings except for the discussion of confidential or exempt items. ~~The rights of Councillors to attend meetings of the Executive are set out in the conventions.~~

## 1.7 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be 3 ~~of which 2 are from the majority (Administration Party) and does not have to include the Leader.~~

## 1.8 How are decisions to be taken by the Executive?

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 8Part 4 of the Constitution.
- (b) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.
- (c) Where Executive decisions are taken by the Leader or are delegated to a Portfolio Holder, they shall follow the agreed procedures of the Council, including seeking pre-decision scrutiny. ~~The current procedures are summarised in Appendices 1, 2 and 3 to the Executive Procedure Rules.~~
- (d) For the classes of decision set out in appendix 3, where there is agreement between a portfolio holder and the relevant PDS Committee, proposed decisions will be published five clear working days before the decision is to be taken, but it will not be necessary for pre-decision scrutiny to be carried out at a meeting. Any member may request that a matter be referred to the relevant PDS Committee meeting before a decision is taken.
- (e) ~~Where a scrutiny committee is operating as a select committee, the An~~ Executive Portfolio Holder may publish a “minded to” report at least ~~report~~ five clear days before making a decision which will be circulated to all Members of the Council. The following may make a referral for scrutiny within this five day period:
- The chairperson of the relevant select committee
  - A group leader and one other Member;
  - Where a decision affects a particular ward, all ward Members (or the ward Member plus one other Member in the case of Darwin ward);
  - Any five Members.

Where a referral for scrutiny is made, the issue must be considered by the relevant select committee within ten working days of the decision being referred.

In cases of urgency, where agreed by the Leader and the select committee chairperson, the five day period for referral for scrutiny may be waived.

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## 2. How are the Executive Meetings Conducted?

### 2.1 Who presides?

~~The If the Leader, or in is present he/she will preside. In his/her absence, then the Deputy Leader will preside. If the Leader and the Deputy are absent then In his/her absence an Executive member\_ person appointed to do so~~ by those voting members present shall preside.

### 2.2 What business?

At each meeting of the Executive the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Executive (whether by a Policy Development and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Procedure Rules or the Budget and Policy Framework Procedure Rules set out in ~~Part 4 of~~ this Constitution;
- iv) matters set out in the agenda for the meeting, ~~and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.~~

Where a debate at full Council has been requested under rule 2 (xii) of the Council Procedure Rules on an executive matter, the Executive may not make a decision until that debate has taken place unless the Council would be in breach of a legal obligation by delaying the decision.

### 2.3 Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Policy Development and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### 2.4 Who can put items on the Executive agenda?

- (a) Any Member of the Executive ~~can request may require that~~ the proper officer ~~to make sure that place~~ an item ~~is placed~~ on the agenda ~~for of the next available meeting of~~ the Executive ~~to consider for consideration~~. If ~~the proper officer~~ he/she receives such a request the proper officer will comply.
- (b) The proper officer will ~~make sure that an item is place~~ an item d on the agenda of the next available meeting of the Executive where a relevant Policy Development and Scrutiny Committee or the full Council have resolved that an item be considered by the Executive.
- (c) Any Councillor may ask the proper officer to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be

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considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. ~~[This Councillor will be invited to attend the meeting, whether or not it is a public meeting and given the opportunity to speak.]~~

- (d) The Head of Paid Service, Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. Any other Chief Officer may similarly include an item for consideration and require the proper officer to call a meeting.

## 2.5 Right to attend and speak

Over and above the rights of the public, the following have the right to attend meetings of the Executive and Executive Committees (whether public or private):

- all Members of the Executive
- Chairperson of Policy Development & Scrutiny Committees
- Group Leaders ~~Nominees of the two major opposition parties~~
- the Chief Executive, the Director of Corporate Services and Governance and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- all Councillors but with the right to speak only on items in respect of which they have a ward or special interest and subject to the overriding discretion of the Chairperson
- in addition, the Executive and Executive Committees have discretion to permit other persons to attend meetings for public and private items (including Councillors who have been appointed to support the Executive in their work) and to speak

## 2.6 Meetings of Portfolio Members

The meetings of Portfolio members of the Executive will be held in public, except for those items dealt with in private under the statutory provisions relating to access to information. The following have the right to attend and speak when individual Members of the Executive are making decisions

- the Chairperson of the relevant Policy, Development & Scrutiny Committee
- the Chief Executive, the Director of Corporate Services and Governance and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- Councillors, but with the right to speak only on items in respect of which they have a Ward or special interest and subject to the overriding discretion of the Portfolio member
- any other person at the discretion of the individual Portfolio Member of the Executive

## 2.7 Individual Portfolio Holder decisions

Upon consideration of a report from the relevant Chief Officer(s) issued in accordance with the relevant regulations, individual members of the Executive may take decisions in respect of the Executive functions set out in their terms of reference, subject to:

- (i) the budget and policy framework approved by the full Council;
- (ii) the exclusion of any matter which falls within the terms of reference of the Executive;

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(iii) the exclusion of matters falling within the delegated power of officers unless referred to the individual Executive member by the relevant Chief Officer or "called in" by the Executive member (see below); and

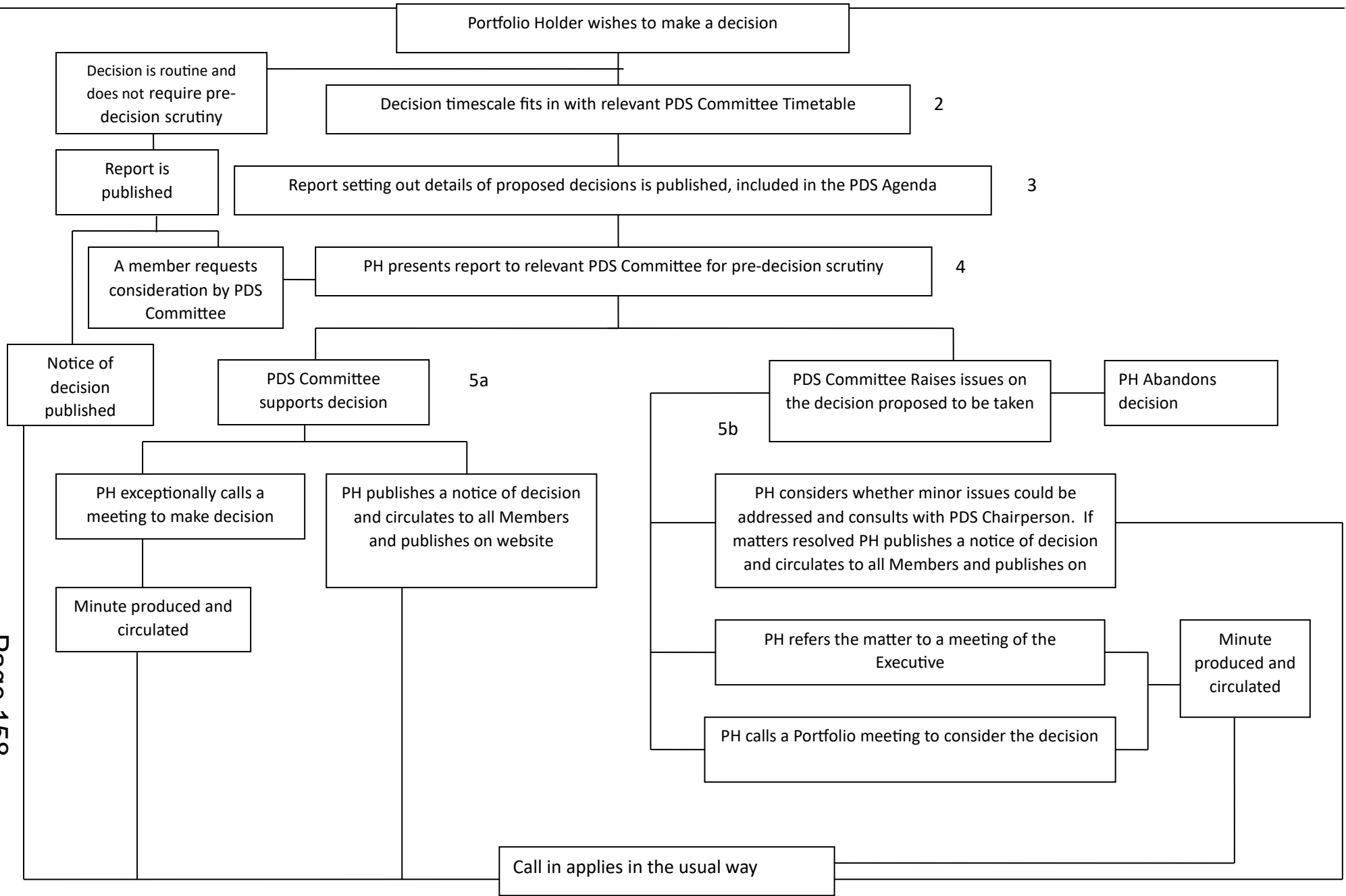
if the relevant Chief Officer is unwilling to refer a matter (or class of matters) falling within his/her delegated powers to the Executive Member for decision, then the Executive member may call the matter (or class of matters) in for his/her own decision by giving written notice to the relevant Chief Officer. A copy of the written notice shall at the same time be given to the Council's Monitoring Officer.

Where a matter or class of matters has been "called in", in accordance with this provision, the power/s in question shall, until the notice is withdrawn, be exercisable by the Executive member and not the Chief Officer unless the notice is countermanded by the Leader, or the Monitoring Officer advises that the power or powers in question are not appropriate to be discharged by the Executive member for legal or technical reasons.

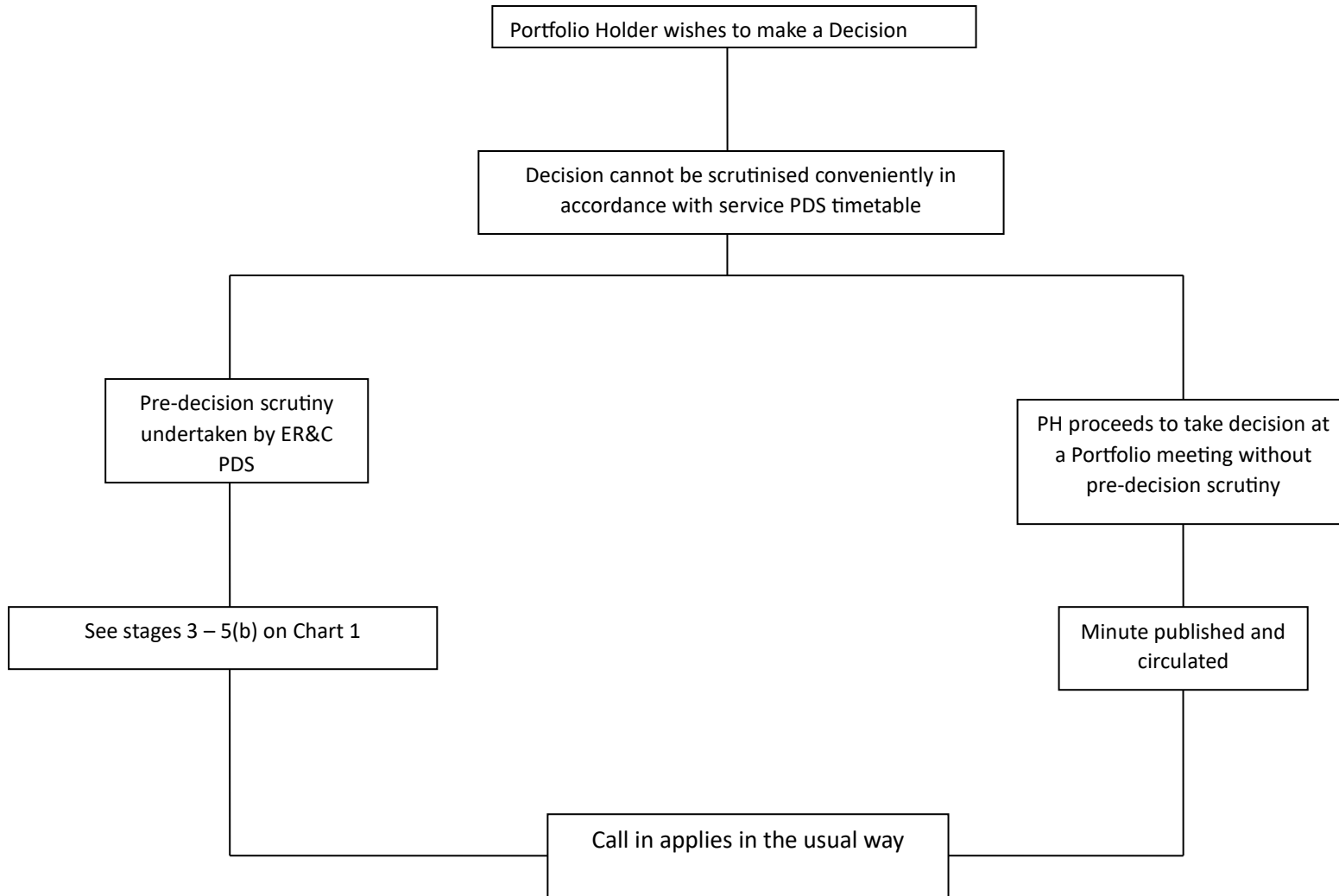
## **2.8 Member support for the Executive**

The Executive may appoint other Members of the Council to support them in their work in accordance with arrangements agreed from time to time, covering numbers and roles of such support Members.

# Appendix 1 – Decision Making Procedures



Appendix 2 - Decision Making Charts



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## Appendix 3

Where PDS Committees and Portfolio Holders are in agreement, Portfolio Holders may make decisions without formal pre-decision scrutiny in the following categories and circumstances –

- Appointments made by the Portfolio Holder where there is only one nominee;
- Local schemes costing less than £35k which affect only one ward, e.g. minor highways schemes, where all ward Councillors are in support of the proposal;
- Contract extensions where there are no performance issues with the contractor and the contract includes a provision to extend;
- Contract awards where there has been a gateway review and the award is proposed to be made to the most economically advantageous tenderer;
- Contract waivers where the Portfolio Holder is required to agree single tender action;
- Matters considered by the Executive where further action can appropriately be delegated to a Portfolio Holder;
- Any other matter that the Portfolio Holder can decide under the Scheme of Delegation where there has been no objection from any Member of the relevant PDS Committee.

All these categories of decision will be subject to the Portfolio Holder circulating his proposed decision to all Members in advance by email as a “minded to” decision; any Member may request that a matter be referred to the relevant PDS Committee before a decision is taken.



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## 14. Budget and Policy Framework Procedure Rules

### 1. The framework for Executive decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in this **Chapter**. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

### 2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

#### **Consultation by Executive and PDS Committee conflict resolution by simple majority**

- (a) Before a plan/strategy/budget needs to be adopted, the Executive will publish initial proposals for the budget and policy framework. Details of the Executive's consultation process shall be included in relation to each of these matters in the Forward Plan. Any representations made to the Executive shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them.
- (b) The Executive's initial proposals shall be referred formally to the relevant PDS Committee for consideration and comment. The proposals will be referred by sending a copy to the proper officer who will forward them to the Members of the relevant PDS Committee. The relevant PDS Committees shall report to the Executive on the outcome of its considerations at the next available Executive meeting unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the PDS Committee of the time for response when the proposals are referred to it.
- (c) The plans that are specified in **Chapter 2** must be referred to Full Council. Having considered the report of the PDS Committee, the Executive, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Full Council on how it has taken into account any recommendations from the PDS Committee. ~~Conventions will state how the Executive will report at Full Council meeting.~~
- (d) The Council will consider the recommendations of the Executive and may adopt ~~them~~, amend and/or them, refer them back to the Executive for further consideration, or substitute its own proposals in their place.
- (e) The Council's decision will be publicised in accordance with the Access to Information Rules in **Chapter 8** and a copy shall be given to the Leader and Executive Members. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's recommendations without amendment) or (if the Executive's recommendations are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period. If a meeting of the Executive on or after 8<sup>th</sup>

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February submits to the Council matters relating to the adoption of the budget, the decision of Council shall be effective immediately even if it involves any amendments to the Executive's proposals.

- (f) If the Leader objects to the decision of the Council, he/she shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (g) The Council meeting must take place within 5 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance [the Access to Information Rules](#) in **Chapter 8**, and shall be implemented immediately.
- (i) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

### 3. **Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 5 (virement) the Executive, Committees of the Executive, individual members of the Executive and any officers, or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Executive, Committees of the Executive, individual Members of the Executive and any officers, or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. The Monitoring Officer and/or the Chief Finance Officer will consult with the relevant Chief Officers regards appropriate advice. If the advice of the Monitoring Officer and/or Chief Finance Officer is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

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#### 4. **Urgent decisions outside the budget or policy framework**

(a) The Executive, a Committee of the Executive, an individual Member of the Executive or officers, or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- i) if it is not practical to convene a quorate meeting of the full Council; and
- ii) if the chairperson of the relevant PDS committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chairperson of the relevant PDS Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairperson of the relevant PDS Committee the consent of the Mayor must be sought.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### 5. **Virement**

- (a) The financial regulations shall state the budget heads of the Council.
- (b) Steps taken by the Executive, a Committee of the Executive, an individual member of the Executive or officers, Area Committees or joint arrangements discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads. The financial regulations of the Council will specify the virement limits of each decision making body or individual and their ability to increase the budget. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.

#### 6. **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a Committee of the Executive, an individual Member of the Executive or officers, or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the changes to, closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;

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- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

**7. Call-in of decisions outside the budget or policy framework**

- (a) Paragraph 16 of the Policy Development and Scrutiny Procedure Rules (in **Chapter 4**) states the procedure for calling-in an Executive decision. Any five Members of the Council can call-in an Executive decision which must then be referred to the PDS Committee for consideration.
- (b) Where the PDS Committee are of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (c) If the advice of the Monitoring Officer and/or the Chief Finance Officer is that the decision would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the PDS Committee shall refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 5 days of the request by the PDS committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:
  - i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way;  
  
*Or*
  - ii) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way;  
  
*Or*
  - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

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## 15. The Executive Portfolios

~~(Required by the Local Government Act 2000 (Constitution)~~

~~(England) Direction 2000 – paragraph 3h.)~~

The Leader will appoint or remove Portfolio Holders and allocate portfolio responsibilities in accordance with **this Chapter** of the Constitution ~~and the Executive Procedure Rules~~. Changes can be made by the Leader for insertion without the need to formally change the constitution at Council

All Portfolio Holders will provide an integrated response to future challenges; engage in appropriate partnerships, and deliver a ‘whole Council’ response on the quality of life and wellbeing needs of clients and communities.

Current Portfolio Holder responsibilities are as follows -

### **1. Resources, Commissioning and Contract Management**

This Portfolio is concerned with the delivery of the Council’s financial strategy and monitoring the revenue and capital budgets; the Council’s land and property including the sale of Council assets; Biggin Hill Airport; information and communication technology; procurement; human resources strategy and registrars.

### **2. Adult Care and Health Services**

This Portfolio is concerned with care services for adults and older people; learning disabilities; health; joint commissioning and mental health.

### **3. Children, Education and Families**

This Portfolio is concerned with care services for children and families and all the Council’s education services including school admissions; education welfare services; special educational needs; early years development; standards and effectiveness in schools and youth offending.

### **4. Public Protection and Enforcement**

This Portfolio is concerned with anti-social behaviour; environmental health and trading standards; partnership with the police and drug action.

### **5. Renewal, Recreation and Housing**

This Portfolio is concerned with town centres; business regeneration and employment opportunities; further education and lifelong learning; leisure, culture and libraries; planning and building control; and housing.

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**6. ~~Sustainability, Green Services and Open Spaces~~ Environment**

This Portfolio is concerned with sustainability, street services, waste and re-cycling and parks & open spaces.

**7. Transport, Highways and Road Safety**

This portfolio is concerned with transport, highways development, traffic, road safety and parking.

The Leader shall ensure that any changes to the above allocation of portfolios and responsibilities is updated as soon as is practically possible to do so and in addition to any other notification required by the Constitution the Leader shall provide the Monitoring Officer with written notice of the change to allow this part of the Constitution to be updated.

## 16. Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent Regulations give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the Executive (the “local choice functions”) and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. These Executive arrangements make clear how these distinctions are given effect by setting out the local choice functions identifying:

- (a) the responsibilities of the Council and / or its committees; and
- (b) the responsibilities of the Executive; and
- (c) those functions which are not the responsibility of the Executive to a specified extent.

Those functions which are delegated on to an officer are included in the Scheme of Delegation to Officers in **Chapter 6** of this Constitution.

### i. Responsibility for Local Choice Functions

- (a) The Council has determined that all local choice functions contained in Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (to be known as the “Functions Regulations”) are to be Non-Executive functions, ~~except for Best Value Reviews which shall be both an Executive and Non-Executive function~~; and
- (b) That all local choice functions contained in Schedule 3 of the Functions Regulations are to be Non-Executive functions.

### ii. Responsibility for Council Functions

The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below and these delegations will include appointment of Councillors to all relevant outside bodies that fall within the Council’s policy for making such appointments. These Committees may consider and decide any matter of relevant Non-Executive business referred to the Committee by a Sub-Committee or a Chief Officer.

<u>Committee</u>	<u>Functions</u>	<u>Delegation of Functions</u>
<u>General Purposes and Licensing Committee (and Sub-Committees).</u>	<u>All the functions in the Functions Regulations relating to Health and Safety, Public Rights of Way, non-executive functions - trees, hedgerows and pavements, elections and Bye-laws and all other non-Executive Functions not assigned to any other Committee or reserved to Council. These functions are specified in detail in <b>Chapter 5</b>.</u>	<u>Functions which are delegated on, to an officer, and the limits on that delegation are set out in this <b>Chapter 6</b>.</u>

	<u>All the functions of the Council set out in Part B of Schedule 1 of the Functions Regulations. These functions are specified in detail in <b>Chapter 5.</b></u>	
<u><b>Audit and Risk Management Committee</b></u>	<u>See <b>Chapter 5</b></u>	
<u><b>Pensions Committee</b></u>	<u>See <b>Chapter 5</b></u>	
<u><b>Appeals Sub-Committee</b></u>	<u>See <b>Chapter 5</b></u>	
<u><b>Development Control Committee</b></u>	<u>Planning and conservation fFunctions relating to town and country planning and development control as specified in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”). These functions are specified in detail in <b>Chapter 5.</b></u>	<u>Functions which are delegated on, to an officer, and the limits on that delegation are set out in this <b>Chapter 6.</b></u>
<u><b>Plans Sub-Committees</b></u>	<u>See <b>Chapter 5</b></u>	
<u><b>Standing Advisory Council on Religious Education (SACRE)</b></u>	<u>See <b>Chapter 5</b></u>	
<u><b>Urgency Committee</b></u>	<u>See <b>Chapter 5</b></u>	
<u><b>Health &amp; Wellbeing Board</b></u>	<u>See <b>Chapter 5</b></u>	
<u><b>Standards Committee</b></u>	<u>The promotion and maintenance of high standards of conduct within the Council.</u> <u>To advise the Council on the adoption or revision of its Members’ Code of Conduct. These functions are specified in detail in <b>Chapter 5.</b></u>	

### iii. Responsibility for Executive Functions

Other than those matters reserved to the Council or delegated to a Non-Executive Committee or to a Chief Officer as a Non-Executive function, all other remaining functions are Executive functions.



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## 1.9 Functions exercised by the full Executive

- a) Taking decisions on the Council's areas of policy priority.
- b) The approval of the Budget (Revenue and Capital) for recommendation to the Council.
- c) Strategic leadership of the Council's financial strategy.
- d) Proposed variations to the budget requiring recommendations to the Council
- e) Budget monitoring during the course of the financial year.
- f) Recommending to Full Council all plans forming part of the Policy Framework which require the Council's approval.
- g) Approval of all plans forming part of the Policy Framework which do not require referral to Full Council.
- h) Recommending sSignificant variations to all such plans forming part of the Policy Framework.
- i) any decision which would be contrary to the approved budget or approved Policy Framework; or any recommendation to the Council in respect of any such proposed decision.
- j) The consideration and determination of matters arising from any Best Value Review.
- k) The consideration and determination of any decision which has been referred back to the Executive by the Council or by a Policy, Development & Scrutiny Committee under the "call in" procedure; regardless of whether the original decision was taken by the Executive, an Executive Committee or by an individual Member of the Executive.
- l) Any decision which materially involves or has a significant impact on more than one Portfolio
- m) Any decision which is not specifically identified as being the responsibility of a Portfolio holder or Chief Officer.
- n) The provision or closure of any Council facility, particularly but not exclusively, the following:
  - a. schools and any other educational facility
  - b. libraries, sports centres, museums, parks and any other recreational facility
  - c. homes and similar facilities for children, young persons and the elderly
  - d. any facility for the disposal or treatment of waste and transport depots
  - e. the provision of a new highway for the purposes of vehicular traffic

provided that this paragraph shall not include the closure of any highway unless it has a significant impact on people working or living in an area comprising two or more wards.

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Excluding decisions delegated under the Scheme of Delegations to Chief Officers, all other Executive decisions shall be taken by the member of the Executive with Portfolio responsibility for the matter in question. It shall always be open to the member of the Executive with portfolio responsibility to refer a matter to the full Executive for decision.

The Executive may, from time to time, set up Executive Committees for stipulated purposes and may delegate to such Executive Committees responsibility for any Executive decision which would otherwise come within the responsibility of a Portfolio Holder or a Chief Officer.

The exercise of all Executive functions shall be subject to the following:

- the Budget or Policy Framework as determined from time to time by the Council (subject to the powers of the Executive (1) to recommend to the Council the implementation of decisions which would be contrary to the approved budget or approved Policy Framework; or (2) to take such decisions on the grounds of urgency in accordance with the statutory procedure)
- Financial Regulations

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## 17. Joint arrangements

### 17.1 Arrangements to promote well being

The Council or the Executive in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### 17.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. [Such arrangements may involve the appointment of a joint Committee with these other local authorities]
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint Committees with these other local authorities.
- (c) Except as set out below, the Executive may only appoint Executive Members to a joint Committee and those Members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint Members to a joint Committee from outside the Executive ~~where in the following circumstances:~~  
  
\_the joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population.  
  
In such cases, the Executive may appoint to the joint Committee any Councillor who is a Member for a Ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint Committees will be found in **Chapter 5** of this Constitution.

### 17.3 Access to information

- (a) The Access to Information Rules in **Chapter 8** of this Constitution apply.

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- (b) If all the Members of a joint Committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
  - (c) If the joint Committee contains Members who are not on the Executive of any participating authority then the access to information rules in Part V of the Local Government Act 1972 will apply.

#### **17.4 Delegation to and from other local authorities**

- (a) The Council may delegate non-Executive functions to another local authority.
- (b) The Executive may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting for non-executive functions or the Executive for executive functions.

#### **17.5 Contracting out**

The Council or the Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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# CHAPTER 4 – POLICY DEVELOPMENT AND SCRUTINY

## 187. Introduction to the Policy Development Process and Committees

### 187.1 Introduction~~Terms of reference~~

The full Council will appoint the Policy Development and Scrutiny Committees ~~set out in the left hand column of the table below~~ to discharge the functions conferred by section 21 of the Local Government Act 2000 ~~and any regulations under section 32 of the Act, in relation to the matters set out in the right hand column of the same table~~. The Executive, Resources and Contracts Policy Development and Scrutiny Committee will scrutinise the overall work of the Executive and will have a coordinating role for scrutiny, be known as the PDS Committee. The other Committees will reflect the Executive portfolios and may be referred to as the PDS-Portfolio PDS Committees.

Committee	Scope
Policy Development and Scrutiny Committee (PDS)	

~~PDS Portfolio Committees (reflecting Executive portfolios)~~

~~(1) Explore whether agreed plans are being achieved and if so how effectively~~

~~(2) Consulted by Executive on draft policy framework as it relates to this portfolio~~

~~(3) Conduct of Best Value reviews covered by each portfolio~~

~~(4) Considering call in matters referred to the Committee~~

~~(5) Responsible for scrutiny of non-Executive decisions~~

~~(6) Other statutory duties as directed by legislation outside of the Local Government Act 2000~~

## 187.2 General role

Within their terms of reference, Policy Development and Scrutiny Committees may:

- i) make reports and recommendations to the full Council, the Executive or any policy, joint or area committee in connection with the discharge of any functions;
- ii) make reports or recommendations on any matter affecting the area or its inhabitants; and
- iii) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Executive's or Council's functions;
- iv) call in of urgent decisions after the event and non-urgent, before implementation.
- v) undertake scrutiny of partner organisations.

## 187.3 Specific functions

- (a) **Policy development and scrutiny.** The Committees will within their terms of reference:
  - i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - ii) examine whether agreed plans are being achieved and if so how effectively;
  - iii) conduct research and consultation in the analysis of policy issues and possible options;

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- iv) consider and implement processes to encourage and enhance community participation in the development of policy options;
  - v) question members of the Executive, Committees and Chief and Senior Officers about council functions and issues and proposals affecting the area;
  - vi) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the quality of life and other interests of local people are enhanced by collaborative working;
  - vii) to seek information from partner organisations and to question representatives of partner organisations and to make recommendations for consideration by partner organisations; and
  - viii) to lead on Councillor calls for action.
- (b) **Scrutiny.** The Committees may within their terms of reference:
- i) review and scrutinise both decisions made and decisions to be made (as published in the Forward Plan) or submitted for pre-decision scrutiny by the Executive, including Executive Committees and Portfolio Holders, Committees of the Council and Council officers both in relation to individual decisions and over time;
  - ii) review and scrutinise the performance of the Executive and individual Portfolio Holders in relation to policy objectives, performance targets and/or particular service areas;
  - iii) question Members of the Executive, Committees and Chief and Senior Officers about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - iv) make recommendations to the Executive, appropriate Committee or Council and partner organisations arising from the outcome of the scrutiny process;
  - v) review and scrutinise the exercise of statutory powers in relation to local NHS bodies and other partner organisations;
  - vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Development and Scrutiny Committee.
- (c) **Finance.** The Committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** A report will be submitted annually to full Council on the Policy Development and Scrutiny functions and PDS budget, and amended working methods if appropriate. This report will be produced by the PDS Committee with input from the relevant portfolio PDS committees.
- (e) **Annual work programme.** The Policy Development and Scrutiny function will be responsible for undertaking and fulfilling annual programmed work which will encompass broad policy development and scrutiny issues.
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#### 18.4 **Proceedings of Policy Development and Scrutiny Committees**

The Committees will conduct their proceedings in accordance with the Policy Development and Scrutiny Procedure Rules set out in this **Chapter** of the Constitution.



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## 19. Policy Development and Scrutiny Procedure Rules

### 19.1. What will be the number and arrangements for Policy Development and Scrutiny Committees?

- (a) The Council will have the Policy Development and Scrutiny Committees set out in the Terms of Reference in this **Chapter** and will appoint to them as it considers appropriate from time to time. In addition further ad hoc Committees may be appointed from time to time to consider and report on specific issues.
- (b) ~~There will be One main or overarching~~ Policy Development and Scrutiny (PDS) Committee will be responsible for coordinating scrutiny, with its membership based on political proportionality. Chairpersons of all the portfolio Committees will sit on this Committee subject to the rules of proportionality.
- ~~(c) — The terms of reference of the PDS Committee will be set out separately.~~

### 19.2 Who may sit on Policy Development and Scrutiny Committees?

All Councillors (except Members of the Executive. Executive Assistants may not serve on the PDS which mirrors the Portfolio they support on the Executive) may be Members of one or more Policy Development and Scrutiny Committee. However, a Member must declare an interest in a decision in which he/she has been involved and may not be involved in scrutinising that decision.

### 19.3 Co-optees

The Policy Development and Scrutiny Committees are empowered to appoint non-voting co-optees on such terms and conditions as they consider appropriate.

### 19.4 Education representatives

Each relevant Policy Development and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) Church of England diocese representative (at least one);
- (b) Roman Catholic diocese representative (at least one);
- (c) Parent Governor representatives (between 2 and 5); and
- (d) representatives of other faiths or denominations as may be directed by the Secretary of State.

A relevant Policy Development and Scrutiny Committee in this paragraph is a Policy Development and Scrutiny Committee or Committee of a local education authority, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the Authority's Executive. If the Policy Development and Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

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#### 19.5. Meetings of the Policy Development and Scrutiny Committees

The cycle of meetings for Policy Development and Scrutiny Committees will be variable, the frequency of which to be decided on an annual basis. Special meetings may be called from time to time as and when appropriate. A Policy Development and Scrutiny Committee meeting may be called by the Chairperson of the relevant Policy Development and Scrutiny Committee, by any 5 members of the Committee or by the Director of Corporate Services and Governance as Proper Officer if he/she considers it necessary or appropriate.

#### 19.6 Quorum

The quorum for a Policy Development and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in **Chapter 2** of this Constitution.

#### 19.7 Work programme

- (a) The Policy Development and Scrutiny Committees will be responsible for setting their own work programme having regard to the Council's annual performance planning process and the budget and policy framework and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group or controlling group(s) on the Council.
- (b) In setting their work programme for each year, each Policy Development and Scrutiny Committee should allocate meetings at which it will require the relevant Executive Members to attend to give their account for the performance of their Portfolio, the delivery of the budget for which they are responsible and to answer questions from Members and members of the public in accordance with Council rules.

#### 19.8 Agenda items

- (a) Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next ordinary meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.
- (b) The Chief Executive, Director of Corporate Services and Governance and Director of Finance and any other Chief Officer in respect of any matter coming within his or her sphere of responsibility will be entitled to have items included on the agenda of Policy Development and Scrutiny Committees.

#### 19.9 Review of policy and development

- (a) The role of the Policy Development and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in **Chapter 3**.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Policy Development and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

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- (c) Subject to budgetary implications, Policy Development and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

#### **19.10 Reports from Policy Development and Scrutiny Committees**

- (a) Once recommendations on proposals for development have been formed, the Policy Development and Scrutiny Committees will prepare formal reports which will be submitted to the Proper Officer for consideration by the Executive or to the Council as appropriate.
- (b) If a Policy Development and Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then minority reports prepared by Councillors may be submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider reports of the Policy Development and Scrutiny Committees normally at the first available meeting of the Executive (subject to the Executive having discretion for good cause to defer to a later meeting) after the meeting of the Policy Development and Scrutiny Committee or in any event within two months, or at the next ordinary Council meeting where appropriate.

#### **19.11 Making sure that Policy Development and Scrutiny reports are considered by the Executive or Policy Committees**

- (a) The agenda for Executive meetings shall include an item entitled 'Issues arising from Policy Development and Scrutiny Committees'.
- (b) All references from the Policy Development and Scrutiny Committees will be considered by the full Executive notwithstanding that the original decision may have been taken by an individual member of the Executive.

#### **19.12 Rights of Policy Development and Scrutiny Committee Members to documents**

- (a) In addition to their rights as Councillors, members of Policy Development and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in **Chapter 8** of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Policy Development and Scrutiny Committees as appropriate depending on the particular matter under consideration.

#### **19.13 Members and officers giving account**

- (a) Any Policy Development and Scrutiny Committee may, within its terms of reference, scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any (other) member

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of the Executive, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance

and it is the duty of those persons to attend if so required.

- (b) Where any Member or officer is required to attend a Policy Development and Scrutiny Committee under this provision, the Chairperson of that Committee will inform the Proper Officer. The proper officer shall inform the Member or officer in writing giving at least 5 working days' notice of the meeting at which he/she is required to attend, except in cases of urgency. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) The right of Policy Development & Scrutiny Committees to require officers to attend before them is unlimited in terms of the status and functions of officers. By Council convention, the following officers may be subject to a requirement to attend to answer questions from time to time:
  - the Chief Executive
  - all other Chief Officers
  - any other officer (but the relevant Chief Officer shall be entitled to attend with that officer and to participate.)

#### 19.14 Attendance by others

- (a) The following persons will be entitled to attend meetings of the committees by virtue of their office, rather than in exercise of public rights:
  - The Leader and all Members of the Executive
  - All other Members of the Council
  - All Chief Officers
- (b) A Policy Development and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, business representatives and members and officers in other parts of the public sector and shall invite such people to attend.

#### 19.15 Call-in

- (a) When a key decision is made by
  - (1) the Executive
  - (2) an individual member of the Executive or

- 
- (3) a Committee of the Executive, or
  - (4) an officer with delegated authority from the Executive

the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. All Members will be sent copies of the records of all such decisions within the same timescale, by the Proper Officer.

- (b) Call-in will not be allowed where a decision has already been scrutinised and the decision is substantially the same as that supported by the relevant Policy Development and Scrutiny Committee, ~~and this will be stated in the notice of the decision.~~
- (c) If the decision is subject to call-in, then during that period, the Proper Officer shall make arrangements to call-in a decision for scrutiny by the relevant Policy Development and Scrutiny Committee if so requested with reasons by any five Members of the Council and shall then notify the decision-taker of the call-in.
- (d) The notice of decision will bear the date on which it is published and will specify that the decision will come into force and may be implemented on the expiry of five working days, this being the first call-in period after the publication of the decision.
- (e) If a call-in is made, a Policy Development and Scrutiny Committee will meet within a time period agreeable to all parties to the call-in. This should be within ten working days (including the day of the call-in and the day of the meeting) unless the parties agree to extend the date or take the issue to the next ordinary meeting of the PDS Committee, if this is later. In cases where there is not unanimity on the date of the Committee to consider the call-in, the Chairperson of the main coordinating Policy Development and Scrutiny Committee to decide.
- (f) Having considered the decision, the Policy Development and Scrutiny Committee may refer it back to the full Executive, with its reasons. The Executive shall then reconsider. A decision which has been referred back to the Executive following a call-in must be considered within 20 working days of the call-in meeting, or it will fall.
- (g) The Policy Development and Scrutiny Committee will not exercise its right to refer decisions to the full Council except in exceptional circumstances such as, for example, an alleged intention by the Executive to act contrary to law or the policy and budget framework.
- (h) If following a “called-in” decision, a PDS Committee does not meet or does meet but does not refer the matter back to the full Executive, the decision shall take effect on the date of the PDS Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- (h) Where Executive decisions have been submitted for pre-decision scrutiny at full Council there will not be a right of call-in, provided that the Executive decision accords with the views of Council.
- (i) A Member who is a party to the call-in shall not chair the PDS meeting considering the call-in.

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### 19.16 Call-in and Urgency

- (a) The call-in procedure set out above shall not apply where the Executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, along with reasons why, and therefore not subject to call-in.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### 19.17 Procedure at Policy Development and Scrutiny Committee meetings

- (a) Policy and Development and Scrutiny Committees shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interest;
  - iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
  - iv) responses of the Executive to reports of the Policy Development and Scrutiny Committee; and
  - v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Policy Development and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
  - i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall save in exceptional circumstances make its report and findings public.
- (d) All Chief Officers and their nominees shall be entitled to attend Policy Development and Scrutiny Committees and are entitled to speak on any matter within their sphere of activity.

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### 19.18 Right to Speak

The following will be entitled to speak at meetings of the committee:

- (a) any Councillor on a matter which affects his or her Ward or in respect of which he or she has a special interest, subject to the overriding discretion of the Chairperson of the Committee
- (b) the Chief Executive, the Director of Corporate Services and Governance and the Director of Finance in respect of any matter coming within their statutory responsibilities; they and all other Chief Officers in respect of matters coming within their sphere of responsibility (whether or not covered by a specific statutory provision )
- (c) any other person, subject to the agreement of the Committee.

### 19.19 Officer Support

Officer support for Policy Development and Scrutiny Committees will be provided by the Chief Executive and Chief Officers. Chief Officers and their departments will be “double hatted” (ie: will provide support not only to Policy Development & Scrutiny Committees but also to the Council and its Committees and the Leader and Executive). The Chief Executive will keep under review the support provided to Policy Development & Scrutiny Committees.

### 19.20 Minority Reports

Generally, any reports by Policy Development & Scrutiny Committees shall be prepared on the basis of majority decision. However, it shall be open to any Member or Members to produce a minority report.

### 19.21 Portfolio Holder Attendance at PDS Committees and Pre-decision Scrutiny

A key function of policy development and scrutiny is to hold the Executive and Portfolio Holders to account and to undertake pre-decision scrutiny of prospective executive decisions. Prospective executive decisions shall only be scrutinised at one Policy Development and Scrutiny Committee meeting unless there is a substantial change in the proposals. Policy Development and Scrutiny PDS Committees, in their work programmes, shall allocate a slot for Portfolio Holders to attend to answer questions from the public and Members and to give a general account for their Portfolios.

Where an executive decision cannot be considered by a service PDS Committee, the Executive, & Resources and Contracts PDS Committee can fulfil the pre-decision scrutiny function.

It is important to remember that PDS Committees cannot make decisions and are fulfilling the important role of challenge to the Portfolio Holder.

### 19.22 Matters within the remit of more than one Policy Development and Scrutiny Committee

Where a matter for consideration by a Policy Development and Scrutiny Committee also falls within the remit of one or more other PDS Portfolio Committees, the decision as to which Policy Development and Scrutiny Committee will consider it will be resolved by the PDS Committee.

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## 20. Policy Development and Scrutiny Committee **Terms of Reference**

- ~~(1) — strategic direction and resources;~~
- ~~(2) — overall direction and co-ordination of the PDS function;~~
- ~~(3) — The Executive, the Resources, Commissioning and Contract Management Portfolio and any matters which cross individual portfolio boundaries (including cross-portfolio Best Value Reviews)~~
- ~~(4) — Review of Community Leadership and local well-being powers and partnership working;~~
- ~~(5) — participation in the preparation of an annual report;~~
- ~~(6) — the consideration of “call-ins” of Executive decisions.~~

### **Executive, Resources and Contracts Policy Development and Scrutiny Committee Terms of Reference**

To fulfil the role of Policy Development and Scrutiny as it relates to the Executive and the Resources, Commissioning and Contract Management Portfolio and the strategic direction and resources of the Council including:

1. The development of the Council’s plans within the policy framework, including the revenue budget and capital programme, and exploring whether such plans are being achieved effectively.
2. Collaborative working with partner organisations and groups.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
  - (a) cross-cutting services that are not included in the terms of reference of any other Policy Development and Scrutiny Committee;
  - (b) financial strategy;
  - (c) the Council’s overall policy priorities;
  - (d) Land and property;
  - (e) information and communication technology;
  - (f) human resources.
4. Management of call-in.
5. Overall coordination of the Policy Development and Scrutiny function, including the production of an Annual PDS report.



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## Adult Care and Health Policy Development and Scrutiny Committee Terms of Reference

To fulfil the role of Policy Development and Scrutiny as it relates to care and health services for adults including:

1. The development of the Council's plans within the policy framework that makes up this portfolio and exploring whether such plans are being achieved effectively.
2. Reviewing working with partner organisations and groups such as health trusts. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
  - (a) all care services for adults and older people, adults with physical disabilities, adults with mental health problems, learning difficulties, HIV/AIDS, or with drugs or alcohol related health problems and carers;
  - (b) benefits and welfare rights services;
  - (c) public health;
  - (d) scrutinising local health agencies under powers contained in the [Health and Social Care Act 2012](#) ~~Health and Social Care Act 2001~~;

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## Children, Education and Families Policy Development and Scrutiny Committee Terms of Reference

To fulfil the role of Policy Development and Scrutiny as it relates to children, education and families including:

1. The development of the Council's plans within the policy framework that make up this portfolio and exploring whether such plans are being achieved effectively.
2. Reviewing working with partner organisations and groups including the Early Years Development and Childcare Partnership. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of functions falling within the remit of this portfolio which would include:
  - a) all of the functions of the Council as an education authority under [the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time](#);
  - b) all functions of the Council in so far as they relate to the provision of opportunities for education, training and learning outside the school environment including pre-school learning;
  - c) Youth offending services;
  - d) 16-19 education;
  - e) social work for children and young people, children with special needs, fostering and adoption and family support services;
  - f) Adult education.

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## **Environment and Community Services Policy Development and Scrutiny Committee Terms of Reference**

To fulfil the role of Policy Development and Scrutiny as it relates to environment and community services including:

1. The development of the Council's plans within the policy framework that make up this portfolio and exploring whether such plans are being achieved effectively.
2. Reviewing collaborative working with partner organisations and groups. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
  - a) Engineering and highways;
  - b) street services, waste management and refuse collection;
  - c) energy efficiency;
  - d) transport services, parking and road safety;
  - e) parks and open spaces, allotments and other like facilities.

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## Renewal, Recreation and Housing Policy Development and Scrutiny Committee Terms of Reference

To fulfil the role of Policy Development and Scrutiny as it relates to renewal, recreation and housing including:

1. The development of the Council's plans within the policy framework that make up this portfolio, and exploring whether such plans are being achieved effectively. Also, to perform a scrutiny role regarding Local Plan, which will be developed by the Development Control Committee.
2. Reviewing working with partner organisations and groups including local businesses, business support agencies, sub-regional and regional organisations including the Learning and Skills Council, Small Business Service and London Development Agency. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
  - a) town centre management;
  - b) regeneration;
  - c) business information services;
  - d) employment opportunities;
  - e) education and lifelong learning;
  - f) museums, archives and local history activities;
  - g) libraries, leisure and culture, including art galleries and theatres;
  - h) planning and building control.
  - i) housing, including the improvement of private sector housing, grants and loans to owner-occupiers, tenants landlords, and/or developers, homelessness, rehousing and special needs/supported housing;

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## **Public Protection and Enforcement Policy Development and Scrutiny Committee Terms of Reference**

To fulfil the role of Policy Development and Scrutiny as it relates to public protection and enforcement including:

1. The development of the Council's plans within the policy framework that make up this portfolio, and Exploring whether such plans are being achieved effectively.
2. Reviewing working with partner organisations and groups namely the Safer Bromley Partnership (including the Police, Probation and Fire Services). This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate, and carrying out the Council's crime and disorder scrutiny responsibilities under the Police and Justice Act 2006.
3. Receiving reports and making recommendations performance monitoring of services falling within the remit of this portfolio, which would include:
  - a) drugs action team;
  - b) environmental health and trading standards;
  - c) anti-social behaviour.

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# Chapter 5 – Committees

## 22. The Committees and Sub-Committees of the Council

General Purposes and Licensing Committee

Appeals Sub-Committee

Industrial Relations Sub-Committee

Licensing Sub-Committee

Rights of Way Sub-Committee

Audit and Risk Management Committee

Pensions Committee

Development Control Committee

Plans Sub-Committees

Urgency Committee

Standards Committee

Standing Advisory Council on Religious Education (SACRE)

Health & Wellbeing Board

## **23. The Committees Terms of Reference**

### **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 and Country Planning Act 1990)
- (k) Any non-executive function not delegated elsewhere or reserved to Council.



## **Appeals Sub-Committee**

(Membership excluding Members of the Executive drawn from a panel appointed by the Council and constituted as and when necessary by the Council or, where delegated, named decision-maker.)

To determine appeals against any decision of the Council including:

- staff dismissal, discipline, grading, capability, early retirement, pension entitlement or other reasons
- access to information
- social services matters including domiciliary charges, registration of child minders, persons providing day care for children, registration of residential care homes and others, which carry a statutory right of appeal
- education transport appeals.
- internal reviews relating to listing and compensation appeals under the community right to bid

(Note: This Sub-Committee will not consider appeals by Chief Officers concerning appraisal, disciplinary investigations or disciplinary matters).

### **Industrial Relations Sub-Committee**

(Membership to include the Leader and Deputy Leader of the Council and the Chairperson and Vice-Chairperson of the General Purposes and Licensing Committee.)

1. To deal with all matters relating to industrial disputes whether threatened or actual, (a) including where considered necessary by the Chairman, any such matters which might otherwise come within the terms of reference of the General Purposes and Licensing Committee; and (b) together with power to take any action necessary to maintain any of the Council's services which may be affected by industrial action.
2. The Sub-Committee shall have the power to co-opt the Chairman of any Committee.

## **Licensing Sub-Committee**

(Three Members to be drawn from the General Purposes and Licensing Committee and to include no more than one Member of the Executive)

Concurrently with General Purposes and Licensing Committee -

1. Gaming, entertainment, food and miscellaneous licensing and functions relating to licensing and registration as set out in Schedule 1 of the Functions Regulations.
2. All functions arising pursuant to the Licensing Act 2003 apart from a function conferred by Section 5 of that Act in respect of the Statement of Licensing policy.

### **Rights of Way Sub-Committee**

(Membership proportional – may include one Member of the Executive from each recognised party group subject to Executive Members not being in the majority)

Functions relating to non-vehicular highway matters within the remit of the General Purposes & Licensing Committee and those vehicular highways within the terms of reference of the General Purposes and Licensing Committee, associated with routes shown, or capable of being shown, on the Definitive Map of Public Rights of Way.

## **Audit and Risk Management Committee**

(Membership proportional, to exclude any member of the Executive, and to include up to two independent co-opted members.)

- To approve the internal audit charter.
- To approve the risk-based internal audit plan.
- To consider reports from the Head of Audit and Assurance on internal audit performance and outcomes during the year, including key findings and actions and areas where management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
- To consider the Head of Audit and Assurance's annual report and opinion.
- To have oversight of, and contribute towards, the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To ensure the independence of Internal Audit, through making appropriate enquiries of both management and the Head of Audit and Assurance to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Audit and Assurance. To approve and periodically review safeguards to limit such impairments.
- Consider the reports of external audit and inspection agencies.
- To monitor the effective development and operation of Risk Management in the Council.
- To monitor the Counter Fraud and Corruption strategy, actions and resources
- To monitor the effectiveness of Counter Fraud arrangements including assessment of fraud risks, actions and responses
- Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- To review and approve the Annual Governance Statement, ensuring that this properly reflects the risk environment and any actions required to improve it.
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is demonstrated and actively promoted.
- Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

## **Pensions 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) monitoring the financial position of the Pension Fund, including consideration of the triennial actuarial valuations;
- (b) investment of the Pension Fund, including the appointment of investment managers;
- (c) management of the Council's additional voluntary contributions (AVC) scheme;

## **Development Control Committee**

(Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

1. **Planning and Conservation and Building Control.** All the Council's powers and duties relating to town and country planning and development control and building control as specified in Schedule 1 of the Functions Regulations, including, where appropriate, determining cases relating to individual sites.
2. **Local Plan and Development Documents.** To be responsible for preparing, revising and recommending the Plan to the Executive.
3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways under the Town and Country Planning Act 1990, as set out in Schedule 1 to the Functions Regulations.
4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.

## **Plans Sub-Committees**

(Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

Concurrently with Development Control Committee -

1. To exercise all the powers and duties of the Council as local planning authority – as set out in Schedule 1 of the Functions Regulations.
2. To exercise all the powers and duties of the Council in relation to Building Control matters – as set out in Schedule 1 to the Functions Regulations.



## **Urgency Committee**

(Seven Members, comprising the Mayor, the Chairperson of the General Purposes and Licensing Committee, the Chairperson of the Executive, Resources and Contracts PDS Committee, the relevant Portfolio Holder or Committee Chairperson and the Leaders of the three largest party groups).

To deal with urgent non-executive decisions that are not of a sensitive nature – any such decisions made shall be reported to the next available meeting of the full Council.

## Standards Committee

The Standards Committee will have a membership comprising one member from each minority group and sufficient members of the majority group to maintain a majority.

Members of the Executive may sit on the Standards Committee, subject to not being in a majority.

The Chairperson will be appointed from, and by, members of the Standards Committee and will hold office for one year.

Independent Persons appointed under the Localism Act 2011 shall be entitled to attend and speak at all meetings of the Standards Committee.

## Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and Church and Parent Governor representatives.
- (b) Assisting the Councillors, co-opted members and Church and Parent Governor representatives to observe the requirements on declaring pecuniary interests within the Members Code of Conduct and associated local protocols.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols.
- (d) Monitoring and reviewing the operation of the Members Code of Conduct and associated local protocols.
- (e) Developing for recommendation to the Council, local protocols to supplement the Members' Code of Conduct.
- (f) Enforcing local protocols and applying sanctions in respect of breaches of the Members' Code of Conduct as appropriate.
- (g) Advising, training or arranging to train Councillors, co-opted members and Church and Parent Governor representatives on matters relating to the declaration of pecuniary interests, Members' Code of Conduct and associated local protocols.
- (h) Hearing cases against Councillors, in accordance with section 28 of the Localism Act 2011 in consultation with the Independent Person.
- (i) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
- (j) To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide.
- (k) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports, Audit and Risk Management Committee reports and ethical indicators.
- (l) To consider any applications for dispensations from councillors and co-opted members to allow them to participate in decisions.

## **Standing Advisory Council on Religious Education (SACRE)**

(Seven Members)

An independent Statutory body charged to advise the Council upon matters connected with religious worship in schools and the religious education to be given in accordance with an Agreed Syllabus.

## Health & Wellbeing Board

(11 Elected Members, including one representative from each of the two Opposition Parties; the two statutory Chief Officers (without voting rights); two representatives from the Clinical Commissioning Group (with voting rights); a Health Watch representative (with voting rights) and a representative from the Voluntary Sector (with voting rights).

The Chairperson of the Board will be an Elected Member appointed by the Leader. The quorum is one-third of Members of the Board providing that elected Members represent at least one half of those present. Substitution is permitted. Other members without voting rights can be co-opted as necessary.)

1. Providing borough-wide strategic leadership to public health, health commissioning and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts.
2. Commissioning and publishing the Joint Strategic Needs Assessment (JSNA) under the Health and Social Care Act 2012.
3. Commissioning and publishing a Joint Local Health & Wellbeing Strategy (JLHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population, which it will expect to see reflected in local commissioning plans.
4. Receiving the annual CCG commissioning plan for comment, with the reserved powers to refer the CCG commissioning plan to the NHS Commissioning Board should it not address sufficiently the priorities given by the JSNA.
5. Holding to account all areas of the Council, and other stakeholders as appropriate, to ensure their annual plans reflect the priorities identified within the JSNA.
6. Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate.
7. Promoting integration and joint working in health and social care across the borough.
8. Involving users and the public, including to communicate and explain the JLHWS to local organisations and residents.
9. Monitor the outcomes and goals set out in the JLHWS and use its authority to ensure that the public health, health commissioning and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the Borough.
10. Undertaking and overseeing mandatory duties on behalf of the Secretary of State for Health and given to Health and Wellbeing Boards as required by Parliament.
11. Other such functions as may be delegated to the Board by the Council or Executive as appropriate.

## **24. Area Committees and Forums**

### **24.1 Area Committees**

The Council may appoint Area Committees as it sees fit if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

### **24.2 Form, composition and function**

Area Committees may set up local mechanisms such as Sub-Committees or Panels to deal with locality issues.

### **24.3 Conflicts of interest – membership of Area Committees and Policy Development and Scrutiny Committees**

#### **(a) Conflict of interest**

If a Policy Development and Scrutiny Committee is scrutinising specific proposals in relation to the business of the Area Committee of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Policy Development and Scrutiny Committee meeting unless a dispensation to do so has been given by the Standards Committee.

#### **(b) General policy reviews**

Where the Policy Development and Scrutiny Committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

### **24.4 Area Committees – access to information**

Area Committees will comply with the Access to Information Rules in **Chapter 8** of this Constitution.

### **24.5 Executive Members on Area Committees**

A Member of the Executive may serve on an Area Committee if otherwise eligible to do so as a Councillor.

### **24.6 Area Committees – Terms of Reference**

- (a) to advise the Executive and/or Policy Development and Scrutiny Committee(s) on the local implications of service delivery across all of the functions of the Council;
- (b) to consider those Best Value Reviews which have an area dimension and submit views thereon to the relevant Policy Development and Scrutiny Committee;
- (c) to consider the local impact of the Community Plan and advise the Executive and/or Policy Development and Scrutiny Committee of their views;

- (d) to assist the Council in all its roles particularly as “Community Leader” and Councillors in their “Representational” role.

**~~25. Members of the Committees~~ (all lists removed)**

# **CHAPTER 6 – SCHEME OF DELEGATION TO OFFICERS**

## **26. Scheme of Delegations to Officers**

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**Financial, Contractual and Grants**

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**Recording, Implementing and Accounting for Decisions**

### **Delegation to Particular Chief Officers -**

- 8. The Chief Executive**
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- 12. Director of Children, Education and Families**
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- 14. Director of Public Health**
- 15. Director of Environment and Public Protection**
- 16. Director of Housing, Planning and Regeneration**

## **1. Introduction**

1.1 The Scheme of Delegation to Officers sets out the responsibilities of officers of the Council, as delegated by the Leader of the Council (executive delegations) and by the Council and its Committees (non-executive delegations). The Scheme designates statutory officer roles and defines the limits of the powers exercised by officers.

## **2. General Principles of Delegation**

2.1 All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed in this Constitution or by the Council, or Executive or appropriate committee.

2.2 Each officer shall exercise all powers subject to the Council's Constitution, Executive Arrangements and Scheme of Delegations, Financial Regulations, Standing Orders, and Contract Procedure Rules, as appropriate.

2.3 The executive powers, duties and functions of the Portfolio Holders, Committees, or officers shall be exercised on behalf of the Leader.

2.4 Portfolio Holders may delegate, in writing, functions in their portfolios to officers.

2.5 Where an officer has delegated authority it may still be appropriate for the officer to consult with the relevant Portfolio Holder prior to taking the decision.

2.6 All Chief Officers are authorised to make arrangements for the proper administration of the functions falling within their responsibility. A Chief Officer may authorise officers within their department to exercise any of their delegated powers.

2.7 Portfolio Holders or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the Chief Executive, the Monitoring Officer and the relevant Chief Officer.

2.8 Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the relevant Chief Officer until such time as the allocation of responsibility has been determined by the Leader or the Council or the relevant Committee.

2.9 In all cases where the exercise of executive functions is not specifically reserved to the Executive, those functions are deemed to be delegated to the Chief Executive and the Chief Officer with responsibility for the relevant function.

2.10 For the avoidance of doubt, the responsibility for the exercise of any function which is not covered by this scheme, including the appointment of a Proper Officer for the purpose of any statutory function, will be determined by the Chief Executive, and reported to the Monitoring Officer to update this Scheme and the Constitution as appropriate.



### 3. Limitations and Conditions of Delegation

3.1 Where revenue expenditure will be incurred or new sources of revenue secured, (including grants, loans, investments and management of Council funds), any officer exercising their delegated power must do so in accordance with approved revenue estimates and following consultation with either the Portfolio Holder, Executive or Leader.

3.2 Officers shall not exercise delegated powers where any capital expenditure will be incurred other than in accordance with Financial Regulations or where that authority may be given for the incurring of expenditure on preliminary action or appraisals, or design work where expenditure will:

- (a) be treated as capital expenditure, and
- (b) the scheme appears in the approved capital programme.

3.3 Officers shall not exercise any powers to contract or issue orders for goods, materials or services (including for maintenance or repair work to Council premises), except in accordance with the Council's Financial Regulations and Contract Procedure Rules.

3.4 An officer to whom power is delegated may decline to exercise their powers in a particular case and shall in such instances refer the matter to either the Leader, the Executive, relevant Portfolio Holder or the relevant committee as appropriate in order that a decision may be made.

3.5 Where officers are taking decisions under delegated powers, the following principles and conditions shall apply.

- (a) The officer exercising such powers shall take into account the principles set out in **Chapter 1 of the Constitution (Decision Making)**, the Budget and Policy Framework and any other relevant policies, procedures or previous decisions.
- (b) All decisions shall be taken in the name of, but not necessarily personally by, the officer(s) to whom the power is delegated. The officer with the delegated power may authorise another officer to act on their behalf, any such authority must be in writing. The officer with the delegated power shall remain accountable for the exercise of that power.
- (c) In any case where the officer exercising the power considers that the decision is likely to be a matter of public controversy or sensitivity, a departure from existing policy or a significant change in financial practice is likely to be involved or, in the case of an executive decision, is contrary to or not wholly in accordance with the Budget and Policy Framework, they shall consult the relevant Chief Officer and the Chief Executive or Portfolio

Holders, as appropriate, who shall refer the matter to the appropriate decision maker(s).

(d) Where officers consider that a decision which they have taken under delegated authority is particularly significant to the Council, they shall report the decision to the relevant Portfolio Holder or the Executive for information. The decision must also be recorded as specified in Regulation 7 of The Openness of Local Government Bodies Regulations 2014.

(e) Officers taking delegated decisions shall consider whether it is appropriate to consult with other Chief Officers, or with members with specific responsibilities or ward councillors and shall do so if he/she concludes it is necessary and take due account of any comments received.

(f) The Chief Executive as Head of the Council's paid service shall monitor the exercise of delegated powers, other than statutory functions, for which Chief Officers have responsibility. The Chief Executive may exercise powers delegated to any other officers and may require any officer to cease the exercise of such powers pending a report to the next meeting of the Executive or relevant Committee.

3.6 Routine service decisions on matters which fall within their departmental/service group remit which are not otherwise covered by this Scheme may be taken by the relevant Chief Officer provided that this is done in accordance with paragraph 6 – Routine Service Decisions of the General Functions Delegated to the Chief Executive and all Chief Officers set out below.

(a) In relation to the day-to-day conduct of decision making by the Council, the ruling of the Monitoring Officer on questions relating to this Scheme shall be final.

(b) The exercise of functions by Portfolio Holders, Committees and officers shall be subject to the provisions of the Local Government Act 1972, the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007, the Localism Act 2011 and any subsequent amendments, supporting or new legislation.

3.7 The Council, a Committee or Sub-Committee as appropriate, which has delegated a function, may, by majority decision at a properly convened meeting, retain the right to amend or withdraw any non-executive delegation.

3.8 The Leader, the Executive or a Portfolio Holder retain the right to amend or withdraw any executive delegation.

3.9 The Leader, a Portfolio Holder, a Committee or Sub-Committee of the Council may call for a report on any decision made under this Scheme, or require any matter under consideration to be referred to the appropriate member or member body for determination.

3.10 Any five members of the Council may, by written request to the Director of Corporate Services and Governance, request the submission of a report to General Purposes and Licensing Committee on the exercise of a particular non-executive delegation.

3.11 Subject to the above constraints and limitations, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer, or delay in updating the Scheme in accordance with changes to legislation, officer structures or operational practice shall not be taken as implying an absence of authorisation to act. The Council and the Leader hereby declare that the lawful exercise of any such powers shall be deemed to be authorised by this scheme notwithstanding such express provision may not have been made in it.

#### **4. Conflicts of Interest**

4.1 Every officer is responsible for identifying whether they have any conflict of interest in any matter which is under consideration and if they do, to notify the Chief Executive or Monitoring Officer.

4.2 Where an officer has a conflict of interest in any matter, they shall not participate in that matter in their capacity as an officer except with the prior approval of their line manager, the Monitoring Officer or the Chief Executive.

4.3 Where the Chief Executive is unable to act on a matter because of a conflict of interest, or they are otherwise incapacitated, the matter shall be discharged by a Chief Officer.

4.4 Where a Chief Officer is unable to act on a matter because of a conflict of interest, or they are otherwise incapacitated, the Chief Executive shall discharge the matter themselves or allocate the matter to another officer.

4.5 Where the Monitoring Officer is unable to act on a matter in their statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the officer designated by the Monitoring Officer as Deputy Monitoring Officer.

4.6 Where the Monitoring Officer is unable to act on a matter in relation to Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose.

4.7 Where any other officer is unable to act on a matter, that officer's line manager or the Chief Executive may arrange for another officer to discharge the matter.

## 5. Statutory Officers

Function	Post	Legislation
Head of Paid Service	Chief Executive	<u>Local Government and Housing Act 1989</u> , Section 4
Monitoring Officer	Director of Corporate Services and Governance	<u>Local Government and Housing Act 1989</u> , Section 5
Section 151 Officer	Director of Finance	<u>Local Government Act 1972</u> , Section 151
Electoral Registration Officer	Chief Executive	<u>Representation of the People Act 1983</u> , Section 8
Returning Officer	Chief Executive	<u>Representation of the People Act 1983</u> Section 35
Director of Adult Social Services	Director of Adult Services	<u>Local Authority Social Services Act 1970</u> ( <a href="http://legislation.gov.uk">legislation.gov.uk</a> ), Section 6(A1)
Director of Children's Services	Director of Children, Education & Families	<u>Children Act 2004</u> , Section 18
Director of Public Health	Director of Public Health	<u>National Health Service Act 2006</u> Section 73A
Chief Inspector of Weights and Measures	Head of Service – Trading Standards and Commercial Regulation	<u>Weights and Measures Act 1985</u> Section 72 (1) ( <a href="#">aA</a> )
Data Protection Officer	Director of Corporate Services and Governance	Article 38 <u>General Data Protection Regulation</u> ; <u>Data Protection Act 2018</u> , Section 69
Scrutiny Officer	Democratic Services Manager	<u>Local Government Act 2000 (as amended)</u> , <del>Section 31</del> <del>9FB</del> <u>Local Democracy and Economic Development Act 2009</u> , <del>section 31</del>

## 6. Proper Officers

The Council employs the following 'Proper Officers' with responsibility for particular functions:

<b>Legislation</b>	<b>Function</b>	<b>Post</b>
<b><u>Local Government Act 1972</u></b>		
Section 83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
Section 84(1)	Receipt of notice of resignation of elected Member	Chief Executive
Section 88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chairperson	Chief Executive
Section 89(1)	Notice of casual vacancy	Chief Executive
Section 100A(6)	Admission of public (including press) to meetings	Chief Executive
Section 100B(2)	Exclude from committees, sub-committees, council or executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Chief Executive
Section 100B(7)(c)	To supply to any newspaper, copies of documents supplied to members of committees, sub-committees, council or executive meetings in connection with an item for consideration, if the proper officer thinks fit	Chief Executive
Section 100C(2)	Prepare a written summary of proceedings of committees, sub-committees, Council or the executive from which the public were excluded	Democratic Services Manager
Section 100(D)	Compile a list of background papers for reports and make copies available for public inspection	Democratic Services Manager

Section 100F(2)	To exclude from open inspection, documents containing exempt information	Chief Executive
Section 115(2)	Receipt of money due from officers	Director Of Finance
Section 146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Director of Finance
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director of Planning and Place
Section 225	Deposit of documents	Chief Executive
Section 228(3)	Accounts for inspection by any member of the Council	Director of Finance
Section 229(5)	Certification of photographic copies of documents	Assistant Director, Legal Services
Section 234	Authentication of documents	Assistant Director, Legal Services
Section 238	Certification of byelaws	Director of Corporate Services and Governance
Section 248	Officer who will keep the Roll of Freemen	Democratic Services Manager
<b>Schedule 12</b>		
Para 4(1A)(b)	Signing of summons to Council meeting	Chief Executive
<b>Schedule 14</b>		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director of Environment and Public Protection

<b><u>Local Government Act 1974</u></b>		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
<b><u>Local Government (Miscellaneous Provisions) Act 1976</u></b>		
Section 30	The officer to write off overpayment of salary, allowances or pensions which occur as a result of the death of an employee or pensioner	Director of Finance
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Chief Executive
<b><u>The Local Authorities' Cemeteries Order 1977</u></b>		
Regulation 10	To sign exclusive rights of burial	Director of Environment and Public Protection
<b><u>Representation of the People Act 1983</u></b>		
Section 35	Appointment as Returning officer for local elections.	Chief Executive
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
Section 67	To give public notice of election agents' appointments and receive declarations.	Chief Executive
Section 131(1)	To provide accommodation for holding election court	Chief Executive
<b><u>The Local Elections (Principal Areas) (England and Wales) Rules 2006</u></b>		
Rule 50	Receipt of notice of elected candidates	Chief Executive

<b><u>The Local Elections (Parishes and Communities) (England and Wales) Rules 2006</u></b>		
Rule 5	Filling of casual vacancy	Chief Executive
<b><u>Local Government and Housing Act 1989</u></b>		
Section 2(4)	Recipient of the list of politically restricted posts	Director of Human Resources, Customer Services and Public Affairs
<b><u>The Local Government (Committees and Political Groups) Regulations 1990</u></b>		
Regulation 8	For the purposes of the composition of committees and nominations to political Groups	Democratic Services Manager
Regulation 9	Membership of political groups	Democratic Services Manager
Regulation 10	Cessation of membership	Democratic Services Manager
Regulation 13	Wishes of political groups	Democratic Services Manager
Regulation 14	Notification to political groups regarding allocations or vacations of seats	Democratic Services Manager
<b><u>Localism Act 2011</u></b>		
Section 33	Receipt of applications for dispensations for members with disclosable pecuniary interests	Monitoring Officer
<b><u>The Local Authorities (Standing Orders) (England) Regulations 2001</u></b>		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Director of Human Resources, Customer Services and Public Affairs



**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

Regulations 3 and 4	Meetings of local authority Executives to be held in public	Democratic Services Manager
Regulation 5	Advance notice of private meetings	Democratic Services Manager
Regulation 6	Advance notice of meetings held in public	Democratic Services Manager
Regulation 7	Access to agenda and reports	Democratic Services Manager
Regulations 8, 9 and 10	Key decisions, urgency and special urgency	Democratic Services Manager
Regulation 12	Written records of Executive etc. decisions	Democratic Services Manager
Regulation 13	Recording of executive decisions made by individual Portfolio Holders or by officers	Democratic Services Manager
Regulation 14	Inspection of documents following executive decisions	Democratic Services Manager
Regulation 15	Inspection of background papers	Democratic Services Manager
Regulation 16	Additional rights of Council and Scrutiny Committee Members	Democratic Services Manager
Regulation 17	Additional rights of access to documents for Members of Policy Development and Scrutiny Committees	Democratic Services Manager
Regulation 18	Reports to the local authority where the key decision procedure is not followed	Democratic Services Manager

Regulation 19	The Leader to report to the Council on urgent decisions	Democratic Services Manager
Regulation 20	Confidential information, exempt information and advice of a political adviser or assistant	Democratic Services Manager
Regulation 21	Inspection and supply of documents	Democratic Services Manager
<b><u>Building Act 1984</u></b>		
Section 93	Authentication of documents	Director of Housing, Planning and Regeneration
<b><u>Food Safety Act 1990</u></b>		
Section 49(3)(a)	Authentication of documents	Director of Environment and Public Protection
<b><u>Public Health Act 1936</u></b>		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director of Environment and Public Protection
<b><u>Public Health Act 1961</u></b>		
Section 37	Control of any verminous article.	Director of Environment and Public Protection
<b><u>Public Health (Control of Disease) Act 1984</u></b> (as amended)		
Section 48	Certifying that the retention of a body in any place would endanger the health of any person.	Director of Public Health
Section 59	Authentication of documents relating to matters within his/her responsibility	Director of Public Health
Section 61	Power of authorised officers of the relevant health protection authority to enter premises and obtain warrants including proper officer. Authorised	Director of Public Health

	officers may also take other persons with them (section 62).	
<b><u>The Public Health (Infectious Diseases) Regulations 1988</u> and subsequent Health Protection regulations</b>		
Section 6	Informing on cases of disease subject to the International Health Regulations and serious outbreak of disease including food poisoning. Send any certificate received for certain diseases to the Chief Medical Officer for England.	Director of Public Health
Section 8	Submitting returns to the Registrar General and the Medical Officer of the District Health Authority.	Director of Public Health
Section 9 & Schedules 3 & 4	Reporting cases of Typhus or Relapsing Fever and food poisoning. Serving notices under Schedules 3 and 4, in urgent situations.	Director of Public Health
<b><u>The Health Protection (Notification) Regulations 2010</u></b>		
Regulation 2	To receive notification of suspected disease, infection or contamination in patients, by a registered medical practitioner.	Director of Public Health
<b><u>Highways Act 1980</u></b>		
Section 37	To keep copies of and make available for inspection certificates whereby highway created by dedication has become maintainable at public expense.	Director of Environment and Public Protection
Section 116	To receive orders of magistrates' court to authorise stopping up or diversion of highway.	Director of Environment and Public Protection
Section 59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight.	Director of Environment and Public Protection
Section 205(3) – (5)	To undertake duties as specified in the schedule in relation to private street works.	Director of Environment and Public Protection

Section 210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code.	Director of Environment and Public Protection
Section 211(1) Section 212(4) Section 216(3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedule.	Director of Environment and Public Protection
Section 295(1)	To issue a notice to owners of premises in nonmaintainable streets to remove materials prior to the execution of works.	Director of Environment and Public Protection
Section 321(1)	Authentication of notices, consents, approvals, orders, demands, licenses, certificates or other documents.	Director of Environment and Public Protection
Schedule 9 Paragraph 4	To sign plans showing proposed prescribed improvement or building lines.	Director of Environment and Public Protection
<b><u>Registration Service Act 1953</u></b>		
Section 9	Registration matters.	Director of Human Resources, Customer Services and Public Affairs
<b><u>Local Government Finance Act 1988</u></b>		
Section 114	Responsible for the proper administration of the authority's financial affairs and statutory reporting where expenditure decisions are unlawful or exceed the resources available.	Director of Finance
Section 116	Notification to the council's auditor of any meeting to be held under Section 115 of the 1988 Act.	Director of Finance
Section 139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.	Director of Finance
<b><u>The Regulatory Reform (Fire Safety) Order 2005</u></b>		
Article 18	Article 18 competent person.	Director of Environment and Public Protection

## **7. General Delegation to Chief Officers**

7.1 To manage and promote the services for which they are responsible. This includes taking and implementing decisions which help to maintain the operational effectiveness of the services within their remit and which fall within a policy decision made by the Executive or the Council. These above powers are to be exercised:

(a) having regard to any legal advice from the Director of Corporate Services and Governance or the Assistant Director, Legal Services or her/his staff

(b) in accordance with any instructions or advice given by the Chief Executive or s151 Officer or the Monitoring Officer, statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Executive or the Council

(c) in accordance with Financial Regulations, Contract Procedure Rules and the Standing Orders set out in the Constitution; and

(d) within any budgets, current and full year or policies approved by the Council, and not committing the Council's budget to growth for future financial years.

7.2 Where in the functions delegated to Directors specific powers are listed (e.g. paragraphs 11.2 (a), (b) and (c)) those are merely examples of the preceding functions delegated.

7.3 To respond to consultation documents where the response would not amount to a Key Decision.

7.4 To enter and inspect premises, and to make applications for warrants. This applies only to the relevant Chief Officers who undertake this duty.

7.5 To give factual information to the press.

7.6 To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.

7.7 To promote services (not policy), ensuring always that publications are compliant with the Council's Publications Guidelines and Code.

7.8 To take action in respect of any London Residuary Body matter transferred to Bromley by virtue of the London Residuary Body (transfer of Property etc) Order 1990 in the same way and to the same extent that they have delegated powers in respect of any equivalent Bromley matter.

## **Financial, Contractual and Grants**

7.9 To be responsible for the overall financial management within their services or department and for ensuring that all staff under their responsibility are aware of the existence and content of the Council's Financial Regulations, Contract Procedure Rules and set out in the Constitution and that they comply with them.

7.10 To incur expenditure from approved revenue estimates and capital programmes, including making virements, within the limits and controls set down in the Financial Regulations.

7.11 To submit bids for funding to Government departments and other external bodies, for projects and initiatives consistent with Council policies, following consultation with the Portfolio Holder and enter into arrangements and agreements necessary to secure such funding. To report any such funding in the capital monitoring reports or other budget report as appropriate.

7.12 To set, vary and waive the level of fees and charges for services or facilities as appropriate and receive income from fees, charges, sponsorship or any other sources subject to consultation with the Portfolio Holder.

7.13 Under section 92 of the Local Government Act 2000, to make payments in settlement of claims where the Council considers that action taken by it (or on its behalf) amounts, or may amount, to maladministration, up to a limit of £10,000 per settlement.

7.14 To exercise the powers conferred on all Chief Officers by Standing Orders, Financial Regulations, Human Resources Policies and the Contract Procedure Rules in relation to debt write offs, seeking tenders for approved projects and schemes, opening tenders, the approval of variations in contracts and the agreement of bids to undertake cross boundary tendering.

7.15 To approve funding for voluntary and community organisations up to £50,000 per annum.

## **Staffing and Employee Relations**

7.16 To appoint, promote and dismiss permanent and temporary staff (save in relation to posts to which appointments are made by the Appointments Panel) within approved budgets and in accordance with the Council's agreed Human Resources Policies.

7.17 In accordance with the Council's Human Resources Policies, consulting where appropriate with the Director of Human Resources, Customer Services and Public Affairs, to remunerate, reward or pay honoraria to staff within approved budgets or withhold rewards / increments.

7.18 To take disciplinary or other action and exercise the discretionary powers in relation to all staffing matters detailed in the Human Resources Policies.

7.19 To consider employees' final appeals in relation to capability, disciplinary and grievance matters, provided the Chief Officer has not taken the decision in question.

7.20 To attend or nominate members of their staff to attend conferences and seminars convened by institutional or professional associations and like bodies, and to authorise the payment of proper expenses incurred in respect of such attendance.

7.21 To authorise officers of the Council to give evidence on behalf of the Council in Courts or at Inquiries or before Tribunals or Committees.

7.22 To undertake, in consultation with the Director of Human Resources, Customer Services and Public Affairs, minor re-organisations of staff structure provided no post subject to Member appointment procedures is affected, there is no increase in cost and the relevant Portfolio Holder is advised in advance about forthcoming minor re-organisations.

7.23 In consultation with the Director of Human Resources, Customer Services and Public Affairs on the application of paragraphs 7.22(c), 7.23, 7.24 and 7.25 below, all Chief Officers are authorised:

- (a) To authorise acting up arrangements;
- (b) To authorise action under the personal injury allowance scheme;
- (c) To authorise the waiver of repayment of maternity leave;
- (d) In line with corporate policies and procedures, to take decisions including contractual matters on the recruitment, appointment, organisation, grading, designation, remuneration, pay, terms and conditions of all staff and employees within the relevant department.

7.23 To suspend and/or dismiss any staff, other than those appointed by the Council or Appointments Panel, and subject to the Council's disciplinary procedures; this delegation may be exercised by Assistant Directors and Heads of Service.

7.24 To conduct negotiations under the Council's collective bargaining arrangements, taking into account joint agreements and the Council's personnel procedures, with matters in dispute being referred as appropriate through the Council's joint negotiating machinery.

7.25 To respond to industrial action, or threatened industrial action, subject to advice where appropriate from the Director of Human Resources, Customer Services and Public Affairs and Director of Corporate Services and Governance.

7.26 To approve applications for season tickets loans and car loans for Council employees in accordance with Council policies.



## Legal Proceedings and Property Matters

7.27 To prepare and serve any statutory notices or authorise the Director of Corporate Services and Governance to prepare and serve statutory notices in respect of functions delegated to them.

- (a) To authorise the commencement of legal proceedings in respect of functions delegated to them.
- (b) To issue formal cautions where criminal offences are admitted, following consultation with the Assistant Director, Legal Services or his or her nominated lawyer.
- (c) To use and occupy the premises and estate efficiently.
- (d) To take enforcement action including the issuing of fixed penalty notices. This applies only to the relevant Chief Officers who undertake this duty.
- (e) To provide instructions to the Director of Corporate Services and Governance to enable him/her to authorise the institution of legal proceedings for an offence against or failure to comply with any statutory provision, byelaw or notice, permission, order, authorisation, request or consent, within the Chief Officer's area of responsibility.
- (f) To sign any notice, order or other document which the local authority is authorised or required to give or make or issue under any enactment that is either specifically delegated by Council or of a kind falling within the department's area of responsibility (e.g. under Part I and Part II Regulation of Investigatory Powers Act 2000).
- (g) To authorise the carrying out of work in default or non-compliance with any statutory provision, byelaws, notice, permission, order, authorisation, or consent, which is of a kind falling with the Chief Officer's area of responsibility and to exercise the Council's statutory power to recover expenses incurred.
- (h) To authorise entering into legal agreements in respect of functions delegated to them or take action which is ancillary or incidental to the performance of their delegated function.

## **Information Asset Owner**

7.28 Each Chief Officer is the Directorate Information Asset Owner. The Information Asset Owner is responsible for:

- understanding and addressing the risks to the information assets they own
- maintaining records required to be retained in accordance with the Council's Retention and Disposal schedule
- ensuring that records are reviewed in a systematic manner in line with the Council's Retention & Disposal schedule, ensuring the destruction process is followed and that records are reviewed and logged before destruction; and
- providing assurance to the Senior Information Risk Owner on the security and use of Information assets.

## **Recording, Implementing and Accounting for Decisions**

7.32 Each officer is responsible for ensuring that any decision which they take is adequately recorded, and that the record of that decision is available to other officers, Members and the public as required by statute, particularly if the decision relates to a change in policy or practice, or a financial commitment.

7.33 Every officer is responsible for ensuring that any decision they take is implemented accordingly.

7.34 Every officer is accountable for each decision which they take and may be called to provide an explanation of their reasons for the decision and account for its implementation to other officers, Members and statutory regulators.

## 8. Functions delegated to the Chief Executive

8.1 The areas of responsibility of the Chief Executive shall include the following departments and functions (in which day-to-day responsibility shall normally be delegated to the appropriate Chief Officer):

- (a) Corporate Services and Governance
- (b) Finance
- (c) Human Resources, Customer Services and Public Affairs
- (d) Children, Education and Families
- (e) Adult Services
- (f) Public Health
- (g) Environment and Public Protection
- (h) Housing, Planning, Property and Regeneration

8.2 The Chief Executive shall:

(a) be the Head of the Paid Service in accordance with the Local Government and Housing Act 1989.

(b) have authority over all other officers so far as is necessary for the efficient management and execution of the Council's affairs, functions or services except:

- (i) where officers are exercising specific responsibilities imposed on them under statute
- (ii) that where the professional judgment or expertise of a Chief Officer is involved the officer shall have full opportunity to explain their views.

(c) Exercise overall corporate management and operational responsibility, including overall management responsibility for all officers.

(d) Provide professional advice to all parties in the decision-making process.

(e) Have responsibility, together with the Monitoring Officer, for a system of record keeping for all the Council's decisions.

(f) Represent the Council on partnership and external bodies (as required by statute or the Council).

(g) Manage the Chief Executive's Office.

(h) Discharge the functions of Electoral Registration Officer and be responsible for elections.

(i) Discharge those functions under Section 138 (1) of the Local Government Act 1972, (powers of principal Councils with respect to emergencies or disasters) as Head of Paid Service (Gold Command) appointed by the London Borough Councils from time to time to respond to an incident requiring a "Level 2" response (single site or wide-area disruptive challenge requiring a co-ordinated response by relevant agencies on behalf of the Councils).

(j) Be responsible for the Council's responsibilities as an employer under Health and Safety legislation.

(k) Appoint or replace officers of suitable seniority to be board representatives/members of any joint ventures or wholly-owned companies the Council has entered into.

## **9. Functions delegated to the Director Corporate Services & Governance**

9.1 The services and the areas of responsibility of the Director of Corporate Services and Governance shall include:

- (a) Procurement and Governance;
- (b) IT and Digital Services;
- (c) Elections;
- (d) Democratic Services;
- (e) Legal Services;
- (f) Mayoral Services.

9.2 The Director of Corporate Services and Governance shall -

(a) act as the authority's Monitoring Officer under the Local Government and Housing Act 1989.

(b) settle or compromise legal proceedings (including threatened proceedings, arbitrations, adjudications, public inquiries and potential Employment Tribunal matters) brought by or against the Council, including entering pleas of guilty in criminal proceedings on such terms as s/he considers appropriate.

(c) take any action to implement any decision taken by or on behalf of the authority, including the signature or service of statutory and other notices and any document.

(d) institute, defend, or participate in any legal proceedings, mediation, arbitration, adjudication, inquest or enquiry, in any case where such action is necessary, to give effect to decisions of the authority, comply with statutory duty or where s/he considers such action is necessary to protect the authority's interests.

(e) instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the authority.

(f) enter objections to any proposal affecting the authority, the authority's area or the inhabitants of the authority's area.

(g) lodge appeals against any adverse finding against the Council in any tribunal or court.

- (h) sign any document necessary to give effect to any resolution of the Council, the Executive, a Portfolio Holder or any Committee or Sub-Committee or Officer acting within delegated power.
- (i) authorise employed or locum staff to represent the Council under Section 223 of the Local Government Act 1972 in proceedings before the magistrates' Court and under section 60 (2) of the County Courts Act 1984 to represent the council in the county Court.
- (j) be the proper officer in respect of matters relating to the Council's Constitution where not otherwise stated.
- (k) make routine updates to the Constitution (including the Scheme of Delegation to Officers), for example, where officer titles and responsibilities change.
- (l) be the proper officer for any notices, decisions, or authorisations under the Freedom of Information Act 2000 and related legislation.
- (m) affix the Common Seal of the Council when required – the electronic sealing and execution of documents will be acceptable. The affixing of the seal may be attested by the Director or some other person authorised by him or her.

## 10. Functions delegated to the Director of Finance

10.1 The services and the areas of responsibility of the Director of Finance shall include:

- (a) Corporate Finance and Accounting;
- (b) Financial Management;
- (c) Treasury Management;
- (d) Exchequer and Revenues Services;
- (e) Counter Fraud, Audit and Risk Management;
- (f) Insurance;
- (g) Pensions;
- (h) Financial systems.

10.2 The Director of Finance shall:

(a) act as the statutory Chief Financial Officer, under section 151 of the Local Government Act 1972.

(b) be responsible for the provisions of The Accounts and Audit Regulations 2015 in respect of the need to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.

(c) be responsible for all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, borrowing (including methods of borrowing), trust and pension funds (within the scope of the Council's pension fund investment policies that are approved by the Committee), the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.

(d) be responsible for the provisions of The Accounts and Audit Regulations 2015 in respect of the need to undertake an effective internal audit to evaluate the effectiveness of risk management, control and governance processes, taking into account public sector auditing standards or guidance.

(e) to be responsible for the calculation of Council tax levels as part of Budget setting.

## **11. Functions delegated to the Director of Human Resources, Customer Service and Public Affairs**

11.1 The services and areas of responsibility of the Director of Human Resources, Customer Services and Public Affairs shall include –

- (a) Human Resources
- (b) Customer Services
- (c) Public Affairs

11.2 The Director of Human Resources, Customer Services and Public Affairs shall –

- (a) Be responsible for all Human Resources functions including pay, pension provision, terms and conditions, policies and procedures, grading and designation of posts, appointment to posts (except at chief officer level), performance related bonuses, honoraria and acting-up allowances, car allowances, leased cars, removal expenses and other benefits for new staff, travel and subsistence allowances, season ticket or car purchase loans, redundancy and pension payments, departmental restructurings and reorganisations, early retirement, ill-health retirement, long service awards, leave and special leave.
- (b) be proper officer responsible for the Council's functions relating to Registrars services.
- (c) be responsible for the Council's public affairs and communications.



## **12. Functions delegated to the Director of Children, Education and Families**

12.1 The services and the areas of responsibility of the Director of Children, Education and Families shall include:

- (a) Family Services;
- (b) Schools, Schools' Funding and Capital Programme;
- (c) Safeguarding Children and the Local Safeguarding Children's Board;
- (d) Children Looked After and Care Leavers;
- (e) Youth Services;
- (f) Youth Justice Services;
- (g) Adult Education;
- (h) Transition services for disabled children.

12.2 The Director of Children, Education and Families shall:

- (a) act as the statutory officer under section 18(1) of the Children Act 2004.
- (b) be responsible for the Council's functions as set out in the Children Act 2004 in particular, building and leading the arrangements for inter-agency co-operation.
- (c) be responsible for Children Looked after, Children in need, child protection, adoption, fostering, education and special educational needs.
- (d) exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures.
- (e) administer the arrangements for admission and exclusion appeals.
- (f) promote the educational achievement of looked after children.
- (g) be responsible transition service for disabled children.

### 13. Functions delegated to the Director of Adult Services

13.1 The services and the areas of responsibility of the Director of Adult Services shall include:

- (a) Adult Social Care Operations;
- (b) Commissioning for adults;
- (c) Provider Services;
- (d) Mental Health Partnership.

13.2 The Director of Adult Services shall -

- (a) exercise the functions of the Council and act as the statutory officer for adult social services as set out in section 6(A1) of the Local Authority Social Services Act 1970, ~~as amended by section 1\_8(1) of the Children Act 2004~~.
- (b) exercise the functions of the Council with regard to the powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to social services, safeguarding adults, Mental Health services including the deprivation of liberty and Health functions in particular building and leading the arrangements for inter-agency co-operation.
- (c) arrange for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people with disabilities, older people, people with mental health needs, people with substance misuse problems, adults with learning disabilities (including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability) and people with HIV/AIDS.
- (d) Be the lead commissioner responsible for relationships with health and social care across the Council with the aim of transforming the current model.
- (f) Produce Joint Strategic Needs Assessments in conjunction with the Director of Children, Education and Families and the Director of Public Health.
- (g) Promote health improvement in the borough and participate as a member of the Health and Wellbeing Board for the Borough.

## **14. Functions delegated to the Director of Public Health**

- 14.1 The services and areas of responsibility of the Director of Public Health shall include -
- (a) Programme delivery, including the vascular illness prevention programme;
  - (b) Health Protection;
  - (c) Health intelligence.
- 14.2 The Director of Public Health shall be responsible for the Council's functions relating to Public Health Services, as follows:
- (a) To be authorised to agree expenditure on relevant public health budgets subject to the Council's constitution; such authority can be delegated in writing to others.
  - (b) To exercise the statutory functions of the Director of Public Health;
  - (c) To ensure that the Council has up-to-date plans, meeting statutory requirements and the demands of good practice.
  - (d) To be the officer responsible for leadership, expertise and formal advice on all aspects of the Public Health Service.
  - (e) To provide advice to the public in any period where local health protection advice is likely to be necessary or appropriate, in conjunction with the Council's communications team.
  - (f) To promote action across the life course, working together with Council colleagues and the NHS.
  - (g) To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health.
  - (h) To work with local criminal justice partners and Police and Crime Commissioners to promote safer communities.
  - (i) To work with the wider civil society to engage local partners in fostering improved health and wellbeing.
  - (j) To be an active member of the Health and Wellbeing Board, advising on and contributing to the development of joint strategic needs assessments and

joint health and wellbeing strategies, and commissioning appropriate services accordingly.

(k) To take responsibility for the management of the Council's public health services, with professional responsibility and accountability for their effectiveness, availability and value for money.

(l) To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board.

(m) To contribute to and influence the work of NHS Commissioners, ensuring a whole system approach across the public sector.

## **15. Functions delegated to the Director of Environment & Public Protection**

15.1 The services and the areas of responsibility of the Director of Environment and Public Protection shall include:

- (a) Community Safety, Counter Terrorism and Counter Extremism, Enforcement and Emergency Planning;
- (b) Commercial Management and Operations;
- (c) Waste management and street cleansing;
- (d) Carbon management and reduction;
- (e) Environmental Health (including but not limited to food safety and standards, health & safety, health protection and infectious disease, animal health and public health);
- (f) Road Safety, Transportation, Parking and Highways;
- (g) Licensing;
- (h) Trading Standards;
- (i) Parks and Open Spaces and Arboriculture.

15.2 The Director of Environment & Public Protection shall:

- (a) arrange for the effective operation of the Council's responsibilities for the regulation of waste management and cleansing of streets.
- (b) be responsible for the borough's open spaces, parks and cemeteries.
- (c) Lead on the Council's carbon reduction programme.
- (d) Exercise the functions of the Council relating to crime and disorder, community safety, counter terrorism and counter extremism, including under the Counter-Terrorism and Security Act 2015 and the Crime and Disorder Act 1998, save for the secondment of officers to the Youth Offending Team as required by section 39(5).
- (e) Be responsible for emergency planning and business continuity and undertake executive powers where necessary in the event of a civil emergency.

(f) Take action and operate all legislative and administrative procedures in relation to road safety, highways, transportation and road traffic. This includes exercising the functions of the Council as highways, transportation and road traffic authority and the taking of all enforcement action in relation to transportation and highways.

(g) Operate the Council's on street and off-street parking including parking enforcement services.

(h) Exercise all licensing functions and other matters an officer is empowered to discharge, including under the Licensing Act 2003, the Gambling Act 2005 or any Regulations issued in relation to those Acts and any regulations amending, consolidating or replacing them.

(i) Exercise the functions of the Council relating to environmental health. This includes powers relating to: food safety, health and safety, noise and other nuisances, air quality, contaminated land and private water supplies, and housing and private land where enforcement is the responsibility of the Council.

(j) Exercise the functions of the Council relating to trading standards and consumer protection, including prohibiting the sale of dangerous goods, promoting fair trading and investigating or prosecuting offences suspected to have arisen in the borough, including working with other authorities.

(k) Take action and operate all legislative and administrative procedures in relation to the regulation of street trading.

## **16. Functions delegated to the Director of Housing, Planning and Regeneration**

16.1 The services and areas of responsibility of the Director of Housing, Planning and Regeneration shall include –

- (a) Housing,
- (b) Property and Strategic Asset Management,
- (c) Regeneration services,
- (d) Planning and Building Control.

16.2 The Director of Housing, Planning and Regeneration shall be responsible for Housing Services as follows -

(a) Resident involvement, Tenancy Management and Housing Options, (includes policy development in relation to housing allocations), Homelessness Assessment, finance, planning and strategy in relation to the establishment of a Housing Revenue Account (including income collection, reserves and debt management), new housing and commercial development and Council housing companies and other delivery vehicles.

(b) Deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of housing in the borough.

(c) Arrange for the effective operation of the Council's responsibilities for housing, including the recommending of strategies for all aspects of housing related activity, relationships with other public sector organisations, social landlords and with the private sector.

(d) Approve applications for housing and allocate properties in accordance with the Council's established allocations policy, including allocation and management of temporary accommodation.

(e) Be responsible for commissioning services relating to the management and maintenance of the Council's housing stock and administer the Right to Buy Scheme as defined under Housing Act 1985 (as amended).

(f) Be responsible for the delivery of compliance under health and safety legislation in relation to the Council's housing stock, where the Council is the landlord.

(g) Make arrangements to provide housing advice and support to prevent homelessness and process statutory homelessness applications.

(h) Approve the allocation of funds to individual projects to be supported through regeneration programmes.

(i) Be responsible for new affordable housing, through direct delivery, in partnership and through the creation and management of Council housing companies and other delivery vehicles.

16.3 The Director of Housing, Planning and Regeneration shall be responsible for Property and Strategic Asset Management as follows -

(a) Purchase of properties in pursuance of confirmed Compulsory Purchase Order Schemes approved by the Executive and authorise any required compensation in accordance with the limits set out in the relevant Compulsory Purchase Order Scheme approved by the Executive.

(b) To approve the acquisition of new properties and disposal terms of any non-operational property transaction subject to a capital value less than £1m or a rental value less than £250,000 per annum in consultation with the relevant Portfolio Holder (noting that these limits do not relate to lease disposals contained in (k) below.)

(c) To sell land or exchange land not required for operational purposes (including Highways Land no longer required for Highways purposes) with an area less than 500 sqm and value less than £50,000, subject to said land being declared surplus to Council requirements by the relevant Director in consultation with the relevant Portfolio Holder.

(d) To dispose of property or purchase it when such disposal or purchase has been previously agreed by the Executive.

(e) Carry out all functions relating to the leasing and management of property - including the appointment of specialist professional services/advisors - where the Council is a tenant, including landlords' consent, unless they fall outside the financial limits detailed in (ii) above, or the matter is particularly referred by Members to the Executive or Portfolio Holder

(f) Grant leases/licences to public utility undertakings or telecom operators including entering into telecom agreements and code agreements, for land required for the erection of sub-stations or other utility purposes.

(g) Grant of leases and renewal of such for properties where the purposes for which they were originally acquired or are currently held, has presented an opportunity to generate additional income or provision of service provided such leases are -



- (i) For a term not exceeding 7 years; or
- (ii) Where the annual rent is within the financial limits set out in (ii).

(h) Consent to the assignment of leases and tenancies of Council properties.

(i) Negotiate and agree terms in respect of easements, wayleaves, rights of way, consents, tenancies at will, occupational licences and other licences affecting land and property.

(j) Approve applications for the consent of the Council, as landlord or owner, for minor alterations or improvements to buildings.

(k) Determine rent reviews, lease renewals, lease re-gearings, changes in use and re-letting of commercial properties in Council ownership where the Council is acting as landlord.

(l) On terms determined in accordance with provisions of the Act, approve sales or the extension of leases under the Leasehold Reform Act 1967, as amended by the Housing Act 1980, where appropriate claims have been accepted as being legally valid and without grounds for counter-claim.

(m) Be responsible for compliance under the Health and Safety at Work etc. Act 1974 in relation to premises.

16.4 The Director of Housing, **Planning** and Regeneration shall be responsible for Regeneration as follows -

(a) Delivering the Council's vision and strategic objectives and responsibility for Council services, initiatives and contracts relating to economic development, support for businesses, town centres and shopping parades, Business Improvement Districts, improvements to the public realm and parks, digital infrastructure, libraries and community resource centres, leisure, arts and culture.

16.5 The Director of Housing, Planning and Regeneration shall be responsible for Planning and Building Control functions as follows -

(a) Exercise Planning and conservation powers in accordance with the relevant legislation - delegation includes powers to determine applications for planning permission, requests for approval under The Town and Country Planning (General Permitted Development) (England) Order 2015, reserved matters, details pursuant to conditions, non-material and minor material amendments, advertisement consent, Conservation Area Consent, Listed Building Consent, Certificates of Lawfulness and Prior Approval, application for the Council's own development, Hazardous Substances consent, consultations to the Planning authority from other bodies including Council departments, adjoining authority consultations, Environmental Impact Assessment screening or scoping, requests for

extensions of time to determine applications, Crown development applications, removal or variation of conditions, repeat, overlapping or retrospective applications, and determinations including whether planning applications are departures from the Local Plan or as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised.

(b) The powers set out in (a) above shall not apply to the following provided the matter is within the remit of the Development Control Committee or Plans Sub-Committees -

(i) Applications submitted by or on behalf of the Council, or on land owned by the Council or where the Council has a financial interest (except in the case of details pursuant, reserved matters or amended proposals);

(ii) Applications for the provision of twenty one or more new dwellings;

(iii) Applications for new major commercial development;

(iv) Applications submitted by members of staff in the Planning and Building Control Division, Directors or Assistant Directors, Bromley Councillors, Members of the London Assembly or Members of Parliament;

(v) Applications where the property is subject to an enforcement notice or breach of condition notice;

(vi) Applications for residential development or extensions within a Conservation Area or Area of Special Residential Character where there is not a minimum one metre side –space in the case of detached dwellings;

(vii) Any application where a ward councillor formally requests in writing, using the online call-in request form and giving a planning reason (“calls in”), that the application is referred to Members for decision.

(viii) Where less than twenty-one days (or seven days in the case of non-material amendments and details pursuant to conditions) has passed since the application has appeared on a “weekly list” of applications circulated to Members other than where all ward Members have agreed in writing.

(c) Take planning enforcement action under the Town and Country Planning Act 1990, including (i) the issue of Enforcement Notices (section 172), (ii) Stop Notices (section 183), (iii) Completion Notices (section 94), (iv) unopposed revocations (section 97), (v) orders requiring discontinuance of use, or alteration, or removal of buildings and works (section 102), (vi) the power to require information as to interest in land (section 330), (vii) Planning Contravention Notices (section 171C), (viii) Breach of Condition Notices (section 187A), and (ix) Untidy Site Notices (section 215).

(d) Take planning enforcement action under the Planning (Listed Buildings and Conservation Areas) Act 1990, including (i) unopposed revocations of Listed Buildings consent (sections 23 and 239), (ii) the issue of notices concerning urgent works and recovery of expenses (sections 54 and 55), (iii) the making and recovery of grants (sections 57 and 58), and (iv) Listed Building Enforcement Notices (section 38).

(e) Authorise rights of entry to premises and any land for all the purposes of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all as amended) and any Orders or Regulations made there under.

(f) To approach Historic England to spot list properties on the list of buildings of special architectural interest if they are threatened.

(g) To take action under section 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised advertisements.

(h) Tree, High Hedges and Wildlife matters, including granting or refusing consent for the pruning, cutting down, lopping or destruction of trees that are subject to Tree Preservation Orders or in Conservation Areas, the making, confirming and revocation of Tree Preservation Orders (opposed or unopposed), the issue of tree planting notices, entering in to management agreements under section 39 of the Wildlife and Countryside Act 1981, and authorising legal proceedings to be taken in respect of breaches of Tree Preservation Orders and the legislation regarding trees in Conservation Areas, subject to the Director of Corporate Services and Governance being satisfied as to the evidence.

(i) Planning appeals, including decisions on whether to contest all types of appeals, except where the original decision was made by Members.

(j) Matters relating to Community Infrastructure Levy (CIL), Section 106 Agreements and undertakings and Agreements under section 16 of the Greater London Council (General Powers) Act 1974, including authorising expenditure of money received through Section 106 Agreements, subject to any restrictions in the Council's Financial Regulations, entering in to or varying Section 106 Agreements, reviewing the Bromley CIL and charging schedule, and issuing all types of CIL notice, authorising action to recover funds including responding to CIL appeals and decisions as to whether to proceed with court action. .

(k) Preparation and review of Planning Policy documents, meeting our Duty to Cooperate and Neighbourhood Planning responsibilities, responding to National and Regional planning policy, and maintaining statutory registers.

(l) All matters relating to common land and town and village greens.

(m) Building Control functions including control of demolition and dangerous structures. This will include determining applications, and applications for relaxation, authorising and serving notices including under section 36 of the Building Act 1984, deciding what means of escape in the case of fire are necessary at premises to which the Housing Act 1985 and Housing Act 2004 apply and serving notices where

these are not provided, being designated as “Appointing Officer” under section 10 (8) of the Party Wall etc. Act 1996, taking action in respect of dangerous structures under the London Building Acts (Amendment) Act 1939, including removal of danger where immediate action is required, making charges regulations for dangerous structures under the London Building Acts (Amendment) Act 1939 Part VII, the London County Council (General Powers) Act 1955 Part II and 1958 Part III and the London Local Authorities Act 1994, operating the new scale of fees for dangerous structure activities including waiving fees in cases of extreme hardship and authorising and serving notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain particulars of persons interest inland.

(n) Agree all fees and charges relating to Planning and Building Control services.

# CHAPTER 7 - ETHICAL GOVERNANCE

## 27. Members' Code of Conduct

### LONDON BOROUGH OF BROMLEY

#### CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

- 1.1 You are a member or co-opted member of the London Borough of Bromley and, hence, you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 Accordingly, when acting in your capacity as a member or co-opted member -
  - (i) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
  - (ii) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 1.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- 1.4 You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- 1.5 You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- 1.6 You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Appendix 1.
- 1.7 You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 1.8 You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

- 1.9 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the written consent of a person authorised to give it; or
  - (ii) you are required by law to do so; or
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the Authority;
- 1.10 You acknowledge there may be times when you will be required to treat discussions, documents or other information relating to or held by the Council in a confidential manner, in which case you must observe such requirements for confidentiality.
- 1.11 You will often receive information of a private nature which is not yet public or which is not be intended to be public. You must respect and comply with the requirement to keep such information private, including information deemed to be confidential by statute. You acknowledge
- (i) that legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out Council duties,
  - (ii) that such information is, for your use as a councillor and must not be disclosed or in any way used for personal or party political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available.
- 1.12 You must take adequate steps to familiarise yourself with your duties around GDPR complaint storage and disposal of sensitive data.
- 1.13 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 1.14 You must treat all individuals with courtesy and respect when carrying out your duties as a councillor. Bullying or harassment is completely unacceptable and will be considered to be a breach of this Code (see Appendix 2).
- 1.15 You must respect your fellow Councilors and treat them with courtesy at all times when acting as a councillor. You must not make trivial or malicious complaints about other Councillors or make a complaint to secure a political advantage.
- 1.16 You will cooperate fully with any Standards Investigation.

## 1.17 Registering and declaring pecuniary and non-pecuniary interests

1.17.1 You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. A copy of the current Regulations which sets out details of disclosable pecuniary interests is attached to this Code and will be up-dated as necessary if the Regulations change.

1.17.2 In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

1.17.3 In addition you must:

(i) Register any gift or hospitality with a value of over £25.00 with the Monitoring Officer within 28 days of receipt. Notification should include details of the gift/hospitality and the identity of the donor;

(ii) In addition to registering your disclosable pecuniary interests, you should also register the following non-pecuniary interests, namely:

(a) membership of outside bodies (as appointed by the Council);

(b) membership of other public organisations;

(c) membership of charities;

(d) membership of campaigning groups, political parties and trade unions.

(iii) You must notify the Monitoring Officer of any change to your disclosable pecuniary or other interests within 28 days of the change occurring so that your Register of Interests may be kept up-to-date.

1.17.3 If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

1.17.4 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

1.17.5 Unless dispensation has been granted, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

pecuniary interest as defined by regulations made by the Secretary of State. You may attend a meeting where you have a disclosable pecuniary interest where that right would be available to any member of the public, provided that you do not address the meeting on the matter in which you have an interest. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.



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 STATUTORY INSTRUMENTS
 

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2012 No. 1464

**LOCAL GOVERNMENT, ENGLAND**
 The Relevant Authorities (Disclosable Pecuniary Interests)  
 Regulations 2012

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

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(a) 2011 c.20.  
 (b) 2000 c. 8.

**Specified pecuniary interests**

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

*Grant Shapps*  
Minister of State

6th June 2012

Department for Communities and Local Government

**SCHEDULE**

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of

(a) 1992 c. 52.

business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

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## 2. Bullying and Harassment

### 2.1. Introduction

2.1.1 Everybody has the right to be treated with dignity and respect and to work in an environment which is free from harassment, bullying, discrimination and victimisation. This is now reinforced by paragraph 1.14 of the Councillors' Code of Conduct 2020, which states:

*'Bullying or harassment is completely unacceptable and will be considered to be a breach of this Code.'*

2.1.2 Harassment, bullying, discrimination and victimisation (either directly or indirectly) are unacceptable and will not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness. In considering complaints of bullying and harassment an important consideration will be the impact of conduct on others and how the subject of the alleged bullying and harassment perceived the behaviour.

2.1.3 You are responsible for your own behaviour and must ensure that you are aware of, and comply with, the provision concerning bullying and harassment in the Councillors' Code of Conduct and also any policy your Council has on ensuring dignity in the workplace.

### 2.2. Harassment

2.2.1 Harassment is any unwelcome behaviour or conduct which has no legitimate workplace purpose and which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable at work. Harassment can be experienced directly or indirectly (such as being in the room while unacceptable conduct is being displayed and being affected by it), and can occur as an isolated incident or as a course of persistent behaviour.

2.2.2 It is also important to note that even if behaviour is unintentional, it can still be classed as a form of harassment. Harassment is essentially about what the recipient deems to be offensive, not about what was intended. You should be aware, therefore, of the impact of your conduct on others and that what may seem harmless to you can be offensive to someone else.

2.2.3 Harassment can occur through verbal or written comments (including ones made online and on social media). The following list provides some examples but it is, by no means, exhaustive:

- Unwelcome physical contact such as touching or invading 'personal space';
- Inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes (such as ones of a racial, sexual or sectarian nature);

- Intrusive questioning, including the persistent discussion of a person's sexual practices, misogynistic behaviour, sexual orientation or religious beliefs (either directly or with others); and
- Sending unwelcome emails, messages or notes; circulating or displaying explicit or inappropriate images.

## **2.3. Bullying**

2.3.1 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. Again, it is the impact of any behaviour rather than the intent which is the key.

2.3.2 Bullying usually arises as a result of an individual misusing their power (usually derived from status or some other position of strength) and, again, can occur through all means of communication. Bullying tends to be a pattern of behaviour or can be a one-off serious incident that becomes objectionable or intimidating. The examples in the following list are, by no means, exhaustive:

- Unwelcome physical, verbal or non-verbal conduct;
- Intimidatory behaviour including verbal abuse or the making of threats;
- Making someone's working life difficult;
- Disparaging, ridiculing or mocking comments and remarks;
- Physical violence; and
- Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate.

## **27. Arrangements for Complaints against Members**

### **Procedure for the consideration of Code of Conduct (Standards) complaints against elected Councillors**

Bromley has adopted a Code of Conduct for Councillors. If anyone - which can include an employee, a member of the public or even another councillor - feels that behaviour by a Councillor or co-opted member of the Council may have fallen short of the standards required by the Code of Conduct they need to tell us about this so that we can consider their complaint.

The Council has adopted procedures for considering Complaints against Councillors which were reviewed following the publication in January 2019 of the Committee for Standards in Public Life report on ethical standards in local government.

#### **1. How to make a complaint**

- 1.1 Anyone wishing to make a complaint against a councillor is asked to consider the **Councillors Code of Conduct** .
- 1.2 You will need to provide details about the nature of the complaint, which part of the code you think the councillor has breached and how, and evidence to substantiate your complaint.
- 1.3 Complaints can be submitted by completing our **complaints form** or alternatively please write to the Monitoring Officer, Civic Centre, Stockwell Close, Bromley BR1 3UH.

#### **2. What happens once a complaint has been submitted**

- 2.1 Complaints under the Code are addressed to the Monitoring Officer who will take a view on whether a complaint should be dealt with under the Council's Code of Conduct or another process. This stage of the process is routinely conducted by the Monitoring Officer's nominated representative.
- 2.2 Upon receipt of the complaint, the Subject Member will be notified of the complaint in writing and asked to provide comment.
- 2.3 Complaints which contain a request for the Complainant's identity to be withheld may be considered to be 'valid complaints', although the Complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the Complainant's identity, the Complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.

2.4 If the complaint identifies criminal conduct (including a failure to register disclosable pecuniary interests) or breach of other regulations by any person, the Monitoring Officer will refer the complaint to the police or other regulatory agencies. No further action will be taken in relation to such complaints until any related criminal/regulatory investigation, proceedings or processes have been concluded.

### **3. The Initial Assessment Process**

3.1 Under the Council's procedures an initial assessment known as filtering is undertaken, in consultation with the Independent Person, with complaints which do not amount to a breach of the Code of Conduct for councillors or those considered unlikely to do so following investigation being filtered out at this stage.

3.2 The first issue to consider is whether the Code of Conduct is engaged or not. The Standards committee has adopted criteria for considering complaints alleging Breaches of the Code of Conduct.

3.3 The following types of complaint will usually not be considered as 'valid complaints': -

- a) Complaints which are submitted anonymously (though the Monitoring Officer reserves the right to investigate if he/she thinks appropriate).
- b) Complaints which do not identify a Subject Member.
- c) Complaints which relate to a Member's personal or private life including personal use of social media.
- d) Complaints concerning a failure to respond to a request from a Constituent or other individual.
- e) Complaints which relate to the alleged actions of employees of the Council or non-voting Co-opted Members.
- f) Complaints which relate to dissatisfaction with a Council, Executive or Committee decision or delivery of a Council service.
- g) Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council, or after they have resigned or otherwise ceased to be a Member.
- h) Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now.
- i) Complaints regarding substantially similar alleged behaviour which has already been the subject of an investigation or enquiry or some form of action. However, a series of complaints demonstrating a pattern of behaviour will be given due consideration.
- j) Complaints which relate to conduct which is alleged to have taken place more than 3 months prior to the submission of the complaint, unless there are exceptional circumstances to justify the later submission of the complaint.
- k) Complaints which are considered malicious, vexatious, politically motivated, tit-for-tat or not sufficiently serious to warrant further action.
- l) Complaints which arise from general political activity or campaigning when the Councillor is not acting as a Councillor.

3.4 If the Code of Conduct is engaged the Monitoring Officer will consider whether the complaint is likely to amount to a breach of the Code of Conduct having regard to the public interest test adopted by the Committee and the criteria in paragraph 3.3.

Before reaching a decision, the Monitoring Officer may request further information from the Complainant and the Subject Councillor and consider information which is readily available e.g. minutes of Council meetings

- 3.5 The Monitoring Officer will, after consultation with the Independent Person, either set out the outcome of the initial assessment process in writing or seek informal resolution or instigate an investigation. If the initial assessment indicates that the Code is not engaged or no breach of the Code, or indicates no further action is required, the Monitoring Officer, after consultation with the Independent Person will advise all parties accordingly. There is no Appeal Process for decisions taken by the Monitoring Officer at this stage.

#### **4. The Role of the Independent Person(s)**

- 4.1 Throughout the process, the Council's Independent Person is consulted.
- 4.2 The Independent Persons are people who have been appointed under the Localism Act 2011, by the Council. The Independent Person must be consulted and have their views taken into account before the Council makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member. The views of the Independent Person may also be sought at any other stages of the complaints process.
- 4.3 The Member complained about can seek the views of a duly appointed Independent Person.
- 4.4 The Independent Persons do not represent and are not advisors to the Councillor who is the subject of the complaint, but they can assist in providing factual information on the complaints process. The Independent Person must remain completely impartial and objective and cannot take sides. Their role is to assess complaints and form a view on them. There is no right for the complainant to seek the views of the Independent Person and no such contact will be permitted.

#### **5. Informal Resolution**

- 5.1 If following the initial Assessment Process, it is considered that a breach of the Code of Conduct may have occurred, prior to referring a matter for formal investigation, The Monitoring Officer after consulting with the Independent Person can decide whether a matter is suitable for informal resolution.
- 5.2 The Subject Member will be asked to consider whether he/she is prepared to agree to or propose an informal resolution of the complaint which will be communicated to the Complainant.
- 5.3 Whilst not an exhaustive list, types of informal resolution might include -
- a) an apology from the Subject Member
  - b) an agreement from the Subject Member to attend relevant training or to take part in a mentoring process



- c) an agreement from the Subject Member to engage in a process of mediation or conciliation between the Subject Member and the Complainant.
- d) Referral of the matter to the Councillor`s Group Leader or
- e) Any other action capable of resolving the complaint.

5.4 The Monitoring Officer will determine if a matter has been informally resolved.

## **6 Referral for Investigation**

6.1 When it is considered after the initial assessment that a complaint may amount to a breach of the Code of Conduct which has not been informally resolved and where further action may be necessary if a breach is proven, the Monitoring Officer will either undertake or commission a formal investigation.

6.2 The Investigator will consider all relevant material and interview all persons they consider necessary including but not limited to the Complainant and Subject Member.

6.3 The Subject Member as required by the Code of Conduct must co-operate fully with the Investigation and is entitled to have a friend or representative present during any interview.

6.4 Where an investigation report recommends that there is no evidence of failure to comply with the Members' Code of Conduct, or that no further action is appropriate the Monitoring Officer shall prepare a report to the Standards Committee who may:

- a) accept the recommendation resolve that no further action is required and dismiss the allegation, or
- b) remit the matter back to the Monitoring Officer for further consideration/investigation

6.5 If after further consideration/investigation, the Investigator concludes that there is no breach of the Code of Conduct or that further action is not required, the Committee shall dismiss the complaint.

6.6 Where the investigation finds evidence of a failure to comply with the Code of conduct, the Monitoring Officer in consultation with the Independent Person(s), may seek a further attempt at local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Advisory Committee. Where such local resolution is not appropriate or not possible the Monitoring Officer shall report the investigation findings to a Hearings Panel of the Standards Advisory Committee for hearing and recommendation.

## **7 Standards Hearings**

7.1 Where the investigation report concludes that a breach of the Code of Conduct has occurred and that further action may be appropriate the Monitoring Officer shall prepare a report to the Standards Committee who shall appoint a Hearing sub-committee of at least 3 Members to consider the complaint.

- 7.2 The Monitoring Officer will agree a date for the Hearing Sub-Committee with the Investigator and the Subject Member to be held within 28 days of the appointment of the Hearing Sub-committee. In advance of the Hearing the Monitoring Officer will:
- a. provide a timetable for the Member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers
  - b. establish whether the Member will be represented or accompanied at the hearing
  - c. establish whether the Member wishes any part of the investigation report to be kept confidential or the hearing itself to be held in private, and the reasons for this
  - d. provide information about the procedure to be used at the hearing
  - e. establish whether the Member disagrees with any of the findings of fact in the investigation report
  - f. establish whether the investigating officer intends to call any witnesses
- 7.3 The Independent Person will be invited to attend the meeting of the Hearings Sub-Committee and his or her views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Respondent's conduct constitutes a failure to comply with the Code of Conduct, and as to any action to be taken following a finding of failure to comply with the Code of Conduct
- 7.4 The Subject Councillor may at their own cost arrange for legal or other representation at the Hearing Sub-Committee meeting or may be accompanied by a friend.
- 7.5 The Hearing will be conducted in accordance with the procedure set out in Appendix A - Member Disciplinary Hearing Procedure.
- 7.6 The Hearing Sub Committee must decide:
- a) whether the subject Member has failed to comply with the Members' Code of Conduct
  - b) whether further action is warranted; and
  - c) what form of action might be appropriate
- 7.7 If the Hearing Sub-Committee Considers that there has been a breach of the Code of conduct after consulting with the Independent Person(s) it may -
- a) decide no further action is required.
  - b) censure the Respondent.
  - c) request the Respondent to submit a written apology in a form specified by the Panel
  - d) request the Respondent to undertake such training as the Panel may specify
  - e) request that the Respondent participates in such conciliation as the Panel may specify
  - f) report to the relevant Council on the outcome of the hearing with an appropriate recommendation
  - g) require a report be submitted to Council requesting Council Issue a formal Censure notice
  - h) advise the Leader of the Political Group to which the person belongs, of the outcome of the hearing in order that they can consider what appropriate disciplinary or other action should be taken, taking into account any relevant

case law, which could include securing the removal of a member from any Council committee.

- i) advise the Leader of the Council, and where the Member complained of is also a Member of the Executive, request the suspension from or removal from the Executive.
- j) where permitted by law to recommend withdrawal of facilities or equipment.
- k) any other sanction permitted by law.

7.8 A Member cannot be disqualified or suspended from sitting as a Member of the Council.

7.9 The recommendations of the Hearing Panel shall be published.

7.10 There is no right of appeal available against a decision on a Code of Conduct complaint, except through the courts by way of judicial challenge.

## **8 Appeals**

8.1. The complainant has no right of appeal against the decision of the Standards Committee. If the complainant feels that the Council has failed to deal with the complaint properly and that this failure has caused injustice, they may make a complaint to the Local Government Ombudsman.

8.2. However, if it is resolved that the Member has breached the Code, the Member will have an opportunity to appeal against the decision by advising the Monitoring Officer in writing within 14 days of the outcome of the Standards Hearing. The Member will be required to detail the grounds upon which an appeal is sought.

8.3. Upon receipt of notification of appeal the Monitoring Officer will consult an Independent Person for their views. The Monitoring Officer will forward a report detailing the allegations, views of the Independent Person and the findings of the investigation to a second (Appeal) Hearing Sub-Committee who will determine the appeal case. This Sub-Committee will comprise three different Members to that of the first Sub-Committee. The decision of the Appeal Hearing Sub-Committee will be final.



## Conduct of Standards Hearings

Where a Standards Hearing is called under Section 7 the following procedure shall apply.

- i. The Investigating Officer will present their case in the presence of the Subject Member and will call any witnesses.
- ii. The Subject Member (or his/her representative) may ask questions of the Investigating Officer and witnesses (if any).
- iii. The Subject Member (or his/her representative) will put his/her case in the presence of the Investigating Officer and will call any witnesses.
- iv. The Investigating Officer may then ask questions of the Subject Member, and witnesses (if any).
- v. The Members of the Standards Hearing Sub-committee may ask questions of the Investigating Officer, the Subject Member and their witnesses at any time.
- vi. The Investigating Officer and the Subject Member (or his/her representative) can sum up their cases if they wish.
- vii. The Investigating Officer and the Subject Member, their representatives and witnesses will then withdraw.
- viii. The Sub-Committee, with the clerk and Monitoring Officer in attendance, will consider the evidence in private. They may recall either party to clear points of uncertainty on the evidence already given. If recall is necessary, both parties are to return even if only one is concerned with the point-giving rise to doubt.
- ix. The Sub-Committee will consult with the Independent Member before deciding on any course of action.
- x. When the Sub-Committee has reached a decision, it will recall the parties and the Chairman of the Sub-Committee will announce the decision which will be confirmed in writing with full reasons within 10 working days.

## **28. Employee Code of Conduct**

*(To be inserted)*

## 29. Member/Officer Protocol

Councillors and Officers recognise that effective working for the benefit of people who live, work and visit Bromley is based on mutual trust and courtesy.

Within this, the following key principles are recognised:

- The different roles of Members and officers;
- The necessary political independence and impartiality of Chief Officers and officers as a whole;
- The legitimate political aspirations of Members and the need for officers to support and implement democratically made decisions of the Council, Executive and decision making Committees;
- The need for officers to provide professional advice and support to Member bodies and the right for Chief Officers to attend such meetings;
- The need for Councillors and officers to follow the respective Codes of Conduct and any standards set by the Council;
- The need for specific briefings to be provided to the Leader, Portfolio Holders and Committee Chairpersons whilst also recognising that officers are there to serve the Council as a whole;
- The need for officers to engage with Ward Councillors and to provide responses to enquiries and information to enable Ward councillors to contribute to decision making and undertake their representative role;
- To provide access to information to Members unless prohibited by law;
- That officers may on invitation attend party group meetings to provide factual and non-partisan advice, but that where this occurs the same facilities are offered equally to all parties.

## 30. Local Planning Protocol and Code of Conduct



### London Borough of Bromley Local Planning Protocol and Code of Conduct

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### 1 Introduction

1.1 Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.

1.2 The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate. Planning decisions are based on balancing competing interests and making an informed judgement against a local, regional and national

policy framework.

1.3 The seven principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, both nationally and locally, and as such applies to councillors and officers. The overarching principles were first set out by Lord Nolan in 1995 in the Government's First Report on Standards in Public Life. They were reasserted and refined in subsequent reports of the Committee on Standards in Public Life, most recently the Local Government Ethical Standards Report published in 2019. These principles are:

- **Selflessness:** holders of public office should act solely in terms of the public interest.
- **Integrity:** holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity:** holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability:** holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness:** holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** holders of public office should be truthful.
- **Leadership:** holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support



the principles and be willing to challenge poor behaviour wherever it occurs.

1.4 This protocol and code of conduct applies to all planning committee meetings, currently known as Development Control Committee and Plans Sub Committees, and to all Officers and Councillors attending committee meetings. Reference to planning committee is to either of these meetings. Planning committee is a formal meeting of elected Members who make statutory decisions as the Local Planning Authority.

1.5 The purpose of this document is to help all those involved with planning committees, and in particular those making decisions, be consistent in their behaviour and approach and to ensure that the meetings are conducted fairly, transparently and in accordance with the relevant legislation. It has been produced in accordance with the Planning Advisory Service publication 'Probity in Planning' – December 2019.

1.6 Where permission is refused, applicants can appeal against planning decisions to the independent Planning Inspectorate, with a possibility of costs being awarded against the Local Planning Authority if unreasonable behaviour by the Authority can be demonstrated. Appeals can also be submitted against the imposition of planning conditions.

1.7 Planning decisions can be the subject of judicial review, and aggrieved parties can go to the Local Government and Social Care Ombudsman with complaints about maladministration. Adherence to this protocol will minimise the risk of appeals being lost, successful costs claims, lost court cases and upheld complaints.

## **1A Attendance at Planning Committee Meetings**

1A.1 Officers and Councillors attending any planning committee meetings to address or advise the committee are required to have read, understood and abide by this Protocol prior to attending a meeting.

1A.2 Substitute Members at planning committee meetings should be impartial and no more than two Members sitting on a committee should be representing any particular ward at any time. This does not include visiting Members who cannot vote.

- 1A.3 All Members who sit on a planning committee are required to have basic training before they sit on that committee, which is provided annually on the following topics and will be monitored: Introduction to Planning
- The Development Plan and Decision Making
- Predetermination and Predisposition
- Probity and Disclosure of Interests
- How Committees Work
- The Local Planning Protocol

1A.4 When more than 50% of the Members of a specific Plans Sub Committee declare at the start of the meeting (or beforehand) that they know a planning applicant, the matter would automatically be referred to the Development Control Committee. The Chairman of each committee is responsible for identifying such cases.

## **2. Referral of Applications to Committee**

2.1 Applications can be included on a committee agenda for any of the following reasons:

1. They are subject to a written 'call in' by a Councillor
2. They fall outside of the powers delegated to Planning Officers

3. Planning Officers decide to refer the application to committee

2.2 This is a summary and reference should be made to the Scheme of Delegation ([Appendix 11 of the London Borough of Bromley Constitution](#))

which provides the constitutional framework for powers of delegation to Officers and sets out the arrangements for 'call in'.

2.3 Planning applications, tree matters and contravention reports can be considered by either Plans Sub Committee or Development Control Committee. Matters of policy and strategic reports are only considered by Development Control Committee.

2.4 If an application is to be considered at planning committee (see 2.1 above), the following procedures apply to determining which committee to report it to:

- 'Non-major' applications are considered by Plans Sub Committee unless the Assistant Director (Planning) determines that the application is of strategic importance and refers it to Development Control Committee.
- 'Major' applications - Officers recommend a decision route and this is agreed by the Chairman and/or the Vice Chairman of Development Control Committee within 3 working days of receiving the Officer recommended decision route in writing. This will normally be via a recommendation list provided at least monthly.

2.5 Applications are placed onto committee agendas by Officers using a 'cab rank' principle whereby they are reported to the next available committee once the case officer is content that the application is ready to be reported. Members should not request to Officers that applications be considered by a particular

committee or on a particular date.

### **3. Agenda and Reports**

3.1 The planning committee agenda will include planning applications in numerical order based on the application reference number.

3.2 Application reports are normally presented in a standard format provided by the Assistant Director (Planning). Reports will identify and analyse the material considerations, of which the committee will need to take account when considering the application on its planning merits. The presentation of reports for matters other than applications may vary according to their content but will present a clear recommendation where appropriate.

3.3 Planning committee agendas must be published on the Council's website a minimum of 5 working days prior to the committee meeting.

3.4 Planning application reports will always include an officer recommendation for either approval or refusal. Non application reports will include a recommendation where appropriate.

### **4. Site Visits**

4.1 Planning Officers will normally visit each application site for cases being considered by committee and these visits are used to inform the committee report and recommendation. Photographs from these visits are often used within reports to illustrate particular important points.

4.2 For formally arranged Councillor site visits, the Chairman of the relevant committee in consultation with the Assistant Director (Planning) or Head of Development Management will decide whether a site visit for committee members is necessary in advance of any particular application being determined at committee.

Such visits will not be publicised.

4.3 A site visit for committee members is only likely to be necessary if either:

- I. the impact of the proposed development is particularly difficult to visualise from the plans and any supporting material, including photographs taken by officers; or
- II. the proposal is particularly contentious

4.4 Formally arranged site visits are for observing the site and gaining a better understanding of the issues. They should not be used as a lobbying opportunity by applicants or their agents, local residents, objectors or supporters or for debating any aspect of the proposal or for making any decision. Councillors will usually be accompanied by a Planning Officer.

4.5 It is often useful for committee members to visit a site to familiarise themselves with it prior to consideration of an application at committee. If Members do encounter an applicant or neighbour during any informal visit, they should not express an opinion, either for or against the proposal.

4.6 Doing so could be misinterpreted as lobbying and may create a suspicion of bias. If such contact is made this should be declared in Committee, but this should not prevent that Member from taking part in the consideration of that application provided they have acted in accordance with the advice in this Protocol.

## **5. Late Representations**

5.1 Planning applications involve public consultation which has to comply with a legal statutory minimum requirement. In many cases the Council consults over and above the statutory minimum and our approach to this is set out in Section 4 of our published Statement of Community Involvement

[https://www.bromley.gov.uk/info/1004/planning\\_policy/154/statement\\_of\\_community\\_involvement](https://www.bromley.gov.uk/info/1004/planning_policy/154/statement_of_community_involvement).

5.2 Public consultation on planning applications includes a formal period for representations to be submitted, and representations are accepted only on a discretionary basis after the expiry of the formal consultation period. Representations received after formal consultation has closed are not guaranteed to be considered in the determination of an application.

5.3 To ensure that all representations can be assessed and presented to planning committee as appropriate, it is necessary to have a cut off time for receiving representations on applications to be considered at committee and this is 12 noon on the day of the meeting. The Assistant Director (Planning) has the final decision on whether to accept late representations.

5.4 As committee reports are prepared and published some time in advance of committee meetings, any representations (including those from consultees) received after publication of the report will be uploaded to our website and may be verbally summarised by the Officer attending the meeting.

5.5 If late representations affect the conclusions of the report or recommendation this will be reported verbally to the committee.

5.6 Documents must not be distributed to committee members at the committee meeting (including by public speakers) to ensure that the material considered in the determination of the application is available to all.

## **6. Public and Visiting Councillor Speaking Procedure**

6.1 Members of the public making written comments on planning applications which are to be considered by a planning committee have the opportunity to verbally

address Councillors at committee if they wish. Anyone wishing to speak must have already written in expressing their views on the application. Speakers are not normally permitted on items other than planning applications.

6.2 Members of the public wishing to speak at planning committee must give notice to the Democratic Services Team of their intention to speak no later than 10:00 am on the working day before the meeting. Requests to speak will only be registered once the relevant agenda has been published.

6.3 Should speakers wish to table any correspondence or photographs to supplement their speech to the committee, all documents must be submitted to the Democratic Services Team by 5.00 p.m. on the working day before the meeting. A permanent copy of any item must be provided and it is not acceptable to refer to online maps, photographs on phones/ipads or similar. The Chairman`s agreement must be sought at the meeting for any items to be considered.

6.4 Order of public speakers: if the recommendation is 'permission' then it will normally be the opponent first, supporter second. If the recommendation is 'refusal', the reverse order will apply.

6.5 Normally one person is permitted to speak for an application and one person permitted to speak against it. If there are more than two requests to speak for or against, people with similar views should get together and agree spokespersons. If there is no agreement, the first person to notify Democratic Services of their intention to speak will be called. Among supporters, the applicant (or if the applicant wishes, the agent) takes precedence, and if the applicant or agent do not wish to speak, the first supporters will be called.

6.6 Residents' Associations or other organisations wishing to make use of these arrangements must appoint a single spokesperson to represent their views.

6.7 Speakers are reminded that only material planning considerations are relevant to the determination of planning applications.

6.8 Each speaker will normally be given up to three minutes and this will be indicated by the warning light system in front of the speaker: - an amber light will show the passing of two-and-a-half minutes and a red light will show the completion of the three minute period. At the red light the Chairman will normally ask the speaker to cease their presentation.

6.9 Members of the Committee (but not visiting Ward Members) may ask speakers to clarify points raised. Otherwise, once members of the public have spoken, no further intervention will be permitted.

6.10 Visiting Ward Councillors should notify the Democratic Services Team of their intention to speak at committee prior to 5:00pm the day before the meeting. Visiting Councillors do not have a formal time constraint but should aim to keep their presentation to within 3 minutes. Any representations must be limited to material planning considerations. Visiting Members must not sit with members of the committee or sub-committee after they have finished addressing the committee so it is clear that they are not part of the formal committee membership.

## **7. Order of Proceedings**

7.1 Whilst the order of consideration of items at planning committee is ultimately a matter for the Chairman, planning applications will normally be heard first, followed by other items.

7.2 The Chairman will normally vary the order of the agenda taking items with visiting Councillors and public speakers first. Speakers and visiting



Councillors should leave the table once they have spoken, prior to the debate on the item commencing.

7.3 Matters will proceed for each item as follows, skipping items where there is nothing to report or no speaker present:

1. Update from Planning Officer and presentation for applications
2. Public speaker(s) (see 6.7 above)
3. Visiting Ward Councillor (see 6.13 above)
4. Committee debate
5. Chairman summarises motions put and seconded
6. Chairman to clarify reasons for refusal or permission if different to that recommended or if additional reasons / conditions are to be added
7. Planning Officer opportunity to advise committee prior to motion being considered
8. Vote taken
9. Chairman to summarise and confirm the decision

Planning, legal and other professional officers have a right to be heard and to give advice within their area of professional expertise at any point in the consideration of an application.

7.4 The Chairman should be careful to ensure that additional conditions or reasons for refusal are clearly identified prior to going to the vote and not afterwards to ensure that the committee is clear what it is voting on. The Chairman can take advice from legal, planning or other professional officers present.

7.5 Should there be differing views about the content of reasons for refusal or conditions, the Chairman may take a separate vote following the main vote to

clarify the outcome.

7.6 Committee members are given the opportunity to record their vote against whatever motion is put if they wish.

7.7 It is important for the quality of decision making that the Planning Officer is provided with an opportunity to update Members and make any final comment immediately prior to the vote being taken to help ensure that the committee is fully aware of any further advice pursuant to the debate / motion.

7.8 Meetings will normally finish by 10:00pm.

## **8. Decision Making and Voting**

8.1 Councillors who have called in an application to committee should not move or second a motion on that application. The Chairman should take the motion that is proposed and seconded first and only if that motion fails move to the next motion that is proposed and seconded.

8.2 Should votes for or against a recommendation both fail it is still open to the committee to consider whether they might defer the application for possible changes to make it acceptable to the majority of the committee. The Chairman can use her or his casting vote to decide if voting is equal for and against a motion.

8.3 Councillors should state motions they put clearly and include any specific changes they propose to the officer recommendation so that the committee understand the extent of the motion being proposed (see also 7.5 above).

8.4 When voting, committee members should raise their hands clearly to ensure an accurate count for the vote.

Motions and Votes Against Officer Recommendation:

8.5 Where a motion goes against Officer recommendation the procedure should be:

1. Chairman summarises motions put and seconded
2. Chairman clarifies reasons for refusal or permission if different to that recommended or if additional reasons / conditions are to be added
3. Chairman gives the Planning Officer the opportunity to advise committee prior to the motion being considered.

The advice from the Planning Officer will be based upon the material considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge. The solicitor advising the Committee will be called upon as necessary to give advice on legal matters.

8.6 If the Planning Officer considers that he/she is unable to give that advice immediately, or if the Planning Officer considers that a final decision to refuse could make the Council vulnerable at appeal and awards of costs, Officers should be able to seek a deferral of the item for one cycle of the committee so that a confidential report which sets out the risks can be prepared and avoids Officers having to advise on these issues in public (the final decision on the application should however always be in public), or defer the application to the next Development Control Committee.

## **9. Councillor and Officer Roles**

9.1 The PAS publication 'Probity in Planning' 2019 states: *"Councillors and officers have different but complementary roles within this system, and effective communication and a positive working relationship between officers and councillors is essential to delivering a good planning service.."*

9.2 The 7 Standards of Public Life identified in the Localism Act 2011 are:

- Selflessness – public interest
- Integrity – not open to inappropriate influence/private gain
- Honesty – truthful; declaration of interests and gifts
- Objectivity – use best evidence; impartial; non-discriminatory
- Accountability – open to scrutiny
- Openness – open and transparent decisions in public
- Leadership – uphold and exhibit standards and behaviours

9.3 The Planning Advisory Service Report for Bromley (May 2019) states:

*“The role of Councillors on the Committees presents a challenge to the individual. It is often considered to be a quasi-judicial role, but has been described as*

*“A formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly.”*

*(Local Government Association/Planning Advisory Service: Probity in Planning for Councillors and Officers 2013.)*

*In this role Councillors are expressly being asked to place to one side any party political interests, and their role as the representatives of a particular ward, and assess, debate, and then determine often controversial planning proposals in the wider public interest of the whole Council area, and in line with national and local planning policy. They must do so in a way which demonstrates they have understood their role and have approached the decision point open to considering and weighing the merits of all the material issues.”*

Members must never be involved in decision making for applications submitted by

themselves. a family member or a close personal associate, and must comply with the Members Code of Conduct at all times when such applications are submitted.

If on consideration of a planning application a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that a Member was biased the Member must recuse themselves from consideration of that application.

9.4 The role of the committee Chairman is to lead and manage the committee and in particular:

- determine the order in which questions may be addressed from the committee members following the officers presentation;
- ensuring that the public speaking procedure is followed;
- managing the committee debate about applications including the order in which Councillors who wish to address the committee may speak;
- determining when the debate has come to a close and votes should be cast in the order in which the motions were first completed (i.e. where the motion has been moved and seconded by Members of the Committee).
- ensuring that debate and decisions made are suitably focused on relevant planning considerations.

9.5 Councillors sitting on the planning committee should:

- make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons.
- consider only material planning considerations in determining applications
- exercise their responsibilities with regard to the interests of the London Borough of Bromley as a whole rather than with regard to their particular Ward's interest and issues;

- Come to meetings with an open mind.
- Not allow anyone (except officers, other committee Members and public speakers when they are addressing the committee) to communicate with them during the meeting (orally or in writing) as this may give the appearance of bias. For the same reason, it is best to avoid such contact immediately before the meeting starts.
- Consider the advice that planning, legal or other officers give the committee in respect of the recommendation or any proposed amendment to it.
- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires the Local Planning Authority to make decisions in accordance with the development plan unless there are good planning reasons to come to a different decision.
- Come to their decision only after due consideration of all of the information available to them, including the local information that Members are uniquely placed to access, but always remembering to take decisions on planning grounds alone. If Members feel there is insufficient time to digest new information or that there is insufficient information before them, then they should seek an adjournment to address these concerns.
- Not vote on a proposal unless they have been present to hear the entire debate, including the officer update and any public speaking.
- Make sure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the development plan, that they clearly identify and understand the planning reasons leading to this conclusion and that they take into account any advice planning, legal or other officers give them. Their reasons must be given prior to the vote and be recorded. Be aware that they may have to justify the resulting decision by giving evidence in the event of challenge.

- Members should avoid requests for officers to speed up or delay the determination or assessment of particular applications or for items to be reported to particular meetings for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.
- seek to attend relevant training and briefing sessions organised from time to time for them.

9.6 The role of Planning Officers at committee is:

- to use professional judgement when recommending decisions on applications and other planning matters.
- to provide professional advice to the committee on planning applications and other matters at any point in the meeting.

## **31. Code of Governance**

*(To be added)*



## 32. Guidance to Councillors: Membership of Outside Bodies

An important part of the role for many Councillors is the oversight or management of outside bodies. In the majority of cases things work well and there are benefits to the Council, the outside body and the individual Councillor. However, there are pit falls and this guidance note has been produced to help avoid risks which may arise, particularly when things do not work out.

### What to do when nominated to an outside body

- Satisfy yourself as to the type of body it is. For example is it a joint committee, an informal association or a legally constituted company or trust?
- Clarify the role you have been appointed to. Are you a Trustee, Company Director, Member of a Committee or just an observer?
- Be aware of the risks and pit falls. Check what indemnities are available from the Council and the body if things go wrong. Check your duties and be clear on anything that you may be personally liable for.

### What types of bodies are there?

#### Incorporated Associations

- A club, group or society may be an incorporated association. This can be an informal organisation existing where several people join together to carry out a mutual purpose other than for profit. If appointed as a member, a Councillor will have responsibilities to other members of the organisation which should be set out in the association's Constitution. This is simply an agreement between members of the association as to how the organisation will operate.
- If you are appointed to the management committee of such an association, you must act within its Constitution and use reasonable care. If the association holds any property or has any accommodation that needs to be held by one or more individuals as the organisation does not have a legal existence of its own.
- As a member of the management committee, you will be personally liable for acts of that organisation but are entitled to an indemnity from the funds of the organisation as long as you act properly. If the organisation does not have enough funds, then Committee members are personally liable for the shortfall.
- Care is needed where one person is appointed by the Constitution of an association to act as agent of the organisation for certain purposes. That person acts as agent for all members of the organisation who all have joint responsibility for the agent's actions.
- Members of a Committee of Management will have personal liability if they act outside the authority given to them or if they do not act within the law, for example if there is non-payment of tax and National Insurance for any employees of the association.
- Members of Management Committees are entitled to an indemnity if they act in accordance with the Constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the Constitution.

The Council cannot pay the cost of an insurance policy or give an indemnity for circumstances where the Councillor is acting in the capacity as a member of the Management Committee and not in their capacity as a Councillor.

### Observers

- If appointed as an observer to an outside body, you will just be watching what happens. The position of an observer has no legal status and you have no special duty to the outside body. You are simply there to represent the Council's interests and will be covered by the Council's indemnities and insurances.
- It is important that you do not become involved unofficially in running the body as that could take you outside of these indemnities. For similar reasons you should avoid appearing to take part **inf** decision making or accepting work or tasks on behalf of the body.

### Consultative or Advisory Bodies

- You could be appointed to an external Committee which advises the Council on various issues. Your **primar**ye role will be as a representative of the Council. Difficulties can arise if you champion a position taken by the external Committee **but** that is likely to cause difficulties in taking part in council business rather than giving rise to financial liabilities.

### Steering Groups, Joint Committees and Partnerships

- You may be appointed as a member or observer to a steering group or partnership body. You need to establish at the outset whether you are acting as a delegate/representative of the Council to promote the Council's interests **,-** or whether you have an independent role to fulfil on behalf of the group or partnership.
- You should avoid committing yourself on behalf of the Council or holding yourself out to be able to do so where you do not have any authority.

### Company Directors

- Companies are legally constituted bodies and there is a range of legislation which regulates the conduct and responsibilities of **Companies and** Company Directors. If you are appointed as a Company Director, you will have the following duties.
  - When acting as a Director you own a fiduciary duty to act honestly and in good faith and in a way you consider most likely to promote the success of the company for the benefit of its members as a whole.
  - You are under a duty as a Director to exercise independent judgement, although it is permissible to take account of third party interests **s** you may represent. You cannot simply vote in accordance with the Council's mandate as to do so would be a breach of your duty to the company.
  - You have a general duty of care and skill to the company. As a Director you will not be deemed to be an expert but you should be diligent and obtain expert advice when necessary.

- You will have to have a duty not to create conflict – where there is conflict between the interests of the Council and the interests of the company, you should not take part in discussions upon such topics both as a Councillor and as a Director. If the conflict is serious or one which repeatedly presents itself, the most appropriate course of action would be for you to resign as a Director of the company.
- You have a duty not to make a private profit from the position. Any interest you or your family may have in relation to the company's contracts must be declared. Whether or not you can vote following declaration will depend upon the Articles of Association of the Company.
- As a Director you must ensure compliance with relevant company legislation in relation to keeping of accounts and making relevant returns to the Registrar of Companies. Failure to do so incurs fines for which you are personally liable and persistent default can lead to disqualification as a Director.
- You have a duty to ensure the company complies with other legislation, for example health and safety legislation if the company employs staff or contractors to undertake work.

#### Liabilities attached to being a Company Director

- The Council cannot provide indemnities or insurance for liabilities a Councillor incurs whilst acting as a Director. It is lawful and common practice for companies to purchase insurance to protect Directors against claims of negligence, breach of duty, trust or default. You are advised to satisfy yourself that such a policy of insurance is maintained at all times whilst you are a Director.
- When you are acting as a Director, you cannot be indemnified by either the Council or the company against liability which arises out of negligence, default or breach of duty or trust. However, you should check the Articles of Association of the company as this will often allow Directors to be indemnified by the company for the cost of defending any proceedings where you are granted relief by the Court or acquitted.
- When a company becomes insolvent, unless Directors have given personal guarantees they will usually not be liable for losses generally or to creditors of the Company. This will not apply where wrongful trading can be proved, e.g.i.e.: if there is no possibility of avoiding liquidation, Directors should ensure that the company does not continue to trade otherwise you could be personally liable for losses due to creditors. Also, if a company trades fraudulently and carries on trading with an intent to default creditors, you may also be personally liable whether you were aware of the fraud or not.
- Directors can be personally liable if the company acts outside its permitted powers.
- Although company liability ceases on the dissolution of the company, the liability of Directors may still be enforced after that dissolution.

#### The position of Charitable Trustees

- The Council often has a right to appoint Councillors to charities or charitable trusts it may have set up or gives funding to or which operate generally in the area.

- Charities and charitable trusts are regulated by the Charity Commission which provides a range of useful information.
- As a trustee you will have the following duties:
  - The duty to act in accordance with the Trust Deed and to protect the charity's assets;
  - A duty to comply with the Charities Act 2011 and other legislation affecting the charity;
  - A duty not to make a private profit from the position;
  - A duty to act with a standard of care which an ordinary prudent business person would show. Higher standards are required of professionals and in relation to investment matters.
- Trustees must ensure that information relating to the trust and trustees are registered with the Charity Commission and that annual accounts and returns are sent;
- If the charitable income exceeds £5,000, there is a duty to ensure that letters, adverts, cheques, etc., bear a statement that the organisation is a registered charity.
- Trustees are under a duty to ensure compliance with all relevant legislation, for example in relation to tax and health and safety at work.

### Trustees' Liabilities

- Many trusts do not have corporate status and have no separate identity from the trustees. If appointed as a trustee you should check whether this is the case. If-as-if it is the case then you, together with the other trustees, are personally liable for losses on contracts or claims by third parties, although trustees are entitled to an indemnity from the trust's assets provided they have acted properly in incurring the liability.
- As a trustee you will also have the following liabilities:
  - A liability to make good any deficiencies where trust property is used for a trustee's own benefit or for purposes not in accordance with the purposes of the trust;
  - Personal liability for losses or claims where a trustee has acted outside the scope of the Trust Deed;
  - Personal liability where a trustee has not shown the required standard of care;
  - Personal liability for fines if the trust does not comply with duties to make returns, etc.
- It is important to remember that often trustees remain personally liable even after they have retired, for example where they have previously entered into a contract on behalf of a trust. It is important that when you stand down from a trust you seek an indemnity from your successors. You do not need to do this if a charity is a company when the trustees for the time being will be responsible.
- An indemnity can be given from the trust provided the trustee has acted properly and within their powers. Trustees can take out insurance to protect themselves against personal liability but not for criminal acts and fraud. If the charity pays the premium you will need to check the Trust Deed as the consent of the Charity Commission will be needed unless the Trust Deed expressly does not require it.

### The Council Code of Conduct

- If you are appointed to an outside body and take an active part in it, this may limit the extent to which you can take part in some debates or votes in your role as a Councillor. You will have to have regard both to the Council's Code of Conduct and any rules governing your role on the outside body. If there are regular conflicts of interest you should resign from the outside body.

### Council Indemnities

- Since November 2004 it has been possible for an indemnity to be provided in relation to any action or failure to act as a Councillor which is authorised by the Council, or where the Councillor is carrying on any functions at the request of, or with the approval of, or for the purposes of the Council. However, it does not extend to situations where a Councillor is acting other than as a Councillor, e.g. where the Councillor is fulfilling personal obligations as a company director or trustee. Then you must ensure that the outside body provides the necessary indemnities.

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# CHAPTER 8 – ACCESS TO INFORMATION PROCEDURE RULES

## 1. EXECUTIVE ARRANGEMENTS

These rules apply to all meetings of the Council, Policy Development and Scrutiny Committees, Area Committees (if any), the Standards Committee and regulatory committees and public meetings of the Executive (together called meetings).

## 2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## 3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

## 4. NOTICES OF MEETING

The Council will publish each year its proposed schedule of meetings of both the full Council and of the Executive. At least 5 clear days' notice of any meeting will be given in addition by posting details of the meeting at the Civic Centre, Stockwell Close, Bromley, the designated office.

## 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports which are open to the public available for inspection at the designated office at least 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to ~~councillor~~Members) will be open to inspection from the time the item was added to the agenda.

## 6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the proper officer thinks fit, copies of any other documents supplied to ~~Councillor~~Members in connection with an item to any person on payment of a charge for postage and any other costs.

## 7. **ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## 8. **BACKGROUND PAPERS**

### 8.1 **List of background papers**

The ~~report author proper officer~~ will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Executive reports, the advice of a political advisor.

### 8.2 **Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## 9. **SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

## 10. **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### 10.1 **Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.



## 10.2 Exempt information – discretion to exclude the public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

## 10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

## 10.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act as set out in paragraph 8 of Schedule 12A of the Local Government Act 1972 (as amended). Financial or business affairs includes contemplated as well as past or current activities.
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.	Information within paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. "Labour relations matters" are as specified in paragraphs (a) to (g) of Section 218 of the Trade Unions and Labour Relations Act 1992, i.e. matters which may be the subject of a trade dispute.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	

Category	Condition
<p>6. Information which reveals that the authority proposes:</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Information within paragraph 6 is exempt only while disclosure might give an opportunity to a person affected by the notice, order or direction to defeat the purpose for which the notice, order or direction is to be given or made.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of The Town and Country Planning General Regulations 1992.

**11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

**12. APPLICATION OF RULES TO THE EXECUTIVE**

Rules 13 – 24 apply to the Executive and its Committees. If the Executive or its Committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in **Chapter 1** of this Constitution.

If the Executive or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief Members.

**13. PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the forward plan; and

- (c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

## 14. THE FORWARD PLAN

### 14.1 Period of ~~F~~forward ~~P~~plan

The Forward Plan shall be updated and published on a regular basis covering key decisions up to a year in advance.

~~Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.~~

### 14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key or private decision to be taken by the Executive, a committee of the Executive, individual Members of the Executive, officers, Area Committees or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 28 days before the start of the period covered. ~~The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:~~

~~(a) that key decisions are to be taken on behalf of the Council;~~

~~(b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;~~

- ~~(c) — that the plan will contain details of the key decisions to be made for the four month period following its publication;~~
- ~~(d) — that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;~~
- ~~(e) — that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;~~
- ~~(f) — the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;~~
- ~~(g) — that other documents may be submitted to decision takers;~~
- ~~(h) — the procedure for requesting details of documents (if any) as they become available; and~~
- ~~(i) — the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.~~
- ~~Exempt information need not be included in a forward plan and confidential information cannot be included.~~

#### 15. **GENERAL EXCEPTION**

If a matter which is likely to be a key ~~or private~~ decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the proper officer has informed the chairperson of a relevant Policy Development and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the proper officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

#### 16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairperson of the body making the decision, obtains the agreement of the Chairperson of a relevant Policy Development and Scrutiny

Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairperson of a relevant Policy Development and Scrutiny Committee, or if the Chairperson of each relevant Policy Development and Scrutiny Committee is unable to act, then the agreement of the Mayor will suffice.

As soon as reasonably practicable after the decision maker has obtained agreement, in accordance with the above procedure, that the decision is urgent and cannot reasonably be deferred, the Proper Officer must:

- i) make available a notice at the Council offices setting out the reasons that the decision is urgent and cannot reasonably be deferred and
- ii) publish the notice on the Council's website.

## 17. REPORT TO COUNCIL

### 17.1 When a Policy Development and Scrutiny Committee can require a report

If a Policy Development and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Policy Development and Scrutiny Chairperson, or the Mayor under Rule 16;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the proper officer, who shall require such a report on behalf of the Committee when so requested by (the Chairperson or any 5 Members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Policy Development and Scrutiny Committee.

### 17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

### 17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## 18. RECORD OF DECISIONS

After any meeting of the Executive or any of its Committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## ~~19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS~~

~~The Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.~~

## 1920. NOTICE OF MEETING OF THE EXECUTIVE

Members of the Executive or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## 204. ATTENDANCE AT MEETING OF THE EXECUTIVE

All formal meetings of the Executive will be held in public unless a decision to exclude the public has been taken in accordance with Rule 10.

Any recognised Group on the Council not represented on the Executive may appoint a spokesperson who shall be entitled to attend all meetings of the Executive and speak on any item on the agenda.

All other Members of the Council are entitled to attend meetings of the Executive and speak subject to the discretion of the Chairperson.

The Head of Paid Service, Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Executive.

## 212. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

### 212.1 Reports intended to be taken into account

Where an individual Member of the Executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

### 212.2 Provision of copies of reports to Policy Development and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairperson of every relevant Policy Development and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

### 212.3 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken by an individual Member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political or Mayor's assistant.

## **223. POLICY DEVELOPMENT AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS**

### **223.1 Rights to copies**

Subject to Rule 23.2 below, a Policy Development and Scrutiny Committee (including its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the Executive; or
- (b) any decision taken by an individual Member of the Executive.

### **223.2 Limit on rights**

A Policy Development and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

## **234. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **234.1 Material relating to previous business**

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive or its Committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 3 and 6 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

### **234.2 Material relating to key decisions**

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or

its Committees which relates to any key decision unless paragraph (a) or (b) above applies.

### 243.3 Nature of rights

These rights of a Member are additional to any other right he/she may have.

### 234.4 Member's Need to Know access

Under common law principles, Members have the right to access information held by the Council where it is reasonably necessary to enable the Member to properly perform their duties as a Member. This is known as the "Need to Know". The common law "Need to Know" is the prima facie right of Members to inspect documents of the authority which exist, as Members are under a duty to keep themselves informed of Council business which relate to their role as elected representatives.

This right applies to Members who do not have statutory rights to exempt or confidential information and to other documents held by the Council under local government legislation, the Freedom of Information Act 2000 or data protection legislation. For example, a Member is likely to have a prima facie "Need to Know" where they have a legitimate Ward problem and access is needed to the documents that are relevant to that specific problem. A further example would be an Overview and -Scrutiny & Overview-Committee requiring access to information to inform a scrutiny review. Any request from scrutiny for access to confidential information should be made by the Chairperson of the respective Scrutiny Committee/Sub-Committee via the Council's Statutory Scrutiny Officer and will need to confirm why it is required.

Access to information on the basis of a 'Need to Know' does not exist where the Member is considered to be "fishing" for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose). Case law has established that mere idle curiosity as to what is in the documentation will not be sufficient. Some material (for example, financial or commercial interests) may be redacted from any information that is disclosed, if this does not affect the ability of a Member to exercise their role as an elected representative.

There will also be a range of documents which, because of their nature, are either not accessible by Members (such as the personal records of an individual) or are accessible only by the member of a political group. -group forming the administration and not by the Members of other political groups. An example of this latter category could be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against both the Council's and the public interest.

Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one political group will not have a "Need to Know" and therefore, a right to inspect, a document which forms part of the internal workings of another political group, for instance relating to the process of policy development or the formulation of an alternative budget by an Opposition Group.



# CHAPTER 10 – OFFICER EMPLOYMENT PROCEDURE RULES

## 36. Officer Employment Procedure Rules

### 1. Appointment and Dismissal of Staff

(i) Subject to sub-paragraphs (ii), (iii) and (iv) below the function of appointment and dismissal of, and taking disciplinary action against a member of staff must be discharged by the Head of the Paid Service or by an officer nominated by him.

(ii) The provisions of sub-paragraph (i) do not apply to the appointment or dismissal of, or disciplinary against –

(a) the officer designated as the Head of the Authority's Paid Service;

(b) a statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989

(c) a non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act

(d) a Deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of Section 9 of the 1989 Act (Assistant ~~see~~ for Political Groups).

(iii) The appointment or dismissal of the Head of the Paid Service must be approved by the Authority before the appointment is made or Notice of ~~d~~Dismissal is given.

(iv) Where a Committee or Sub-Committee is discharging the function of the appointment or dismissal of any officer referred to in (ii) above, at least one Member of the Executive must be a Member of the Committee or Sub-Committee concerned.

(v) Any offer of appointment as an officer referred to in sub-paragraph (ii)(a) - (e) shall not be made until -

(i) the proper officer has been notified of the name of the person to whom the offer has been made and any other particulars considered relevant to the appointment;

(ii) the proper officer has notified every Member of the Executive of the name of the person to whom the offer of appointment has been made;

any other particulars relevant to the appointment which have been notified to the proper officer;

the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the proper officer; and either:-

the Executive Leader has within the period specified in the Notice given, given notice to the appointing Committee, Sub-Committee or officer that neither he nor any other Member of the Executive has any objection to the making of the offer,

the proper officer has notified the Committee or Sub-Committee or officer that no objection was received within that period from the Executive Leader or

the Committee or Sub-Committee or officer is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

(vi) Notice of the dismissal of an officer referred to in subparagraph (ii)(a) - (e) shall not be given until -

(i) the proper officer has been notified of the name of the person to be dismissed and any other particulars which are relevant to the dismissal

(ii) the proper officer has notified every Member of the Executive of the name of the person to be dismissed any other particulars relevant to the dismissal which have been notified to the proper officer; and the period with which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the proper officer; and

(iii) either

the Executive Leader has within the period specified in the Notice under subparagraph (vi) (ii) given notice that neither he nor any other Member of the Executive has any objection to the dismissal; or

the proper officer has given notice that no objection was received within that period from the Executive Leader or the Committee, Sub-Committee or officer wishing to give notice of the dismissal is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

(vii) For the purposes of this Standing Order the proper officer shall be the Director of Human Resources, **Customer Services and Public Affairs**.

## **2. Appointment of Chief Officers**

(a) Where the Council propose to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among the existing officers, it shall:-

(i) draw up a statement specifying - the duties of the officer concerned, and any qualifications or qualities to be sought in the person to be appointed

(ii) make arrangements for the post to be advertised

(iii) make arrangements for a copy of the statement mentioned in Paragraph (i) to be sent to any person on request.

(b) Where a post has been advertised the Council shall –

(i) interview all qualified applicants for the post, or

(ii) select a short list of such qualified applicants and interview those included on the short list

(iii) where no qualified person has applied, the Council shall arrange for further advertisement of the post.

(c) Every appointment of a Chief Officer shall be made by the Council or delegated to a Committee or Sub-Committee.

Any steps referred to in 63(a) or (b) above may be taken by a Committee or Sub-Committee or Chief Officer of the Council.

Any Chief Officer may be appointed by a Committee or Sub-Committee of the Council or a relevant joint Committee.

### **3. Canvassing of and Recommendation by Members**

(a) Attempting to secure the support of a Member of the Council directly or indirectly for any appointment by the Council shall disqualify the candidate concerned for that appointment.

(b) A Member of the Council shall not secure by unfair means an appointment with the Council for any person, but this shall not preclude a Member from giving a written reference of a candidate's ability, experience or character.

### **4. Disciplinary Action**

#### **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Head of Paid Service, Monitoring Officer and Chief Financial Officer must not be dismissed by the Council unless the procedure set out in Schedule 3 to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 is complied with.

## 5. Relatives of Members or Officers

(a) A candidate for any appointment by the Council who is aware that they are related to any Member or Senior Officer of the Council shall disclose that relationship to the Chief Executive.

(b) A candidate who knowingly fails to disclose such a relationship shall be disqualified from the appointment and, if appointed, shall be liable to dismissal without notice.

(c) Every Member and Senior Officer of the Council shall disclose to the Chief Executive any known relationship that they may have with any person who is a candidate for an appointment by the Council. The Chief Executive shall report to the Council or to the appropriate Committee any such disclosure made to him.

(d) The content of this Standing Order shall be included in any form of application.

(e) For the purpose of this Standing Order "Senior Officer" means any Chief, Deputy or Assistant Chief Officer or Manager of any DSO or any other officer designated by the General Purposes **and Licensing** Committee and a person shall be considered related if they are parent, partner, child, step-child, adopted child, grandchild, brother, sister, aunt, uncle, nephew or niece.

## 6. Officer Employment Procedure Rules

### 1. Recruitment and Appointment

#### (a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a Councillor or an officer will be appointed without the Authority of the relevant Chief Officer or an officer nominated by him/her.

#### (b) Seeking support for appointment.

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Councillor will seek support for any person for any appointment with the Council.

### 2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

#### (a) draw up a statement specifying:

- i) the duties of the officer concerned; and
- ii) any qualifications or qualities to be sought in the person to be appointed;

#### (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

#### (c) make arrangements for a copy of the statement aforementioned ~~in paragraph (1)~~ to be sent to any person on request.

### 3. Appointment of Head of Paid Service

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one member of the Executive.

#### 4. **Appointment of Chief Officers and Deputy Chief Officers**

- (a) The Council or a Committee or Sub-Committee of the Council will appoint Chief Officers. That Committee or Sub-Committee must include at least one member of the Executive.
- (b) Appointment of Deputy Chief Officers will be by appropriate officers.
- (c) An offer of employment as a Chief Officer or Deputy Chief Officer shall only be made where no well-founded objection from any member of the Executive has been received.

#### 5. **Other Appointments**

- (a) **Officers below Deputy Chief Officer.** Appointment of officers below Deputy Chief Officer (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

#### 6. **Disciplinary Action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action (including dismissal) against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

#### ~~7. **Dismissal**~~

~~Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.~~

## 7. Politically Restricted Posts

(To be added)

Report No.  
CSD23148

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:**       **COUNCIL**

**Date:**                   **Monday 11 December 2023**

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

**Title:**                   **DEVELOPMENT CONTROL COMMITTEE AND PLANS SUB-COMMITTEES - TERMS OF REFERENCE**

**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

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1.    Reason for decision/report and options

- 1.1   At its meeting on 30<sup>th</sup> November 2023, the Development Control Committee considered the attached report recommending a minor change to its terms of reference and the terms of reference of Plans Sub-Committees, which are set out in the Council's Constitution. The changes were supported and recommended to full Council for approval, with one addition, that the words "Call-in still applies" be added in 2.08, 1 and 2.09, 1. This has been added to the appendix to the report as attached.

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2.    **RECOMMENDATION**

**That the updated terms of reference for Development Control Committee and Plans Sub-Committees as set out in Appendix A to the attached report, including the additions recommended by Development Control Committee, be approved.**

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: £402k
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: Council 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

Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing 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

<b>Non-Applicable Headings:</b>	Impact on vulnerable adults and children/Policy/Finance/ Human Resources/Legal/Procurement/Property/Carbon Reduction/Local economy/Health and Wellbeing/ Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Council Constitution



**Decision Maker:** **DEVELOPMENT CONTROL COMMITTEE**

**Date:** **Thursday 30 November 2023**

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

**Title:** **DEVELOPMENT CONTROL COMMITTEE/PLANS SUB-COMMITTEES -TERMS OF REFERENCE**

**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 A small technical change is required to the terms of reference of this Committee and the Plans Sub-Committees, as listed in the Council's Constitution, to enable Members to determine a range of types of application in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that are not covered in the Functions Regulations.

---

2. **RECOMMENDATION**

**That the updated terms of reference for this Committee and for Plans Sub-Committees, set out in Appendix A below, be approved and referred to Council for adoption in the Constitution.**

### 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: £402k
  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 matter 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
- 

### Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

### Impact on Health and Wellbeing

1. Summary of Health and Wellbeing 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 At its meeting on 9<sup>th</sup> November 2023, Plans Sub-Committee No. 4 was due to consider a report on an application under the General Permitted Development Order for prior approval of various impacts of a roof extension to provide additional flats at the property. The application had been referred to Sub-Committee following ward member call-in, but the report had to be withdrawn from the agenda as it was established that the Sub-Committee did not have authority to take the decision. This was because the existing terms of reference of Plans Sub-Committees, and of this Committee, refer only to the powers and duties of a Local Planning Authority as set out in Schedule 1 of the Functions Regulations, and the Functions Regulations have not been updated to take into account the latest version of the General Permitted Development Order (GPDO).

3.2 This problem can be overcome by adding the following words to the terms of reference of this Committee and Plans Sub-Committees –

*“and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).”*

The full terms of reference with the new words highlighted in red/italics are set out in Appendix A.

3.3 Terms of reference for this Committee and for Plans Sub-Committees are set out in Part 3 of the Council’s Constitution (to be included in Chapter 5 of the revised Constitution structure currently being recommended to Council by General Purposes and Licensing Committee.) Full Council will need to approve the changes to terms of reference proposed.

### 4. LEGAL IMPLICATIONS

4.1 To enable this Committee and Plans Sub-Committees to be able to determine the full range of applications, reference to Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) needs to be made in their terms of reference.

<b>Non-Applicable Headings:</b>	Vulnerable Adults and Children/Policy/Finance/Personnel/Procurement/Property/Local Economy/Health & Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Council Constitution – Part 3

**CONSTITUTION – PART 3 RESPONSIBILITY FOR FUNCTIONS** (Page 58)

*(Additional wording in red/italics)*

2.08 **Development Control Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

1. **Planning and Conservation and Building Control.** All the Council's powers and duties relating to town and country planning and development control and building control as specified in Schedule 1 of the Functions Regulations, including, where appropriate, determining cases relating to individual sites *and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).* *(Call-in still applies.)*
2. **Local Plan and Development Documents.** To be responsible for preparing, revising and recommending the Plan to the Executive.
3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways under the Town and Country Planning Acts 1990, as set out in Schedule 1 to the Functions Regulations.
4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.

2.09 **Plans Sub-Committees** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

Concurrently with Development Control Committee -

1. To exercise all the powers and duties of the Council as local planning authority as set out in Schedule 1 of the Functions Regulations *and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).* *(Call-in still applies.)*
2. To exercise all the powers and duties of the Council in relation to Building Control matters – as set out in Schedule 1 to the Functions Regulations.

Report No.  
CSD23149

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** **COUNCIL**

**Date:** **Monday 11 December 2023**

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

**Title:** **COMMITTEE 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

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1. Reason for decision/report and options

- 1.1 Following the death of Councillor Andrew Lee and the appointment of Councillor Will Rowlands to the Executive there are a number of vacancies on Council Committees which can be filled by Council following the wishes of the respective groups.
- 

2. **RECOMMENDATION**

**Council is recommended to appoint to the following vacant committee seats -**

**Environment & Community Services PDS Committee**  
**Executive, Resources & Contracts PDS Committee**  
**Public Protection & Enforcement PDS Committee**  
**Renewal, Recreation & Housing PDS Committee**  
**Development Control Committee**  
**General Purposes & Licensing Committee**  
**Pensions Committee**  
**Standards Committee**

## 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:  
(1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
- 

## Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Democratic Representation
  4. Total current budget for this head: £1,205k
  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: Local Government Acts 1972 and 2000.
  2. Call-in: Not Applicable: Council 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
- 

## Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

## Impact on Health and Wellbeing

1. Summary of Health and Wellbeing 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? No
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

3.1 The death of Councillor Andrew Lee and the appointment of Councillor Will Rowlands to the Executive, replacing Councillor Aisha Cuthbert, has led to a number of vacant seats on Council Committees. These are -

Environment & Community Services PDS Committee  
Executive, Resources & Contracts PDS Committee  
Public Protection & Enforcement PDS Committee  
Renewal, Recreation & Housing PDS Committee

Development Control Committee  
General Purposes & Licensing Committee  
Pensions Committee  
Standards Committee

Members of the Executive cannot sit on scrutiny committees, but one member of the Executive may sit on other non-executive committees.

3.2 There are also vacancies on Plans Sub-Committees which Development Control Committee can appoint to at its next meeting –

Plans Sub-Committee No. 2  
Plans Sub-Committee No. 4

3.3 Councillors are appointed to sit on committees by full Council on the instruction of the party groups depending on their proportional entitlements. The outcome of the Hayes and Coney Hall by-election may potentially affect the Council's overall proportionality, and officers will advise if this is the case. Any group may take the opportunity to ask Council to change its committee memberships at this meeting.

<b>Non-Applicable Headings:</b>	Impact on vulnerable adults and children/Policy/Legal/Finance/Human Resources/Procurement/Property/Carbon Reduction/Local Economy/Health and Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	None

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Report No.  
CSD23143

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** **COUNCIL**

**Date:** **Monday 11 December 2023**

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

**Title:** **SACRE ANNUAL REPORT 2022/23**

**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 Wards

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1. Reason for decision/report and options

- 1.1 At its meeting on 1 November 2023, SACRE (the Standing Advisory Council on Religious Education) approved its annual report for the academic year 2022/23. The annual report has been sent to the Secretary of State for Education as required, and is reported to Council for information. SACRE is chaired by Reverend Roger Bristow and the current Councillor members are Councillors Jonathan Andrews, Graeme Casey, Robert Evans, Dr Sunil Gupta, David Jefferys, Chris Price and Rebecca Wiffen.

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2. **RECOMMENDATION**

**That the SACRE Annual Report for 2022/23 be received and noted.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: See attached report.

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Transformation Policy

1. Policy Status: Existing Policy
2. Making Bromley Even Better Priority *(delete as appropriate)*:  
(1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.

---

Financial

1. Cost of proposal: No Cost
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

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Legal

1. Legal Requirement: None
2. Call-in: Not Applicable: No executive decision is involved.

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Procurement

1. Summary of Procurement Implications: Not Applicable

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Property

1. Summary of Property Implications: Not Applicable

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Carbon Reduction and Social Value

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

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Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable

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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable

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Customer Impact

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

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Ward Councillor Views

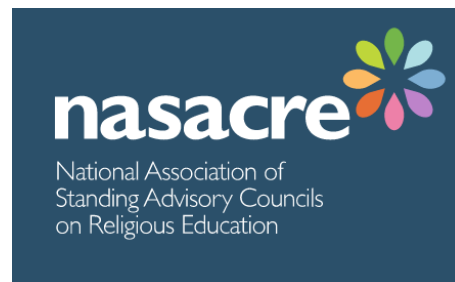
1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

<b>Non-Applicable Headings:</b>	Vulnerable adults and children/Policy/Legal/Finance/Personnel/Procurement/Property/Carbon Reduction/Local Economy/Health and Wellbeing/Customers/Ward Cllrs
Background Documents: (Access via Contact Officer)	SACRE 1 November 2023 – Report and Minutes

BROMLEY STANDING ADVISORY COUNCIL  
ON  
RELIGIOUS EDUCATION

**BROMLEY SACRE:**

**ANNUAL REPORT  
FOR THE ACADEMIC YEAR 2022-23**



*BROMLEY SACRE is a member of the National Association of SACREs*  
**Introduction to the Annual Report 2022-23**

**Bromley Standing Advisory Council on Religious Education (SACRE)**

Every Local Authority is required to have a SACRE which is made up of four groups; (A) Faith representatives, (B) The Church of England, (C) Teachers and (D) Councillors. The committee should reflect the faiths within the community.

SACREs have responsibility for advising a Local Authority (LA) on religious education and collective worship in its schools. SACREs have a duty to publish an annual report. The main purpose of the annual report is to hold the LA to account, by informing the Secretary of State and key partners what advice SACRE gave the LA during the year and how that was responded to; this includes advice on RE and Collective Worship in those schools for which the LA has responsibility.

This report covers the academic year 2022-2023. This includes a period of post pandemic transition which had a significant impact on both schools and the work of SACRE.

**Contacts**

**SACRE Chairman**

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SACRE.Chair@bromley.gov.uk  
0208 462 1280

**Clerk to SACRE**

Mrs Jo Partridge, Bromley Council  
[joanne.partridge@bromley.gov.uk](mailto:joanne.partridge@bromley.gov.uk)  
0208 461 7694

**BROMLEY SACRE**

**ANNUAL REPORT FOR THE ACADEMIC YEAR 2022-2023**

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## **1 Introduction**

### **1a. Chair's Introduction**

As always, I am indebted to Joanne Partridge who, in her role of Clerk to SACRE, gives invaluable support to both the Committee and to me. As RE Advisor, Stacey Burman continues to work hard to provide as much support as possible to schools across the Borough. In particular, Stacey seeks to provide encouragement and resourcing to RE Teachers as they implement the revised Bromley Agreed Syllabus within their schools. The new REal Resource videos which Bromley SACRE have produced, with much encouragement from Stacey and support from the Borough's officers, look set to further enhance the provision of support to schools in the delivery of RE which engages students with the lived experience of people of faith.

I continue to be grateful also to Jared Nehra, Bromley Director of Education, and to Julia Andrew and Carol Arnfield, Bromley School Standards officers, for their unstinting efforts in assisting us to deliver a high level of support to Bromley's schools, and especially to those at the front line of delivering high quality RE and the experience of life enhancing collective worship for all. We will miss Carol's support as she heads into a well-earned retirement.

I wish to express my gratitude also to the various members of Bromley SACRE for their commitment to this work and their engagement with the various issues which are raised by it. Bromley SACRE seeks always to encourage and support those who deliver RE and lead Collective Worship in Bromley's schools (whether maintained or not) in helping to ensure that children and young people are given every opportunity to discover for themselves the way in which religious and other world views impact every area of our lives. This work remains as vital today as it ever was.

***Rev. Roger Bristow.***

### **1b. Overview of academic year 2022-23**

Bromley SACRE met three times online during the academic year 2022-23. Each meeting was quorate, and further details of attendance can be seen in Appendix 1.

The RE Advisor, with the support of the LA, ensures all materials and minutes are updated regularly. All agendas and approved minutes of these meetings are saved regularly and made accessible to the public via the Council website, [Standing Advisory Council on Religious Education](https://www.bromleyeducationmatters.uk/Page/15522). Further information related to the teaching and learning of RE is available online via the Borough's Education website: <https://www.bromleyeducationmatters.uk/Page/15522>.

Agenda items for these meetings included (in no particular order):

- Training of primary teachers and support for Secondary teachers
- Updating primary Units of Learning (non-statutory materials) and other Syllabus support materials
- Borough RE Calendar Competition
- Accommodation for SACRE meetings and the move from solely online meetings
- Budget and Advisory support for SACRE
- Website access to SACRE information
- Attendance and membership to SACRE
- Agreed Syllabus Review- monitoring implementation in schools
- Determinations and Collective Worship Guidance
- SACRE self-evaluation
- Creation of remote education support materials and resources promoting worldview learning in RE
- NASACRE AGM and conference

- Development of further interfaith dialogue resources for schools
- Engagement in pilot project working with Faith Belief Forum
- Use of national data and projects, e.g. RE Hubs
- Guidance and Support for Guest Speakers in Schools

The support work of SACRE is partially informed by the self-evaluation form completed annually by all SACRE members. Any action planning also takes into account awareness of national developments raised via the Advisor, and any feedback received from teachers in schools, including those shared through the Teachers' Network Groups (please see Section 2 of Report). All support work is continually logged and shared with Members via a detailed action plan. Please see Appendix 2 and 3.

## **2. Standards and quality of provision in RE**

In addition to an online survey devised this year as part of a deeper review process, further evidence and information has been gleaned by the RE Advisor through conversations, visits and reports from schools, including academies, faith schools and community schools. Information/evidence has been referenced throughout this report. In addition, a further survey has been created and was shared with school governors.

### **2a. The Agreed Syllabus**

The Syllabus was unanimously agreed and positively received by schools when it had a soft launch in 2019 and is available on the SACRE webpage provided by the Local Authority.

We are confident that our syllabus reflects the best practices as outlined in various reports/reviews and documents recently published, including REC research into a worldviews approach in RE. The Advisor remains active in other national projects and with other agencies working closely with research and subject development and continues to demonstrate how our syllabus reflects this to SACRE members in meetings, and to teachers in the networks. In the latter part of the year, one school achieved a Gold RE Quality Mark, a national award which includes judgement about the effectiveness of the RE curriculum and the adherence to a syllabus which promotes effective pedagogy as part of the assessment process.

Reports from schools show that pupils and teachers are engaging well with positive feedback received about the enquiry approach and pedagogy set out in the syllabus. Overall, the number of primary schools relying on externally purchased curriculum packages to deliver RE continues to decrease as they become more aware of the difference and benefits of the pedagogical approach in the syllabus, and in their confidence through the Borough networks to support their own teachers. For example, a further 3 schools have moved from an external curriculum package to following the materials we have devised in the past year following conversation with the RE Advisor. The expertise of the RE Advisor has also been sought to support individual primary and secondary schools in the implementation of the syllabus in their school curriculum beyond the teacher network meetings. In the past year, 2 primary schools have accessed this support and one of the secondary schools in Bromley.

In subject leader network meetings, provided by the LA and facilitated termly by the RE Advisor, several schools have shared examples of their pupils' learning. This not only demonstrates adherence to the Syllabus, but also the willingness to engage and improve the teaching and learning in their schools and work collaboratively in the network to do so. We were also delighted to be hosted by one school for one of these primary sessions, where we were able to establish a clearer [picture of provision and use of the Syllabus. Next year, we shall continue to do visit further schools this way. All SACRE members are invited to join these sessions/meetings.

All schools participating in our online surveys include the RE curriculum on their school websites, and mention adherence to the locally agreed syllabus here and in the relevant school policies. SACRE was notified of a school where the website information was incorrect, and the RE Advisor immediately contacted the school, who subsequently remedied this information. There have been no declarations of pupil withdrawal from the RE classroom. During the next academic year we shall be promoting this survey further to reach more schools in order to gain a wider scope picture. In addition, a further survey has been created to glean feedback from school governors. Bromley SACRE are aware that this is an area of support which could potentially provide much support to subject leaders in their schools. This will be promoted in the coming year for increased completion. Please note that further details of school provision of RE are included in section 2c.

In addition, Bromley SACRE continues to support both the creation of new and the revision of previously mentioned primary units of learning in collaboration with volunteer schools overseen by the RE Advisor. These schemes not only compliment the syllabus and reflect key Ofsted expectations but have been structured in a way that pupils' critical thinking and analytical skills are developed further. They are increasingly engaged in philosophical and ethical discussion and are exposed to a wider range of content. The schemes continue to be developed to allow all pupils from all backgrounds to engage with the subject and are updated regularly with improved resourcing and using feedback and contributions from a large spectrum of Bromley schools. Over two thirds of those responding in the survey (66.7%) now follow these schemes in their primary schools. Please see section 2b for more details.

## **2b: School Support**

### **Interfaith Dialogue Resources**

During the year, SACRE have been active in holding two online Interfaith Dialogue Conferences, led by the Advisor and supported with a financial grant from Westhill. One of the agreed actions of Bromley SACRE for this academic year, was the continued support of teaching of diversity in religions through the provision of electronic resources that promote community cohesion in the Borough. In addition to the 'REal Resources', we further agreed to conduct and record an Interfaith Dialogue Conference with the following aimed outcomes:

- Increased knowledge and understanding of other faiths/beliefs amongst SACRE members
- Electronic resources that will support teachers and pupils in gaining understanding of other faiths/beliefs of members of their community
- Provision of resources for teaching and learning of the curriculum in Bromley schools in line with the Agreed Syllabus, which promotes a Worldviews Approach to Religious Education (RE).

The first Interfaith Dialogue Conference, held in March 2022, was attended by almost all faith representatives from SACRE. At the Conference the Advisor asked attending members to discuss/share their responses to specific questions which correlated with current curriculum materials being developed for schools that aligned with the Bromley Agreed Syllabus. Some of these questions, along with some suggestions of relevant photos or artefacts that may support responses/the discussion, were provided in advance to the meeting, along with a Guidance paper to help participants prepare. Further directed questions beyond those listed, inspired by members' responses, were used to support clarification and to encourage a relaxed and fluid conversation and informal dialogue between those in attendance.

Those taking part requested a further session, so a second Conference was held in August 2022 following the same process as the first. Clips have been created and are now being formatted by the relevant LA department, so that they can be accessed and used alongside current curriculum materials being developed.

These clips have also been shared/shown and piloted with a selection of teachers, from whom feedback has been very positive. There has been a disappointing delay in gaining access via the LA for schools, however, we are glad to be able to share these with more schools this coming academic year. This will be done in conjunction with CPD/discussion of how these could be used to support the development of the three types of knowledge expected in strong RE and required for the Bromley Agreed Syllabus.

Members of SACRE were also invited by NASACRE to share this process with other SACREs nationally via their online conference workshops. A small group, supported by the RE Advisor devised and delivered a session in the later part of the year.

Following these conferences and creation of materials, these SACRE members have been enthused to engage in further interfaith dialogue opportunities. Ideas and suggestions from members include a hybrid event involving pupils and schools directly following the lifting of pandemic restrictions, dependent on availability of future budgets and other funding.

In addition, SACRE members were also able to experience for themselves an example of effective RE aligned to the new Worldviews Approach (reflected in our Syllabus) and aimed to increase parental engagement in the learning of their pupils. The Special Objects project was shared and modelled during one section of a recent SACRE meeting. This opportunity to develop members' understanding of quality RE remains important to us, and we shall continue to include examples in future meetings as well.

## **Teacher Networks**

Throughout 2022-23 the RE Advisor, with support from the LA, has continued to run termly teacher networks for both primary and secondary schools. Approximately a third of primary schools engage with this network, whilst just under half of the secondary schools are active. These network sessions continue to have attendance and engagement from a wide range of schools, including academies, special schools and schools with specialist SEND/Autism units. Sessions include discussion of effective pedagogy using enquiry, clarification of key Ofsted messages regarding curriculum and demonstration of how the Agreed Syllabus supports these. SACRE members are invited to join these sessions, one of which was hosted at a school in the summer term. Despite this particular session having lower attendance, it is hoped these sessions – even if not all – will continue to be hosted by schools. A point has been raised through the self-evaluation, and will be discussed at a future meeting about alternative timings to increase schools' capability to attend where some may struggle in releasing teachers during the school day.

Bromley SACRE is also aware that CoE and RC schools in the Borough run their own networks and training sessions for RE. CoE schools are provided with materials for teaching Christianity by the Education Office of the Church of England, and whilst advised to teach other religions and world views as per their locally agreed syllabus, they have also been provided with some additional resources from the Diocesan Advisor. Bromley SACRE wishes to develop further and stronger links with these schools, to support and encourage the sharing of teaching materials between all Bromley schools. Efforts have been and will continue to be made to ensure relevant representation on its Council, the promotion of these teacher networks and the use of approved materials via these representatives. In addition, the RE Advisor, Chair and certain members of SACRE have agreed to reach out to the relevant Diocesan Advisors in the region. It is hoped that by sharing information shared within, and perhaps even coordinating the running of these separate networks, these schools could support each other in certain areas of experience or expertise, such as collective worship in faith schools and the delivery of substantive knowledge regarding other religions where there has been much development in the teachers' networks of the LA.



## **Support Materials**

The RE Advisor has continued working with Bromley LA to populate the SACRE page on the Bromley Education Matters website, which is being increasingly accessed by schools and has attracted further attendance to the RE networks being held. In addition to the Locally Agreed Syllabus, this page is regularly updated with further guidance and support materials for schools, including those devised by our own SACRE such as our 'Ramadan Guidance for schools', 'Supporting guidance for Collective Worship', and a 'Guidance document for Guest speakers in our schools', as well as information about our work on creating our additional Interfaith Dialogue resources (please see above). Further to this, SACRE have been encouraging relevant members to register as Speakers with the RE Hubs website, to ensure more pupils have access to local places and people, and are delighted to confirm that our guidance materials reflect the salient points from the training provided here.

However, following consultation of the SACRE self-evaluation, suggestions have been made for how SACRE could better support those schools who are unable to release teachers to attend networks. First, we have introduced a biannual newsletter for all schools in the LA, which includes updates and invitations to join in local and national initiatives. In addition, other useful links and resources, including those produced by teachers in the networks and other quality checked online materials, have been added to the website. Following the development of the Interfaith Resources and engagement by some schools in the pilot project (both mentioned above), further resources can also be added. Unfortunately, the capacity of the LA in updating this website has been affected by staff absences caused by extenuating circumstances.

SACRE also continues to run the borough wide RE calendar competition, open to all Bromley schools. This results in an annual calendar detailing religious and non-religious faith festivals and commemorations throughout the year, which schools can use to inform and support learning of other faiths and worldviews. The artwork for this calendar is based around carefully planned enquiry questions which promote inclusivity and focus on key concepts relevant to RE, but also reflect some of the curriculum planning being developed in the teachers' networks. This year there was a large increase in the number of schools taking part.

## **2c. School Provision, Attainment and Quality of Religious Education**

The Bromley Agreed Syllabus recommends that 5% of curriculum time is dedicated to RE, and that this should equate to approximately: 36 hours per year for KS1; 45 hours for KS2; 45 hours for KS3 and 40-48 hours for KS4. This excludes time allocated for collective worship. Religious education remains statutory for all students and Bromley expects schools to provide all students with their entitlement to study the subject, including at KS4 when they should preferably be entered for GCSE RS. While requirements for some academies may differ, their funding arrangements ensure that they make provision for all pupils in RE.

LA Officers notify SACRE whenever an Ofsted inspection reports in detail about a school's RE provision, and more accurate knowledge of school provision has been attained through the RE Teacher networks and the schools survey (see above), as well as through the Teaching Hours for RE from School Workforce Census collected by DFE in November 2021 (please see Table 1 below). We are still awaiting figures for 2022. According to the schools' survey, only 50% primary schools who completed this so far are confident that they are delivering enough curriculum time for RE, and whilst all KS3 curriculum is being delivered by subject specialists according to the survey, only 66.7% of schools who completed the survey to date are confident that the curriculum time provided matches the requirements in the syllabus. Sadly, a third of our secondaries continue to provide no core/non-examination RE at KS4 and KS5 at all.

**Table 1 Teaching Hours for RE from School Workforce Census collected by DFE in November 2021**

School	% year 7 hours - RE	% year 7 hours - philosophy	% year 8 hours - RE	% year 8 hours - philosophy	% year 9 hours - RE	% year 9 hours - philosophy	% year 10 hours - RE	% year 10 hours - philosophy	% year 11 hours - RE	% year 11 hours - philosophy	% year 12 hours - RE	Year 13 hours - philosophy	% year 13 hours - RE
1	3.5	.	5.09	.	5.09	.	5.09	.	0	.	3.49	.	1.97
2	.	.	.	.	.	.	.	.	.	.	.	.	.
3	4.44	.	3.93	.	4.69	.	3.95	.	2.55	.	2.29	.	2.99
4	.	.	.	.	.	.	.	.	.	.	.	.	.
5	7.07	.	6.87	.	6.14	.	8.08	.	6.05	.	3.35	.	3.6
6	5.73	.	6.11	.	5.78	.	6.35	.	9.93	.	4.29	.	4.23
7	4.58	0	4.09	0	3.64	0	2.67	0	3.38	0	0	5.5	0
8	.	3.92	.	3.81	.	3.84	.	1.42	.	1.25	.	5	.
9	2.12	.	2.56	.	1.83	.	0	.	0	.	0	.	0
10	3.65	.	3.64	.	3.31	.	2.37	.	1.15	.	1.6	.	1.59
11	4.49	.	4.49	.	6.21	.	5.95	.	5.77	.	2.06	.	1.98
12	8.52	0	4.49	0	8.24	0	7.8	0	7.66	0	0	5	0
13	3.24	.	3.11	.	2.98	.	1.64	.	2.78	.	2.35	.	2.98
14	1.08	.	1.59	.	0.57	.	0	.	0	.	0	.	0
15	3.47	.	3.4	.	3.32	.	1.49	.	1.59	.	4.75	.	5.12
16	0	.	0	.	0	.	2.78	.	2.82	.	0	.	0
17	.	.	.	.	.	.	.	.	.	.	.	.	.
18	.	.	.	.	.	.	.	.	.	.	.	.	.

'Drop down days' or 'off timetable'/focus days in RE are rare, with most schools now opting for regular teaching of religious education by the usual class teacher as part of the permanent wider school curriculum. We are aware of one school that also runs a weekly lunchtime optional RE club in addition to curriculum time provided for the subject, and this academic year the number of primary schools engaged in the SACRE's RE calendar annual artwork competition has continued to increase.

## 2d. Standards and Quality of Provision of RE - Public Examinations

Due to the Covid-19 pandemic, pupils did not sit formal examinations until Summer 2022. Pupils were instead graded through internal assessment, and therefore no official/verified data was provided.

The following text and tables detail the received data for the previous years, where the public examination results give SACRE information on standards and are provided for SACRE by the LA. At the time of compiling this report, confirmed/validated data for Summer 2023 was unavailable. This data will be added once provided.

## GCSE Full Course in Religious Studies 2018-2022

Year	No. Bromley schools	No. Bromley Entries	Bromley % 9-4	National % 9-4	No. Entries National
2018	16	1,526	69	72	-
2019	14	1,524	75	72	249022
2021	No data available			81	243071
2022	14	1,545	79	77	243252

Bromley schools in 2022 have maintained the number of entries and have again performed just above the national average. Individual school data is shown below:

School	No. entries: 2017	No. entries: 2018	No. entries: 2019	No. entries: 2022
Bishop Justus	175	172	172	204
Bullers Wood	35	32	185	221
Charles Darwin	1	1	0	1
Chislehurst School for Girls	180	149	187	184
Coopers	5	47	-	1
Darrick Wood	237	232	230	242
Harris Academy Beckenham	88	53	58	10
Harris Girls' Academy Bromley	106	0	1	26
Harris Academy Orpington	163	145	40	-
Hayes School	215	205	213	222
Kemnal Technology College	12	-	-	-
Langley Park School for Boys	62	30	28	7
Langley Park School for Girls	79	44	29	37
Newstead Wood	135	157	152	150
Ravenswood	22	47	23	-
St Olave's & St Saviour's	9	1	1	-
The Ravensbourne	194	210	205	23

Whilst most schools have similar numbers of entries for the examinations, it is disappointing to see that Langley Park School for boys, The Ravensbourne and Harris Academy Beckenham have decreased the numbers of pupils being entered.

## GCSE Short Course in Religious Studies 2019-2022

Year	No. Bromley Schools	No. Bromley Candidates	Bromley % 9-4	National % 9-4	No. Entries National
2019	6	135	96	59	-
2021	No data available			69	22608
2022	2	129	96	63	24602

Whilst Bromley schools appear to be achieving well over the national average in these examinations and with a consistent number of pupils being entered, it should be noted that number of schools engaged has dropped to only 2 (Glebes and St Olives).

## A Level in Religious Studies 2013-2022

At the time of writing this report, we do not have the verified data for these years groups for 2022-23. We therefore include the previous years' data and comments below.

Exam Year	No. Bromley schools	No. of Bromley entrants	Bromley % A*-A grades	National % A*-A grades	Bromley % A*-B grades	National % A*-B grades	Bromley % A-E grades	National % A-E grades
2013	13	138	30%	22%	62%	51%	99%	99%
2014	13	137	30%	21%	57%	49%	100%	98%
2015	14	156	27%	21%	56%	50%	98%	99%
2016	13	177	26%	20%	64%	51%	100%	100%
2017	13	142	31%	24%	59%	51%	100%	99%
2018	13	149	25%	20%	54%	49%	99%	98%
2019	14	178	16%	22%	39%	50%	96%	98%
2020	No data available							
2021	No data available			44	No Data	73	No Data	100
2022	No data available			36	No Data	68	No Data	100

Similar to the GCSE Full Course results, there is a similar pattern of attainment for the A Level examinations, with pupils' grades/scores being higher than 2019 figures, though with a drop from those of 2021. In addition, there continues to be a decrease nationally in the number of pupils sitting the exams, of 1617 from 2019 to 2022.

Though individual school data wasn't available at the time of this report the previous years' is shown below:

School	No. entries: 2017	No. entries: 2018	No. entries: 2019
Bishop Justus	12	22	8
Bullers Wood	16	10	11
Chislehurst School for Girls	11	7	19
Darrick Wood	4	6	17
Harris Academy Beckenham	-	2	-
Harris Girls' Academy Bromley	5	12	25
Harris Academy Orpington	4	0	4
Hayes School	16	12	14
Kemnal Technology College	-	-	2
Langley Park School for Boys	10	11	21
Langley Park School for Girls	12	13	6
Newstead Wood	11	11	9
Ravenswood	10	11	7
St Olave's & St Saviour's	15	11	13
The Ravensbourne	16	21	22

The number of entrants for A Level examinations dropped by more than half in two schools in 2018, Bishop Justus and Langley Park School for Girls. However, four schools doubled the number of pupils they entered for A Level, these being Chislehurst School for Girls, Darrick Wood, Harris Girls Academy Beckenham and Langley Park School for Boys. The number of entrants in the other schools/colleges remains similar to the previous year.

For the first time in over five years, Bromley's attainment in the A Level examinations fell below the national figures in 2019. There may be some correlation between the lower % A\*-B grades being achieved in schools with larger numbers of entrants, if pupils were taught in only one group/class. However, there is no way to discern this without individual school attainment figures.

## AS Level in Religious Studies 2019-2022

Exam Year	No. Bromley schools	No. of Bromley entrants	Bromley % A-B grades	National % A-B grades	Bromley % A-E grades	National % A-E grades
2019	8	119	48%	46%	90%	94%
2020	No data available					
2021	No data available			67	No Data	99
2022	No data available			60	No Data	96

Sadly, the number of students sitting the AS Level examination nationally in 2022 has almost halved since 2019. However, the pattern of attainment remains consistent with those found in the GCSE Full Course and A Levels, in that there was a small drop in the percentage of pupils achieving the A-B and A-E grades from the previous year, but there is still an increase in the overall attainment of pupils since 2019.

Though individual school data wasn't available at the time of this report the previous years' is shown below:

School	No. entries: 2019
Bishop Justus	4
Bullers Wood	17
Darrick Wood	1
Harris Girls' Academy Bromley	3
Langley Park School for Boys	1
Newstead Wood	6
St Olave's & St Saviour's	34
The Ravensbourne	53

The number of examination entrants and attainment prior to 2019 seemed solid in Bromley schools and colleges. In particular, there were large numbers of entrants in St Olave's & St Saviour's and The Ravensbourne, and attainment of both % A-B grades and % A-E grades had increased and were above the national figures.

### **3. Collective Worship**

Bromley SACRE supports an inclusive approach to collective worship that promotes spiritual development and contributes to community cohesion. SACRE have previously provided resources for use in school assemblies including guidance on Collective Worship with ideas and suggestions for quality collective worship. This document is available to schools via the Bromley Education Matters website.

A review of policies and school application materials was completed following robust discussions held in 2019 regarding how Bromley SACRE might respond to a request for a determination and we believe we are ready should one arise. These too, are available on the website, but there have been no requests this year.

SACRE has continuously provided information to schools on resources and websites that support Collective Worship. In addition, SACRE has included questions around Collective Worship in the recently devised school governors' survey, not only to help inform us of school provision, but also to raise awareness of this statutory requirement to all schools.

Whilst there remains a desire to increase this support by updating our guidance and support materials further, the focus in recent years has been directed towards schools' provision of RE teaching and learning through

a quality RE curriculum aligned to our syllabus. It is hoped that this year, if funding allows, SACRE will be able to provide further guidance and support in this area to schools in the coming year.

#### **4. SACRE work with other agencies**

Bromley SACRE supports RE that meets the needs of all students with or without religious beliefs, and promotes inclusion and religious, non-religious and racial harmony. We believe that RE promotes understanding and respect for all communities and it is even more vital now that we continue to do this, with the rise of fundamentalism and extremism in the UK and worldwide and examples of conflict within our own local community. Through the teaching of RE, negative stereotypes and prejudices can and should be tackled and we should generate understanding, overcome barriers, and promote community cohesion.

We are active members of NASACRE and both the Advisor and the Chair of SACRE have attended the annual conference. This year, Bromley SACRE even presented at one of the national workshops as part of the NASCRE online conference programme. Our Advisor continues to access the latest research and resources through her continued membership with AREIAC and as part of her work beyond the LA. Over the past year, she has also worked in collaboration with national examination boards as well as establishing links with Ofsted, and the Faith Belief Forum to provide training and support for Bromley secondary teachers.

Through the production of a biannual newsletter and via the teachers' networks, schools have also been advised continuously of a range of support materials from other agencies, including Culham St Gabriels Trust (CSGT). The RE Advisor has ensured that schools have been notified and invited to join opportunities to work with others in the region and beyond, and it is evident through her informal conversations and feedback from teachers and the schools' survey, that some subject leaders are becoming more involved at a national level, for example, taking up membership with NATRE, in the completion of E Learning Courses from CSGT and one in achieving the Gold Award in the RE Quality Mark.

#### **5. Community Cohesion**

Following concerted efforts and approaches to various national organisations, SACRE now has membership which better reflects the religious and non-religious diversity of the local community, having recently gained a further representative of Reform Judaism from our community and having boosted our Hindu representation in membership in the summer term. We wish to continue extending this representation, and actions will be taken to secure Buddhist representation in the coming year. We now also present attendance at SACRE for each group/committee in the Annual Report, making it easier to identify additional/alternative members to be invited to join SACRE. Please see Appendix 1. We have therefore been able to note repeated and extended absence of representation from Catholic Worldviews and aim to remedy this in future.

The revised Agreed Syllabus contains information about how RE should support the Social, Moral, Spiritual and Cultural development (SMSC) and British values, and efforts have been made to increase references to a wider range of religious and non-religious beliefs that are represented in our community and even less well-known religions beyond it. The syllabus aims to better support pupils' understanding of both the religious and non-religious ideas by encouraging the investigation of responses to ultimate questions, ethical issues and concepts through a similar pedagogy akin to the Worldviews Approach. This should therefore encourage a much deeper understanding of all religions, and hopefully lead to improved cohesion, where similarities and connections can be recognised through dialogue.

Further to this, several Bromley schools and SACRE members engaged in a pilot project which brought these dialogues to parents/carers and the wider community with the use of various special objects to stimulate philosophical, theological and sociological enquiry. This project culminated in schools being supported to run

interfaith multicultural events, celebrating the diversity in the community. Feedback from parents/carers and families involved all confirmed that they would like to learn more about other religions and worldviews, and some to even contribute to this learning in their children's schools. It is hoped that, with the further development of materials and resources provided to and developed by these schools, and sharing through the teachers' networks, that this project and subsequent events may continue to be hosted in more schools across the borough in the future.

We continue to engage pupils in creating artwork for an interfaith calendar, which promotes and shares dates of religious and secular celebrations. This calendar was sent to every school in the Borough. In addition, SACRE have been developing further support materials and resources promoting worldview learning in RE in the form of short video clips. This engaged SACRE members in making and sharing videos of responses to key religious questions. These 'REal Resources' will be made available to all RE teachers in Bromley and referenced in the collaborative units of learning mentioned previously.

In addition, SACRE members are now encouraged to, and have been, promoting relevant initiatives and activities in their local communities during our meetings.

## **6. Management of SACRE**

The Chair of Bromley SACRE remains Rev. Roger Bristow from the Church of England representative Group B. The Vice Chair is currently Deborah Corcoran, from Group A.

A detailed action/development plan is produced for SACRE each year aligned with the financial year of the council and is regularly updated by the RE Advisor and revisited by SACRE in meetings. A copy of the action plan for the academic year of this report can be found in Appendix 3.

The actions specified for the above are in part derived from the detailed self-evaluation (Appendix 2) which SACRE completes annually for the preceding academic year. The RE Advisor then provides recommendations based on these comments, from which the following year's action plan is derived.

The LA continues to support the work of our SACRE by providing an RE Specialist to advise SACRE, deliver teacher training and support, and lead on the Agreed Syllabus. SACRE is also always fully supported with attendance and contributions from two senior members of the LA's School Standards Team.

Membership of SACRE is reviewed in all meetings, and members are reminded that they should provide a representative in their absence or introduce a replacement when they resign the SACRE committee. Despite the appointment of several new members to SACRE in Group A, regular attendance by a representative from Buddhism and a Catholicism remains an action point. We have also continued to increase the teachers' representation, gaining two additional teacher members last year, which broadened the spectrum of SACRE experience across primary and early years and now includes a representative from a Bromley Special school, we have now also elected a further secondary representative to Group C.

The LA receives all the SACRE funding, and in 2022-23 used this to provide/support:

- The provision of a SACRE / RE Advisor
- CPD and support materials for staff in Bromley Schools on RE teaching and learning
- Administrative support for the delivery of teachers' termly CPD/networks

- Administrative Clerking support for the SACRE from Democratic Services
- SACRE and Religious Education website development and maintenance
- Networking and training opportunities for SACRE Advisor and members (NASACRE conference)
- Design costs for the Bromley RE Calendar
- Development and formatting of REal Resources
- Maintaining the SACRE/RE website of resources for teachers

In addition, Bromley SACRE were awarded grant funding from Westhill to support their work on the Interfaith Dialogue Conferences and resources. Contribution from other Council/LA departments, including IT and the Customer Engagement Team have been received to support the production and dissemination of resources.

Bromley SACRE is strongly supported by the LA, with two senior officers attending meetings. They have provided continuous support in a way that empowered leadership, management and governance, and allowed flexibility, independence and choice in the way SACRE carried out its work, therefore reflecting the 'Transforming Bromley' Priorities.

## **7. Summary**

Support for primary schools continues with the collaborative development of curriculum materials which are in line with the Agreed Syllabus and reflect key Ofsted messages and the latest research regarding strong RE pedagogy. Engagement with schools remains positive with strong relationships being developed with the RE Advisor in an increasing number of Bromley schools, including academies, special and community schools.

We have been delighted with the engagement and feedback received so far for the production of the annual RE Calendar, the Special Objects Project and around the 'REal' support materials we have devised to date. These promote and develop teacher confidence in interfaith and cross-cultural dialogue, and in the next academic year we are keen to ensure that more schools are able to access these and to perhaps even develop more.

We have a keen and active SACRE, with members who repeatedly demonstrate their keenness to contribute to the learning of the subject and the support of Collective Worship. We have this year benefitted from additional monies obtained through successful bid/applications to other agencies and charities. Without a continued influx of external funding, we will be unable to enact the development of these projects and will be constrained to only focussing our work within the termly teachers' network sessions, for which we are grateful to the LA and their School Standards Team in continuing to support.



**Appendix 1a**

**Membership of Bromley SACRE during 2022-23**

<b>A - Other Faith representatives</b>			
Mr Daniel Coleman	<i>Catholic</i>	Mr Sanjay Gupta	<i>Hindu</i>
Mrs Katie Burtonshaw	<i>Baptist</i>	Mr Saiyed Mahmood	<i>Muslim</i>
Mr Arvinder Nandra	<i>Sikh</i>	Ms Vicki Ashmore	<i>Reformed Jewish (until March 2023)</i>
		Dr Omar Taha	<i>Muslim</i>
		Ms Deborah Corcoran	<i>Humanist</i>
		Dr Katie Turner	<i>Reformed Jewish (from June 2023)</i>

<b>B – Church of England representatives</b>	
Rev. Roger Bristow	<i>(Chair)</i>
Mr Lee Kings	<i>(from March 2023)</i>
Mr Christopher Town	
Rev. Rachel Archer	<i>(until December 2022)</i>

<b>C – Teacher representatives</b>	
Mrs Denise Angell	<i>Primary</i>
Ms Hannah Arnold	<i>Primary</i>
Mrs Caroline Ringham	<i>Primary/SEND</i>
Mr Lee Kings	<i>Secondary (until March 2023)</i>
Ms Alex Hamill	<i>Secondary (from March 2023)</i>
Ms Cilla Larbi	<i>Secondary (from March 2023)</i>

<b>D – Councillor representatives</b>		
Councillor David Jefferys	Councillor Jonathan Andrews	Councillor Robert Evans
Councillor Chris Price	Councillor Graeme Casey	Councillor Kate Lymer <i>(until May 2023)</i>
Councillor Jessica Arnold <i>(until May 2023)</i>	Councillor Dr Sunil Gupta <i>(from May 2023)</i>	Councillor Rebecca Wiffen <i>(from May 2023)</i>

**Officers**

Mrs Carol Arnfield      Head of Service - Early Years, School Standards and Adult Education  
 Mrs Julia Andrew      Head of School Standards  
 Mrs Jo Partridge      Clerk

**Appendix 1b**

**Attendance of Bromley SACRE during 2022-23**

<b>Wednesday 23rd November 2022</b>				
A	B	C	D	Apologies
Mrs K Burtonshaw Mr S Mahmood Mr A Nandra Dr O Taha	Rev R Archer Rev R Bristow (Chair) Mr C Town	Mrs D Angell Ms H Arnold Mr L Kings Mrs C Ringham	Cllrs: Jonathan Andrews Graeme Casey David Jefferys Kate Lymer Chris Price	Cllr Robert Evans Mr D Coleman Ms D Corcoran

<b>Wednesday 1st March 2023</b>				
A	B	C	D	Apologies
Mrs K Burtonshaw Ms D Corcoran Mr S Mahmood	Rev R Bristow (Chair) Mr C Town	Mrs D Angell Ms H Arnold Ms Alex Hamill Ms Cilla Larbi	Cllrs: Jonathan Andrews Graeme Casey Robert Evans David Jefferys Kate Lymer	Cllr Jessica Arnold Cllr Chris Price Mr L Kings Mr A Nandra Dr O Taha

<b>Wednesday 14th June 2023</b>				
A	B	C	D	Apologies
Mrs K Burtonshaw Ms D Corcoran Mr S Mahmood Mr A Nandra Dr O Taha Dr K Turner	Rev R Bristow (Chair) Mr C Town	Mrs D Angell Ms H Arnold Ms A Hamill Mrs C Ringham	Cllrs: Graeme Casey Dr Sunil Gupta David Jefferys Chris Price Rebecca Wiffen	Cllr Jonathan Andrews Cllr Robert Evans Mr D Coleman Mr L Kings Ms C Larbi

<b>Section 1: Management of SACRE and partnership with LA and other key stakeholders</b>	
How well supported and resources is SACRE?	<u>Advanced</u> : SACRE is supported by an RE Specialist as Advisor and senior LA representatives regularly attend and contribute to meetings and in the completion of agreed actions. SACRE is supported with sufficient funding/resourcing, used to support a lot of SACRE activity, including attendance to conferences by multiple members, as well as production of the calendar, now a biannual newsletter, plus the promotion and administration of all teacher networks which are provided at no cost to schools. Further additional funds were achieved through successful application of a bid and used effectively throughout the academic year.
How purposeful, inclusive, representative and effective are SACRE meetings?	<u>Advanced</u> : Meetings are well organised with the support of a dedicated clerk. They are well attended with SACRE members from all 4 groups/committees sharing experiences, ideas and suggestions in meetings to support agreed priorities and actions.
To what extent is the membership of SACRE able to fulfil SACRE's purpose?	<u>Established</u> : Membership reflects the diversity of the local community, and all SACRE members are invited to be involved in and/or attend training opportunities. Most faith members are active in contributing to SACRE projects, including REal Resources and the Interfaith Dialogue Project. Further, several members are keen to support schools with visits. There is room to expand SACRE membership further to perhaps include Higher Education (HE) representatives. (Please see Recommendation a, below).
How effective are the priorities and actions identified by SACRE in improving the experience of pupils in schools?	<u>Advanced</u> : Action plan is derived from findings in the self-evaluation which is completed by all members of SACRE. The action plan is detailed with resourcing at each step and is linked to key SACRE objectives and in line with some of the LA priorities (e.g. building links with schools) and is updated at every SACRE meeting. Over the past few years, nearly all the actions have gone beyond the statutory requirements of SACRE and have been met. This shows that we are a heavily proactive SACRE.
How well informed is SACRE in order to be able to advise the LA appropriately?	<u>Advanced</u> : SACRE has an excellent relationship with the LA, working in unison to improve the quality and provision of RE in schools. SACRE is a member of NASACRE, and the LA supports/funds the Advisor, Chair and members to attend conferences and relevant CPD, and information from these is always shared at SACRE meetings or used to inform the work of the Advisor in supporting the action plan. The LA is forthcoming with school data, including performance in examinations and via Ofsted reports when they are available.
What partnerships does SACRE have with key local and national stakeholders?	<u>Established</u> : SACRE is building and strengthening links with local networks, including academy and local faith communities and teacher training organisations. SACRE Advisor and Chair have also attended national conferences including NASACRE. The Advisor is a member of AREIAC, and has made links with the Hindu Education board to compliment the relationships already established with examination boards, Ofsted and national organisations such as Faith Belief Forum and Culham St Gabriels Trust, which all inform her support of SACRE. More contact with further interfaith and HE groups would 'boost' our work. Please see recommendation a, below).
How effectively is SACRE encouraging academies etc to see themselves as stakeholders in their local area, specifically devising ways in which their presence is incorporated into SACRE itself?	<u>Advanced</u> : Academies are already attending and contributing to teacher network meetings and SACRE also has a representative from one of the larger academies as a member. Academies have offered, and continue, to host the teacher network meetings and contribute to the ASC.
<b>Recommendations:</b>	
a. Build links with other inter faith and higher education organisations that could contribute to SACRE. This is something that can be achieved through the new Regional Hub Programme, shortly to be introduced.	

## Section 2: Standards and quality of provision of RE

<p>How effectively does the SACRE gain information about RE provision in schools and put in place strategies to support delivery of pupil entitlement?</p>	<p><u>Established:</u> Having set up teacher networks SACRE now has a picture of what some schools are delivering. The network sessions now attracts approximately half of all schools, including special schools and academies. Improved evaluation strategies have been put in place to glean more detailed feedback from these, and a school survey was set up and all schools were invited to take part. However, not all schools have engaged in these networks/opportunities. Schools are regularly being contacted to provide correct details of subject leader to ensure all SACRE/LA opportunities are being disseminated, and this year we published a regular newsletter for all schools, providing helpful information, resources and information to support the teaching and learning of RE, as well as advertising the free networks led by the Advisor.</p>
<p>How does SACRE use information about standards and examinations to target support and training for schools?</p>	<p><u>Established:</u> LA provides examination data when available so the presentation of GCSE and A Level results can be amended in the Annual Report so that a clearer picture of school standards and provision can be defined. The Advisor has strengthened her relationships with other agencies to source further data such as the Teaching Hours for RE from School Workforce Census collected by DFE in November 2021. This is used to inform SACRE members and ascertain priorities if support through the Action plan. In addition, a cross phase assessment tool has been included in the new Agreed Syllabus and shared with subject leaders. In these networks, there is now a focus towards Borough moderation in the hope of consistent reporting of progression in the subject.</p>
<p>How well does SACRE use knowledge of quality of learning to target support appropriately?</p>	<p><u>Established:</u> teacher networks have been set up where schools have been able to identify areas of concern and training has been delivered to address these specified needs. Several schools are also involved in co-writing curriculum planning materials with the Advisor to support the new Syllabus, and work here is quality assured and will be made available to Bromley schools in due course. SACRE has also been informed where concerns have been raised by schools or parents, and the RE Advisor has been actively supporting schools beyond the teacher networks in these instances.</p>
<p>To what extent does SACRE have and pass on information that supports high quality RE in schools?</p>	<p><u>Advanced:</u> SACRE are able to identify schools where SLT support is given as identified by Subject Leaders (middle managers) attending teacher networks. The LA provides information and support to ensure effective communication to schools via the website, teacher networks and a dedicated newsletter. The Clerk and Advisor are effective in sharing information regarding events and contact details to schools in support of RE provision. SACRE are well informed about developments in RE pedagogy, which has fed into the Syllabus and continues to be included on the agenda in response to relevant papers and report publications. The LA supports SACRE in continuing to provide networks for teachers which include the collaborative sharing and development of high quality resources and curriculum materials, as well as the creation of a variety of resources</p>
<p>To what extent has SACRE developed a pro-active strategy in relation to academies and other non-LA maintained schools in its area?</p>	<p><u>Advanced:</u> Engagement with non LA maintained schools remains strong, with regular attendance to teacher networks, input to and sharing of collaborative projects as well as engagement in the Borough RE calendar artwork competition. The teacher networks remain available for all Bromley schools to attend at no cost to them, no matter their status. SACRE has also invited academies etc to join its membership and continues to provide information, resources and updates to all schools beyond these networks through email communication, an accessible website and from next year, a regular newsletter.</p>
<p><u>Recommendations:</u> b. The engagement of the Advisor in the RE Hubs Programme will increase opportunities being made available to schools and SACRE to engage with and promote quality RE</p>	

### Section 3: Effectiveness of the Locally Agreed Syllabus

<p>How does SACRE review the success of the existing Agreed Syllabus?</p>	<p><b>Advanced:</b> The new syllabus was launched in 2020 and includes contributions from teachers and members from all 4 SACRE committees. It was unanimously and enthusiastically Agreed and is now available on the SACRE website. Schools are already adopting the Syllabus, and Advisor is gaining positive feedback through well attended teaching networks, plus through email communication direct from schools, and via an online survey which all schools were invited to respond.</p> <p>Several schools are also involved in co-writing curriculum planning materials with the Advisor to support the new Syllabus, and work here is quality assured. Over 2/3 of primary schools attending the networks/responding to surveys are now using these curriculum resources. Further support materials are being devised by SACRE to support and encourage effective delivery of RE through enquiry, including REal Resources in response to teacher feedback.</p> <p>Work towards collating cross borough samples of pupil work, in addition to those being entered for the calendar competition, is repeatedly being advocated in the teachers' network.</p>
<p>How well does the Agreed Syllabus promote effective teaching and learning in RE?</p>	<p><b>Advanced:</b> The syllabus now includes contemporary pedagogy at its core, and termly network meetings with teachers incorporate the latest updates and evidences how the syllabus supports these expectations of pupils and teachers which are in line with the latest Ofsted guidelines and national developments/research. The syllabus is continually being supplemented with further curriculum materials and resources, which promote the effective teaching and learning of RE, including those devised by SACRE members themselves.</p>
<p>How well does SACRE promote the Agreed Syllabus and provide training to prepare teachers to use it effectively?</p>	<p><b>Leading to Advanced:</b> Teachers continue receive effective and highly evaluated training via local teacher networks and the LA have updated their website provision so that SACRE has its own page and the Syllabus and materials are now freely available. Emails and feedback from schools demonstrate that these are being accessed. Feedback from teachers using the AS, via the network meetings has been positive.</p> <p>There have been some new schools attending the Network meetings this year, meaning a third of primaries and over half secondaries are now engaged, although there has been a decrease in attendance in some of these meetings this academic year. A newsletter has been devised to reach all schools, informing, promoting and supporting teaching and learning, as well as boosting the networks, which have been held online due to budget concerns.</p> <p>The number of resources supporting the AS continues to develop. Some members have produced video clips showing their religious beliefs in practice in the local community. These videos will provide valuable additions to the bank of resources which are both relevant and up to date.</p> <p>Although 68% of primary schools are following these network-developed materials, some primary schools are purchasing RE packages that are not totally fit for purpose/do not align with the syllabus e.g. alternative resources such as Discovery RE. The RE Advisor is providing guidance to these schools to negate this. In fact where the Advisor has been able to speak directly with the HT, schools have vocalised their preference and compliments for the Bromley curriculum materials instead.</p>
<p>To what extent is membership of the Agreed Syllabus Conference able to fulfil its purpose?</p>	<p><b>Advanced:</b> Membership of SACRE has been enhanced so there is better representation of primary schools, including early years and Special schools, plus added membership representation of Humanism, Orthodox and Reform Judaism, and Baptist Christianity, providing a wider representation of religions and worldviews. Though an ASC is not required at the moment, our SACRE is well placed to ensure contributions from a wide array of teachers active in/through the networks and across SACRE membership. All SACRE members have received input from the Advisor in clarifying the latest developments in the subject and how the syllabus supports this. Discussion in meetings is vibrant and RE practice is questioned to ascertain deeper understanding of how the agreed syllabus is used in teaching and learning and also its effectiveness. Some members have also been involved in devising quality resources, or reading/studying further online materials and courses, all of which will support an ASC.</p>
<p>How robust are the processes for producing a strong educational Agreed Syllabus?</p>	<p><b>Advanced:</b> Though a more formal consultation is not currently considered necessary as only 3 years into last revision, informal consultation continues with teachers through the networks which are well attended. The skills spectrum is available and widely referred to these network meetings, and attendees are invited to give examples of work to moderate, supported by newly devised 'progress trackers'. It is hoped these can be used to support moderation, which could be developed further next year</p> <p>The RE Advisor continues to build on relationships with Church of England and Catholic Diocese officials, Ofsted representatives, other national organisations and conferences to inform work on/to support the Agreed Syllabus, which reflects the latest research findings from Ofsted and beyond.</p>
<p>How well does the Agreed Syllabus make use of national documents?</p>	<p><b>Advanced:</b> RE Advisor is familiar with national documents, including Ofsted and guidance from DfE and local Diocese materials and has delivered training to SACRE members, ASC and teachers via the network meetings and through the newsletters. Relevant elements of these materials have been included in the Syllabus.</p>
<p><b>Recommendations:</b> c. Ensure continued informal consultation and review with teachers, and try and establish collation and sharing of pupil samples</p>	

## Section 4: Collective Worship

What strategies are in place to enable SACRE to support the delivery of pupil entitlement in LA's schools?	<p><b>Developing:</b> Bromley SACRE continues to hold the provision of good quality collective worship to be of paramount importance, such that it features frequently in our meetings. Some resources and materials have been provided to schools and will continue to be available via the new LA website.</p> <p>Additional guidance was devised and approved by SACRE this academic year to support and promote the invitation of guest speakers to schools now that the transition period following the pandemic has passed.</p> <p>However, though a small glimpse of what Collective Worship (CW) has been gained from schools attending networks, and through contact with/requests from members of SACRE, not all schools across the Borough have provided feedback and SACRE are far from confident that all pupils are receiving this provision.</p>
How does SACRE seek to influence the quality of collective worship in the LA's schools?	<p><b>Established:</b> SACRE Chair regularly leads worship in two church schools in Borough, and other members have been invited into schools. Another SACRE member has also recently been asked to devise a programme of Collective worship in one school, and use has been made of the SACRE website to promote the use of suitable external resources in schools. CW has been discussed in SACRE meetings and SACRE are aware of the issues and concerns in this area. SACRE has previously collated and shared some guidance materials to schools.</p>
How robust are SACRE's procedures for responding to requests from schools for a determination?	<p><b>Advanced:</b> A review of policy and systems and school application materials has been completed. We believe we are ready should one arise.</p>
<p><b>Recommendations:</b></p> <p>d. RE Advisor could work with schools SACRE members and attending teacher networks to create a profile of suitable materials</p> <p>e. Development of CW survey/monitoring materials sent to schools</p>	

## Section 5: Contribution of SACRE to promoting cohesion across the community

How representative is SACRE's membership of the local community?	<p><b>Established:</b> We have strong representation from all major local religious communities, and this now includes different groups with in the same religious tradition beyond Christianity, having considered and discussed what local faith communities may not already be represented. Further reference to Census data 2021 when available can be made.</p>
How much do SACRE members know and understand the local community in its religious, cultural and ethnic dimensions?	<p><b>Established:</b> The REal Resources project is already under way to help promote religious, cultural and ethnic diversity. Some video contributions have already been received from SACRE members, and some have also been shared in the SACRE meetings. However, additional contributions are requested to ensure a broad reflection of worldviews before the resource is fully launched with schools. Funding has also been used for the Interfaith Dialogue Project, a key activity to develop next academic year. This has received very positive feedback and enthusiastic feedback regarding building knowledge around beliefs and values of others in the community. Resources from these will be developed and shared with SACRE members and teachers this coming year.</p> <p>Through the work of individual SACRE members, we are aware of groups and initiatives. Members continue to share further events through the SACRE Clerk, and those relevant for schools are forwarded by the RE Advisor. Permission has been granted to the RE Advisor to also share with teachers the contact details (for potential visits, talks, etc.) for various places of worship. It was decided previously that we would not publish these the SACRE website.</p> <p>In addition, to support the Syllabus, the Advisor has been working with schools to develop teaching planning materials, with increased coverage of worldviews and religions, and have learning opportunities through guest speakers and visits embedded in the learning. These will be made available on the SACRE website once all completed and will also include reference to the REal Resources. It is therefore desired that schools invite/engage with SACRE members for specific learning related to these materials, and guidance has been produced to support this.</p> <p>SACRE members have started to visit schools as agreed representatives of the organisations of their religion/worldview. These have only just started to recommence and are conducted in response to individual requests to schools and are therefore ad hoc and varied. However, as these are normally arranged with schools via the RE Advisor, they can therefore be supported by her, and it is encouraged that feedback is shared with the RE Advisor/SACRE afterwards. The suggested guidance (above) will also support this.</p>
How much does SACRE understand the contribution that RE can make to schools' provision for community cohesion?	<p><b>Established:</b> The locally agreed syllabus encourages a much deeper understanding of all religions and engagement with why followers feel and behave as they do. This deeper understanding can only lead to improved cohesion. The syllabus includes references to how RE supports community cohesion.</p> <p>Bromley SACRE also continues to engage pupils in creating artwork to promote and share dates of religious and secular celebrations in an interfaith calendar was sent to every school in the Borough. We also published Ramadan Guidance as a learning resource as and to support schools in providing for their Muslim pupils. This continues to be available to schools via the SACRE website. Specific reference to how actions and activities of SACRE that have contributed to community cohesion have been specified in the Annual Report, and members have been active in creating resources for schools (REal Resources) and have agreed to take part in the Interfaith Dialogue Conference project next academic year. However, SACRE members would like to be even more involved in this area.</p>
How well is SACRE linked to LA initiatives promoting community cohesion?	<p><b>Developing:</b> We are not aware of any specific LA initiatives linked to the promotion of community cohesion. Although, there are strong links with the LA through the education services who share information, it would be beneficial to make connections with other departments involved in community events and initiatives so that SACRE are more able to contribute.</p>
<p><b>Recommendations</b> (in addition to continuing current actions, and those mentioned above):</p> <p>f. Please see recommendations a and b, above.</p>	

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## COUNCIL

11<sup>th</sup> DECEMBER 2023

## MOTIONS

### (A) Care Experienced People

To be moved by Councillor Ruth McGregor and seconded by Councillor Ryan Thomson:

“Council notes that:

- Care experienced people face significant barriers that impact them throughout their lives;
- Despite the resilience of many care experienced people, society too often does not take their needs into account;
- Care experienced people often face discrimination and stigma across housing, health, education, relationships employment and in the criminal justice system;
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics;
- The Independent Review into Children’s Social Care published its report in May 2022 and recommends that the government should make care experience a protected characteristic

### Council resolves:

- That this council will treat care experience as if it were a Protected Characteristic so that future services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic;
- To formally call upon all other bodies including government to treat care experience as a Protected Characteristic until such time as it may be introduced by legislation;
- For the Council to continue to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views.”

## **(B) Prostate Cancer**

To be moved by Councillor Chris Price and seconded by Councillor (?):

“This Council notes;

Prostate cancer is the most common cancer in men.

1 in 8 men will be diagnosed, rising to 1 in 4 for Black men.

As many as 69% of those treated with surgery may experience urinary incontinence as a result.

1 in 25 men aged over 40 will experience some form of urinary leakage every year.

1 in 20 men aged 60 or over will experience bowel incontinence in the UK.

Men who need to dispose of their sanitary waste (including incontinence pads, pouches, stoma, catheter, colostomy, ileostomy waste by-products) often have no direct access to a sanitary bin in male toilets.

Bromley Council resolves:

To ask the executive member for Environment to investigate providing at least one sanitary bin in all Council operated and contracted male public toilets.

To encourage other providers of public and workplace toilets in the borough to make male sanitary bins available in their facilities.

That the Leader should write to our 4 local MP's to encourage for Government to update any necessary regulations to ensure that 'suitable means for the disposal of sanitary dressings' is provided in all toilets, in alignment with the Prostate Cancer 'Boys need Bins' campaign.”