

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 6 February 2024

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillor Colin Hitchins (Vice-Chairman)
Councillors Jessica Arnold, Nicholas Bennett J.P.,
Robert Evans, Kira Gabbert, Christine Harris, Mike Jack,
Simon Jeal, Josh King, Melanie Stevens, Harry Stranger,
Sam Webber, Simon Fawthrop and Jonathan Andrews

85 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Tony Owen, who was replaced by Councillor Simon Fawthrop, and from Councillor Josh Coldspring-White who was replaced by Councillor Jonathan Andrews.

86 DECLARATIONS OF INTEREST

Councillor Simon Fawthrop declared an interest in relation to minute 92 as a member of the Free Speech Union.

87 QUESTIONS

Two questions had been received for oral reply from Councillor Simon Jeal. The questions and replies are set out in Appendix A to these minutes.

88 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2023

The Chairman reported that the report requested at the last meeting on hybrid working and appraisal would be ready for one of the upcoming meetings. She also confirmed that she had received a note from the Nuisance, ASB, Health, Safety and Licensing Manager on the issue of planning and licensing which she would forward to Members.

RESOLVED that the minutes of the meeting held on 8th November 2023 be confirmed.

89 ANNUAL COMPLAINTS REPORT AND LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN LETTER 2022/23 Report CEF23061

The Council produced an Annual Complaints Report each year setting out statistics on the complaints it received. The 2022/23 Annual Report was presented in Appendix 1 to the report. The report also provided oversight of

the Local Government & Social Care Ombudsman's Annual Review letter which summarised Ombudsman complaints/enquiries received, and the decisions made about, the London Borough of Bromley for the year ending 31 March 2023. A link to the Ombudsman's letter was provided on the final page of the committee report.

Members noted that timeliness appeared to be an issue common across all departments, including timeliness of responses to the Ombudsman. There were corporate systems in place to chase up responses, but this problem probably reflected general pressure on resources and the increasing complexity of complaints and remedial actions. In common with most Councils, complaints about SEN issues had increased, with the national shortage of Educational Psychologists a factor.

Members also commented that the report had been delayed in coming before them. Officers had to wait for the annual Ombudsman letter, but then there had been delays with the current report due to a cancelled meeting which meant that the usual autumn cycle of meetings was missed. Although the report was not considered by all PDS Committees it was always submitted to Adult Care and Health PDS Committee and Children, Education and Families PDS Committee before this Committee.

A Member commented that the Ombudsman's findings were not always consistent. It was noted that each case was dealt on its merits rather by way of precedent, but there was a good decision database on the Ombudsman's website which officers did refer to.

In terms of lessons learnt from complaints, there was feedback to Directors particularly where systemic issues were involved. Feedback on the complaints process was not sought from complainants – generally this did not produce helpful information.

A Member noted that most of the compensation paid out related to just one case. It was explained that this concerned transport for children in foster care. A calculation error had been identified and officers had reviewed all cases going back over five years to pay any outstanding money.

It was clarified that reports made via Fix My Street were not complaints but were regarded as service requests, although these might lead to complaints in cases where the Council's response was inadequate.

RESOLVED that the report be noted.

90 2024/25 PAY AWARD

Under the local terms and conditions of employment framework, the Committee was required to make a recommendation on staff pay awards to full Council. Pursuant to the local framework, the annual pay award review was now part of the Council's budget planning process. This requirement was a key driver for coming out of the national/regional pay negotiating frameworks. The Trade Union response to the Council's proposed pay award

of 3% was tabled – no other feedback from staff had been received other than two very specific queries.

Councillor Simon Jeal, on behalf of the Labour Group, proposed the following two amendments –

Amendment one:

Amend recommendation 2.1 (ii) to add the words:

[Spinal Point 12 (BR4)...] which shall be increased to an hourly rate of £13.15, in line with the London Living Wage as at 1st April 2024.

On being put to the vote, the amendment was lost.

Amendment two:

Amend recommendation 2.1(iii) to add the words "Subject to the condition that managers must have completed appraisals for at least 90% of their direct reports, in respect of the most recent appraisal year end period, to be eligible to receive a merit award. The Director of HR, in consultation with the Portfolio Holder for Resources and Commissioning, may waive this condition in exceptional circumstances."

On being put to the vote, this amendment was deferred to be considered as part of the report on hybrid working and appraisal.

RESOLVED that

(1) full Council be recommended to approve the following:

- (i) A flat 3% pay increase on all salary points and rates for Council staff (excluding teachers who are covered by a separate statutory pay negotiating process) for 2024/25.**
- (ii) The removal of the equivalent of spinal points 9-11 (affecting grade BR3) with assimilation to equivalent of spinal point 12 (BR4).**
- (iii) An increase of 3% to the Merited Rewards, for 2024/25, bringing the total to £412k for rewarding staff for exceptional performance.**
- (iv) The Trade Union pay claim for staff be rejected.**

(2) It is noted that, as in the previous years since coming out of the nationally/regionally negotiated frameworks, Bromley staff will receive the 2024/25 pay increase in time for the April pay.

91 PAY POLICY STATEMENT 2024/25

Under the Localism Act 2011 the Council was required to publish a Pay Policy Statement to be approved by full Council every year. The Committee considered the 2024/25 Pay Policy Statement.

RESOLVED that full Council be recommended to approve the 2024/25 Pay Policy Statement attached to the report.

92 REVIEW OF THE COUNCIL'S MEASURES ON FREEDOM OF SPEECH FOR EMPLOYEES

Report CSD24016

At its meeting on 27th November 2023, the Executive, Resources and Contracts PDS Committee had considered a report on the Council's measures on freedom of speech for employees and contractor staff. Officers had reviewed the legal background to freedom of speech in Article 10 of the Human Rights Act and other legislation and showed how this was reflected in a range of relevant Council policies and procedures, including the Raising Concerns whistleblowing policy, Staff Surgeries, Departmental Representatives and Trade Unions, the Grievance Procedure and Bromley's values. This Committee was responsible for non-executive HR matters, so the report was referred here for consideration.

Councillor Simon Jeal requested that it be noted in the minutes that, at the Executive, Resources and Contracts PDS Committee meeting, he had objected to the Chairman adding text to the officer report.

RESOLVED that

(1) The report be noted, including the additional text and recommendations made by Executive, Resources and Contracts PDS Committee.

(2) It is noted that the Standards Committee will consider how the recommendations should be reflected when reviewing the Council's Member Code of Conduct.

(3) It is agreed that officers carry out further work on relevant sections of the Constitution, such as the Member/Officer Protocol and the Officer Employment Rules, and report to Members where additional changes are required.

93 LIVE-STREAMING OF MEETINGS

Report CSD24003

At its meeting on 3rd November 2022, the Committee considered a report on the options for introducing live-streaming of all committee meetings. The Committee decided not to live-stream meetings except in cases where the Chairman and the Chief Executive agreed that it would be appropriate given wide public interest, subject to further review after a year.

The report set out the potential costs and technical challenges of live-streaming and recommended that the current policy of live-streaming only in exceptional circumstances should be maintained. However, the majority of

members considered that the problems and costs had been over emphasised and supported a move towards live-streaming becoming standard for most meetings. The impending move to the Council's new building and to a new Council Chamber (expected to be in September 2024), was an opportunity to look at improved technical options.

It was also suggested that a policy for the use of live-steamed material should be drawn up.

RESOLVED that

(1) The current policy of using live-streaming as a useful tool available for a limited number of meetings where there is particular interest or a likelihood that the capacity of the public gallery will be exceeded is maintained only until the new Council year when it should be re-considered in the context of the move to the Council's new building.

(2) A draft policy be prepared on the use of live-streaming.

(During consideration of this item Councillor Simon Fawthrop declared an interest as his wife was involved in the training of Council staff.)

94 MEMBERS ALLOWANCES SCHEME 2024/25
Report CSD24002

The regulations governing Members' Allowances required that, before the beginning of each financial year, the Council should make a scheme of allowances for that year, and the report detailed the proposed allowances for 2024/25. The Scheme had to be agreed by full Council – this would be at the budget meeting on 26th February 2024.

In common with some previous years, if Members were minded to increase the allowances a reasonable guide would be the increase recommended for Council staff, which, subject to Member confirmation, was expected to be 3%. The Mayoral and Deputy Mayoral Allowances were not part of the Members Allowances Scheme, but were usually considered in conjunction with it. An increase of 3% would see these allowances rise to £16,452 and £4,036 respectively.

The following amendment was moved by Councillor Simon Jeal on behalf of the Labour Group -

Amend recommendation 2.1 (i) to read:

The Committee recommends that allowances are retained at the current level from 1st April 2024 subject to the following changes:

1. Removal of Special Responsibility Allowances for Executive Assistants

2. Amend the Special Responsibility Allowances for Vice Chairs of Committees such that payment is only made when they preside over a or attend a meeting in the absence of the Chair.
3. The Council's Monitoring Officer is asked to provide a report to GP&L before consideration of the members' allowance scheme for 2025/26, providing a summary of the approach taken by other London Boroughs to paying Dependents' Carers' Allowance.

On being put to the vote, this amendment was lost.

The Committee favoured following the 3% recommendation for officer pay. The Chairman reminded Members that they could decline to receive some or all of their allowances.

Members also discussed whether to change the payments for quasi-judicial meetings from monthly to quarterly or annual, but it was decided that this did not need to change at the present time.

It was noted that the allowance for the leader of the largest minority group was incorrect in the report, and was currently £15,000.

RESOLVED that

(1) The proposed Members Allowances Scheme 2024/25 (appendix 2) and the Mayoral and Deputy Mayoral Allowances (paragraph 3.6 in the report) be approved on the basis of a 3% increase in line with the proposed increase for officers.

(2) The Members' Allowances Scheme 2024/25 and the Mayoral and Deputy Mayoral allowances for 2024/25 be submitted to Council for approval.

95 PROGRAMME OF MEETINGS 2024/25
Report CSD24003

The report presented the draft programme of meetings for the next Council Year (2024/25) for Members' consideration. The proposed timetable, which had been the subject of consultation, was based broadly on the current timetable, with only minor alterations. Should Members subsequently agree any changes to the current committee/sub-committee titles and responsibilities at the annual Council meeting these changes would be accommodated within the approved timetable.

Members noted that the Chairman of Development Control Committee had requested that her Committee's meeting on 29th August 2024 be moved to 19th September 2024. Members also requested that an ordinary Council meeting be included in March 2024 (so that the effect of the introduction of a special budget meeting was to increase the number of full Council meetings) and to look at moving General Purposes and Licensing Committee dates in

May and June 2024 that were adjacent to the Executive and the Executive, Resources and Contracts PDS Committee.

The Chairman asked Members to contact the clerk urgently if they had any other comments to be taken into account before the programme was finalised.

RESOLVED that

(1) Subject to any changes of meeting arrangements subsequently approved by Members, and to the changes outlined above, the programme of meetings for 2024/25 be approved.

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

NOTE: The following changes to the Programme of Meetings were made:

- GP&L moves from 21st May 2024 to 29th May 2024
- GP&L moves from 25th June 2024 to 2nd July 2024
- DC moves from 29th August 2024 to 19th September 2024
- An additional full Council on 10th March 2025
- GP&L meetings missing on the circulated version would be added on 6th November 2024, 28th January 2025 and 1st April 2025.

96 WORK PROGRAMME AND MATTERS OUTSTANDING
CSD24001

The Committee received a report summarising its work programme and also covering matters outstanding from previous meetings. There would be reports on live-streaming and on hybrid working and appraisal early in the new Council year.

A problem had arisen with an objector not understanding the procedure at a Licensing Sub-Committee meeting earlier that day; the Chairman stated that she would discuss ways of making the procedure more available with the officers.

RESOLVED that the work programme be noted.

97 LICENSING SUB-COMMITTEE: MINUTES 26 OCTOBER, 20
NOVEMBER AND 30 NOVEMBER 2023

The Committee received and noted the minutes of the Licensing Sub-Committee meetings held on 26th October 2023, 20th November 2023 and 30th November 2023.

General Purposes and Licensing Committee
6 February 2024

**98 RIGHTS OF WAY SUB-COMMITTEE: MINUTES 10TH
 JANUARY 2024**

The Committee received and noted the minutes of the Rights of Way Sub-Committee meeting held on 10th January 2024.

The Meeting ended at 8.08 pm

Chairman

GENERAL PURPOSES AND LICENSING COMMITTEE

6 FEBRUARY 2024

QUESTIONS FOR ORAL REPLY

1. From Cllr Simon Jeal to the Chairman

Item 9 - Live-streaming of Meetings

Over the past 12 months, how many (1) Councillors (2) Council officers (3) Staff from contractors or other third parties have remotely dialled into meetings via Microsoft Teams - and how many Council and BT staff have been required to facilitate these calls?

Reply:

35 Councillors have been recorded as joining meetings via Teams. We do not keep comprehensive records of officers or contractors/third parties attending meetings by Teams.

Additional Council or BT staff are not normally needed to facilitate online attendance at Teams meetings.

2. From Cllr Simon Jeal to the Chairman

Item 11- Programme of meetings 2024/25

Over the Council year 2023/24, how many meetings have been cancelled or the dates changed, and for what reasons?

Reply:

(See table overleaf.)

Supplementary Question

Do you agree that, where a chairman wants to change a meeting date, they should check with other members of the committee that they will be available?

Reply:

I would be surprised if that is not the usual practice, but, yes, I do agree.

2023/24 – Meetings Moved or Cancelled

Date	Meeting	Moved to	Cancelled	Reason
11/5/23	Licensing		Cancelled	Insufficient business
11/5/23	Plans 3		Cancelled	Insufficient business
16/5/23	Licensing		Cancelled	Insufficient business
8/6/23	Plans 1		Cancelled	Insufficient business
14/6/23	Standards		Cancelled	Insufficient business
19/7/23	Health Scrutiny	5/9/23		To align with ACH PDS
20/7/23	Plans 4		Cancelled	Insufficient business
7/8/23	ERC PDS		Cancelled	Replaced by RRH PDS
24/8/23	Licensing		Cancelled	Insufficient business
19/9/23	Health Scrutiny	21/11/23		To align with ACH PDS
21/9/23	GP&L		Cancelled	Insufficient business
17/10/23	Licensing	26/10/23		Insufficient business
6/12/23	Pensions	14/12/23		By election
7/12/23	Plans 2		Cancelled	Insufficient business
8/1/24	ERC PDS	16/1/24		To meet budget timetable
9/1/24	Economic Partnership	23/1/24		Availability of external venue
10/1/24	Executive	17/1/24		To meet budget timetable
18/1/24	Development Control		Cancelled	Insufficient business
24/1/24	Health Scrutiny	30/1/24		To align with ACH PDS
1/2/24	Health & Wellbeing	8/2/24		Clash with other health events
20/3/24	Health Scrutiny	12/3/24		To align with ACH PDS
11/4/24	Development Control	17/4/24		Clash with a Mayoral event
15/4/24	Council	11/3/24		To allow for budget meeting
Total		12	11	