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DATE: 29 January 2024

To: Members of the

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Councillor Pauline Tunnicliffe (Chairman)

Councillor Colin Hitchins (Vice-Chairman)

Councillors Jessica Arnold, Nicholas Bennett J.P., Josh Coldspring-White, Robert Evans, Kira Gabbert, Christine Harris, Mike Jack, Simon Jeal, Josh King, Tony Owen, Melanie Stevens, Harry Stranger and Sam Webber

A meeting of the General Purposes and Licensing Committee will be held at, Bromley Civic Centre, Stockwell Close, Bromley, BR1 3UH Stockwell Close, Bromley BR1 3UH on **TUESDAY 6 FEBRUARY 2024 AT 7.00 PM**

TASNIM SHAWKAT

Director of Corporate Services & Governance

*Copies of the documents referred to below can be obtained from*

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

### **A G E N D A**

**1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

**2 DECLARATIONS OF INTEREST**

**3 QUESTIONS**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting - by 5pm on 23 January 2024.

Questions specifically on reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically on reports on the agenda are received by the Democratic Services Team by 5pm on 31<sup>st</sup> January 2024.

**4 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2023**  
(Pages 3 - 10)

**5 ANNUAL COMPLAINTS REPORT AND LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN LETTER 2022/23** (Pages 11 - 62)

- 6 **2024/25 PAY AWARD** (Pages 63 - 68)
- 7 **PAY POLICY STATEMENT 2024/25** (Pages 69 - 84)
- 8 **REVIEW OF THE COUNCIL'S MEASURES ON FREEDOM OF SPEECH FOR EMPLOYEES** (Pages 85 - 102)
- 9 **LIVE-STREAMING OF MEETINGS** (Pages 103 - 110)
- 10 **MEMBERS ALLOWANCES SCHEME 2024/25** (Pages 111 - 120)
- 11 **PROGRAMME OF MEETINGS 2024/25** (Pages 121 - 128)
- 12 **WORK PROGRAMME AND MATTERS OUTSTANDING** (Pages 129 - 134)
- 13 **LICENSING SUB-COMMITTEE: MINUTES 26 OCTOBER, 20 NOVEMBER AND 30 NOVEMBER 2023** (Pages 135 - 152)
- 14 **RIGHTS OF WAY SUB-COMMITTEE: MINUTES 10TH JANUARY 2024**  
(Pages 153 - 164)

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## GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 8 November 2023

### 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, Tony Owen, Melanie Stevens and  
Sam Webber

### 73 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for late arrival were received from Cllr Simon Jeal.

### 74 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 75 QUESTIONS

One question had been received for written reply – this is set out in Appendix A. The Chairman added her thanks to the member of the public who had raised the issue of spiking of drinks, and stated that she was glad to hear that this was not currently a significant issue in Bromley.

### 76 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 11 JULY 2023

**RESOLVED** that the minutes of the meeting held on 11<sup>th</sup> July 2023 be confirmed.

### 77 TEACHER PAY POLICY 2023/24 - CENTRALLY BASED STAFF

From 1 September 2023 revised arrangements had come into force in relation to Teachers' Pay and Conditions through the publication of the statutory 2023 School Teachers' Pay and Conditions Document. The report set out the main changes.

It was confirmed that the report applied to 53 staff employed on Teacher's terms and Conditions in the Central Education Division which provided specialist education, and that all staff in Bromley were above the £30,000 minimum starting salary.

**RESOLVED that**

**(1) The report be noted.**

**(2) It is noted from 1<sup>st</sup> September 2023 there will be a statutory 6.5% increase to all pay and allowance ranges and advisory points for Teaching Staff, with higher increases to some parts of the Main Pay Range to reach a minimum starting salary of £30,000 outside London, with slight variations to the London pay ranges.**

**(3) That officers to be authorised to apply the statutory percentage increases to Teacher Pay Scales as set out in the School Teachers' Pay and Conditions Document 2023 and to update the Centrally Based Teaching Staff Pay Policy for 1<sup>st</sup> September 2023; there are no other required changes to the Policy this year.**

**78 BUSINESS AND PLANNING ACT 2020 DELEGATION OF POWERS AND PAVEMENT LICENSING POLICY EXTENSION UNTIL SEPTEMBER 2024**  
Report ES20319

As the Levelling Up and Regeneration Bill 2023 had now received royal assent this report needed substantial updating and was therefore withdrawn from the agenda.

**79 INTRODUCTION OF NEW MEASURES UNDER THE ELECTIONS ACT 2022 AND UPDATE ON POLLING ARRANGEMENTS**  
Report CSD23113

The Committee received a report updating them about the key measures being introduced through the Elections Act 2022 and polling arrangements.

Officers confirmed that the purpose of the amended polling district scheme was to tidy up the electoral register following the introduction of new parliamentary boundaries and there were no changes to boundaries or polling stations for electors.

Members noted that there were changes to candidacy rights, in particular the removal of the automatic right of European citizens to stand in UK elections, but it was not thought that this would affect any sitting Members.

**RESOLVED that the report be noted.**

**80 REVIEW OF THE CONSTITUTION**  
Report CSD23108

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 had now met and considered the proposals, which were set out in the appendices to the report. This was an exercise to make the Constitution clearer and easier to use; no changes of substance were proposed.

The Chairman of the Constitution Working Group, Councillor Nicholas Bennett, introduced the report and urged the Committee to support the proposals. He proposed one additional change, which was to align the deadlines for submitting requests for statements at full Council meetings to be in line with the deadlines for submission of questions. This would mean that requests for statements would need to be submitted ten working days before the meeting, not three days as at present, and therefore they could be listed in the agenda papers. There would still be provision for requesting urgent statements, even at very short notice.

A Member objected that this change was unnecessary and that as it was proposed at short notice there had not been time for it to be considered by the Constitution Working Group. The Committee voted to support the proposed change to statements.

The Committee agreed a further change to Chapter 1, paragraph 2.3, point 6, to read –

“6. ensure that no one will review or scrutinise a decision in which they have been involved.”

A Member queried whether Members were always told about the outcome of standards complaints against them. It was confirmed that the process required Members to be informed and asked for comments after a complaint was received, and for them to be provided with the outcome.

**RESOLVED that:**

**(1) The Committee recommends to Council that the new structure and updated contents of the Constitution attached to the report be adopted, including -**

- (i) the minor amendment in Chapter 1, paragraph 2.3 outlined above; and**
- (ii) the deadlines for requests for statements be amended to be in line with arrangements for questions.**

**81           SUB-COMMITTEE MEMBERSHIPS**  
Report CSD23111

The report provided the Committee with an opportunity to make changes to the membership of its sub-committees following the review of proportionality by full Council on 17<sup>th</sup> July 2023.

**RESOLVED that Councillor Jonathan Laidlaw be appointed to the Rights of Way Sub-Committee and the Industrial Relations Sub-Committee.**

**82            OUTSIDE BODY APPOINTMENTS 2023/24**  
Report CSD23137

The Committee was responsible for making the Council's appointments to outside bodies. Most of these appointments were annual and were made by the Committee in May each year, but some had different timescales, and, occasionally, it was necessary to make new appointments when people stood down or fixed terms of office ended.

It was reported that Councillor Michael Tickner had decided to stand down from the Beckenham Parochial Charities, leaving a vacancy for the four-year term of office until January 2027. It was also noted that Mrs Gill Hollamby, who had previously been proposed, was being co-opted by the Trustees. The Chairman of Trustees had requested that the Council appoint a serving Councillor to the vacancy, and Councillor Kathy Bance MBE was proposed.

**RESOLVED that Councillor Kathy Bance MBE be appointed to the Beckenham Parochial Charities for the remainder of the four-year term of office ending in January 2027.**

**83            WORK PROGRAMME AND MATTERS OUTSTANDING**  
Report CSD23112

The Committee received a report summarising its work programme for 2023/24 and also covering matters outstanding from previous meetings, including the issue of licensing conditions raised by Cllr Jeal at the last meeting.

Cllr Owen suggested that the Committee should consider a report on officers working from home. Cllr Jeal pointed out that members of the Committee could look at policies rather than individual arrangements. Some Members commented that they preferred to see officers available in the office. Cllr Stevens cautioned that a recent tribunal decision had shown the danger of indirect discrimination in a case where a worker had caring responsibilities but management insisted on in-person attendance.

Members suggested that a report be brought to a future meeting on the Council's policy, and that the Portfolio Holder for Resources, Commissioning and Contract Management should be invited to the meeting.

A Member also raised the subject of appraisals. Views differed on the value and effectiveness of appraisals, but Members suggested that this should be considered alongside working from home policy.

**RESOLVED that the work programme be noted, and a report to a future meeting on working from home and appraisal.**

**84 LICENSING SUB-COMMITTEE: MINUTES OF THE MEETINGS  
HELD ON 8 AND 22 JUNE, 3 AUGUST AND 19 SEPTEMBER  
2023**

The Committee received and noted the minutes of the Licensing Sub-Committee meetings held on 8<sup>th</sup> June, 22<sup>nd</sup> June, 3<sup>rd</sup> August and 19<sup>th</sup> September 2023. A Member congratulated the Members of the Sub-Committee meeting on 22<sup>nd</sup> June for dealing with a particularly difficult application.

A Member commented that there had been recent cases where Sub-Committee Members had not been informed about applicants who had submitted licensing applications without first obtaining planning permission. The Chairman stated that she would take this up with officers.

The Meeting ended at 7.37 pm

Chairman

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**General Purposes and Licensing Committee**

**18 November 2023**

**Question from a Member of the Public for Written Reply**

**1. From Ruby Vanston (Stamp Out Spiking)**

What measures are currently in place to safeguard against spiking within your current licensed venues?

**Reply:**

Currently spiking is not a significant issue in the London Borough of Bromley (LBB) but is reported on occasion and can be a transient issue for some venues.

The responsibility for any spiking prevention measures lies with the Premises Licence Holder and the Designated Premises Supervisor at the venue. It is for them to manage emerging issues within their establishment/s. The London Borough of Bromley do not apply standard conditions around spiking to premises licenses as the legal guidance is clear, that all conditions applied must be premises specific. At this time, we are not dealing with any premises for this specific issue.

Matters relating to this type of "assault" lie with the Metropolitan Police Service (MPS), they would be the lead Responsible Authority. The London Borough of Bromley Licensing Team work closely with our Police Licensing colleagues and the relevant premises when matters like this are reported.

A report would result in a visit from the teams with advice and guidance given. In Bromley we have worked with the Police to ensure our Town Centre venues have all received the WAVE (sexual harassment and assault) training package either online or in person.

This supports the ASK ANGELA (A4A) campaign, which has been running in LBB for some time, which include badges for staff and posters for display within the venues. There have been several undercover operations where the A4A system has been tested, the results of which are then discussed with the individual venues to ensure the systems are working within their premises.

When spiking is reported to the MPS & LBB, Licensing officers give bespoke support and advice to both the victim and the venue management. If there is a pattern of incidents in an area, rather than a specific premises, LBB and MPS would raise awareness of the matter with licensees through the Pub Watch scheme that is in place for our town centres.

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# Agenda Item 5

Report No.  
CEF23061

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** ADULT CARE AND HEALTH PDS COMMITTEE  
CHILDREN EDUCATION AND FAMILIES PDS COMMITTEE  
GENERAL PURPOSES & LICENSING COMMITTEE

**Date:** ACH: 21 November 2023  
CEF: 22 November 2023  
GP&L: 6 February 2024

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

**Title:** ANNUAL COMPLAINTS REPORT AND LOCAL GOVERNMENT  
AND SOCIAL CARE OMBUDSMAN LETTER 2022/23

**Contact Officer:** Mark Smeed, Head of Service, Customer Engagement & Complaints  
E-mail: [Mark.Smeed@bromley.gov.uk](mailto:Mark.Smeed@bromley.gov.uk)

**Chief Officer:** Naheed Chaudhry  
Assistant Director, Strategy, Performance and Corporate Transformation

**Ward:** Borough-wide

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1. Reason for decision/report and options

- 1.1 The Council produces an Annual Complaints Report each year setting out statistics on the complaints it receives. The 2022/23 Annual Report is presented in Appendix 1.
- 1.2 The report also provides oversight of the Local Government & Social Care Ombudsman's Annual Review letter which summarises Ombudsman complaints/enquiries received, and the decisions made about, the London Borough of Bromley for the year ending 31 March 2023.

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2. **RECOMMENDATION**

- 2.1 The Adult Care and Health PDS Committee, Children, Education and Families PDS Committee and General Purposes and Licensing Committee are asked to note, consider and comment on the report.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
- 

## Transformation Policy

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

## Financial

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

## Personnel

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

## Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not Applicable: No 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

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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

#### Complaints

- 3.1 The publication of annual reports on social care complaints is a statutory requirement under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (for adult social care) and the Children Act 1989 Representations Procedure (England) Regulations 2006 (for children's social care). Whilst legislation mainly refers to social care complaints, the Council goes further and publishes greater detail about the Council's performance across the divisions.
- 3.2 The Council has an ethos of continuous improvement and is committed to using feedback from a variety of sources to learn, understand and take action to improve services. Our Performance Management Frameworks recognise customer complaints as a valuable source of qualitative feedback on the performance of our services. Where possible, lessons are learnt by the Directorates and an internal report is produced so that reflections and improvements can be made to services.
- 3.3 The report at Appendix 1 provides an overview of complaints and all Local Government & Social Care Ombudsman enquiries to the Council between 1st April 2022 to 31st March 2023.
- 3.4 The Council received 465 complaints during this year (excluding E&PP). 46% were fully or partially upheld against the Council, a 7% increase on the previous year.
- 3.5 62% of complaints were responded to on time, which is a 3% improvement on last year.
- 3.6 The Head of Customer Engagement & Complaints continued his ongoing quarterly Complaints Handling inhouse training courses over the business year, to approximately 10-15 attendees each time. The quality of first drafts to complaints has improved, with timeliness also improving, despite the increase in the number of complaints. The majority of complaints are themed around the quality of service and a perceived lack of action.
- 3.7 The total financial consequences of upheld complaints amounted to £57,340.65, a significant increase on last year's £20,831.22. However, £41,681.56 of that was attributable to one case, a Children's Social Care complaint which required the Council to review payments made over a five-year period. When considering that one case as an outlier, the subtotal of all remaining compensation would equal a reduction and as such an improvement on the year before.

#### Local Government & Social Care Ombudsman

- 3.8 The Local Government & Social Care Ombudsman ('the Ombudsman') acts as the final stage for complaints about local authorities, adult social care providers (including care homes and home care agencies) and some other organisations providing public services. When the Council responds to a complaint, we are required to signpost the complainant to the Ombudsman if they remain dissatisfied. The Ombudsman analyses each referral to determine firstly whether it meets their criteria and, secondly, whether it merits a full investigation.
- 3.9 The Ombudsman has published a commentary to accompany the issuing of this year's annual review letters to all authorities. In short, they advise that resource pressures have meant they are being more selective about the complaints they choose to investigate, prioritising those where it appears to them to be most in the public interest to do so. They themselves observe that as a result, their average upheld rate for all investigations has increased this year and the increase is not therefore solely down to the nature of the cases that are being referred to them. It follows that by prioritising the more serious cases, they are identifying more fault overall. This means in turn that a little less should be read into comparisons with previous years.

- 3.10 The number of referrals made to the Ombudsman remained in line with the previous year, 122 increasing to 123. Of those 123 referrals, only 38 became the subject of an investigation by the Ombudsman, amounting to 31%.
- 3.11 Of those 38 full investigations, 29 were upheld against the Council (76%). This maintains Bromley's performance at better than the London average. The average upheld rate across London boroughs was 77%, placing Bromley joint 14<sup>th</sup> out of the 32 boroughs.
- 3.12 Measured by referrals per capita, Bromley performed better than the London average, and by upheld complaints per capita, marginally over the London average, so overall the Council's figures remain competitive.
- 3.13 The Council manages its relationship with the Ombudsman through thoughtful engagement which is robust where appropriate. This involves not just seeking clarifications but challenging decisions where required.
- 3.14 The need to consider judicial review against an LGSCO decision did not arise this year. Whilst being robust in our considerations of recommendations for some cases, we have retained a 100% compliance rate in implementing recommendations for all cases.
- 3.15 The Ombudsman's annual review letter provides a summary of the year both for the Ombudsman and the individual Council concerned. These letters traditionally focus on the concerns more than the positives. The one area of concern for LB Bromley this year was the drop in performance when it came to meeting the deadlines for responding to the Ombudsman in particular instances. There is no one explanation for this, nor is it unique to this Council. It can certainly be ascribed in no small part to both the increasing workloads on Council officers and the escalating complexity of many of the cases that go to the regulator.

#### Internal Audit

- 3.16 An internal audit of the Council's Corporate Complaints policy and procedures was conducted during this financial year. The outcome was presented to the Audit & Risk Management Committee on 4<sup>th</sup> July 2023. The report identified a number of positives including :-
- Having a sound system of control in place
  - Good availability of detailed information both internally and externally
  - The ongoing training
- 3.17 Two Priority two recommendation were made that affected the Customer Engagement & Complaints Service. The first was the introduction of an electronic task on the system to monitor the timeliness of acknowledgement. This has been added and will be retrospectively applied to the beginning of the business year.
- 3.18 The second related to the importance of timeliness of complaint responses. CE&CS staff were reminded to ensure that holding replies were sent out when required, whilst colleagues involved in drafting the responses are reminded during every complaint about the timescales applicable. They are supported by both automated reminders by the system and individual prompts from Customer Relations Officers. The Chief Executive reinforces this message to CLT and Managers' Briefing from time to time.

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children; Transformation and Policy/ Financial/Personnel/Legal/Procurement/Property/Carbon Reduction and Social Value Implications; Impact on the Local Economy/Health and Wellbeing; Customer Impact; Ward Councillor Views.
Background Documents: (Access via Contact Officer)	<p><b>Appendix 1</b> Annual Complaints &amp; Compliments Report 2022-23</p> <p><b>Link to LGSCO Annual Review letter 2022-23</b></p> <p><a href="https://www.lgo.org.uk/documents/councilperformance/2023/london%20borough%20of%20bromley.pdf">https://www.lgo.org.uk/documents/councilperformance/2023/london%20borough%20of%20bromley.pdf</a></p>





# Complaints & Compliments

Annual Report 2022-2023



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## 01 | WHY WE REPORT ON OUR COMPLAINTS

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Section 18 of The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 places a duty on the Council to prepare an annual report each year. That legislation primarily references adult and children social care complaints but the London Borough of Bromley goes further and publishes greater detail about its overall performance. This report therefore provides an overview of complaints and our interaction with the Local Government & Social Care Ombudsman between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023.

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

We use our complaints data and analysis to:

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

### Terminology used in this report

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

For instance...

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

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

### Legislation

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

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

### Timescales

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

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

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

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

### The Local Government & Social Care Ombudsman

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

### Data sources

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

## 03 | COUNCIL OVERVIEW

### Complaints received

Division	2020/21	2021/22	2022/23	% change
Adult Social Care	57	54	<b>73</b>	35.2%
Children's Social Care	77	74	<b>75</b>	1.4%
Housing	78	94	<b>92</b>	-2.1%
Planning & Regeneration	25	35	<b>30</b>	-14.3%
Education	23	50	<b>97</b>	94.0%
Chief Executive's Dept.	75	80	<b>98</b>	22.5%
Public Health	0	0	<b>0</b>	n/a
<b>Total</b>	<b>335</b>	<b>387</b>	<b>465</b>	<b>20.2%</b>
Environment & Public Protection	207	485	<b>171</b>	-64.7%

A commentary on Environment & Public Protection (E&PP) figures is on page 41. Excluding E&PP figures, the total number of complaints against the Council rose by just over 20% this year.

### How complaints were received

	Adult	Children	Housing	P&R	Education	EPP	CED	Public Health	Total	% of total
Email	43	42	63	17	65	84	61	0	375	59.0%
Form	0	0	0	0	0	0	0	0	0	0.0%
In person	0	0	0	0	0	0	0	0	0	0.0%
Letter	1	1	0	0	2	2	3	0	9	1.4%
Telephone	10	1	2	2	4	4	11	0	34	5.3%
Website	19	31	27	11	26	81	23	0	218	34.3%
<b>Total</b>	<b>73</b>	<b>75</b>	<b>92</b>	<b>30</b>	<b>97</b>	<b>171</b>	<b>98</b>	<b>0</b>	<b>636</b>	

93.3% of complaints were received by email or through the website, a slight drop on the 94.7% proportion received through our digital channels the previous year.

## Proportion upheld

	Aspects	Upheld / Partially Upheld	% 2022/23	2021/22
Adult Social Care	132	70	<b>53%</b>	46%
Children's Social Care	151	44	<b>29%</b>	33%
Housing	124	55	<b>44%</b>	37%
Planning & Regeneration	43	17	<b>40%</b>	20%
Education	146	77	<b>53%</b>	39%
Chief Executive's Dept.	140	73	<b>52%</b>	48%
Public Health	0	0	<b>N/A</b>	N/A
<b>TOTAL</b>	<b>736</b>	<b>336</b>	<b>46%</b>	<b>39%</b>
Environment & Public Protection	<i>Data not collected</i>		82%	92%

46% of complaints were at least partially upheld, a 7% rise on the previous year. The upheld rate reflects our approach to acknowledge fault where appropriate and seek to put things right as far as can be achieved. The increase may reflect an honest acceptance of the difficulties caused by the pressure placed on resources.

## Causes for complaint

The most frequent cause for complaint (aspect) was a lack of action (32.6%), with just over a third of these upheld. Quality of service issues (29.2%) were the next most prevalent aspect, whilst complaints about service delay were the most likely to be upheld at 65.9%.

Complaints about staff conduct can include staff of third-party providers contracted by the Council. This year's figures contain four complaints raising a total of eight aspects about the conduct of staff of domiciliary care agencies.

Complaint	Adult	Children	Housing	P&R	Educ'n	EPP	CED	Public Health	Total	% of total	% upheld
Staff conduct	23	60	4	2	5	26	17	0	137	15.1%	6.6%
Disputed Decision	12	12	11	12	9	16	10	0	82	9.0%	9.8%
Information	13	18	8	5	4	0	9	0	57	6.3%	38.6%
Lack of Action	33	40	53	19	80	19	52	0	296	32.6%	36.5%
Quality of Service	43	19	43	1	29	110	20	0	265	29.2%	24.5%
Service Delay	6	2	5	4	18	-	6	0	41	4.5%	65.9%
Behaviour of another	0	0	0	0	1	-	-	-	1	0.1%	0.0%
Billing / Charging	2	-	-	-	-	-	26	-	28	3.1%	7.1%
<b>Total</b>	<b>132</b>	<b>151</b>	<b>124</b>	<b>43</b>	<b>146</b>	<b>171</b>	<b>140</b>	<b>0</b>	<b>907</b>		

## Responding on time

62% of all complaints were responded to within 20 working days, building on our improved performance over the past couple of years. Complaints involving contracted services can take longer to address as the Council is ultimately responsible for the quality of their services - this primarily affects adult social care complaints.

Division	2020/21	2021/22	2022/23
Adult Social Care	37%	30%	<b>36%</b>
Children's Social Care	58%	61%	<b>67%</b>
Housing	72%	60%	<b>53%</b>
Planning & Regeneration	48%	50%	<b>57%</b>
Education	48%	92%	<b>55%</b>
Chief Executive's Dept.	52%	56%	<b>49%</b>
Public Health	-	-	-
<b>OVERALL</b>	<b>59%</b>	<b>59%</b>	<b>62%</b>
Environment & Public Protection	-	98%	100%

## Local Government & Social Care Ombudsman cases

### 2022-2023 Annual Review letter

Every year the Ombudsman publishes an annual review letter for each Council, accompanied by the statistics they hold. The table below shows the Council consolidating its recent progress in its dealings with the Ombudsman. The number of referrals remained effectively static. The number of resulting investigations increased considerably, as did the number of investigations upheld, but the upheld rate itself was nevertheless better than the London average. The Council has again maintained its position in the top half of London boroughs against most measures.

For the year 2022-23 their figures disclose the following :-

	2020 - 21	2021 - 22	2022 - 23	% change
Referrals	103	122	<b>123</b>	+0.01%
Resulting investigations	38	26	<b>38</b>	+46%
Proportion investigated	37%	21%	<b>31%</b>	+10%
Number upheld	26	18	<b>29</b>	+61%
Upheld rate	69%	69%	<b>76%</b>	+7%
London average	73%	71%	<b>77%</b>	+6%
London ranking	Joint 11 <sup>th</sup>	13 <sup>th</sup>	<b>Joint 14<sup>th</sup></b>	-1

Fewer complaints were upheld against the Council than the London average of 77%, therefore placing Bromley joint 14<sup>th</sup> out of the 32 London boroughs, a similar performance to last year. 123 referrals equate to 0.37 referrals per 1,000 residents, slightly better than last year and better than the London average of 0.40. 29 Ombudsman complaints upheld equate to 0.09 complaints upheld per 1000 residents, marginally over the London average of 0.08.



## Financial consequences of complaints

		Adults	Children's	Housing	P&R	Education	EPP	CED	TOTALS
Ombudsman	Compensation & Backdating	£500.00	£41,681.56	£1,300.00	£400.00	£4,500.00	£600.00	£0.00	<b>£48,981.56</b>
	Written off	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	<b>£0.00</b>
	Time & trouble	£350.00	£0.00	£100.00	£0.00	£100.00	£0.00	£0.00	<b>£550.00</b>
Stage 1	Compensation & Backdating	£0.00	£0.00	£500.00	£0.00	£0.00	£0.00	£100.00	<b>£600.00</b>
	Written off	£4,387.18	£0.00	£0.00	£0.00	£0.00	£0.00	£2,821.91	<b>£7,209.09</b>
	Time & trouble	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	<b>£0.00</b>
	Expert fees	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	<b>£0.00</b>
	<b>Total</b>	<b>£5,237.18</b>	<b>£41,681.56</b>	<b>£1,900.00</b>	<b>£400.00</b>	<b>£4,600.00</b>	<b>£600.00</b>	<b>£2,921.91</b>	<b>£57,340.65</b>

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

The total of £57,340.65 is a significant increase over last year's £20,831.22. However, this is skewed by one outlier, a Children's Social Care case with a broad financial impact amounting to £41,681. Without this one case, the total financial consequences would have been a significant improvement on the year before.

## Compliments

Division	2021/22	2022/23	% change
Adult Social Care	27	<b>33</b>	22%
Children's Social Care	45	<b>57</b>	27%
Housing	60	<b>99</b>	65%
Planning & Regeneration	0	<b>2</b>	n/a
Education	21	<b>14</b>	-33%
Chief Executive's Dept.	14	<b>2</b>	-86%
Environment & Public Protection	66	<b>105</b>	59%
<b>Total</b>	<b>233</b>	<b>312</b>	<b>34%</b>

## 04 | ADULT SOCIAL CARE

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

### At a glance

	2020 - 21	2021 - 22	2022 - 23	% on prev. year
<b>Complaints</b>	57	54	<b>73</b>	35%
Percentage responded to on time	38%	30%	<b>36%</b>	6%
Percentage fully upheld	28%	35%	<b>42%</b>	7%
Percentage partially upheld	28%	10%	<b>11%</b>	1%
New Ombudsman cases	1	3	<b>9</b>	200%
Ombudsman cases upheld	6	3	<b>5</b>	67%
Financial consequences	£23,540.57	£1,800.07	<b>£5,237.18</b>	
<b>Compliments</b>	33	27	<b>27</b>	0%

### Complaints received

The Adult Social Care division was the subject of 73 complaints during 2022-23, an increase from 54 last year. 39% of individual complaint aspects were responded to on time, contributing to an overall figure of 36% of all complaint responses involving Adult Social Care (some of which may also involve other areas) being responded to in a timely way. 53% of complaints were fully or partially upheld.

‘Contracted Services’ refers to those third-party providers of residential and domiciliary care whom the Council engages to provide care to its service users, for which the Council usually remains ultimately responsible. As noted on page 6, complaints involving third party providers can often take longer to resolve and as this year Contracted Services were involved in 34% of complaint aspects, this will have contributed to the timeliness figure.

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

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Blue Badges	5	5	0	1	4	0	3
%	6%	4%	0%	20%	80%	0%	60%
Penge & Beckenham	4	6	4	0	2	0	0
%	5%	5%	67%	0%	33%	0%	0%
Hayes & Five Elms	3	7	1	3	3	0	2
%	4%	5%	14%	43%	43%	0%	29%
Bromley MDC	5	7	2	0	5	0	2
%	6%	5%	29%	0%	71%	0%	29%
Orpington & The Crays	4	9	3	2	4	0	0
%	5%	7%	33%	22%	44%	0%	0%
Integrated Team	8	14	7	1	6	0	6
%	9%	11%	50%	7%	43%	0%	43%
Coordination & Review	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Hospital Team	2	2	0	0	2	0	0
%	2%	2%	0%	0%	100%	0%	0%
Initial Response	10	10	4	1	5	0	2
%	12%	8%	40%	10%	50%	0%	20%
Reablement & Rehab	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Occupational Therapy	2	2	0	0	2	0	1
%	2%	2%	0%	0%	100%	0%	50%
Learning Disability	10	14	4	2	7	1	10
%	12%	11%	29%	14%	50%	7%	71%
CMHT Oxleas	3	3	2	1	0	0	2
%	4%	2%	67%	33%	0%	0%	67%
DoLS	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Safeguarding	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Care Link	0	2	1	0	1	0	2
%	0%	2%	50%	0%	50%	0%	100%
Brokerage	6	6	3	0	3	0	1
%	7%	5%	50%	0%	50%	0%	17%
Contracted Services	23	45	24	4	17	0	21
%	27%	34%	53%	9%	38%	0%	47%
<b>OVERALL</b>	<b>85</b>	<b>132</b>	<b>55</b>	<b>15</b>	<b>61</b>	<b>1</b>	<b>52</b>
			42%	11%	46%	1%	39%

SUMMARY	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Care Management	<b>53</b>	<b>76</b>	<b>25</b>	<b>10</b>	<b>40</b>	<b>1</b>	<b>26</b>
%	62%	58%	33%	13%	53%	1%	34%
Other ASC	<b>9</b>	<b>11</b>	<b>6</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>5</b>
%	11%	8%	55%	9%	36%	0%	45%
Contracted Services	<b>23</b>	<b>45</b>	<b>24</b>	<b>4</b>	<b>17</b>	<b>0</b>	<b>21</b>
%	27%	34%	53%	9%	38%	0%	47%
<b>OVERALL</b>	<b>85</b>	<b>132</b>	<b>55</b>	<b>15</b>	<b>61</b>	<b>1</b>	<b>52</b>
			42%	11%	46%	1%	39%

## Nature of complaint and outcome

The majority of complaints (33%) were in relation to the quality of service received, of which 66% were at least partially upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time	
Staff conduct	<b>23</b>	<b>3</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>10</b>	
%	17%	13%	0%	87%	0%	43%	
Disputed decision	<b>12</b>	<b>2</b>	<b>1</b>	<b>9</b>	<b>0</b>	<b>7</b>	
%	9%	17%	8%	75%	0%	58%	
Information	<b>13</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>4</b>	
%	10%	38%	15%	46%	0%	31%	
Lack of action	<b>33</b>	<b>19</b>	<b>4</b>	<b>9</b>	<b>1</b>	<b>10</b>	
%	25%	58%	12%	27%	3%	30%	
Quality of service	<b>43</b>	<b>20</b>	<b>8</b>	<b>15</b>	<b>0</b>	<b>18</b>	
%	33%	47%	19%	35%	0%	42%	
Service Delay	<b>6</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	
%	5%	67%	0%	33%	0%	33%	
Billing & Charging	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	
%	2%	100%	0%	0%	0%	50%	
Behaviour of another service user	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
%	0%	0%	0%	0%	0%	0%	
<b>OVERALL</b>	<b>132</b>	<b>55</b>	<b>15</b>	<b>61</b>	<b>1</b>	<b>52</b>	
			42%	11%	46%	1%	39%

## Compliments

As much as we like to learn from complaints, we like to learn from compliments too. The following are examples of the 33 compliments recorded this year :-

You and your colleagues have gone-above-and beyond to sort this out....Thank you for all your help with regard to my adaptations and what is needed to be put in place here to help me live my life more comfortably. You have been caring, attentive, understanding and very patient!!

*C has given me the ability to only be able to regain my independence but also has allowed me to become a parent again. She was the first to think outside the box. She solved the "unsolvable" issues. She always kept her promises and renewed our faith in the system. So many had given up on me and I gave up on myself. She renewed my belief that I could have more in life because she believed it and saw and achieved the possibilities. My life is changed forever thanks to her.*

Thanks again for the brilliant service that you provided. I was particularly impressed that even though in my distressed state, and not the clearest of explanations, you managed to produce a succinct and clear summary incorporating all the relevant points that I gave you. Further, I was very grateful that you kept me informed what you were doing at all stages, was very patient and reassuring. All of the above with your excellent skills make you a very valuable member of the service. I remain forever grateful.

*Once again many thanks for your help and support during this stressful time over Mum's care. I appreciate when you say you're only doing your job and it's your duty but we as a family think you have gone over and above for us and our mum which has made it easier to accept what has happened*

Thank you so very much for your assistance today. I am so very pleased with what you have tried to do for my daughter and me, that you have taken the time and effort to resolve our problem, a quality that seems to be so lacking today.

*Thank you for the comprehensive explanation of my mother's situation regarding her financial assessment. I would like to thank you and your department for your input. It has been so helpful at a time of stress, for responses to be dealt with quickly and efficiently and for that I am grateful.*

M is an amazing member of your team. All my questions were answered knowledgeably and my worries and concerns were dealt with sympathetically and clearly in a friendly manner. Seldom when you call a government department do you receive such one to one care and friendliness from a person who really takes an interest in your individual plight. I have come off the telephone feeling as if a weight has been lifted off my shoulders and I'm now in a position to move forward with the help needed for my mothers dementia. Thank you Bromley social care and thank you M

## Local Government & Social Care Ombudsman cases

The Ombudsman recorded 13 new Adult Social Care referrals during 2022-23. Of the 17 decisions made during the year, five produced upheld complaints.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'h	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Blue Badges	0	0	0	0	0	0	0	0	0	0	0
Penge & Beckenham	0	0	0	0	0	0	0	0	0	0	0
Hayes & Five Elms	0	0	0	0	0	0	0	0	0	0	0
Bromley MDC	0	0	0	0	0	0	0	0	0	0	0
Orpington & The Crays	0	0	0	0	0	0	0	0	0	0	0
Integrated Team	0	0	0	0	0	0	1	0	0	1	0
Coordination & Review	0	0	0	0	1	0	0	0	0	1	0
Hospital Team	0	0	0	0	1	0	0	0	0	1	0
Initial Response	0	1	0	0	0	0	0	0	0	1	0
Reablement & Rehab	0	0	0	0	0	0	0	0	0	0	0
Occupational Therapy	0	0	0	0	0	0	1	0	0	1	0
Learning Disability	0	0	0	0	1	0	1	0	0	2	0
CMHT Oxleas	0	0	0	0	1	0	0	0	0	1	0
DoLS	0	0	0	0	0	0	0	0	0	0	0
Safeguarding	3	3	0	0	1	0	0	0	0	7	0
Carelink	0	0	0	0	0	0	0	0	0	0	0
Brokerage	0	0	0	0	0	0	0	0	0	0	0
Contracted Services	0	0	0	0	0	0	2	0	0	2	0
<b>OVERALL</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

## Financial consequences of complaints

	2020 – 21	2021 - 22	2022 - 23
<b>Ombudsman cases</b>			
Compensation / backdated payments	£250.00	£350.00	£500.00
Charges written off	£9,291.50	£0.00	£0.00
Time & trouble payments	£850.00	£0.00	£350.00
<b>Stage 1 complaints</b>			
Compensation / backdated payments	£4,000.00	£50.00	£0.00
Charges written off	£5,645.07	£1,400.07	£4,387.18
Time & trouble payments	£0.00	£0.00	£0.00
Expert fees	£3,504.00	£0.00	£0.00
<b>TOTALS</b>	<b>£23,540.57</b>	<b>£1,800.07</b>	<b>£5,237.18</b>

## 05 | CHILDREN'S SOCIAL CARE

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

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

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

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

### At a glance

	2020 - 21	2021 - 22	2022 - 23	% on prev. year
<b>Complaints</b>	74	68	<b>65</b>	-4%
Statutory complaints	5	6	<b>10</b>	67%
Percentage responded to on time	65%	61%	<b>67%</b>	6%
Percentage fully upheld	19%	16%	<b>18%</b>	2%
Percentage partially upheld	25%	18%	<b>11%</b>	-7%
New Ombudsman cases	10	18	<b>10</b>	-44%
Ombudsman cases upheld	5	5	<b>6</b>	20%
Financial consequences	£1,000.00	£1,797.40	<b>£41,681.56</b>	
<b>Compliments</b>	47	45	<b>45</b>	0%



## Complaints under the 1989 Representations Procedure

The number of statutory complaints increased although numbers remain low, with the number of stage 2 investigations remaining stable.

	2020 - 21	2021 - 22	2022 - 23
Stage 1	3	6	<b>10</b>
Stage 2	2	2	<b>2</b>
Stage 3	0	0	<b>0</b>
<b>Total</b>	<b>5</b>	<b>7</b>	<b>12</b>

## Complaints under the Council's Corporate Complaints Procedure

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Early Intervention & Family Support	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
%	1%	1%	0%	0%	100%	0%	0%
Referral & Assessment, incl. MASH, Atlas & ECT	<b>14</b>	<b>22</b>	<b>2</b>	<b>1</b>	<b>19</b>	<b>0</b>	<b>10</b>
%	17%	15%	9%	5%	86%	0%	45%
SG&CP East incl. Court Team	<b>12</b>	<b>34</b>	<b>7</b>	<b>2</b>	<b>25</b>	<b>0</b>	<b>34</b>
%	15%	23%	21%	6%	74%	0%	100%
SG&CP West	<b>27</b>	<b>52</b>	<b>6</b>	<b>7</b>	<b>39</b>	<b>0</b>	<b>34</b>
%	33%	34%	12%	13%	75%	0%	65%
Children Looked After and Care Leavers	<b>9</b>	<b>11</b>	<b>4</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>10</b>
%	11%	7%	36%	0%	64%	0%	91%
Fostering, Adoption and Resources	<b>11</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>4</b>
%	13%	3%	40%	0%	60%	0%	80%
Disabled Children's Team	<b>8</b>	<b>10</b>	<b>3</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>6</b>
%	10%	7%	30%	10%	60%	0%	60%
Quality Assurance	<b>8</b>	<b>16</b>	<b>3</b>	<b>6</b>	<b>7</b>	<b>0</b>	<b>9</b>
%	10%	11%	19%	38%	44%	0%	56%
Youth Justice Service	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
%	0%	0%	0%	0%	0%	0%	0%
<b>OVERALL</b>	<b>82</b>	<b>151</b>	<b>27</b>	<b>17</b>	<b>107</b>	<b>0</b>	<b>107</b>
			18%	11%	71%	0%	71%

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

The Children’s Social Care division was the subject of 65 corporate complaints during 2022-23, broadly in line with last year. 71% of individual complaint aspects were responded to on time, contributing to an overall figure of 67% of all complaint responses involving Children’s Social Care (some of which may also involve other areas) being responded to in a timely way. 29% were fully or partially upheld, an improvement on last year’s 34%.

## Nature of complaint and outcome

The most prevalent complaints were in relation to staff conduct issues (40%) of which only 5% were at least partly upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	<b>60</b>	<b>0</b>	<b>3</b>	<b>57</b>	<b>0</b>	<b>43</b>
%	40%	0%	5%	95%	0%	72%
Disputed decision	<b>12</b>	<b>0</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>8</b>
%	8%	0%	8%	92%	0%	67%
Information	<b>18</b>	<b>9</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>13</b>
%	12%	50%	6%	44%	0%	72%
Lack of action	<b>40</b>	<b>12</b>	<b>7</b>	<b>21</b>	<b>0</b>	<b>29</b>
%	26%	30%	18%	53%	0%	73%
Quality of service	<b>19</b>	<b>5</b>	<b>5</b>	<b>9</b>	<b>0</b>	<b>12</b>
%	13%	26%	26%	47%	0%	63%
Service Delay	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>
%	1%	50%	0%	50%	0%	100%
Behaviour of another service user	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
%	0%	0%	0%	0%	0%	0%
<b>OVERALL</b>	<b>151</b>	<b>27</b>	<b>17</b>	<b>107</b>	<b>0</b>	<b>107</b>
		18%	11%	71%	0%	71%

## Compliments

*As much as we like to learn from complaints we like to learn from compliments too. The following are examples of the 57 compliments received this year :-*

S was wonderful at making the children feel safe, heard and looked-after, was always friendly, communicative, and provided guidance and advice to help us through this difficult process. He has always tried to make himself available when needed, even outside of working hours and in cases of emergency. We believe that S has acted above and beyond his duty and we feel so fortunate to have had him take care of our children through this difficult time.

*I would like to bring to your attention two wonderful Social Workers at the London Borough of Bromley who have gone above and beyond to help my family. N and C steeped in to my family home with a warm heart and huge generosity of time to help....we have been almost spoken daily, both their attention to detail and understanding has been remarkable. We are not quite through everything yet, however the road ahead is much clearer thanks to these wonderful individuals.*

During my support with D, I am pleased to say she was a saint... She went out of her way and beyond to give me the support I needed. She was nurturing. Some days she will just call to check in and have a chat and this was so helpful during a time where I was going through a lot. She help me with my mental health always gave me the best advice and till this day I know I can always go to her and she will receive me with open arms. She is a very compassionate person and a great asset to the community. I don't know where I would be right now if she didn't come into our family lives when I needed the help... And her team give off the same sense of feel that when we attend the Centre it just feels like a second home.

*Thank you so much for looking after A this week...You can probably imagine that he would have found entering a whole new environment, where he didn't know anyone, hugely challenging...However, A has been coping with it very well and has just told us that it went much better than he had expected... I am typing this with tears in my eyes - parents of kids like A don't get the same opportunities to show off about their children's achievements as others might, so this week I have been telling anyone who'll listen about how well A has been doing. It has given me confidence that in the right environment, A (and others like him) can thrive.*

We just wanted to drop you a line to say thank you for the amazing support you have offered to us and our family. When you first met us, we were in a desperate situation, completely confused and worn out battling to find support for our son. Your professional guidance and support has been second to none and helped us in some of our darkest times. You handle difficult situations with forthright determination and skilful diplomacy. Throughout the whole process, I felt that I had a trusted, knowledgeable advocate that I could rely on for honest counsel and support at all times. We still have many struggles ahead, and will miss your insight and support. However, you have helped us to go further than we could possibly have imagined 12 months ago.

## Local Government & Social Care Ombudsman cases

The Ombudsman recorded 35 new referrals across Children’s Social Care and Education combined during 2022-23. Of the 18 decisions made during this business year on Children’s Social Care cases, six were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'h	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Early Intervention & Family Support	0	0	0	0	0	0	0	0	0	0	0
Referral & Assessment	2	1	0	0	0	0	1	0	0	4	0
Safeguarding & Care Planning East	3	1	0	0	0	0	0	0	0	4	0
Safeguarding & Care Planning West	0	2	0	0	1	0	0	0	0	3	0
Children Looked After & Care Leavers	0	0	0	0	0	0	0	0	0	0	0
Fostering Adoption & Resources	1	0	0	0	0	0	0	0	0	1	0
Disabled Children's Team	0	0	1	0	0	0	3	0	0	4	0
Quality Assurance	0	0	0	0	0	0	1	0	1	2	0
<b>OVERALL</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>18</b>	<b>0</b>

## Financial consequences of complaints

	2020 - 21	2021 - 22	2022 - 23
<b>Ombudsman cases</b>			
Compensation / backdated payments	£800.00	£1,797.40	<b>£41,681.56</b>
Charges written off	£0.00	£0.00	<b>£0.00</b>
Time & trouble payments	£200.00	£0.00	<b>£0.00</b>
<b>Stage 1 complaints</b>			
Compensation / backdated payments	£0.00	£0.00	<b>£0.00</b>
Charges written off	£0.00	£0.00	<b>£0.00</b>
Time & trouble payments	£0.00	£0.00	<b>£0.00</b>
<b>TOTALS</b>	<b>£1,000.00</b>	<b>£1,797.40</b>	<b>£41,681.56</b>

## 06 | HOUSING

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

### Housing at a glance

	2020 - 21	2021 - 22	2022 - 23	% on prev. year
<b>Complaints</b>	78	94	<b>92</b>	-2%
Percentage responded to on time	72%	60%	<b>53%</b>	-7%
Percentage fully upheld	24%	29%	<b>36%</b>	7%
Percentage partially upheld	12%	8%	<b>8%</b>	0%
New Ombudsman cases	6	10	<b>14</b>	40%
Ombudsman cases upheld	4	2	<b>10</b>	400%
Financial consequences	£6,500.00	£6,000.00	<b>£1,900.00</b>	
<b>Compliments</b>	108	60	<b>60</b>	0%

## Housing Complaints under the Council's Corporate Complaints Procedure

The Housing division was the subject of 92 corporate complaints during 2022-23. 57% of individual complaint aspects were responded to on time, contributing to an overall figure of 53% of all complaint responses involving Housing (some of which may also involve other areas) being responded to in a timely way. 44% were fully or partially upheld.

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

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Housing Allocations	<b>47</b>	<b>58</b>	<b>22</b>	<b>5</b>	<b>31</b>	<b>0</b>	<b>35</b>
%	47%	47%	38%	9%	53%	0%	60%
Housing Options	<b>28</b>	<b>39</b>	<b>17</b>	<b>3</b>	<b>19</b>	<b>0</b>	<b>21</b>
%	28%	31%	44%	8%	49%	0%	54%
Housing Register	<b>2</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>
%	2%	3%	75%	0%	25%	0%	100%
Compliance & Strategy	<b>8</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>4</b>
%	8%	6%	25%	25%	50%	0%	50%
Management & Acquisitions	<b>11</b>	<b>12</b>	<b>1</b>	<b>0</b>	<b>11</b>	<b>0</b>	<b>5</b>
%	11%	10%	8%	0%	92%	0%	42%
Support & Resettlement	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>
%	3%	2%	0%	0%	100%	0%	67%
<b>OVERALL</b>	<b>99</b>	<b>124</b>	<b>45</b>	<b>10</b>	<b>69</b>	<b>0</b>	<b>71</b>
			36%	8%	56%	0%	57%

## Nature of complaint

The largest proportion of complaints (43%) were concerns about lack of action, of which 53% were fully or partially upheld, followed by issues of quality of service (21%).

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>3</b>
%	3%	0%	0%	100%	0%	75%
Disputed decision	<b>11</b>	<b>2</b>	<b>2</b>	<b>7</b>	<b>0</b>	<b>5</b>
%	9%	18%	18%	64%	0%	45%
Information	<b>8</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>4</b>
%	6%	50%	13%	38%	0%	50%
Lack of action	<b>53</b>	<b>24</b>	<b>4</b>	<b>25</b>	<b>0</b>	<b>33</b>
%	43%	45%	8%	47%	0%	62%
Quality of service	<b>26</b>	<b>7</b>	<b>1</b>	<b>18</b>	<b>0</b>	<b>14</b>
%	21%	27%	4%	69%	0%	54%
Service Delay	<b>5</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>
%	4%	80%	20%	0%	0%	80%
Temporary accommodation	<b>17</b>	<b>4</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>8</b>
%	14%	24%	6%	71%	0%	47%
Behaviour of another service user	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
%	0%	0%	0%	0%	0%	0%
<b>OVERALL</b>	<b>124</b>	<b>45</b>	<b>10</b>	<b>69</b>	<b>0</b>	<b>71</b>
		36%	8%	56%	0%	57%

## Compliments

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

Thank you for such a detailed and honest advice. That is exactly what i wanted..... But thank you for your reply. I really do appreciate your time as not everyone bothers as i have explained. D didn't know what your job was but i thought well worth a try as i am so desperate to sort my life out! But clearly i made the right decision as you really looked into it and gave me your honest opinion. I couldn't have asked for more. Thank you again.

*We would like to send a sincere thank you for all your assistance during A's entire flat move. [.....] you went above and beyond our expectations and we would like you to know it is deeply appreciated. After an extremely challenging and life changing year for our entire family your kind gestures and attention to detail was a breath of fresh air. Bless and thank you.*

I wanted to say you were so kind and empathetic to my situation and for that I want to say a huge thanks. You really made my day and I feel like you got where I was coming from. If there is ever any place you needed positive feedback, please don't hesitate to let me know and I would be happy to oblige. Thank you so much for everything and I hope you don't mind me giving you this update.

*Thank you so much for helping me find H this placement as it really has helped us and Henry be happy again. You was so lovely every time I spoke to you and you always gave me hope of a better ending in this matter. I really would like you to forward this email on to your manager so she or he knows what you have done for us a family. We was all at breaking point and had no where to turn. I can not thank you enough for your help*

THANK YOU SO MUCH! ...My family and I are so appreciative of your job and all that you're doing. Thank you for talking to me this morning, as busy as you are and still have time to listen to customers, you're like a hidden hero over there and I'm so glad to have spoken to you.

*Thank you so much all of you I know your job is extremely hard with demand and the lack of places you have available and have to deal with. I really can't tell you how thankful and grateful I am and how I hope it will make such a difference to my health and my future*

I am just emailing to say thank you to you all...for your help and support regarding my housing issue/need. I know I might have become a pain but I appreciate everything you all did to support me and my children in getting settled accommodation. It means more to me than you know to be able to finally put down roots, settle and make a home for my children. I want to give my thanks to you all for everything that you did, especially behind the scenes that I may not know anything about.



## Local Government & Social Care Ombudsman cases

The Ombudsman recorded 26 new Housing referrals during 2022-23. Of the 16 decisions made during the year, 10 were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'h	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Housing Allocations	0	0	0	0	2	0	6	1	0	9	1
Housing Options	0	1	1	1	0	0	1	0	0	4	1
Housing Register	0	0	0	0	0	0	1	0	0	1	0
Housing Compliance & Strategy	0	0	0	0	0	0	0	0	0	0	0
Housing Management & Acquisitions	1	0	0	0	0	0	0	0	0	1	0
Housing Support & Resettlement	0	0	0	0	0	0	0	1	0	1	0
<b>OVERALL</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>16</b>	<b>2</b>

## Financial consequences of complaints

	2020 - 21	2021 - 22	2022 - 23
<b>Ombudsman cases</b>			
Compensation / backdated payments	£6,250.00	£6,000.00	<b>£1,300.00</b>
Charges written off	-	-	-
Time & trouble payments	-	-	<b>£100.00</b>
<b>Stage 1 complaints</b>			
Compensation / backdated payments	£250.00	-	<b>£500.00</b>
Charges written off	-	-	-
Time & trouble payments	-	-	-
<b>TOTALS</b>	<b>£6,500.00</b>	<b>£6,000.00</b>	<b>£1,900.00</b>

## 07 | PLANNING & REGENERATION

Complaints in relation to Planning & Regeneration are managed through the corporate complaints procedure.

### Planning & Regeneration at a glance

	2020 - 21	2021 - 22	2022 - 23	% on prev. year
<b>Complaints</b>	25	35	<b>30</b>	-14%
Percentage responded to on time	55%	58%	<b>57%</b>	-1%
Percentage fully upheld	15%	16%	<b>28%</b>	12%
Percentage partially upheld	12%	4%	<b>12%</b>	8%
New Ombudsman cases	11	7	<b>4</b>	-43%
Ombudsman cases upheld	1	1	<b>3</b>	200%
Financial consequences	£0.00	£0.00	<b>£0.00</b>	
<b>Compliments</b>	0	0	<b>0</b>	n/a

### Complaints under the Council's Corporate Complaints Procedure

Planning & Regeneration services were the subject of 30 corporate complaints during 2022-23. 60% of individual complaint aspects were responded to on time, contributing to an overall figure of 57% of complaint responses involving Planning & Regeneration (some of which may also involve other areas) being responded to in a timely way. 40% were fully or partially upheld.

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Development Management	12	18	8	1	9	0	8
%	39%	42%	44%	6%	50%	0%	44%
Planning Policy & Strategy	7	10	3	2	5	0	8
%	23%	23%	30%	20%	50%	0%	80%
Building Control	3	4	0	0	4	0	4
%	10%	9%	0%	0%	100%	0%	100%
Planning & Development Support	9	11	1	2	8	0	6
%	29%	26%	9%	18%	73%	0%	55%
Facilities & Support	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Property	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Energy	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Libraries	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Town Centre Renewal	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Regeneration	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
<b>OVERALL</b>	<b>31</b>	<b>43</b>	<b>12</b>	<b>5</b>	<b>26</b>	<b>0</b>	<b>26</b>
			28%	12%	60%	0%	60%

## Nature of complaint

The largest proportion of complaints (42%) related to a lack of action, 58% of which were upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	2	0	0	2	0	2
%	5%	0%	0%	100%	0%	100%
Disputed decision	12	0	0	12	0	7
%	28%	0%	0%	100%	0%	58%
Information	5	1	1	3	0	4
%	12%	20%	20%	60%	0%	80%
Lack of action	19	8	3	8	0	10
%	44%	42%	16%	42%	0%	53%
Quality of service	1	0	0	1	0	1
%	2%	0%	0%	100%	0%	100%
Service Delay	4	3	1	0	0	2
%	9%	75%	25%	0%	0%	50%
Behaviour of another service user	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%
<b>OVERALL</b>	<b>43</b>	<b>12</b>	<b>5</b>	<b>26</b>	<b>0</b>	<b>26</b>
		28%	12%	60%	0%	60%

## Compliments

Two compliments were recorded by CE&CS for Planning & Regeneration this year :-

I would like to compliment T about the speed of his response to my above numbered complaint submitted in March 2022, and for the open and honest way in which he engaged in communication about the planning matter it concerned. This is much appreciated.

*I had occasion to speak with the Local Land Charges Department today and the gentleman I spoke to was extremely helpful and exceeded massively my expectations.*

## Local Government & Social Care Ombudsman cases

The Ombudsman recorded 9 new Planning & Regeneration referrals during 2022-23. Of the 12 decisions made during the year, 3 were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Development Management	4	2	0	0	0	0	2	0	0	8	0
Planning Policy & Strategy	0	0	0	0	0	0	0	0	0	0	0
Building Control	1	0	0	0	0	0	1	0	0	2	0
Facilities & Support	0	0	0	0	0	0	0	0	0	0	0
Property	0	0	0	0	0	0	0	0	0	0	0
Energy	0	0	0	0	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0	0	0	0	0
Town Centre Renewal	0	1	0	0	0	0	0	0	0	1	0
Regeneration	0	1	0	0	0	0	0	0	0	1	0
<b>OVERALL</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>0</b>

## Financial consequences of complaints

	2020 – 21	2021 - 22	2022 - 23
<b>Ombudsman cases</b>			
Compensation / backdated payments	-	-	<b>£400.00</b>
Charges written off	-	-	-
Time & trouble payments	-	-	-
<b>Stage 1 complaints</b>			
Compensation / backdated payments	-	-	-
Charges written off	-	£104.40	-
Time & trouble payments	-	-	-
<b>TOTALS</b>	<b>600.00</b>	<b>£104.40</b>	<b>£400.00</b>

## 08 | EDUCATION

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

### At a glance

	2020 - 21	2021 - 22	2022 - 23	% on prev. year
<b>Complaints</b>	23	50	<b>97</b>	94%
Percentage responded to on time	48%	92%	<b>55%</b>	-37%
Percentage fully upheld	15%	24%	<b>35%</b>	11%
Percentage partially upheld	24%	15%	<b>18%</b>	3%
New Ombudsman cases	8	5	<b>15</b>	200%
Ombudsman cases upheld	3	3	<b>6</b>	100%
Financial consequences	£4,300.00	£6,675.00	<b>£4,600.00</b>	
<b>Compliments</b>	23	21	<b>21</b>	0%

## Complaints under the Council's Corporate Complaints Procedure

The Education division was the subject of 97 corporate complaints during 2022-23. 52% of individual complaint aspects were responded to on time, contributing to an overall figure of 55% of complaint responses involving Education (some of which may also involve other areas) being responded to in a timely way. 35% were fully or partially upheld, level with last year.

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

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Admissions	9	13	1	0	12	0	11
%	9%	9%	8%	0%	92%	0%	85%
Early Years	2	3	1	1	1	0	3
%	2%	2%	33%	33%	33%	0%	100%
Education Welfare	3	4	1	0	3	0	2
%	3%	3%	25%	0%	75%	0%	50%
School Standards Team	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
SEN	61	97	35	17	38	7	41
%	63%	66%	36%	18%	39%	7%	42%
SEN Transport	22	29	13	8	8	0	19
%	23%	20%	45%	28%	28%	0%	66%
<b>OVERALL</b>	<b>97</b>	<b>146</b>	<b>51</b>	<b>26</b>	<b>62</b>	<b>7</b>	<b>76</b>
			35%	18%	42%	5%	52%

## Nature of complaint

The most prevalent complaints (55%) were in relation to a lack of action, of which 48% were either fully or partially upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	<b>5</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>4</b>
%	3%	40%	20%	40%	0%	80%
Disputed decision	<b>9</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>1</b>	<b>3</b>
%	6%	0%	0%	89%	11%	33%
Information	<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>2</b>
%	3%	0%	0%	100%	0%	50%
Lack of action	<b>80</b>	<b>27</b>	<b>11</b>	<b>36</b>	<b>6</b>	<b>37</b>
%	55%	34%	14%	45%	8%	46%
Quality of service	<b>29</b>	<b>10</b>	<b>9</b>	<b>10</b>	<b>0</b>	<b>21</b>
%	20%	34%	31%	34%	0%	72%
Service Delay	<b>18</b>	<b>12</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>8</b>
%	12%	67%	28%	6%	0%	44%
Behaviour of another service user	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
%	1%	0%	0%	100%	0%	100%
<b>OVERALL</b>	<b>146</b>	<b>51</b>	<b>26</b>	<b>62</b>	<b>7</b>	<b>76</b>
		35%	18%	42%	5%	52%



## Compliments

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

I just wanted to thank you for your time over the last few days attending our transition meetings for our Year 5 parents. Understandably, all the parents you met with have been very worried about the transition process and although I have met with them to discuss possible schools etc, they were still anxious about the process and how Bromley works. All of them said after their meetings with you that they felt fully informed about the process and confident that you would try to support them in finding the 'right' school for their children. Additionally, they all said how lovely you are and how comfortable they felt with you! Thank you so much for all the help and support you give to our parents and to us as a school!

*Thank you so much for your help through the mediation process, you were very supportive and considerate. This was a really useful process for me to better understand the reasons why J was not accepted and to explore the options.*

A is my son's caseworker and I just wanted to reach out to you to say how incredible she has been. For over a year we've been having issues with getting an assessment with CENMAC, as soon as A got involved it was sorted within weeks and J has now had his assessment. She's so responsive on email and nothing is ever too much and it's really appreciated so wanted to let you know.

*Want to take this opportunity to say again, a massive thank you to both you and E for all your hard work and dedication. Taking time out on a Saturday to host training in person and online. We appreciate and acknowledge all the hours you gave to [us] and would highly rate your services as it was very beneficial.*

We would like to thank the EHCP team for their combined effort over the years; it has made a huge difference to our son and what he has been able to achieve/will achieve going forward.

*Thank you so much for sorting out the problem with D's transport. The arrangements are working wonderfully and D is on time for his course. It was really kind of you to help and much appreciated.*

Can I just take the opportunity to say a massive thank you for the work you've put in to get this up and running. M has also worked tirelessly to ensure we didn't miss the opportunity. It feels like you have gone above and beyond for us and we know how much of a positive impact this will have on our Ukrainian refugees here. So, thank you, and well done. You're doing a stellar job.

## Local Government & Social Care Ombudsman cases

The Ombudsman recorded 35 new referrals across Education and Children's Social Care combined during 2022-23. Of the 11 decisions made during this business year on Education cases, six were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Admissions	0	0	0	0	0	0	0	0	0	0	0
Early Years	0	0	0	0	0	0	0	0	0	0	0
Education Welfare	0	0	0	0	0	0	0	0	0	0	0
School Standards Team	0	0	0	0	0	0	0	0	0	0	0
SEN	1	2	1	0	1	0	5	0	0	10	6
SEN Transport	0	0	0	0	0	0	1	0	0	1	1
<b>OVERALL</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>7</b>

## Financial consequences of complaints

	2020 - 21	2021 - 22	2022 - 23
<b>Ombudsman cases</b>			
Compensation / backdated payments	£1,400.00	£2,950.00	<b>£4,500.00</b>
Charges written off	-	£0.00	-
Time & trouble payments	£200.00	£0.00	<b>£100.00</b>
<b>Stage 1 complaints</b>			
Compensation / backdated payments	£2,700.00	£3,725.00	-
Charges written off	-	£0.00	-
Time & trouble payments	-	£0.00	-
<b>TOTALS</b>	<b>£4,300.00</b>	<b>£6,675.00</b>	<b>£4,600.00</b>

## 09 | CHIEF EXECUTIVE'S DEPARTMENT

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

### At a glance

	2020 - 21	2021 - 22	2022 - 23	% on prev. year
<b>Complaints</b>	75	80	<b>98</b>	23%
Percentage responded to on time	52%	68%	<b>50%</b>	-18%
Percentage fully upheld	39%	28%	<b>40%</b>	12%
Percentage partially upheld	10%	20%	<b>13%</b>	-7%
New Ombudsman cases	9	16	<b>10</b>	-38%
Ombudsman cases upheld	2	2	<b>2</b>	0%
Financial consequences	£121.00	£0.00	<b>£0.00</b>	
<b>Compliments</b>	12	14	<b>2</b>	-86%

### Complaints under the Council's Corporate Complaints Procedure

The Chief Executive's Department was the subject of 98 complaints during 2022-23. 51% of individual complaint aspects were responded to on time, contributing to an overall figure of 50% of complaint responses involving the department (some of which may also involve other areas) being responded to in a timely way. 53% of complaints were fully or partially upheld, a 5% increase on last year.

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

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Electoral Services	1	1	0	0	1	0	1
%	1%	1%	0%	0%	100%	0%	100%
Registrar Services	1	1	0	0	1	0	1
%	1%	1%	0%	0%	100%	0%	100%
Democratic Services	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Customer Services	9	9	3	2	4	0	8
%	9%	6%	33%	22%	44%	0%	89%
Communications	0	1	0	0	1	0	1
%	0%	1%	0%	0%	100%	0%	100%
Information Management	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Appointeeship	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Blue Badges	4	5	2	0	3	0	5
%	4%	4%	40%	0%	60%	0%	100%
Business Rates	6	11	1	3	7	0	6
%	6%	8%	9%	27%	64%	0%	55%
Care Home Fees	16	20	8	4	8	0	4
%	15%	14%	40%	20%	40%	0%	20%
Council Tax	19	28	11	2	15	0	25
%	18%	20%	39%	7%	54%	0%	89%
Direct Payments	6	7	4	1	2	0	3
%	6%	5%	57%	14%	29%	0%	43%
Domiciliary Care fees	21	31	15	3	13	0	7
%	20%	22%	48%	10%	42%	0%	23%
Carelink	2	2	0	1	1	0	1
%	2%	1%	0%	50%	50%	0%	50%
Housing Benefit	4	4	2	0	2	0	3
%	4%	3%	50%	0%	50%	0%	75%
Income & Recovery	14	18	11	2	5	0	5
%	13%	13%	61%	11%	28%	0%	28%
Freedom Pass	2	2	0	0	2	0	1
%	2%	1%	0%	0%	100%	0%	50%
Legal	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
<b>OVERALL</b>	<b>105</b>	<b>140</b>	<b>57</b>	<b>18</b>	<b>65</b>	<b>0</b>	<b>71</b>
			41%	13%	46%	0%	51%

## Nature of complaint

The majority of complaints were in relation to a perceived lack of action (37%), of which 60% were either fully or partially upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	<b>17</b>	<b>4</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>13</b>
%	12%	24%	6%	71%	0%	76%
Disputed decision	<b>10</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>8</b>
%	7%	20%	0%	80%	0%	80%
Information	<b>9</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>
%	6%	56%	22%	22%	0%	22%
Lack of action	<b>52</b>	<b>25</b>	<b>6</b>	<b>21</b>	<b>0</b>	<b>25</b>
%	37%	48%	12%	40%	0%	48%
Quality of service	<b>20</b>	<b>9</b>	<b>2</b>	<b>9</b>	<b>0</b>	<b>16</b>
%	14%	45%	10%	45%	0%	80%
Service Delay	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>
%	4%	33%	33%	33%	0%	0%
Billing & Charging	<b>26</b>	<b>10</b>	<b>5</b>	<b>11</b>	<b>0</b>	<b>7</b>
%	19%	38%	19%	42%	0%	27%
<b>OVERALL</b>	<b>140</b>	<b>57</b>	<b>18</b>	<b>65</b>	<b>0</b>	<b>71</b>
		41%	13%	46%	0%	51%

## Compliments

*As much as we like to learn from complaints, we like to learn from compliments too. The following are those received this year as notified to CE&CS :-*

Staff were extremely helpful and kind when we had to postpone the original date due to Covid. We thoroughly enjoyed our day – it was perfect.

*Oh my God... S I could kiss you right now! Literally trying not to cry at this very moment...THANK YOU so SO much, I was so stressed and upset yesterday and just felt sick to my stomach that this issue had arisen due to a blunder by one of my lawyers in New York can't tell you.. thank you so much and to whichever boss gave you permission to do this I appreciate with my whole heart. Thank you again for coming to my rescue, much love*

I went in to the reception with a problem regarding a request for information regarding a rental property...I lost the letter and tried to contact you via your online form and telephone with no response. A went to the trouble of tracking down the letter, printing a copy of it with the form detailing the information requested. He was polite, courteous and efficient. He then provided me with a stamped copy of the completed form. A very good experience.

## Local Government & Social Care Ombudsman cases

The Ombudsman recorded 12 new referrals concerning the Chief Executive's Department during 2022-23. Of the 8 decisions made during the year, 2 were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Electoral Services	0	0	0	0	0	0	0	0	0	0	0
Registrar Services	0	0	0	0	0	0	0	0	0	0	0
Democratic Services	0	0	0	0	0	0	0	0	0	0	1
Customer Services	0	0	0	0	0	0	0	0	0	0	0
Communications	0	0	0	0	0	0	0	0	0	0	0
Information Management	0	0	0	0	0	0	0	0	0	0	0
Appointeeship	0	0	0	0	0	0	0	0	0	0	0
Business Rates	1	0	0	0	0	0	0	0	0	1	0
Care Home Fees	0	0	0	0	0	0	0	0	0	0	0
Council Tax	1	2	0	0	0	0	0	0	0	3	0
Direct Payments	0	0	0	0	0	0	1	0	0	1	0
Domiciliary Care fees	0	0	0	0	0	0	0	0	0	0	1
Housing Benefit	0	1	0	0	0	0	0	1	0	2	0
Appointeeship	0	0	0	0	0	0	0	0	0	0	0
Freedom Pass	1	0	0	0	0	0	0	0	0	1	0
Legal	0	0	0	0	0	0	0	0	0	0	0
<b>OVERALL</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>8</b>	<b>2</b>

## Financial consequences of complaints

	2020 - 21	2021 - 22	2022 - 23
<b>Ombudsman cases</b>			
Compensation / backdated payments	-	£750.00	<b>£0.00</b>
Charges written off	-	£0.00	<b>£0.00</b>
Time & trouble payments	-	£0.00	<b>£0.00</b>
<b>Stage 1 complaints</b>			
Compensation / backdated payments	£121.00	£300.00	<b>£100.00</b>
Charges written off	-	£3,404.35	<b>£2,821.91</b>
Time & trouble payments	-	£0.00	<b>£0.00</b>
<b>TOTALS</b>	£121.00	£4,454.35	<b>£2,921.91</b>



## 10 | ENVIRONMENT & PUBLIC PROTECTION

### Complaints under the Council's Corporate Complaints Procedure

This year is the first to include data from the Carbon Management & Green Space service. E&PP recorded 171 cases as having been handled as corporate complaints during 2022-23, a notable decrease on the previous year. This is anticipated to be as a result of a revision of the policy determining which Neighbourhood Management approaches received through the Council website are recorded as formal complaints.

Service	2020 – 21	2021 – 22	2022 – 23	%age
Carbon Man'ment & Green Space	-	-	<b>26</b>	-
Highways & Transport	19	16	<b>5</b>	-69%
Neighbourhood Management	158	444	<b>121</b>	-73%
Public Protection	10	9	<b>12</b>	+33%
Traffic, Road Safety & Parking	26	16	<b>7</b>	-38%
<b>OVERALL</b>	<b>207</b>	<b>485</b>	<b>171</b>	<b>-65%</b>

## Nature of complaint

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

Service	On time	Information	Lack of action	Operational	Staff conduct	Policy	TOTAL	2021-22
Carbon M'ment & Green Space	100%	0	2	22	1	1	<b>26</b>	-
Highways & Transport	100%	0	1	0	1	3	<b>5</b>	16
Neighbourhood Management	100%	0	10	85	23	3	<b>121</b>	444
Public Protection	100%	0	6	2	1	3	<b>12</b>	9
Traffic, Road Safety & Parking	100%	0	0	1	0	6	<b>7</b>	16
<b>OVERALL</b>	<b>100%</b>	<b>0</b>	<b>19</b>	<b>110</b>	<b>24</b>	<b>16</b>	<b>171</b>	<b>485</b>

## Compliments

As much as we like to learn from complaints, we like to learn from compliments too. The following are examples of the 105 compliments reported by E&PP this year :-

At a time when too many people are quick to moan and complain I would like to readdress the balance ref the recent foot path resurfacing of our road. As ever I think we were all concerned about the upheaval and disruption but we need not have worried. The team completed the work without any hassle and to a high standard and a number of neighbours have commented how good it looks, so thank you and please thank the workers .

*I have never over seen road works before and lived here for over twenty years. I was concerned for my residents with such large machinery the noise levels etc. trips and falls. I watch every day these guys so professional and the way they are so trained, no swearing no shouting I cant stress enough how pleased I am with the work force the site manager over seeing every move the men made. keeping my pathways cleaned at all times. What a fantastic job they have done too. Hats off to you Bromley for these delightful guys. My residents and myself so impressed the way the team worked I might add to very late Thursday night as well. Thank you Bromley and thank you contractors for making our scheme and surrounding roads look fantastic again.*

## Local Government & Social Care Ombudsman cases

The Ombudsman recorded 28 referrals during 2022-23. Of the 16 formal decisions made during the year, three were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladminin	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Carbon Management & Green Space	0	0	0	0	0	0	0	0	0	0	0
Highways	2	0	0	1	0	0	1	0	0	4	1
Traffic & Parking	2	3	1	0	2	0	0	0	0	8	0
Environment	0	0	0	0	1	0	1	0	0	2	0
Public Protection	1	0	0	0	0	0	1	0	0	2	1
<b>OVERALL</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>2</b>

## Financial consequences of complaints

	2020 - 21	2021 - 22	2022 - 23
<b>Ombudsman cases</b>			
Compensation / backdated payments	-	-	£600.00
Charges written off	-	-	-
Time & trouble payments	-	-	-
<b>Stage 1 complaints</b>			
Compensation / backdated payments	-	-	-
Charges written off	-	-	-
Time & trouble payments	-	-	-
<b>TOTALS</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£600.00</b>

## 11 | PUBLIC HEALTH

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



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# Agenda Item 6

## London Borough of Bromley

Report No.

PART I – PUBLIC

Agenda Item No.:

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**Decision Maker:** General Purposes & Licensing

**Date:** 6<sup>th</sup> February 2024

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

**TITLE:** 2024/25 PAY AWARD

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

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

**Ward:** N/A

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### 1. REASON FOR REPORT

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

### 2. RECOMMENDATION(S)

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

- (i) A flat 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) Members to note that the Council is awaiting the Trade Unions' pay claim and response to the Council offer. Therefore, a recommendation on the Trade Unions position may be tabled at the meeting.

#### 2.2 Members also note that, as in the previous years since coming out of the nationally/regionally negotiated frameworks, Bromley staff will receive the 2024/25 pay increase in time for the April pay.

### Corporate Policy

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

### Financial

1. Cost of proposal: £2.25m
  2. On-going costs: £2.25m
  3. Budget Head/Performance Centre: Staffing budgets across the council
  4. Total current budget for this Head:
  5. Source of Funding: Central contingency
- 

### Staff

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

### Legal

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

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

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

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

3.2 The Council have a broadly balanced budget next year, but have to consider the scale of growth/cost pressures is high and a combination of reducing monies set aside to meet financial risks (contingency), the benefit of managing previous government funding for initiatives well (and recycling such monies where possible) and the transformation programme have helped ensure a balanced budget is achieved.

3.3 We are entering the next phase known as Transformation Bromley 2024-28 and funding from Members has been requested to support this important work (see 6.8 of main report). The transformation programme will be continues to help provide a sustainable budget but there are clear challenges ahead with a potential budget gap of around £16.6m in 2025/26 increasing to £38.7m per annum in 2027/28.

3.4 The Council's approach to these pressures and the challenges and opportunities it faces is comprehensively addressed in the report 'Draft 2024/25 Budget and Update on Council's Financial Strategy 2025/26 to 2027/28' reported to Executive on 17<sup>th</sup> January 2024. A copy of the report can be found at the following link:

[Budget Report 2024 25.pdf \(bromley.gov.uk\)](#)

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

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

3.7 In December, CPI was at 4% and RPI was at 5.2%. The Bank of England expects inflation to continue to fall in 2024.

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

- Against the ongoing pressures the Council is proposing a 3% pay award for 2024/5. This would apply to all officers with the exception of teachers who are covered by a separate statutory pay negotiating process.

- The removal of the equivalent of spinal points 9-11 (affecting grade BR3) with assimilation to equivalent of spinal point 12 (BR4)
- An increase of 3% to the Merited Rewards, for 2024/25, bringing the total to £412k for rewarding staff for exceptional performance. The reward in vouchers is non consolidated and non pensionable. The Merited Reward Scheme is used to reward staff for exceptional performance with the ratio of awards being significantly in favour of those in BR graded roles (86% of rewards for 23/24).

3.9 The proposal was communicated on behalf of the Director of HR, Customer Services & Public Affairs to all staff on 18<sup>th</sup> January 2024 and the Unions, comprising Unison, GMB and Unite were also advised. At the time of writing the report feedback is still being gathered.

3.10 The initial response from the Departmental Representatives (not the Trade Unions) was that the proposed 3% pay award is below the current rate of inflation and does not take into account the cost-of-living pressures. They believe that this may affect staff morale and their sense of being valued. However, as Members will be aware, last year the Council pay award was 7.75% despite the enormous financial pressures the local authority was facing. To date, there has not been negative individual responses from the workforce save for one which was to do with the non-application of merited reward to teachers whose terms and conditions are governed by separate statutory pay and conditions.

3.11 At the time of writing the report, we are awaiting details of the joint claim and feedback on the Council's offer from GMB, Unison and Unite. This information will be circulated to Members once received.

3.12 The National Joint Council (NJC) agreed its 23/24 pay deal in November 2023 at a flat rate of £1925 across all points (£2226 for Outer London). At the time of writing this report, the National Employers for Local Government have yet to put forward an offer for 24/25.

3.13 The Council will continue to monitor staff recruitment and retention and where appropriate additional pay including the use of market supplements and any other proportionate responses will be adopted e.g. hard to fill and retain posts in children/adult services. Since coming out of national terms & conditions, Bromley's pay remains competitive for all occupations. Apart from the hard to fill posts in qualified Social Care teams, the Council's turnover rate is healthy.

#### **4. Public & Private Sector pay forecast 2024/25**

4.1 There continues to be industrial action across different sectors with junior doctors and train drivers in particular continuing action regarding previous years pay offers. This is an indication of the challenging environment for pay award discussions and negotiations.

4.2 We are awaiting information from the Local Government unions mainly Unison, Unite and GMB with their national pay claim and LG employers have not confirmed their position as yet for 24/25.

- 4.3 Private sector pay rises are expected to be in the region of 4-5% in 2024 according to recent research by IDR and figures published by XperHR showed that the median basic pay award remained steady at 6% in the three months to November 2023.
- 4.4 The Council continues to operate in an economic climate of national financial uncertainty whilst having to face enormous pressures to deliver services where demand for growth is high particularly in relation to care services to vulnerable children and adults.
- 4.5 The Council will continue to respond positively and flexibly to the labour markets regarding critical skills and hard to recruit and retain posts, in particular by offering enhanced packages if appropriate. Staff employed by the Council are also able to access the “Real Benefits” Scheme. Through the scheme the Council has negotiated favourable discounts with a range of retailers in Bromley. Accessing these benefits maximises the opportunity for employees to save on everyday living costs and staff feedback in this respect has been very positive.
- 4.6 Additionally, the Leader, the Portfolio Holder for Resources and their Cabinet colleagues and the Chairman of General Purposes and Licensing Committee are still committed to the Merited Pay Reward scheme for exceptional performers.
- In 2023/24 a total of 557 awards ranging from circa £250 to £1,000 were awarded to staff, 86% of these within BR grades. Also, a total of 261 mini rewards circa £100 (average) were awarded to staff.
  - Every year the Council recruits graduate interns and many of them have been promoted into permanent senior positions in the organisation. In terms of the Apprenticeship Levy, HR is developing a plan to use the levy to upskill existing staff in the organisation partly to address areas of recruitment and retention difficulty.

## **5. POLICY IMPLICATIONS**

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

## **6. FINANCIAL IMPLICATIONS**

- 6.1 A 3% increase to all staff as detailed in recommendation 2.1 (i), will cost the Council £2.25m p.a.
- 6.2 The removal of BR3 will cost the Council approximately £30k in addition.

6.3 Provision for a 3% increase has been included in the Draft 2024/25 Budget.

## 7. LEGAL IMPLICATIONS

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

## 8. PERSONNEL IMPLICATIONS

8.1 As set out in the report.

8.2 In addition to the comments in the body of the report, the proposals to eliminate the equivalent of spinal points 9-11 will benefit 57 employees centrally. This equates to an average 5.4% increase for the staff on the lowest points, compared to the 3% increase.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	

# Agenda Item 7

## London Borough of Bromley

Report No. HR

PART I – PUBLIC

Agenda Item No.:

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**Decision Maker:** General Purposes & Licensing Committee

**Date:** 6th February 2024

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

**TITLE:** PAY POLICY STATEMENT 2024/25

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

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

**Ward:** N/A

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### 1. REASON FOR REPORT

- 1.1 Under the Localism Act 2011 the Council is required to publish a Pay Policy Statement which must be approved by Full Council every year. The 2024/25 Pay Policy Statement is attached for Members consideration and approval.
- 

### 2. RECOMMENDATIONS

#### 2.1 Members are asked to:

- (i) recommend that Full Council approve the 2024/25 Pay Policy Statement attached to this report.

### Corporate Policy

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

### Financial

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

### Staff

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

### Legal

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

### Customer Impact

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

### Ward Councillor Views

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

### **3. COMMENTARY**

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

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

The first Pay Policy Statement which was approved by Full Council on 26th March 2012 has been up-dated every year to reflect Member decisions to adopt a localised terms and conditions of employment framework for all staff, except teachers. The attached Pay Policy statement for 2024/25 is not materially different to the previous Statements. A key aspect of the localised pay framework is the local determination of the annual pay award as part of the financial budget planning process. As before, Bromley pay award will also be paid on time in April.

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

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

3.5 The scheme enables each employee's contributions to Making Bromley Even Better strategic objectives to be individually assessed and, where appropriate, recognised through the award of the discretionary merited reward payment. £200k is allocated in the base budget to support the scheme although in 2023/24 members agreed an additional £200k in recognition of the work of staff. Since the introduction of the scheme a total of 2812 merited rewards have been made. Separately 1880 mini merit awards have been made to staff.

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

proposed Pay Policy Statement 2024/25 also sets out the pay review and performance appraisal arrangements for the Chief Executive. The Member Panel will undertake the appraisal of the Chief Executive. Following the appraisal and any feedback to the Chief Executive the panel will reconvene as a formally constituted committee of Council to determine the Chief Executive's pay to conclude his annual performance appraisal.

#### **4. POLICY IMPLICATIONS**

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

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

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

#### **5. FINANCIAL IMPLICATIONS**

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

#### **6. LEGAL IMPLICATIONS**

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

#### **7. PERSONNEL IMPLICATIONS**

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

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	



## London Borough of Bromley

### 1. Introduction

- 1.1 The Localism Act 2011 introduces a requirement for public authorities to publish annual pay policy statements. It states, in the main, that a relevant authority must prepare a pay policy statement for the Financial Year 2012/13 and each subsequent year.
- 1.2 Pursuant to the Act and the associated guidance and other supplementary documents, this pay policy statement sufficiently summarises Bromley Council's approach to the pay of its workforce and its "Chief Officers". In summation, the statement covers the Council's policies for the 2024/25 Financial Year, relating to:
- i) remuneration of its Chief Officers;
  - ii) remuneration of its lowest paid employees;
  - iii) the relationship between (i) and (ii) above.
- 1.3 In relation to "Chief Officers" the pay policy statement must describe the Council's policies relating to the following:
- i) the level and elements of remuneration for each Chief Officer;
  - ii) remuneration of Chief Officers in recruitment;
  - iii) increases and additions to remuneration for each Chief Officer;
  - iv) the use of performance related pay for Chief Officers;
  - v) the use of bonuses for Chief Officers;
  - vi) the approach to the payment of Chief Officers on their ceasing to hold office under, or to be employed by, the authority; and
  - vii) the publication of access to information relating to remuneration of Chief Officers.
- 1.4 As required by the Act and the supporting statutory guidance which, in turn, reflects the Local Government and Housing Act 1989, the definition of Chief Officer for the purpose of the pay policy statement covers the following roles:
- i) the Chief Executive/Head of Paid Service;
  - ii) the Monitoring Officer;
  - iii) a statutory Chief Officer and non-statutory Chief Officer under Section 2 of the Local Government and Housing Act 1989;
  - iv) a Deputy Chief Officer responsible and accountable to the Chief Officer. However, it does not include those employees who report to the Chief Executive or to a statutory or non-statutory Chief Officer but whose duties are solely secretarial or administrative or not within the operational definition or the meaning of the Deputy Chief Officer title.

## **2. Exclusion**

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

## **3. Context: Key Issues and Principles**

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

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

### **3.2 Local Terms and Conditions of Employment**

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

- 3.2.1 The main features of the localised terms and conditions framework are as follows, namely:
- (a) A single local annual pay review mechanism aligned with the budget setting process.
  - (b) A scheme of discretionary non-consolidated/non-pensionable rewards for individual exceptional performance.
  - (c) Annual pay increases including annual increments (if appropriate) linked to satisfactory performance for all staff; not automatic.

### **3.3 Recruitment and Retention**

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

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

As part of the Transforming Bromley agenda there is increased focus on smart and agile working. This includes the availability of smart technology to improve work-life balance, increased digitalisation of services, and ultimately improved customer experience. Workforce Development including effective succession planning and leadership development is key to the challenges and opportunities that lie ahead. Hence, Chief Officers recently signed off the Councils leadership and development programme.

### 3.4 Accountability

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

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

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

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

3.4.5 The most recent guidance issued in February 2013 states that Authorities should offer full Council the opportunity to vote before large severance packages beyond a particular threshold are approved for staff leaving the organisation. As with salaries on appointment, the Secretary of State considers that £100,000 is the right level for that threshold to be set. The components may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonus, fees or allowances paid. The Council's position on this is still as set out in the 2014/15 pay policy statement. Chief Officer severance packages are generally included in the annual statement of accounts. Also, Executive approval is sought for severance packages for chief officers. There is also an overarching scrutiny of settlement/compromise agreement packages from the Audit Sub-Committee. These arrangements ensure Member engagement.

#### **4. Transparency**

4.1 In line with the guidance, the pay policy statement will be published on the Council's website and accessible for residents to take an informed view on whether local decisions on all aspects of remuneration are fair and reasonable.

4.2 The Council is also required to set out its approach to the publication of and access to information relating to the remuneration of "Chief Officers".

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

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

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

#### **5. Fairness**

5.1 The Council must ensure that decisions about senior pay are taken in the context of similar decisions on lower paid staff. In addition, the Act requires the Council to explain the relationship between the remuneration of its Chief Officers and its employees who are not Chief Officers, and may illustrate this by reference to the ratio between the highest paid officer and lowest paid employee and/or the median earnings figure for all employees in the organisation.

5.2 The Council's pay arrangement is equality compliant. The Council achieved Single Status/Equal Pay Deal via a collective agreement with the Unions in 2009.

5.3 Additionally, the Act specifically requires the Council to set out its policies on bonuses, performance related pay, severance payments, additional fees/benefits (including fees for Chief Officers for election duties), re-employment or re-engagement of individuals who were already in receipt of a pension, severance or redundancy payment, etc.

## **6. Position Statement**

6.1 The Council's position on the requirement of the Act and the information that it is required to include its Pay Policy Statements is as summarised above and as set out in the attached table (Appendix B).

6.2 This Statement is for the Financial year 2024/25

6.3 The Statement must be approved by Full Council. Once approved it will be published on the Council's website. Any amendments during the Financial Year must also be approved by a meeting of Full Council.

6.4 This Statement (including the Appended table) meets the requirement of the Localism Act 2011 and the Department for Communities and Local Government (DCLG) guidance.

6.5 Legislation introduced in 2017 means that The Council is required to publish its gender pay gap data annually. The gender pay report for 2023 will be published at the end of March 2024 in line with statutory deadlines.

## London Borough of Bromley

<b>PAY POLICY STATEMENT FOR FINANCIAL YEAR 2024/25</b>	
<b>POLICY AREA UNDER THE ACT</b>	<b>POLICY STATEMENT</b>
	<i>For the purposes of this policy statement the term “Chief Officer” includes the Chief Executive, Statutory and non-statutory Chief Officers and Deputy Chief Officers within the meaning of the Local Government and Housing Act 1989.</i>
Level and elements of remuneration of Chief Officers and relationship with the remuneration of employees who are not Chief Officers	<p>The authority implemented a localised pay and conditions of service framework for all staff except teachers, with effect from 1 April 2013. Under the local framework the Council:</p> <ol style="list-style-type: none"> <li>a) Introduced an annual local pay review mechanism aligned with the budget setting process for all staff except teachers to replace the national and regional collective bargaining arrangements and the existing local arrangements for Lecturers in Adult Education;</li> <li>b) Introduced a scheme of discretionary non-consolidated non-pensionable rewards for exceptional performance applicable to all staff except teachers;</li> <li>c) Will reinforce the link between individual performance and pay by making any annual pay increase and increments (where appropriate) subject to satisfactory performance for all staff; not automatic.</li> <li>d) Agreed to make no change to existing terms and conditions of service before April 2015.</li> </ol> <p>The move to fully localised terms and conditions is on the back of the Bromley Single Status agreement reached with the relevant recognised trade unions in 2009 affecting the BR grade staff. Under the localised terms and conditions of service framework the Council retains its existing terms and conditions including the grading and job evaluation schemes for BR staff and MG and PT staff, except for the annual pay review and appraisal process. Under the localised terms and conditions framework the Council will not be bound by the national or/and regional pay settlements. Instead, by means of the process of the localised annual pay review the Council aims to:</p> <ul style="list-style-type: none"> <li>• ensure that staff are appropriately rewarded for the job that they do</li> </ul>

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

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

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

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

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



	<p>capacity. These Members will sit as a panel to undertake the appraisal but will sit as a committee of council to make a final decision. The Panel will assess and determine the Chief Executive's performance and pay within his grade band and will then sit as the Chief Executive Appraisal Committee to make the final determination. The Chief Executive and Directors are subject to a 360-degree appraisal process involving a range of feedback sources. Chief Officers and senior staff do not currently have an element of their basic pay "at risk" to be earned back each year. All staff apart from teachers will be eligible to be considered on merit for the one off non-consolidated non pensionable reward payment for exceptional performances.</p>
Use of bonuses for Chief Officers	Not applicable.
Remuneration of lowest-paid employees	The Council's grading structure for BR graded staff starts at £22,386 per annum (23/24) and the Council therefore defines its lowest paid employee as anyone earning £22,386 (pro rata for part-time staff). Currently the Council's pay multiple – the ratio between the Chief Executive as the highest paid employee and the lowest paid employee is 1:11, and between the Chief Executive and the median salary is 1:6.
Increases and additions to remuneration of Chief Officers	<p>Where it is in the interests of the Council to do so the Chief Executive may review the salaries of Chief Officers and Senior Staff from time to time within the MG, PT and MB Salary scales.</p> <p>Such circumstances include for example but are not limited to the impact of market forces and staff undertaking significant additional responsibilities on a time-limited or permanent basis. This is also the case for any other officer of the Council, including BR staff. Being outside of the nationally/regionally negotiated terms and conditions allows greater flexibility and discretionary payments in support of business priorities and recruitment and retention challenges. The Council has agreed a separate recruitment and retention package for children's and adults' social workers.</p>
Remuneration of Chief Officers on recruitment	Where the post of Chief Executive falls vacant the salary package and the appointment will be agreed by Full Council. Full Council or a Member panel appointed by full Council or the Urgency Sub Committee will also agree any salary package in excess of £100K to be offered for any new appointment in 2024/25 to an existing or new post. All Chief Officer and Senior staff appointments will be made in accordance with the Council's

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

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

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Report No.  
CSD24016

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** Tuesday 6 February 2024

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

**Title:** REVIEW OF THE COUNCIL'S MEASURES ON FREEDOM OF SPEECH FOR EMPLOYEES

**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 on the Council's measures on freedom of speech for employees and contractor staff. Officers 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 is responsible for non-executive HR matters, so the report is referred here for consideration.
- 

2. **RECOMMENDATIONS**

The Committee is requested to

- (1) Consider and note the attached report, including the additional text and recommendations made by Executive, Resources and Contracts PDS Committee.
- (2) Note that the Standards Committee will consider how the recommendations should be reflected when reviewing the Council's Member Code of Conduct.
- (3) Agree 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.

### 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*): All
  2. If from existing staff resources, number of staff hours: Not Applicable
- 

### Legal

1. Legal Requirement: Statutory Requirement: See attached report
  2. Call-in: Not Applicable: Non-executive reports 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

### 3. COMMENTARY

- 3.1 At the request of its chairman, the Executive, Resources and Contracts PDS Committee considered the attached report (Appendix A) reviewing the Council's measures on freedom of speech for employees at the meeting on 27<sup>th</sup> November 2027. The report acknowledges that, as a part of good governance, it is important that employees feel free to speak out about issues of concern or poor practice, and this is already recognised in existing Council policies and culture, including the Raising Concerns whistleblowing policy, Staff Surgeries, Departmental Representatives and Trade Unions, the Grievance Procedure and Bromley's values. The report noted that there is also wider legal framework to protect freedom of speech/expression for individuals balanced against the rights of an organisation to protect confidentiality and the rights of others.
- 3.2 Before the PDS Committee's meeting, the Chairman proposed a number of changes to the officers' report, as follows (additions in *italic*)–

Paragraph 2.1 (recommendation): Members are asked to note the following:

- 2.1.1 *the fundamental importance of the right to freedom of speech to the Council's activities, and the narrow scope for interfering with political expression; and*
- 2.1.2 *the potential liabilities faced by the council if it fails to protect that right, either in relation to Councillors or Council employees.*
- 2.2 *Officers are asked to take the following actions in support of the recommendations under paragraph 2.1* **Error! Reference source not found.** *above:*
- 2.2.1 *to review the Council's policies, procedures and Constitution with a view to ensuring that they reflect the fundamental importance of the right to freedom of speech; and*
- 2.2.2 *to report to the Executive and Constitutional Working Party on progress with the review recommended at paragraph 2.2.1 above.*
- 2.3 *GP&L and the Constitutional Improvement Working Party is recommended to note this report and update the code of conduct for Officers and Members, and inform members of the Standards Committee to reflect the above recommendations.*
- 2.4 *Note the additional text added to the body of the report.*

#### Paragraph 4.6

Second, recent decisions of the Employment Appeal Tribunal in cases such as Higgs v Farmor's School (2023) EAT has highlighted that gender critical belief that an employee may hold is a religious and philosophical belief and therefore a protected characteristic under the Equality Act 2010. The Employment Appeal Tribunal (EAT) noted that protection for belief is not limited to merely holding the belief without the ability to express those beliefs. The protection also covers the lawful manifestation of the belief. The EAT found that employers cannot decide to discipline or dismiss an employee for manifesting a protected belief on the basis that someone else might be offended. Doing so risks discrimination unless an employer has also considered whether the action is both a necessary and proportionate *interference with the right to freedom of expression*. Any objective justification of a restriction is always dependent on context and is employment-specific.

### Paragraph 4.9

The Equality Act 2010 provides protection for individuals in the event of treatment that is considered unfair. It both protects expression of belief, as set out above, and restricts certain speech relating to 'protected characteristics', although the tribunal has held that it does not protect 'hyper-sensitivity'. There are 9 protected characteristics in the Equality Act 2010 namely age, disability, race, religion and philosophical beliefs, sex, sexuality, marriage and civil partnership, gender reassignment and being pregnant and maternity leave. Freedom of expression and the protection of these individual characteristics have been tested in the employment tribunal due to the potential conflict that arises between competing rights, *particularly as damages for discrimination are uncapped.*

### Paragraph 5.2

A public interest disclosure must, in the reasonable belief of the employee, be made in the public interest. It will not be a public interest disclosure if the person making the disclosure commits an offence by making the disclosure, for example, under the Official Secrets Act. A public interest disclosure must be made to certain people (e.g. the employer) in order to attract statutory protection. *An employee complaining about suppression of certain beliefs is also likely to have whistleblower protection under the Employment Rights Act and the Equality Act.*

3.3 The Executive, Resources and Contracts PDS Committee decided to support the additions and its decision was -

RESOLVED: That

1. The fundamental importance of the right to freedom of speech to the Council's activities, and the narrow scope for interfering with political expression be noted;
2. The potential liabilities faced by the council if it fails to protect that right, either in relation to Councillors or Council employees be noted;
3. Officers are asked to take the following actions in support of the resolutions (1) and (2) above:
  - (a) to review the Council's policies, procedures and Constitution with a view to ensuring that they reflect the fundamental importance of the right to freedom of speech; and
  - (b) to report to the Executive and Constitutional Working Party on progress with the review recommended at paragraph 3 (a) above.
4. GP&L and the Constitutional Improvement Working Party be recommended to note this report and update the Code of Conduct for Officers and Members and inform members of the Standards Committee to reflect the above recommendations.
5. Note the additional text added to the body of the report.

(Minutes attached as Appendix B)

3.4 The report was also considered at the Constitution Working Group on 22<sup>nd</sup> January 2024, which decided that the report and the amendments should be referred to this Committee.



<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children, Policy, Finance, Personnel. Legal, Procurement, Property, Carbon Reduction, Local Economy, Health and Wellbeing, Customer, Ward Councillors
Background Documents: (Access via Contact Officer)	Raising Concerns – Whistleblowing Policy

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Report No.  
CSD22020

London Borough of Bromley  
PART ONE - PUBLIC

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**Decision Maker:** EXECUTIVE, RESOURCES & CONTRACTS PDS  
COMMITTEE

**Date:** 27 November 2023

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

**Title:** REVIEW OF THE COUNCIL'S MEASURES ON  
FREEDOM OF SPEECH FOR EMPLOYEES

**Contact Officer:** Shupriya Iqbal, Assistant Director, Legal Services  
0208 461 7161 E-mail: Shupriya.Iqbal@bromley.gov.uk

**Chief Officer:** Tasnim Shawkat, Director of Corporate Services and Governance  
Charles Obazuaye , Director of HR, Customer Services and Public  
Affairs

**Ward:** All

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## 1. REASON FOR REPORT

1.1 The Chairman of ERC PDS committee requested a report to review the Council's process, policy and procedure to protect and defend freedom of speech for Council staff and for those who work for the Council's contactors. This report looks at the process, policy, and procedure to protect and defend freedom of speech for Council staff and considers the measures available to staff who work for the Council's contractors.

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## 2. RECOMMENDATIONS

2.1. Members are asked to note the contents of the report and make any recommendations to the Executive or GP&L.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
- 

Corporate Policy

1. Policy Status: Existing Policy Further Details
  2. BBB Priority: Managing our Resources well
- 

Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications:
- 

Customer Impact

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

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 Members of ERC PDS wish to be informed of the current process, procedures, and policies the Council currently has to enable employees to speak out on issues without fear of being ostracised or disciplined. It is recognised that as a part of good governance of an organisation it is important that employees feel free to speak out about issues of concern or poor practice. There is also wider legal framework to protect freedom of speech/expression for individuals and the rights of an organisation to protect confidentiality and rights of others. This report will set out below the legal framework around protection of free speech followed by the current LBB measures available to staff to raise concerns.

### **4. LEGAL FRAMEWORK**

#### **Article 10 of the Human Rights Act**

- 4.1 Under Article 10 everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- 4.2 This right comes with qualifications, which must be construed narrowly. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 4.3 Article 10 affords a particularly high degree of protection to political speech and disclosure of information in the public interest. There is little scope for interfering with such speech.
- 4.4 Under the Human Rights Act 1998 the Council is a public authority and therefore must not act incompatibly with the right to freedom of expression in carrying out its public functions. The Council's relationship with its employees will in most cases be a matter of private law. However Article 10 rights and duties form part of the employment relationship – and present a liability risk to the Council – in two important ways.
- 4.5 First, an Employment Tribunal considering an unfair dismissal claim brought by a Council employee would itself be bound to act compatibly with Article 10. It would therefore apply free speech protections in assessing whether the Council had acted reasonably in dismissing the employee. Tribunals are increasingly disposed to entertain Article 10 arguments, therefore the Council needs to be alive to the risks in dismissing employees even for apparently 'offensive' speech.
- 4.6 Second, recent decisions of the Employment Appeal Tribunal in cases such as *Higgs v Farmor's School* (2023) EAT has highlighted that gender critical belief that an employee may hold is a religious and philosophical belief and therefore a protected characteristic under the Equality Act 2010. The Employment Appeal

Tribunal (EAT noted that protection for belief is not limited to merely holding the belief without the ability to express those beliefs. The protection also covers the lawful manifestation of the belief. The EAT found that employers cannot decide to discipline or dismiss an employee for manifesting a protected belief on the basis that someone else might be offended. Doing so risks discrimination unless an employer has also considered whether the action is both necessary and proportionate. Any objective justification of a restriction is always dependent on context and is employment-specific.

The above developments pose particular risks for the Council in dealing with competing rights. The EAT set out some broad principles to help employers take a balanced approach which employers should consider when dealing with complaints of offensive speech against employees:

- the nature of the employment relationship;
- the content and tone of what was said;
- who the likely audience is or was;
- whether the views intrude on others' rights;
- the likely impact on the employer's business;
- whether the employee or worker made it clear the views were personal;
- any wider reputational risk; and
- any power imbalance between the employee or worker and their employer.

4.7 Whilst Article 10 gives protection to freedom of expression in the workplace, the Council legitimately expects staff to respect others and not cause offence to other employees, Members or third parties they deal with. It is important to note that offensive speech *per se* is protected by Article 10 and the English common law. It cannot on its own justify interference with speech rights, in particular where the speech concerns debate of questions of public interest, i.e. politics. However, when offensive speech harms the Council's interests, or makes the employment relationship untenable, it can be a fair ground for dismissal. It is therefore important that the Council's HR policy recognises this distinction, takes into account all relevant circumstances, and does not rely on a blanket prohibition of offensive speech.

4.8 The Council's employment contract and employments policies and procedures set out clear standards of behaviour expected from employees. For example, hate speech or sexual or racial abuse or other forms of discrimination incompatible with the Council's obligations under legislation such as the Equality Act 2010 and the Council's equal opportunities policy and thus is not acceptable to the Council. If an employee expresses him or herself in a way that is defamatory, discriminatory, or harassing then this could lead to disciplinary action against the offending employee. Freedom of speech within the employment context is subject to responsibility and accountability hence staff cannot for example, make disparaging remarks about their employers without consequences.

4.9 The Equality Act 2010 provides protection for individuals in the event of treatment that is considered unfair. It both protects expression of belief, as set out above,

and restricts certain speech relating to 'protected characteristics', although the tribunal has held that it does not protect 'hyper-sensitivity'. There are 9 protected characteristics in the Equality Act 2010 namely age, disability, race, religion and philosophical beliefs, sex, sexuality, marriage and civil partnership, gender reassignment and being pregnant and maternity leave. Freedom of expression and the protection of these individual characteristics have been tested in the employment tribunal due to the potential conflict that arises between competing rights.

- 4.10 The Employment Rights Act 1996 set out the rights of employees in situations such as dismissal, unfair dismissal, parental leave, and redundancy. The contract of employment also sets out obligations on both the employer and the employee to regulate the employment relationship. There is an implied obligation on both employer and employee not to act in any way that is calculated to, or likely to, breach trust and confidence. Any unlawful restrictions or prohibitions from expressing a legitimate view can potentially give rise to arguments that there has been a breach of the implied trust and confidence obligation in the employment contract. A breach of this obligation could potentially give rise to unfair/constructive dismissal claims, pursuant to the Employment Rights Act 1996.
- 4.11 Under the Local Government and Housing Act 1989 certain posts are politically restricted to ensure political impartiality of local government staff. Officers in politically restricted posts cannot express political views likely to undermine their impartiality or public confidence in their neutrality.

## **5. RAISING CONCERNS (WHISTLEBLOWING) POLICY**

- 5.1 The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) protects whistle-blowers from detrimental treatment by their employer as a result of making a public interest disclosure. To be counted as a public interest disclosure / "whistleblowing" disclosure, information must be disclosed; it is not sufficient to gather information or threaten to make a disclosure. The individual reporting must reasonably believe that the information relates to one of six categories listed in The Employment Rights Act:
- commission of a criminal offence
  - failure to comply with a legal obligation
  - a miscarriage of justice
  - danger to the health and safety of any individual
  - damage to the environment
  - the deliberate concealment of information falling within any of these categories.
- 5.2 A public interest disclosure must, in the reasonable belief of the employee, be made in the public interest. It will not be a public interest disclosure if the person making the disclosure commits an offence by making the disclosure, for example, under the Official Secrets Act. A public interest disclosure must be made to certain people (e.g. the employer) in order to attract statutory protection.
- 5.3 The Employment Rights Act requirements are addressed by the Council in its Raising Concerns (Whistleblowing) Policy. Employees are often the first to realise that there may be something wrong within an organisation. The Whistleblowing Policy is intended to encourage and enable employees and

members to raise serious concerns. This policy applies to all those who work for the Council whether full-time or part-time, employed through an agency, contractors or as a volunteer.

- 5.4 The procedures in the policy are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. Complaint about an employee's employment or how they have been treated fall outside this procedure and are dealt with under the grievance procedure.
- 5.5 The Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk. These include:
- conduct which is an offence or a breach of law
  - disclosures related to miscarriages of justice
  - health and safety risks, including risks to the public as well as other employees
  - the unauthorised use of public funds
  - possible fraud and corruption
  - sexual, physical, verbal, or financial abuse of clients
- 5.6 The policy sets out how concerns can be raised and provides contact information for relevant senior officers and Members. Concerns may be raised verbally or in writing. The Council gives the assurance under the policy that individuals will not be at risk of losing their jobs or suffer any detriment as a result of raising a genuine concern under the policy. The policy encourages staff to raise concerns with Members if they feel unable to raise them with officers. The Employment Rights Act provides legal protection in this regard to those who raise genuine concerns falling within the remit of the Act.
- 5.7 The Policy also signposts those with concerns to Protect which is a charity which provides independent advice.
- 5.8 Under the Whistleblowing policy staff employed through agencies or employed by the Council's contractors can raise concerns in the same way that Council staff can.
- 5.9 In addition to the above legal route and safeguards in place there are other options available to raise concerns.

## **6. STAFF SURGERIES**

- 6.1 All staff are able to meet with the Chief Executive at staff surgeries on a one to one basis to discuss issues and concerns. Staff are also able to meet with Service Directors on a one to one basis to raise concerns.



## **7. DEPARTMENTAL REPRESENTATIVES AND TRADE UNIONS**

7.1 The Council has a number of staff who are departmental representatives. The role of departmental representatives are as follows:

- To represent employees within their own departments as part of the council's consultative process
- Who work alongside other departmental representatives and trade unions to ensure that employees interests are represented
- To be consulted on organisational change other work related proposals
- Support employees and suggest options available on an individual or collective basis send meetings with chief officers and trade unions

7.2 Trade Unions are also available to staff individually or collectively. The role, of trade unions include:

- negotiating agreements with employers on pay and conditions
- discussing big changes like large scale redundancy
- discussing members' concerns with employers
- going with members to disciplinary and grievance meetings

7.3 Staff can raise issues of concern with departmental representatives and trade union representatives. Both sets of representatives have informal and formal access to the Chief Executive and the Director of HR, Customer Services and Public Affairs. The Chief Executive encourages the departmental representatives and the trade union representatives to raise issues of concerns with him in a timely and sensitive manner of behalf of staff.

## **8. GRIEVANCE PROCEDURE**

8.1 In the course of the normal employee/manager relationship, employees may raise problems or complaints that are dealt with informally at source. The purpose of the Grievance Procedure is to establish a formal arrangement under which individual employees or groups of employees who feel aggrieved about a matter relating to their employment, which they have tried to resolve informally with their manager without success, can register that grievance. The aim of the procedure is for grievances to be heard and determined promptly and fairly and as close as possible to the point of origin.

## **9. BROMLEY VALUES**

9.1 Bromley Council values of Respect, Empower, Ambition and Learn (REAL) set out the fundamental standards which govern the behaviours of individuals within the Council. Bromley values are embedded into how the Council recruits, manages, and develops staff so that we can achieve the Council's organisational goals. The Council also has a clear set of competency framework to help establish consistent standards across all service areas and to collectively towards achieving organisational goals. The four key behaviours that form the core of the Council's competency framework for managers and employees are:

- accountability and responsibility

- building relationships
- communication
- continuous improvement

9.2 Culturally, staff are empowered and encouraged to raise ideas and opinions. As our greatest assets 'the voice of staff is key to the transformation journey' and the delivery of 'Making Bromley even a better place'. Hence, the Council actively seek their opinions and suggestions through a number formal and informal channels including staff surveys, 'Ask the Chief Executive sessions, the use of online suggestion box (Ideas' Aloud) on the Transform website, and so on.

9.3 The Council's Equal Opportunities Policy also sets out how the Council treats all people with equal respect, concern and consideration and sets out principles the Council will promote in the employment context, service provision, community leadership and so on.

## 10. LEGAL IMPLICATIONS

Legal implications are set out within the body of the report.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children/Policy/Financial/Personnel/Procurement
Background Documents: (Access via Contact Officer)	Raising Concerns (Whistleblowing) policy

**EXECUTIVE, RESOURCES AND CONTRACTS  
POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 27 November 2023

**Present:**

Councillor Simon Fawthrop (Chairman)

Councillors Jeremy Adams, Felicity Bainbridge, Mark Brock,  
David Cartwright QFSM, Adam Jude Grant, Julie Ireland,  
Simon Jeal, Tony Owen, Shaun Slator, Mark Smith,  
Melanie Stevens, Ryan Thomson, Michael Tickner and  
Pauline Tunnicliffe

**Also Present:**

Councillor Christopher Marlow, Portfolio Holder for Resources,  
Commissioning and Contracts Management

**58 POLICY DEVELOPMENT AND OTHER ITEMS**

**E REVIEW OF THE COUNCIL'S MEASURES ON FREEDOM OF  
SPEECH FOR EMPLOYEES  
Report CSD22020**

The Chairman of ERC PDS committee had requested a report to review the Council's process, policy and procedure to protect and defend freedom of speech for Council staff and for those who work for the Council's contactors. The report looked at the process, policy, and procedure to protect and defend freedom of speech for Council staff and considers the measures available to staff who work for the Council's contractors.

The Committee noted the following amendments (in italics) to the recommendation and report had been proposed by the Chairman:

Paragraph 2.1 (recommendation): Members are asked to note the following:

- 2.1.1 *the fundamental importance of the right to freedom of speech to the Council's activities, and the narrow scope for interfering with political expression; and*
- 2.1.2 *the potential liabilities faced by the council if it fails to protect that right, either in relation to Councillors or Council employees.*

2.2 Officers are asked to take the following actions in support of the recommendations under paragraph 2.1 **Error! Reference source not found.** above:

2.2.1 to review the Council's policies, procedures and Constitution with a view to ensuring that they reflect the fundamental importance of the right to freedom of speech; and

2.2.2 to report to the Executive and Constitutional Working Party on progress with the review recommended at paragraph 2.2.1 above.

2.3 GP&L and the Constitutional Improvement Working Party is recommended to note this report and update the code of conduct for Officers and Members, and inform members of the Standards Committee to reflect the above recommendations.

2.4 Note the additional text added to the body of the report.

#### Body of the report

4.6 .... Doing so risks discrimination unless an employer has also considered whether the action is both a necessary and proportionate *interference with the right to freedom of expression*. Any objective justification of a restriction is always dependent on context and is employment-specific.

4.9 ... Freedom of expression and the protection of these individual characteristics have been tested in the employment tribunal due to the potential conflict that arises between competing rights, *particularly as damages for discrimination are uncapped*.

5.2 ... A public interest disclosure must be made to certain people (e.g. the employer) in order to attract statutory protection. *An employee complaining about suppression of certain beliefs is also likely to have whistleblower protection under the Employment Rights Act and the Equality Act.*

Members sought clarification around whether the report author had agreed to the changes made to the body of the report and the Assistant Director for Legal Services (the report) confirmed that the changes were the Chairman's. A Member highlighted that during his five years serving on the Council he had never seen the body of an Officer report amended in this way. In response the Assistant Director of Legal Services confirmed that it was unusual for any Member to amend an officer report in this way and the changes has been neither approved nor disapproved by the report author.

Seeking a clarification regarding the Chairman's intention in proposing the amendment to paragraph 5.2, a Member queried whether the Chairman was expressing a desire which could be phrased as "*where possible, an employee complaining about suppression of certain beliefs should receive whistleblower protection under the Employment Rights Act...etc.*"

Paraphrasing Voltaire, the Chairman explained that the right to respectfully dissent from other points of view and give voice to that via free speech formed the basis of

an enlightened society. As such, the basis of the report was to strengthen the fundamental human right to free speech within the Council, the Chairman highlighted that within the 1948 Declaration of human Rights Freedom of Speech was a right under Article 19 yet there was no right to equality. The right set out in Article 19 established that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Much of the declaration was enshrined in UK law under Article 10 of the Human rights Act, which established that ““The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society...” The Chairman highlighted the importance of recognising as a Council, through processes and procedures, that everyone needed to be protected from excessive restrictions or attempts to infringe freedoms, either through incorrectly applied “Groupthink” or societal bullying against reasonably held beliefs. The Chairman highlighted that there was no right to not be offended, because being offended was a choice an individual made. Freedom of speech was not democratic but was at the core of upholding fundamental democratic values. It was also understood that freedom of speech was necessarily constrained by the law however, in the free speech case of *Redmond-Bate v Director of Public Prosecutions* [1999] Lord Justice Sedley set out that this freedom encompassed "the irritating, the contentious, the eccentric, the heretical, the unwelcome and provocative". Invoking the classical Greek philosopher Socrates, he warned against state attempts to control unofficial ideas by saying "Freedom only to speak inoffensively is not worth having."

The amendments set out above were proposed by the Chairman and seconded by Councillor Slator. Upon being put to the vote 12 were in favour, 3 were against. The amendments were therefore CARRIED.

(In voting against the motion, Councillor Jeal and the Labour Members on the Committee clarified that there were not opposed to free speech but were fundamentally opposed to the principle of editing a report written by a Legal Officer.)

**RESOLVED: That**

- 1. The fundamental importance of the right to freedom of speech to the Council’s activities, and the narrow scope for interfering with political expression be noted;**
- 2. The potential liabilities faced by the council if it fails to protect that right, either in relation to Councillors or Council employees be noted;**
- 3. Officers are asked to take the following actions in support of the resolutions (1) and (2) above:**
  - (a) to review the Council’s policies, procedures and Constitution with a view to ensuring that they reflect the fundamental importance of the right to freedom of speech; and**

- (b) to report to the Executive and Constitutional Working Party on progress with the review recommended at paragraph 3 (a) above.**
- 4. GP&L and the Constitutional Improvement Working Party be recommended to note this report and update the Code of Conduct for Officers and Members and inform members of the Standards Committee to reflect the above recommendations.**
  - 5. Note the additional text added to the body of the report.**

Report No.  
CSD24004

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** 6<sup>th</sup> February 2024

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

**Title:** LIVE-STREAMING OF MEETINGS

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

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

**Ward:** All

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1. Reason for decision/report and options

- 1.1 At its meeting on 3<sup>rd</sup> 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.
- 

2. **RECOMMENDATION**

**That 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.**

### 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: Estimated Cost: Up to £94k PA
  2. Ongoing costs: Recurring Cost
  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: Regular live-streaming will require additional staff resources – see below.
- 

### Legal

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

### Procurement

1. Summary of Procurement Implications: Not Applicable
- 

### Property

1. Summary of Property Implications: Not Applicable
- 

### Carbon Reduction and Social Value

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

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

Benefits -

- Makes the Council more accessible and transparent to residents
- Enables residents (and other members and officers) to watch meetings without having to travel
- Provides a more detailed record of each meeting (although arguably this could undermine the role of the minutes which are the formal record of each meeting)
- May be perceived as being a more accessible format for younger people

Concerns -

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

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

3.7 Since the Committee's decision last year, a limited number of full Council meetings have been live-streamed in accordance with current policy. The following figures are provided by YouTube.

<b>Date</b>	<b>Meeting</b>	<b>Peak Concurrent Views</b>	<b>Total Views on the night</b>
18/5/22	Annual Council	12	-
15/9/22	Council	7	15
10/10/22	Council	7	15
12/12/22	Council	36	177
27/2/23	Council	38	291
24/4/23	Council	20	79
10/5/23	Annual Council	13	39

#### 4. FINANCIAL IMPLICATIONS

- 4.1 There are financial and resource implications to opting to live stream all committees. The hardware is in place for live-streaming, however, there will be additional staffing costs should regular live-streaming be introduced (see Personnel implications below.) The likely overtime costs for this will be approximately £22k pa (based on 120 meetings) for increased attendance by Democratic Services and possibly IT or Communications staff.
- 4.2 If IT require support from BT, the Council's current IT contractor, then this would be in addition charged at half a day per meeting. Two engineers would be required per meeting at a cost of £600 per day, so at half day rate that would be £600 per meeting for both engineers, costing approximately £72k per annum based on 120 meetings.
- 4.3 This brings the total cost for live streaming all committees to circa £94k per annum, for which there is currently no budget, this would require members to approve permanent growth, which given the current financial challenges faced by the authority and the future budget gap would be difficult given the need to fund statutory priorities.

#### 5. PERSONNEL IMPLICATIONS

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

#### 6. LEGAL IMPLICATIONS

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

#### 7. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

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

#### 8. CUSTOMER IMPACT

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

<b>Non-Applicable Headings:</b>	Vulnerable Adults and Young People/Policy/Procurement/Health and Wellbeing/Local Economy
Background Documents: (Access via Contact Officer)	Report to GP&L Committee 3/11/22

Advantages of live-streaming	Concerns about live-streaming
<ul style="list-style-type: none"> <li>• Increased transparency of meetings and Council decisions</li> <li>• Offering increased accessibility to public meetings for vulnerable or disenfranchised groups (elderly/people with disabilities/carers etc) and young people</li> <li>• Raising awareness of Council activities/achievements/the democratic process</li> <li>• In line with normal practice at some other local authorities</li> <li>• Reduced need to travel, reducing carbon footprint</li> </ul>	<ul style="list-style-type: none"> <li>• Members and officers may feel more constrained in expressing themselves in a situation where their comments are live-streamed</li> <li>• Some members of the public may be reluctant to speak at Planning meetings, or put questions in person at meetings</li> <li>• There is little evidence of widespread demand for live-streaming</li> <li>• Availability of a live-stream may discourage personal attendance at meetings, thereby reducing democratic participation</li> <li>• There are staffing/resource implications and costs</li> <li>• Increased risk of GDPR non-compliance/data breaches where reference is made to private matters or to constituents by name</li> <li>• Technical requirements of running live-streams may be outside of officers' existing skillsets – it is possible to train for basic operational requirements, but will non-IT staff be able to trouble-shoot issues arising at live meetings?</li> <li>• Over-reliance on a limited pool of Democratic Services staff to run the livestream (doubling the requirement for evening working).</li> <li>• Resource implications of setting up a livestream for a 5-minute meeting.</li> <li>• Need for additional agreed guidance around meeting etiquette (e.g. – when livestream goes down, do meetings need to be suspended?)</li> <li>• Reliance on external parties – primarily Youtube.</li> <li>• Reliance on technology – what would we do if the microphones/screen set up ceased to work?</li> <li>• Live-streaming is only possible in the Council Chamber at present, so only one meeting can be live-streamed</li> <li>• Can the approach be applied unilaterally across all meetings (e.g. – would Plans Committees have a different approach due to the participation of members of the public?)</li> <li>• Do Councillors/Partners/Officers/public speakers have a right to anonymity and how could this be accommodated at a live-streamed meeting?</li> </ul>

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Live-streaming of some PDS meetings would require under-18 Youth Representatives to give consent to their participation.</li><li>• Would the quality of live-streaming be sufficient in a meeting with a very large public presence (e.g. – could you hear the live-stream over the noise of the gallery?)</li><li>• Reputational damage – meetings have occasionally been targeted by protesters or activists, and their impact could be magnified in a live-streamed meeting (the Handforth Parish Council meeting was a notorious example of a difficult meeting going viral during the lockdown.)</li><li>• Additional caution and self-restraint would be required from Members during periods of pre-election purdah.</li><li>• Additional complexity of in-person meetings being live-streamed may lead a Chairman to mistakenly move into Part 2 whilst a live-stream is running.</li><li>• It will be harder to move temporarily into Part 2 during a meeting, due to the logistical difficulties of stopping and starting a live-stream</li></ul> |
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Report No.  
CSD24002

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** Tuesday 6 February 2024

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

**Title:** MEMBERS ALLOWANCES SCHEME 2024/25

**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 The regulations governing Members' Allowances require that, before the beginning of each financial year, the Council shall make a scheme of allowances for that year, and this report details the proposed allowances for 2024/25.
  - 1.2 If Members are minded to increase the allowances a reasonable guide would be the increase recommended for Council staff, which, subject to Member confirmation, is expected to be 3%.
  - 1.3 The Mayoral and Deputy Mayoral Allowances are not part of the Members Allowances Scheme, but are usually considered in conjunction with it. The Scheme has to be agreed by full Council – this will be at the budget meeting on 26<sup>th</sup> February 2023.
- 

2. **RECOMMENDATIONS**

**(1) The Committee is requested to consider the proposed Members Allowances Scheme 2024/25 (appendix 2) and the Mayoral and Deputy Mayoral Allowances (paragraph 3.5) and in particular to consider whether to recommend that allowances are retained at the current level or are raised from 1<sup>st</sup> April 2024.**

**(2) The Committee is recommended to agree that the Members' Allowances Scheme 2024/25 and the Mayoral and Deputy Mayoral allowances for 2024/25 be submitted to Council for approval.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
- 

Transformation Policy

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

Financial

1. Cost of proposal: (2023/24) £1,210k
  2. Ongoing costs: Recurring Cost
  3. Budget head/performance centre: Democratic Representation – Members Allowances  
Mayoral & Civic Hospitality – Mayoral Allowances
  4. Total current budget for this head: £1,210k
  5. Source of funding: Revenue Budget
- 

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement: (See section 5 below)
  2. Call-in: Not Applicable: This report does not involve an executive decision
- 

Procurement

1. Summary of Procurement Implications: Not Applicable
- 

Property

1. Summary of Property Implications: Not Applicable
- 

Carbon Reduction and Social Value

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

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 Every local authority is required to have a basic, flat rate allowance payable to all Members, and is required to review its allowance scheme before the beginning of each financial year. The basic allowance recognises the time commitment of Councillors, including meetings with Council officers and constituents and attendance at political group meetings, and to cover incidental costs and general expenses such as the use of Councillors' homes and equipment. It must be the same for all Councillors in the authority and may be paid either as a lump sum or in instalments throughout the year - Bromley has always paid allowances by monthly instalment. In addition, allowances can be paid to reflect particular posts (Special Responsibility Allowances) or membership of particular committees that meet frequently to determine applications (referred to as Quasi-Judicial Allowances). The quasi-judicial allowances are now paid as a set amount per meeting attended, rather than as a fixed amount per annum.
- 3.2 For nearly a decade allowances remained frozen at 2009 levels until small increases were agreed in 2019 and 2020, in line with the increases to officer salaries. There were no increases in 2021 and 2022, but a 7.75% increase in 2023, again, in line with the percentage increase in officer salaries.
- 3.3 The regulations provide that before the Council makes or amends a scheme it shall have regard to the recommendations made by an independent remuneration panel report, although this requirement does not apply if the only change is the application of an annual indexation increase. London Councils set up an Independent Panel which meets every four years; its last regular report was published in early 2022.
- 3.4 However, the Panel has recently published an additional, more detailed review recommending more substantial increases in member allowances in London. This report uses wider research and benchmarking across not just London but the whole of the UK to consider how the role of Members and the scope of their duties has changed and developed in recent years. The Panel's research showed that the basic allowance was considerably higher in Wales, Scotland and Northern Ireland, and also in some of the other large cities in England such as Birmingham and Manchester. Indeed, the basic allowance in all Scottish Councils is £20,099. The Panel recommends that the basic allowance in London should now be £15,960.
- 3.5 The Panel makes recommendations for special responsibility allowances based on five bands. A summary of the Panel's 2023 recommendations, with comparisons to equivalent Bromley roles, is set out in [Appendix 1](#).
- 3.6 The Mayoral Allowances are not part of the Members allowances Scheme and serve a different purpose to the allowances in the main scheme since they are intended to help the Mayor and Deputy Mayor to perform their civic and ceremonial duties. However, Bromley has always reviewed these allowances alongside the main scheme, and made similar recommendations. The current allowances are £16,452 and £4,036 respectively.
- 3.7 Members may consider that the allowances should not be increased in 2024/25, given the financial challenges facing the Council. However, a reasonable approach used in previous years would be to increase the allowance by 3%, which is the proposed increase for officer salaries. The effect of a 3% increase is shown in the schedule to the draft 2024/25 scheme attached as [Appendix 2](#) to this report.

### **4 FINANCIAL IMPLICATIONS**

- 4.1 The 2023/24 budget for Members Allowances is £1,183k and £27k for Mayoral Allowances. Increasing these figures by the 3% being recommended for members of staff will increase these

budgets to £1,219k and £28k – an additional £37k. Provision has been made for the allowances in the draft revenue budget for 2024/25 to be approved by Council.

## 5 LEGAL IMPLICATIONS

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

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children/Policy/ Personnel/Procurement/Property/Carbon Reduction/Local Economy/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	<a href="#">Report from the Independent Panel on Remuneration of Councillors in London (2022)</a>  <a href="#">Report from the Independent Panel on Remuneration of Councillors in London (2023)</a>  Report to General Purposes and Licensing Committee, 16 February 2023 – Members' Allowances Scheme 2023/24

London Councils Remuneration Panel Report 2022 - Summary

London Councils Band	2023 London Councils Panel Recommendation	Current (2023/24) LBB Equivalent Roles
<b>Basic Allowance</b> (All Members)	£15,960	£12,280
<b>Band 1</b> Executive Assistant Sub-Cttee Chairman Cttee Vice-Chairman Leader of 2 <sup>nd</sup> Minority Group Members of Sub-Committees meeting frequently – e.g. Plans/Licensing	£3,105 – £9,314	£4,040 £3,130 £2,150 £5,030 £57 per meeting
<b>Band 2</b> Civic Mayor Chairman of Regulatory Cttee Chairman of Scrutiny Panel Leader of principal Opposition Group	£15,523 - £31,046	£16,452 £9,800 £8,250 £10,060
<b>Band 3</b> Portfolio Holder Chairman of Health & Wellbeing Board Chairman of main Scrutiny Committee Deputy Leader	£37,255 - £46,569	£23,040 £9,800 £9,800 £28,000
<b>Band 4</b> Leader	£62,092	£43,100
<b>Band 5</b> Directly Elected Mayor	£93,575	N/A

### **38. Members' Allowances Scheme 2024/25 (Draft)**

From 1<sup>st</sup> April 2024, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 (2003 No. 1021) [as amended by SI 2003 No. 1692], the London Borough of Bromley will operate the following Members' Allowances Scheme.

1. This Scheme is known as the London Borough of Bromley Members' Allowances Scheme and will operate from 1<sup>st</sup> April 2024 until amended.

2. In this Scheme:

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

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

“year” means the 12 months ending 31<sup>st</sup> March.

3. The Council in agreeing this Scheme has considered the recommendations of the Independent Panel commissioned by London Councils on the remuneration of Councillors in London entitled “The Remuneration of Councillors in London 2023.”

#### **Basic Allowance**

4. A basic annual allowance of £12,280 shall be paid to each Councillor.

#### **Special Responsibility Allowances**

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

### **Childcare and Dependent Carers Allowance**

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

### **Co-optees Allowance**

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

### **Travel and Subsistence Allowance**

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

### **Ability to Decline an Allowance**

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

### **Withholding of Allowances**

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

### **Members of more than one Authority**

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

### **Part-year Entitlements**

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

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

## Payments

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

### Schedule 1

#### Allowances for the year ending 31st March 2025

	2023/24 Level	+3%
<b>Basic Allowance</b>	£12,280	£12,648
<b>Special Responsibility Allowances</b>		
Leader of the Council	£43,100	£44,393
Deputy Leader of the Council	£28,000	£28,840
Other Portfolio Holders (x6)	£23,040	£23,731
Executive Assistants (x6)	£4,040	£4,161
Chairman of Health and Wellbeing Board	£9,800	£10,094
Chairman of main PDS Cttee	£9,800	£10,094
Chairman of Portfolio PDS Cttees (x5)	£8,250	£8,498
Vice-Chairman of PDS Committees (x6)	£2,150	£2,215
Chairman of Development Control Cttee	£9,800	£10,094
Vice-Chairman of Development Control Cttee	£2,150	£2,215
Chairman of Plans Sub-Cttees (x4)	£3,130	£3,224
Chairman of General Purposes and Licensing Cttee	£9,800	£10,094
Vice-Chairman of General Purposes & Licensing Cttee	£2,150	£2,215
Chairman of Audit and Risk Management Cttee	£8,250	£8,498
Vice-Chairman of Audit and Risk Management Cttee	£2,150	£2,215
Chairman of Pensions Cttee	£8,250	£8,498
Vice Chairman of Pensions Cttee	£2,150	£2,215
Leader of largest Opposition Party	£10,060	£10,362
Leader of second largest Opposition Party	£5,030	£5,181
<b>Quasi-Judicial Allowances</b>		
Members of Plans Sub-Cttee (per meeting)	£57	£59
Members of Licensing Sub-Cttee (per meeting)	£57	£59
Members of Appeals Sub-Cttee (per meeting)	£57	£59
Members of Foster Panel (per meeting)*	£226	£233

\* Payable up to an annual maximum limit of £3,664 per Councillor (+ 3% = £3,774)



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Report No.  
CSD24003

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** Tuesday 6 February 2024

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

**Title:** PROGRAMME OF MEETINGS 2024/25

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

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2. **RECOMMENDATIONS**

- (1) **That, subject to any changes of meeting arrangements subsequently approved by Members, the programme of meetings for 2024/25 be approved.**
- (2) **That the Director of Corporate Services and Governance be authorised to adjust the programme in accordance with any changes made to committees and sub-committees by Members, and to make minor corrections and updates to the programme as necessary.**

---

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
- 

### Transformation Policy

1. Policy Status: Existing Policy
  2. Making Bromley Even Better Priority:  
(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 in Democratic Services
  2. If from existing staff resources, number of staff hours: Not Applicable
- 

### Legal

1. Legal Requirement: Statutory Requirement: Local Government Act 1972 and subsequent legislation. Although the Council is required to hold an annual meeting and to appoint an Executive and a scrutiny committee the Council can set its own meeting dates.
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

### Procurement

1. Summary of Procurement Implications: Not Applicable
- 

### Property

1. Summary of Property Implications: Not Applicable
- 

### Carbon Reduction and Social Value

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

### 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? Yes
2. Summary of Ward Councillors comments: All members have had an opportunity to comment on the draft programme, and changes have been made where appropriate.

### 3. COMMENTARY

- 3.1 The Council's programme of meetings is agreed each year by this Committee, and the proposed programme for 2024/25 is attached at **Appendix 1**. The proposed programme for 2024/25 has been prepared closely resembling the programme for 2023/24.
- 3.2 As in previous years, every effort has been made to avoid more than one meeting being held on the same evening. The proposed programme has been prepared on the basis that the current Executive and Committee decision-making structures will continue in the same form next year, but if Members do make any alterations to these then the programme can be adapted accordingly. Dates can still be changed or removed by individual Chairmen and Committees, and special meetings can still be arranged when necessary. The draft programme includes various daytime meetings where these dates are available.
- 3.3 The programme has to fit in with key timelines relating to financial management and reporting, including the setting of the Council Tax and annual budget and budget monitoring cycles. The programme also has to take account of public holidays, school holidays and election dates.
- 3.4 The programme has been designed to give high priority to pre-decision scrutiny, with meetings of all PDS Committees closely aligned closely with the Executive across five cycles of meetings. This enables reports to be scrutinised at service PDS Committees before final consideration at the Executive. At the request of the current PDS Chairman, meetings of the Health Scrutiny Sub-Committee are no longer scheduled for the same day as the Adult Care & Health PDS Committee, and two of the Sub-Committee's meetings will be re-scheduled as informal briefings rather than formal meetings.
- 3.5 Meetings of Plans Sub-Committees have been reduced in the programme in anticipation of a reduction to two Sub-Committees, with meetings every four weeks rather than every two weeks.
- 3.6 The draft programme has been circulated to all Members and to senior officers, and a number of detailed changes have been made in response to the comments received. Any further comments will be reported at the meeting.

<b>Non-Applicable Headings:</b>	Impact on 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)	Previous report on 23 February 2023 to this Committee on the Programme of meetings

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## LBB PROGRAMME OF MEETINGS 2024-25 (P.1) DRAFT

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

AUGUST 2024					SEPTEMBER 2024					OCTOBER 2024					
<b>MONDAY</b>	29	5	12	19	26 <i>Public Holiday</i>	2	9	16 ERC PDS	23	30	7	14 COUNCIL	21	28	4
<b>TUESDAY</b>	30	6	13	20	27	3	10 ACH PDS	17 CEF PDS	24	1	8	15 BEP	22 Health briefing	29	5 Audit
<b>WEDNESDAY</b>	31	7	14	21	28	4 ECS PDS	11 PPE PDS	18 EXECUTIVE	25	2	9	16 EXECUTIVE	23	30	6
<b>THURSDAY</b>	1	8 Plans 2	15	22	29 DC	5 Plans 1	12 RRH PDS SBP	19 HWB	26 GP&L	3 Plans 2	10 ERC PDS	17 Schools Forum	24 DC	31 Plans 1	7 Standards
<b>FRIDAY</b>	2	9	16	23	30	6	13	20	27	4	11	18	25	1	8

**Key/Numbers of meetings**

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

Council	6	Executive	8	Executive, Resources & Contracts PDS Cttee (ER&C PDS)	8	Other/Daytime meetings*	
General Purposes & Licensing Cttee (GP&L)	6	Standards	3	Adult Care & Health PDS Cttee (ACH PDS)	5	Health Scrutiny Sub-Committee (5pm)	2
Audit & Risk Management Cttee	3	SACRE	3	Children, Education & Families PDS Cttee (CEF PDS)	5	Health Scrutiny Briefing (5pm)	2
Pensions Cttee	4			Environment & Community Services PDS Cttee (ECS PDS)	5	Health & Wellbeing Board (HWB) (1.30pm)	5
Development Control Committee	7			Public Protection & Enforcement PDS Cttee (PPE PDS)	5	Safer Bromley Partnership (SBP) (10am)	4
Plans Sub-Cttees 1-2	12			Renewal, Recreation & Housing PDS Cttee (RR&H PDS)	5	Bromley Economic Partnership (BEP) (4pm)	4
						Schools Forum (4.30pm)	4
						Licensing Sub-Committee (Lic) (10am/2pm)	4

Updated 29/1/24 - Draft for consideration by GP&L on 6th February 2024

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

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## LBB PROGRAMME OF MEETINGS 2024-25 (Page 2) DRAFT

	NOVEMBER 2024			DECEMBER 2024				JANUARY 2025				FEBRUARY 2025			
<b>MONDAY</b>	11	18	25 ERC PDS	2	9 COUNCIL	16	23	30	6	13	20 ERC PDS	27	5	10 ERC PDS	17 Half Term
<b>TUESDAY</b>	12 RRH PDS	19 ACH PDS	26	3	10 Health Scrutiny	17	24	31	7	14 BEP	21	28	4 ACH PDS	11	18
<b>WEDNESDAY</b>	13 PPE PDS	20 ECS PDS	27 EXECUTIVE	4 SACRE	11	18	25 Christmas Day	1 New Year's Day	8	15	22 EXECUTIVE	29 CEF PDS	5 PPE PDS	12 EXECUTIVE	19
<b>THURSDAY</b>	14 Pensions HWB	21 CEF PDS	28 Plans 2	5 Schools Forum	12 DC SBP	19	26 Boxing Day	2	9 Plans 1	16	23 RRH PDS Schools Forum	30 ECS PDS	6 Plans 2 HWB	13 DC	20
<b>FRIDAY</b>	15	22	29	6	13	20	27	3	10	17	24	31	7	14	21

	MARCH 2025				APRIL 2025				MAY 2025						
<b>MONDAY</b>	24 BUDGET COUNCIL	3	10	17	24 ERC PDS	31	7 COUNCIL	14	21 Easter Monday	28	5 Public Holiday	12	19 ERC PDS	26 Public Holiday	2
<b>TUESDAY</b>	25	4 Audit	11	18 ACH PDS	25	1 BEP	8 Health Briefing	15	22	29	6	13	20	27	3
<b>WEDNESDAY</b>	26 SACRE	5	12 CEF PDS	19 RRH PDS	26 EXECUTIVE	2 Standards	9	16	23	30	7	14 ANNUAL COUNCIL	21 EXECUTIVE	28	4
<b>THURSDAY</b>	27 Pensions	6 Plans 1 SBP	13 ECS PDS	20 PPE PDS	27	3 Plans 2	10 DC	17	24 HWB	1 Plans 1	8	15	22	29 Plans 2	5
<b>FRIDAY</b>	28	7	14	21	28	4	11	18 Good Friday	25	2	9	16	23	30	6

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

Council	6	Executive	8	Executive, Resources & Contracts PDS Cttee (ER&C PDS)	8	<b>Other/Daytime Meetings *</b>	
General Purposes & Licensing Cttee (GP&L)	6	Standards	3	Adult Care & Health PDS Cttee (ACH PDS)	5	Health Scrutiny Sub-Committee (5pm)	2
Audit & Risk Management Cttee	3	SACRE	3	Children, Education & Families PDS Cttee (CEF)	5	Health Scrutiny Briefing (5pm)	2
Pensions Cttee	4			Environment & Community Services PDS Cttee (ECS PDS)	5	Health & Wellbeing Board (HWB) (1.30pm)	5
Development Control Cttee	7			Public Protection & Enforcement PDS Cttee (PP&E PDS)	5	Safer Bromley Partnership (SBP) (10am)	4
Plans Sub-Cttees 1-2	12			Renewal, Recreation & Housing PDS Cttee (RR&H PDS)	5	Bromley Economic Partnership (BEP) (4pm)	4
						Schools Forum (4.30pm)	4
						Licensing Sub-Committee (Lic) (10am/2pm)	

Updated 29/1/24 - Draft for consideration by GP&L on 6th February 2024  
(Dark shaded days are public holidays; light shaded days are school holidays.)

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Report No.  
CSD23112

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** 8 November 2023

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

**Title:** WORK PROGRAMME AND MATTERS OUTSTANDING

**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 This report summarises the Committee's work programme for the 2023/24 Council year and also covers matters outstanding from previous meetings.
- 

2. **RECOMMENDATION**

**Members are requested to consider and note their work programme for 2023/24 (Appendix B) and matters outstanding.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
- 

### Transformation Policy

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

### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £366k
  5. Source of funding: Revenue Budget
- 

### Personnel

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

### Legal

1. Legal Requirement: None
  2. Call-in: Not Applicable: No executive decision is required.
- 

### 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 Bromley Council operates under a “Leader and Executive” constitutional model, with most decision-making functions resting with the Leader, the Executive and Portfolio Holders. However, there are a number of functions which the executive side is prohibited from dealing with, for which Committees need to be appointed. In Bromley, the majority of these “non-executive” functions are the responsibility of Development Control Committee for town planning and related functions, Pensions Committee, Audit and Risk Management Committee, Standards Committee and this Committee for any other non-executive functions.
- 3.2 General Purposes and Licensing Committee fulfils the role of Licensing Committee under the 2003 Licensing Act (which requires a membership of between ten and fifteen councillors), but also deals with a range of other non-executive functions that cannot be dealt with by the Executive or do not fall within the terms of reference of other non-executive Committees. It therefore has a range of varied and sometimes unrelated responsibilities, including human resources, complaints, elections and appointments. The Committee’s Terms of Reference as set out in the Constitution are set out at Appendix A.
- 3.3 The Committee’s role is very different to that of a PDS Committee, in that it has decision-making powers, many of which are delegated to a number of sub-committees -
- Appeals Sub-Committee
  - Industrial Relations Sub-Committee
  - Licensing Sub-Committee
  - Rights of Way Sub-Committee

These sub-committees have decision-making powers within their own terms of reference, and only meet when issues arise that require a decision from Members.

- 3.4 The Committee has six scheduled meetings each year, plus a special meeting after the Council’s annual meeting to appoint its Sub-Committees. The meetings for the 2023/24 Council year are set out in Appendix B, along with the reports anticipated for each meeting.

#### **Matters Outstanding**

- 3.5 There are no matters outstanding to report not already covered in this agenda.

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children/Policy/Finance/Personnel/Legal/Procurement/Property/Carbon Reduction/Local economy/Health & Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Previous Work Programme Report – to meeting on 17/7/23

**General Purposes and Licensing Committee  
Terms of Reference**

(Constitution, Chapter 5, section 22)

(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.

**General Purposes and Licensing Committee**  
**Work Programme 2023/24**

**10<sup>th</sup> May 2023** *(following the annual Council meeting)*

Appointment of Sub-Committees

**23<sup>rd</sup> May 2023**

Appointments to Outside Bodies

Work Programme & Matters Outstanding

**11<sup>th</sup> July 2023**

Constitution Update

Request for Waiver

Work Programme & Matters Outstanding

**21<sup>st</sup> September 2023** – MEETING CANCELLED

**8<sup>th</sup> November 2023**

Teachers Pay Policy 2023/24 - Centrally Based Staff

Elections Act 2022 and Update on Polling Arrangements

Review of the Constitution

Sub-Committee Memberships

Appointments to Outside Bodies

Work Programme & Matters Outstanding

**6<sup>th</sup> February 2024**

Annual Complaints Report and Annual Ombudsman's Letter 2022/23

Staff Pay Award 2024/25

Pay Policy Statement 2024/25

Freedom of Speech for Employees

Annual Complaints Report and Annual Ombudsman's Letter 2022/23

Live Streaming of Meetings

Members Allowances Scheme 2024/25

Programme of Meetings 2024/25

Work Programme & Matters Outstanding

**10<sup>th</sup> April 2024**

Use of Meeting Rooms at the new Civic Centre

Business and Planning Act 2022: Pavement Licensing Policy

Work Programme & Matters Outstanding

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

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## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 26 October 2023

### Present:

Councillor Tony Owen (Chairman)  
Councillors Christine Harris and Simon Jeal

### 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Tony Owen was appointed as Chairman for the meeting.

### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3 New Application for a Premises Licence at Bella Vista 85/89 Elmer's End Road Beckenham BR3 4SY

#### The Application:

The application as originally submitted, sought a premises licence for the supply of alcohol, Monday to Sunday from 09.00 hours until 00.00 hours. Opening hours were requested from 09.00 hours until 00.30 hours for Monday to Sunday. The application also sought late night refreshment provision, Monday to Sunday from 23.00 hours until midnight. Live music was requested from Monday to Sunday from 09.00 hours until 23.30 hours and recorded music for Monday to Sunday from 12.00 hours until 23.30 hours. Performance of dance was applied for from Monday to Saturday from 12.00 hours until 23.30 hours and on Sunday from 12.00 hours until 23.00 hours.

The Sub-Committee was advised that subsequent to the submission of the application, revised hours had been agreed with the police. The revised hours requested the supply of alcohol from Monday to Thursday and Sunday from 09.00 hours to 22.30 hours, and on Friday and Saturday from 09.00 hours until 23.30 hours. The opening hours sought from Monday to Thursday were from 09.00 hours until 23.00 hours and on Friday and Saturday from 09.00 hours until midnight. The Applicant confirmed that these were the hours being applied for.

#### Case for Applicant:

The Applicant confirmed that his aim was to run a family restaurant. He was not currently planning to sell food after 23.00 hours and therefore did not need a licence to sell late night refreshment; there would only be recorded music and not live music. However, in the future, the Applicant stated that he would like to provide live music and there may be birthday parties at the premises.

A licence was currently held at the premises. The Applicant stated he was not responsible for any issues arising because of the previous management and any complaints made against them. He was aware of an additional complaint made in respect of his occupation of the premises concerning events on 12<sup>th</sup> October 2023, but he regarded this as unfair. In response to another complaint that the residents of the flats above had to walk through a terrace full of customers to reach their homes, he had now made sure the residents had clear access.

#### Representations and the Case for the Objectors

The Council had received five representations in support of the application, which welcomed the additional offer of a local restaurant. There were also four representations in objection, including the reference to 12<sup>th</sup> October 2023. This related to a football match being viewed on a large screen at the premises. The complainant said he felt threatened when he visited the premises and intended to make a formal complaint to the police. More generally, the representations emphasised the residential nature of the premises with flats above. The representations expressed concern at the later hours being proposed and the additional disturbance this might involve. The Council was advised that with the previous business running to 9.30pm, residents were disturbed by loud chatter, laughter, movement of furniture and music. This would be worse with the later hours being sought. Residents had young children and needed to get up early for work.

#### Reasons for the Decision:

The Sub-Committee noted that a premises licence, albeit for lesser hours up to 21.30 hours, was in existence. The principle of licensable activities taking place at the premises was already established. The Committee considered that an extension to the hours permitted under the current licence would be possible without harm to the licensing objectives, including the prevention of public nuisance. However, given the residential nature of the premises with flats above, the Committee considered the appropriate balance between the interests of the business and the residents above, should be accommodated by requiring alcohol sales to cease at 22.00 hours Monday to Thursdays, 23.00 hours Friday and Saturdays and 21.30 hours on Sundays. For similar reasons, the Committee considered the opening hours should be from 09.00 hours to 23.00 hours Monday to Thursdays, and from 09.00 hours to 23.30 hours on Friday and Saturdays. It was felt that on Sundays, residents could reasonably expect a higher degree of peace and quiet and concluded the opening hours should be from 09.00 hours until 22.00 hours.

#### Decision

That the application for a new premises licence at Bella Vista, 85/89 Elmer's End Road, Beckenham BR3 4SY be granted as follows:

Sale of alcohol: Monday to Thursday 12.00 hours to 22.00 hours, Friday and Saturday 12.00 hours to 23.00 hours, Sunday 12.00 hours to 21.30 hours



Opening hours: Monday to Thursday 09.00 hours to 23.00 hours, Friday and Saturday 09.00 hours to 23.30 hours, Sunday 12.00 hours to 22.00 hours

AND SUBJECT to the conditions agreed with the police on pages 48 and 49 of the agenda with the following changes:

Condition 10: The outside/garden/smoking areas to close approximately 1 hour prior to the premises specified opening hours.

Condition 11: All doors and windows are to be kept closed when regulated entertainment is taking place, save for the purpose of access and egress.

The seasonal variations for New Years Eve are as follows:

The terminal hours for the supply of alcohol on New Years Eve shall be varied to 01.00 hours on the following New Years Day. The playing of live and recorded music is permitted on New Years Eve but shall cease no later than on 01.00 hours on the following New Years Day. The premises shall thereafter close at 01.30 am on New Years Day.

#### **4 APPLICATION FOR A VARIATION TO CLUB PREMISES CERTIFICATE AT WICKHAM PARK SPORTS CLUB, PICKHURST RISE, WEST WICKHAM, BR4 0AU**

The Licensing Sub-Committee carefully considered the application for the variation of the Premises Club Certificate at **Wickham Park Sports Club, Pickhurst Rise, West Wickham**.

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

The four licensing objectives:

The Council's current Statement of Licensing Policy (as amended):

Guidance issued under the Licensing Act 2003 (As amended); The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (As amended):

Written and oral representations from the Applicant:

Written representation from local residents:

Written representation from the Health & Safety and Licensing Team:

Written representation from the Metropolitan Police:

Written representation from the Ward Councillor:

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

On the 26th October 2023, the Licensing Sub-Committee considered the application, **and decided to grant the variation to Wickham Park Sports club premises certificate, subject to the amendments made at the Hearing**. The amendments related to the licenseable activities and the relevant permitted hours, the revised Metropolitan Police conditions 1,3,8,10 and 15. The applicant offered to provide the Council with a copy of the revised club rules by the end of January 2024.

## **1.THE APPLICANT / THE CLUB'S CASE**

Two representatives for Wickham Park Sports Club ('the Club'), Ben Hayward and Lynne Hayward (the Applicants) attended the Hearing. The Applicants introduced the application and in brief mentioned that the current club premises certificate license granted in 2006 was not appropriate for the Club in practical terms as a result of an increase in the services which the club was now able to provide its members, and the local community. The Club had therefore submitted its application to extend its hours to allow it to serve more people, to extend its indoor activities for sporting events, to attract other members and the local community. The applicant(s) mentioned that they had agreed to the proposed Metropolitan Police conditions. Those conditions were amended at the Hearing and the applicant agreed to the amended conditions 1,3,8,10 and 15 and included a new condition number 15. Areas of discussion concerned a) Sale of Alcohol b) Indoor Sports c) Live Music d) Recorded Music e) Performance of Dance f) Late night refreshment g) Opening Hours (see paragraph 3 below). Also discussed were the points raised in objections which included noise nuisance, and issues regarding dispersal after large evening events.

The Applicants mentioned that the Club's plan was to hold events on behalf of schools, sports providers, its members, and to serve the community.

The Club allowed only members to book for the specific events. The Club attracted a varied age group. During the special events, the Club wanted to provide refreshments. The Applicants mentioned that the Club had accepted the police conditions.

The Applicants said that the nursery school (which was located within the building), did not object to the application. The Applicants mentioned that the nursery had a separate wing; it did not have access to the bar area and had its own toilets.

The Club was in the process of employing a new Bar Supervisor (Bar Manager). The new person would be in place as soon as possible to allow the Club licensable activities to operate in accordance to licensing regulations. The Club anticipated holding about 3 events a month. The hall capacity under the original Club Certificate was 100 persons and the Club would like to increase the number to 180 persons.

The Applicants mentioned that the Club was aware that soundproofing was required and that the Club would look into this. Also, the Club would place appropriate signage to remind all persons to leave the premises quietly.

The type of membership, the events to be held, and how the bookings would be made, were discussed and also the number of car parking spaces. The applicants mentioned that the Club intended to keep a record of when members booked events and to monitor the type of event being booked, and how each was managed. A member of the Licensing Sub-Committee asked about the number of car parking spaces. The Licensing Sub-Committee was

informed that there were 24 spaces. Questions around the CCTV in and around the Club premises were also discussed.

The Licensing Manager reminded the Applicant to consider the application within the requirements of a Club Premises Certificate, rather than a nightclub or public house licence. It was important that the distinction between the two was clearly noted. Where the Club's activities intensified, (or where the Club outgrew its Premises Certificate), the Club would need to consider a full Premises Licence.

## 2. REPRESENTATIONS IN SUPPORT AND IN OBJECTION TO THE APPLICATION

There was one resident in support of the application and 14 residents who objected. Oral representations were received from the Applicants. It was noted that some of the objections were not for the entire application. There were aspects of the application which some objectors indicated to be in support of. Support had been expressed for the nursery school, the engagement with the community, the exercising facilities, the proposed extension of time, the indoor sporting, and performance of dance. Councillor Brock submitted his written representations on behalf of the residents. Part of that written representation included Councillor Brock's views. The Licensing Sub-Committee followed the licensing guidance when considering those representations on behalf of the residents (and indeed for all the representations as a whole). The main concerns were on the extended hours which potentially intensified the noise nuisance factor and may have the potential for increasing antisocial behaviour within the residential area.

## 3. THE LICENCE

The original Premises Licence was noted in the application pack Appendix 2 ( pages 30 to 39). Details of the application and its changes are noted in Appendix1 in (pages 9 - 29) and the proposed variation is on page 5. The application bundle is found in the following Link:

<https://cde.bromley.gov.uk/documents/s50111435/Ctte%20Report%20Wickham%20Park%20Sports%20Club%20-%20amended%20date.pdf> Please see the table below showing a summary of the application; the Licensable Activities , the current hours and the proposed hours.

Licensable Activity	Current Hours	Proposed Hours
<b>Sale of alcohol</b>	Mon – Thurs 20:00 –23:00 Fri 19:00 – 23:00 Sat 12:00 – 23:00 Sun 12:00 – 22:30	Mon – Thurs 12:00 –23:00 Fri – Sat 12:00 – 23:59 Sun 12:00 – 23:00
<b>Indoor Sports</b>	Mon – Thurs 19:30 – 23:00 Sun 09:00 – 12:00	Mon – Fri 17:00 – 23:00 Sun 09:00 – 17:00
<b>Live Music</b>	Fri 19:30 – 23:00 (Alternate Fridays) Sat 19:30 – 00:00 (Perhaps twice a year)	Fri 17:00 – 23:59 Sat 12:00 – 23:59 Sun 12:00 – 23:00

<b>Recorded Music</b>	Sat 19:30 – 00:00 Sun 16:00 – 18:00	Fri 17:00 – 23:59 Sat 12:00 – 23:59 Sun 12:00 – 23:00
<b>Performance of Dance</b>	Mon 15:30 – 17:30	Thurs 15:00 – 19:00 Sat 08:00 – 13:00
<b>Late Night Refreshment</b>	Not licensed on current Club Premises Certificate	Mon - Thurs 12:00 – 23:00 Fri – Sat 12:00 – 23:59 Sun 12:00 – 23:00
<b>Opening Hours</b>	Not specified on current Club Premises Certificate	Mon – Thurs 09:00 – 23:00 Fri – Sun 09:00 – 23:59

#### 4. THE VARIATION

The Licensing Sub-Committee, having considered the application, **decided to vary the Club Premises Certificate**. The conditions agreed between the Metropolitan Police and the applicant, were amended (please see below). The varied licensable activities and the new hours are shown in the table below. The Applicants agreed to provide the revised Club Rules which would be attached to the Premises Club Certificate by the end of January 2024.

The agreed police conditions are found in the application bundle Appendix 4 *Additional Conditions Agreed with the Police* pages 49 to 51 refer to the following Link:

<https://cde.bromley.gov.uk/documents/s50111435/Ctte%20Report%20Wickham%20Park%20Sports%20Club%20-%20amended%20date.pdf>

Conditions 1,3,8,10 and 15 were amended as follows:

Condition 1: At the Hearing the Applicant agreed to ensure that the approved CCTV system provided coverage of an additional area, namely, the car park area of the premises. The amended condition incorporated the car parking area as follows:

The Revised Condition 1: ‘The Premises has an approved CCTV system which is regularly maintained by NSI NACOSS Gold Standard/AIB registered installer subject to a maintenance contract. The system will always be fully operational, as stipulated /recommended by the installer. The CCTV system should cover the interior and exterior areas of the premises including the car park area and the driveway.

Condition 3, was amended by removing the words ‘Personal Licence Holder’ and inserting the words ‘Bar Manager’ (Bar Supervisor). The amended Paragraph 3 reads as follows: ‘Ensure that a Bar Manager is on the premises at all times whilst licensing activity is taking place’.

Condition 8, The words ‘large number of persons’ was amended to read ‘more than 20 persons’. The amended paragraph reads as follows: ‘Where the premises is being used for a pre-booked event/function/celebration, or there are more than 20 persons anticipated in attendance at the venue, then a risk assessment be carried out by the management prior to the commencement date’.

Condition 10, reads: 'The garden/patio areas of the premises shall not be used after 22:00 hrs on any day, with no regulated entertainment taking place in outside spaces. The amendment adds the following to that condition: 'no alcohol is allowed outside the premises after 21:00 hrs'.

Condition 15: The Licensing Sub-Committee deleted the original agreed Condition 15 which was submitted in the application pack 'Alcohol sales shall cease approximately 30 minutes prior to closing to allow for drinking up time' that condition most likely was added in error. That condition was not applicable to Club Premises Certificates.

The Licensing Sub-Committee decided to delete that original condition and to insert a new Condition 15 instead, which reads as follows: 'Club Staff at the premises shall effectively supervise the Club egress at the end of each evening, to ensure there is minimal disturbance at the Club.

Narrative: In addition, the applicant in good faith agreed at the Hearing to provide the Council details of the revised Club Rules which will incorporate suggestions raised by the Council's Licensing Manager, notably how Club members' limitation of visitors by the end of January 2024.

**The new hours are as follows:**

<b>Licensable Activity</b>	<b>New Hours</b>	
<b>Sale of alcohol</b>	<b>Mon – Fri</b>	<b>15:00 – 23:00</b>
	<b>Sat</b>	<b>12:00 – 23:00</b>
	<b>Sun</b>	<b>12:00 – 22:30</b>
<b>Indoor Sports</b>	<b>Mon – Fri</b>	<b>17:00 – 23:00</b>
	<b>Sun</b>	<b>09:00 – 17:00</b>
<b>Live Music</b>	<b>Fri</b>	<b>17:00 – 23:00 (alternative Fridays)</b>
	<b>Sat</b>	<b>12:00 – 23:00</b>
	<b>(To take place not more than three times a month)</b>	
	<b>Sun</b>	<b>None</b>
<b>Recorded Music</b>	<b>Fri</b>	<b>17:00 – 23:00</b>
	<b>Sat</b>	<b>12:00 – 23:00</b>
	<b>Sun</b>	<b>12:00 – 18:00</b>
<b>Performance of Dance</b>	<b>Thurs</b>	<b>15:00 – 19:00</b>
	<b>Sat</b>	<b>08:00 – 13:00</b>
<b>Late Night Refreshment</b>	<b>Fri – Sat until – 23:30 (Time premises close)</b>	
<b>Opening Hours</b>	<b>Mon – Thurs</b>	<b>09:00 – 23:00</b>
	<b>Fri - Sat</b>	<b>09:00 – 23:30</b>
	<b>Sun</b>	<b>09:00 – 23:00</b>

## **5. THE DECISION**

The Licensing Sub-Committee decided to **grant the application to vary the above Premises Club Certificate subject to the amendments made at the hearing.**

- a) The Licensing Sub-Committee considered all the licensing objectives, the relevant licensing policies and guidelines relating to the application. The Licensing Sub-Committee considered the application as a whole, both the written and oral representations, and all the steps which the applicant(s) intended to take to promote the licensing objectives.
- b) The relevant Licensing Act 2003 (as amended) provided for a review process applicable to any licensable premises and, may be utilised whenever appropriate.

The Sub-Committee believed that the above mentioned reasons and conditions attached to the Club Premises Certificate were necessary, in order to uphold the licensing objectives. In conclusion, the Licensing Sub-Committee, in line with the relevant policies and guidelines, decided that; the above variation for a Premises Club Certificate to be **granted subject to the amendments at the Licensing Sub-Committee Hearing and as noted in the above full decision.**

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The Meeting ended at Time Not Specified

Chairman

## **LICENSING SUB-COMMITTEE**

Minutes of the meeting held at 10.00 am on 20 November 2023

### **Present:**

Councillor Nicholas Bennett J.P. (Chairman)  
Councillors Melanie Stevens and Sam Webber

### **1 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Councillor Nicholas Bennett was appointed as Chairman for the meeting.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 APPLICATION FOR A NEW PREMISES LICENCE AT LOPETO CAFE AT PRIORY GARDENS HIGH STREET ORPINGTON BR6 0HH**

Mr Slaney pointed out that the application had been amended to stop alcohol sales at 21:30 rather than 22:00.

Applicant's Case:

The premises currently sold hot and cold drinks as well as food and customers had expressed a wish for alcohol to be on sale as well.

Questions to the applicant:

Cllr Webber asked if alcohol would be sold through delivery apps. The owner said it would not.

Cllr Stevens asked about the park closing time. The owner said the rear door that had access to the park could be locked earlier than 8 pm, so it was not open when the park was closed.

In response to questions from the licensing officer, the owner confirmed there were no plans for live entertainment outside during the summer, nor were there speakers projecting outside.

Objectors' case:

There were no objectors present.

The licensing officer offered to read out the representations from Cllr Mrs Botting, however Members said they had already noted them in the agenda pack.

Final comments from applicant:

The owner stated the premises were used by a wide range of customers and that its use brought activity and natural surveillance to the park.

Summary of decision:

Following an adjournment, Members returned and the Chairman announced the licence would be granted subject to the conditions agreed between the applicant and police but with an amended condition 1.

Reasons

The following are the reasons for the decision.

The Licensing Sub-Committee carefully considered the application for a new premises licence at Lopeto Cafe at Priory Gardens High Street Orpington BR6 0HH. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- The Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (December 2022)
- The application and all representations

Members noted the absence of any objection from any responsible authority. In relation to the police, they did not object provided that their conditions were attached, which the applicant said they agreed to. Members were therefore reassured in relation to the prevention of crime and disorder.

Members took into account the Council's Statement of Licensing Policy, that the access of children to licensed premises would only be limited where it was necessary for the prevention of physical, moral or psychological harm (P27). No such harm was identified. There was no objection from the Child Protection Team, and the applicant agreed to a Challenge 25 scheme condition. Members therefore reached the conclusion that children would be protected from harm.

In particular, in light of the training and incident register conditions, there was no reason for Members to believe public safety would be at risk.

When it came to public nuisance, Members took the concerns raised by local residents seriously, as well as the comments of the ward councillor. Members were conscious though that pre-existing problems could not be visited upon the applicant. The premises was not in an area of cumulative impact, there were no complaints about the current manner in which the premises were being operated or used, and there was some distance to residential properties. The applicant had agreed to a condition prohibiting vertical



drinking and the premises would be a café rather than a pub or bar. The applicant had also amended the application to bring forward last sales to 30 minutes before closing. Condition 1 would help protect the public, but in order to be consistent, Members decided that it should be revised to make the time of locking the rear door the same as the closing of the park.

On balance, Members were satisfied that any public nuisance would not be disproportionate or unreasonable. Accordingly, the objective of preventing public nuisance would be met.

The Licensing Sub-Committee therefore decided to grant a new premises licence for Lopeto Cafe at Priory Gardens High Street Orpington BR6 0HH in accordance with the application as amended, for the supply of alcohol to finish at 21:30 and subject to the agreed conditions as set out on pages 42 and 43 of the hearing bundle, but with condition 1 amended to read “The rear door that has access to the park will be closed and locked at the same time as when the park is closed.” Those conditions were necessary in order to uphold the licensing objectives.

#### **4 TEMPORARY EVENT NOTICE FOR FETHR LOUNGE LTD, 145 – 147 CROYDON ROAD, BECKENHAM, BR3 3RB FOR 30TH – 31ST DECEMBER 2023**

##### **4.1 Applicant’s absence:**

Prior to the start of the hearing, Mr Slaney had informed Members that efforts were being made to contact the applicant, as neither he nor an agent were present.

At the start of this item, Mr Phillips reiterated that both landline and mobile phone numbers had been rung. Either there was no reply or the call went to voicemail. Mr Phillips had managed to speak to one person, but that individual was unaware of today’s hearing. Members were satisfied that the applicant had been given proper notice of the hearing and that it was just to proceed in his absence.

##### **4.2 Objectors Case**

The environmental health officer stated a possible breach of the noise abatement notice was being investigated. He alleged the licence holder was not currently complying with the premises licence and that he did not think the licence holder would comply with any limitations of this application.

The police officer informed Members that the objection was maintained.

There were no questions and no representations in support.

#### 4.3 Summary of decision:

Following an adjournment, Members returned and the Chairman announced the objections were supported and a counter notice would therefore be given.

#### 4.4 Reasons

The following are the reasons for the decision.

The Licensing Sub-Committee carefully considered the temporary event notice for Fethr Lounge Ltd, 145 – 147 Croydon Road, Beckenham, BR3 3RB for 30th – 31st December 2023. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- The Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (December 2022)
- The application and all representations

The abatement notice demonstrated public nuisance was not being prevented. Members were troubled by reports of there continuing to be complaints and the notice apparently not being complied with.

The applicant was not present to provide any explanation and the event would be limited to an additional 2.5 hours beyond the current opening hours.

However a closing time of 3:00 am was late and in light of the history of enforcement and complaints, Members were not satisfied the event would not lead to disproportionate and unreasonable impacts on residents, resulting in public nuisance. As a consequence, the event would undermine the licensing objectives and should not take place, so a counter notice would be given.

Chairman

## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 30 November 2023

### Present:

Councillor Nicholas Bennett J.P. (Chairman)

Councillors Kira Gabbert and Simon Jeal

### 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed as Chairman for the meeting.

### 2 DECLARATIONS OF INTEREST

None.

### 3 APPLICATION FOR A NEW PREMISES LICENCE AT ROEBUCKS CRICKET CLUB WEST COMMON ROAD HAYES BROMLEY BR2 7BY

#### The Application

The application was for a new premises licence for the provision of live and recorded music from 13.00 to 23.00 hours every day and the supply of alcohol on the premises from 12.00 to 23.00 hours every day. The application stated that both amplified, unamplified live and recorded music will be played in the 18m x 6m marquee only.

#### Case for the Applicant

The owner of the club advised that the cricket club was started in 2005 on a playing field at Colfe's School. In 2013 his family acquired the cricket ground in West Common Road. The club relied on voluntary support and sponsorship. There was a constant need to raise money, hence the decision to acquire the marquee. The club has a 1<sup>st</sup> X1 and 2<sup>nd</sup> X1 playing in the Kent Cricket League. It also had a junior cricket section and was trying to encourage youngsters into cricket. The cricket club also had Sunday football at the ground. If a premises licence was granted, the intention would be that the marquee would be let primarily for Members of the club. The aim would be not to take bookings for stag or hen parties or for 18/21 birthday parties. Example of the types of functions to be held under the licence would be children's birthday parties, anniversary parties etc. If a licence was refused the impact on the Club's finances would be severe and the club may have to sell the ground.

In response to a question as to why the Club Premises Certificate was not sufficient, the Sub-Committee was advised that the applicant wanted to take bookings from the general public. The owner advised that it was difficult to comply with the advance notice requirements for temporary event notices given the cricket club is more a hobby than a business. The applicant was prepared to consider a noise limiter and also using material that might reflect sound back into the marquee. The club was also prepared to accept a limit on the number of events with the indication that 8 events would be the minimum. The maximum capacity of the marquee was between 100-120.

The applicant was surprised by the volume of objections generated by the application. The owner accepted that mistakes had been made. The club was prepared to work with the Council in the future to ensure the events were properly organised. On one occasion the club itself turned off the music when an event organiser failed to respond to a request to turn the music down. The advertising complained of by residents had been discontinued and was not an indicator of the future intentions of the club.

#### Case for the Objectors

The Council's public health nuisance team advised that a number of events had been held over the Summer 2023 giving rise to complaints regarding loud music coming from events being held in the Marquee. On 6<sup>th</sup> September 2023, a Noise Abatement Notice was served by the Council. The team maintained its objection and pointed out that the venue was a marquee with no soundproofing. Although the owner said he was aiming to hold for a limited number of events, the licence sought was for 7 days a week. It was not felt that a particular level could be set using a noise limiter given the construction of the marquee. Certain sounds (for example bass music) can create more noise than others.

The Council also received 29 written objections from nearby residents, some of whom also attended the hearing. Local residents advised that over the past few years there had been several occasions when noise from events at the premises reached an unacceptable level. More than one resident reported being able to hear the noise from within their house. Some residents challenged the information provided by the club referring to the advertising of the marquee as a party venue and for weddings, stag and hen parties. The objections also challenged the application saying a marquee because of its construction could not be a suitable venue to hold events. Concerns were also raised concerning anti-social behaviour from those attending events and concerning traffic generation.

#### Reasons for Decision

The Committee considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. It noted that the evidence from the Council's Public Health Nuisance Team that events being held under the Club Premises Certificate had been of such concern in terms of statutory nuisance as to lead to the

service of an abatement notice. It also noted the evidence of other residential objectors that noise from events being held were of sufficient volume as to be heard within their houses. If so, the noise would also be heard from within nearby residential gardens which could be disturbing.

However, the Committee also noted the evidence from the club that events in future would be of a different character and likely to be quieter in nature. The club was prepared to accept a limit on the number of events to be held. The club was prepared to use a noise limiter although it was noted that such a measure was not supported by the Public Health Team. The Panel noted the existence of the abatement notice, but that has its own appeal system and method of enforcement.

Having considered all the representations, it was deter that a limited number of events could be held at the marquee but only if quieter events were selected. Effective management would be a key component of this and an adequate number of staff would need to be engaged by the club, both during the event and at its conclusion. It was felt that by conditions the Council could specify the number of staff needed for larger events and also by condition ensure appropriate risk assessments were made for those events. The Committee noted the lack of communication being extended by the Club to nearby local residents, but felt this could be addressed by a condition requiring a dedicated phone line.

Given the residential nature of the area surrounding the premises, it was considered that the appropriate balance between the interests of the club and nearby residents, could be made by limiting the number of events to 12.

The Committee took into account the aims of the club to develop cricket and in particular junior cricket, but its responsibility was to make decisions in accordance with the licensing objectives, in this case to prevent public nuisance.

### Decision

The application was permitted subject to the following conditions:

1. No more than 12 events shall be held in any calendar year.
2. The conditions suggested by the police in their letter dated 27<sup>th</sup> September 2023 shall be imposed, save that condition 5 of that letter shall refer to 120 attendees and not 499 attendees.
3. A written risk assessment shall be carried out before any event involving more than 50 attendees is held. The risk assessment shall among other matters state the policies to deal with alcohol and drug misuse and shall be made available on request for inspection by either the Licensing Authority or the Police

4. At least one manager and two staff members shall be present at all times during any event with more than 50 attendees.
5. Members of staff shall be available at the conclusion of an event with the aim of ensuring that attendees leave the event quietly.
6. A dedicated phone number shall be made available and publicised on the Club's website to enable nearby local residents to contact the Club and raise any concerns. The phone line shall be in operation during an event.
7. The Club shall seek advice from the Council's Environmental Health Officer as to possible measures to limit the breakout of noise from the use of the marquee.

#### **4 APPLICATION FOR A NEW PREMISES LICENCE FOR FULL FAT EVENTS AT CRYSTAL PALACE PARK THICKET ROAD PENGE LONDON SE20 8DT**

##### The Application

The application as originally submitted sought a premises licence for the provision of live and recorded music, films and dance on Sunday and Monday from 12.00 to 22.00, Friday and Saturday from 12.00 to 22.30 and the supply of alcohol on Sunday and Monday from 12.00 hours until 21.30 hours and Friday and Saturday 12.00 to 22.00. The maximum capacity was stated as 9,999. While it was the intention to hold the event on the terraces, an alternative site was identified in case there were any restoration works taking place on the terraces at the time of the event.

The Applicant confirmed that a licence was required for 12 months and that the maximum capacity was to be 4,999. As a result of the amendment to the duration of the licence, it was also confirmed on behalf of the applicant that a secondary site would not be needed and that the event would take place on the terraces.

##### Case for the Applicant

The Applicant's solicitor stated that his client was highly experienced and had a significant history in the delivery of comparable events. The aim was to provide a "polygon" or spatial audio event with 3D sound directed at an audiophile audience. The applicant had engaged with the ward councillors. A comprehensive set of conditions had been agreed with the police. A copy of the conditions was included with the applicant's outline submissions. This provided for three event days during 2024. An Event Safety Management Plan (ESMP) would be developed in discussion with the Safety Advisory Group, which would include as a minimum the Council, the Police and the Crystal Palace Park Trust. The matters to be included in the ESMP would be defined by condition. A suitable Security and Stewarding company would be

appointed to ensure public safety and to prevent crime and disorder. An event and site-specific Risk Assessment and Fire Risk Assessment would be carried out. A Traffic and Transport plan would also be developed.

#### Representations and the Case for the Objectors

The Council had received 14 written objections which raised issues concerning noise pollution, traffic and parking, safety, environmental impact and access. A particular concern related to the possible use of the secondary area which had now been withdrawn from the application. One of the objectors attended and spoke to the hearing but withdrew his objection after hearing the secondary area was not in the application.

#### Reasons for decision

The committee considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. The committee felt that a new premises licence could be granted for the Polygon event without harm to the licensing objectives including the prevention of public nuisance. A detailed list of conditions had been prepared which are exhibited as an Appendix to this decision. These conditions would ensure that the necessary plans and risk assessments would be prepared for the event. Many of the objections related to the secondary site, but this was no longer part of the application. The committee judged that the remaining objections could be overcome through the careful planning required by the conditions. The event itself would last for no longer than 3 days which the committee felt was not unreasonable. The event would also be considered by the Safety Advisory Group.

#### Decision

That the application for a new premises licence for Full Fat Events at Crystal Palace Park Thicket Road, Penge, London SE20 8DT **be granted** as follows:

Provision of Live and Recorded Music, Films and Dance: Sunday and Monday 12.00 hours to 22.00 hours, Friday and Saturday 12.00 hours to 22.30 hours.

Sale of alcohol, Sunday and Monday 12.00 hours to 21.30 hours, Friday and Saturday 12.00 hours to 22.00 hours.

AND SUBJECT to the conditions attached at the Appendix to this decision.

Chairman

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## RIGHTS OF WAY SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 10 January 2024

### Present:

Councillor Simon Fawthrop (Vice-Chairman, in the Chair)  
Councillors Adam Jude Grant, Alisa Igoe, Chris Price,  
Michael Tickner, David Jefferys and Tony Owen

### Also Present:

Councillor Jonathan Andrews

## 6 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jonathan Laidlaw and Harry Stranger, who was replaced by Councillor David Jefferys. The Chairman, Councillor Jonathan Andrews, was replaced by Councillor Tony Owen and the Vice-Chairman took the chair. Apologies for lateness were received from Cllr Michael Tickner.

Note from Director of Corporate Services and Governance: Councillor Andrews before the meeting gave notification that although he was not a member of the Downe Residents Association (on whose behalf the DMMO for the Landway was made) he had attended their Committee meetings at their invitation as ward councillor. He had also walked the path with local residents opposed to the application. In the circumstances he had decided to stand down from acting as Chairman or as a voting member of the Sub-Committee for this item but with the permission of the appointed Chairman would address the Sub-Committee in his capacity as a ward councillor only.

## 7 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 8 QUESTIONS

Seven questions had been received for oral reply, and six questions for written reply. The questions and replies are set out in [Appendix A](#) and [Appendix B](#) to these minutes.

## 9 MINUTES OF THE MEETING HELD ON 28 SEPTEMBER 2022

**RESOLVED** that the minutes of the meeting held on 28 September 2022 be confirmed.

**10 PROPOSED PUBLIC RIGHT OF WAY AT THE LANDWAY,  
DOWNE**  
Report ES20341

The Sub-Committee received a report requesting them to determine an application for a Definitive Map Modification Order to recognise a public right of way at the Landway at Petleys Farm, Luxted Road, Downe. The application had been made under the Wildlife and Countryside Act 1981 which placed a duty on the Council, as the Surveying Authority for public rights of way, to keep the Definitive Map and Statement under continuous review.

The application had been made by Mr Steve Barnes on 10<sup>th</sup> June 2020 on behalf of the Downe Residents Association. The landowners objected to the application. The Council had appointed a consultant, Robin Carr Associates, to investigate the application and his report, concluding that the application should be refused, was at Appendix 1 to the report.

The Sub-Committee had received a statement from David Evans, Vice-Chairman of the Downe Residents Association, and a number of public questions (set out in Appendices to these minutes). Members also noted that, in the report, references to Schedule 13 of the Act should be to Schedule 14 and that the Secretary of State (and not the Magistrates Court) had directed the Council to determine the application by March 2023.

The Director of Corporate Services and Governance's representative summarised the legal position and the process to be followed by the Sub-Committee. The Sub-Committee was in a quasi-judicial role and needed to consider the evidence for whether there was use of the way over a period of twenty years as of right and without interruption and whether there was sufficient evidence of lack of intention to dedicate on the part of the landowners.

The Vice-Chairman invited Cllr Jonathan Andrews to address the Sub-Committee as ward councillor. Cllr Andrews stated that this was a long-running matter and that he had heard concerns from residents of Downe on both sides. He drew attention to two small discrepancies in the Consultant's report at paragraph 4, where there was reference to a Parish Council which did not exist and to consultation with ward councillors which had not taken place. He referred to recent case law which showed that applications should be granted by the Council where a right of way which was not shown in the map and statement is reasonably alleged to subsist. Over 80 residents had submitted evidence forms stating that they had used the path without requiring permission. The evidence concerning the presence of gates was varied and not clear as to whether a particular gate was locked or could be walked through. He therefore concluded that there was a reasonable case that a right of way existed.

The legal representative confirmed that the relevant test for the Sub-Committee was whether the right of way subsists or is reasonably alleged to subsist.

Members of the Sub-Committee discussed the report. The Chairman remarked on the large number of evidence forms in support of the application gathered

from a small village in a sparsely populated rural area showing the intensity of use of the way over a twenty year period, and this point was supported by other Members. Members noted the evidence about the gates and stiles, but disagreed with the Consultant that the evidence as to the presence of locked gates was sufficient to show a lack of intention to dedicate. The evidence was not unambiguous as to when and which gates may have been locked and a gate might need to be installed for various purposes in a rural location. Some of the objectors had moved in more recently and their evidence would inevitably be more limited. The unanimous view was that there was no incontrovertible evidence to indicate that an order should not be made.

**RESOLVED that the Director of Corporate Services and Governance, in consultation with the Director of Environment and Public Protection, be authorised to make a Definitive Map Modification Order under section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the route shown by a broken line (A-B) on Plan 1 to the Definitive Map.**

(Councillor Michael Tickner, having arrived late, did not vote.)

The Meeting ended at 7.36 pm

Chairman

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**RIGHTS OF WAY SUB-COMMITTEE**

**10<sup>th</sup> January 2024**

**(A) QUESTIONS FOR ORAL REPLY**

By way of introduction to the questions, the Vice-Chairman stated that the Sub-Committee acted in a quasi-judicial capacity, and members of the Sub-Committee had to, at all times, ensure that they did not open up the decision-making process to challenge by way of being, or being seen to be, pre-determined.

**1. From Rob de Pascalis to the Chairman of the Sub-Committee**

Are the Sub-Committee members aware that there are two existing footpaths within 100 metres of the PROW application track one of which circumnavigates the same farm as the private track in dispute goes through?

**Reply:**

The existence or otherwise of other public rights of way in the vicinity of the Application route is not a matter that can lawfully be taken into consideration in the determination of the Application.

**2. From Steve Barnes to the Chairman of the Sub-Committee**

The report shows that there exists a reasonable body of evidence in favour of a "presumption of dedication" through the submission of over 80 evidence forms, yet the recommendation is that a DMMO should not be made. Given this stage of investigation holds that "reasonable" is sufficient, do you agree this is inconsistent?

**Reply:**

Section 31 (1) of the Highways Act 1980 is split into two parts, the first part deals with an initial presumption of dedication. The second part provides that the initial presumption may be overturned if there is evidence of lack of intention to dedicate. It is therefore entirely possible for there to be a reasonable allegation in favour of dedication, only for it to then be overturned by contrary evidence. That is what the consultant has concluded in this instance.

**3. From Abigail Rutherford to the Chairman of the Sub-Committee**

The consultant reportedly engaged with the residents of Petleys Farm, and walked the path with them; he did not engage with the applicant. Is it normal practice for a consultant to seek to interact with only with one side? Could this be considered by the Sub-Committee as potentially biased, inequitable and unprofessional?

**Reply:**

The Consultant did engage with the Applicant's representative albeit remotely. Given that the Application Route is private land, until proved otherwise, the only way that the Consultant can access the route is with the owner's consent. It is quite usual in cases of this nature for the investigator (in this case the consultant) to engage with landowners more so than applicants because this is often the only way to get the necessary information. Applicants are provided with a significant amount of information, free advice, and easy to complete forms etc to put their case. The nature of the process means that landowners do not have the benefit of this and as such the process is often viewed as being heavily biased in favour of the applicants. During the Investigation stage the Council and the Consultant are neutral. Any additional dialogue with the landowners ensures that both sides have an even opportunity to submit their cases.

**Supplementary Question:**

Do you accept that in engaging with the landowners and individuals not familiar with the path when it was open to walkers that the consultant would not have been given all the information?

**Reply:**

The Sub-Committee will remain neutral. The Consultant's report includes evidence from both sides and we will take account of the whole bundle.

**Additional Supplementary Question from Cllr Alisa Igoe:**

How did the consultant engage with the applicant?

**Reply:**

We don't know, it was probably via email. This would not make a material difference.

**4. From Alastair Rutherford to the Chairman of the Sub-Committee**

The report's explanation of the test at confirmation (route exists on the balance of probabilities) and at order making (it can reasonably be argued that the route exists) was poor. Where there is a conflict, an order should be made so that a public inquiry decides. Why has the consultant not followed correct procedure and recommended a public inquiry?

**Reply:**

The Consultant has followed correct procedure. The tests are set out in legislation and have been confirmed by the Courts.

An Order may be made if there is a reasonable allegation in favour of the establishment if the public right. This is a relatively low evidential threshold. Such an Order can however only be Confirmed (come into effect) if the rights are shown on balance of probability to subsist. This is a higher evidential threshold.

Whilst it is correct that where there is a conflict of credible evidence the Courts have ruled that an Order should be made to allow the process to be tested through the full process, this requirement cannot however be taken out of context. In this case the Consultant has concluded that there may be sufficient evidence of lack of intention to dedicate during the required twenty-year period that any conflict in the evidence falls away.

The Council cannot lawfully decide to make an Order simply to allow it to be determined at public inquiry. The Council must make a decision one way or the other over whether the alleged public right of way subsists.

#### **5. From Tony Dixon to the Chairman of the Sub-Committee**

Does the Council consider that it received value for money from the consultant when, apart from the other shortcomings mentioned, a large section of the report deals with historical situations which are irrelevant (at this stage) to the application which seeks to establish unrestricted use over the last 20 years?

#### **Reply:**

The Council is obliged to take into account all available and relevant evidence when both investigating and determining applications of this nature. This includes both modern day user evidence and historical evidence. It would have been remiss of the Consultant (and a disservice to the Applicants) if he had not considered the historic evidence. The amount of time spent on dealing with the historical elements of the evidence was minimal, and proportional for the case.

#### **Supplementary Question:**

The Consultant did not engage with the applicant, who was only able to make representations after he found out that the Consultant had met with the landowners. Do you think that the Consultant acted correctly?

#### **Reply:**

In terms of his report and the advice given, the Consultant has acted correctly.

#### **Additional Supplementary Question from Cllr Tony Owen:**

Did the Council make any attempt to contact the most recently retired Rights of Way officer?

#### **Reply:**

No.

#### **6. From Yvonne Barnes to the Chairman of the Sub-Committee**

(Ms Barnes was not present at the meeting so a written reply would be sent.)

See para 10.1(a) of the consultant's report at the end of page 16. This appears to refer to the attachment below - there is no dotted black line (as in the text) shown on this diagram - only a red dotted line. I believe this calls into question the validity of the analysis - does the committee agree ?

- [RoW 100124 App 1 - Plan 1 , item 5. PDF 1 MB](#)

**Reply:**

This is nothing more than a drafting error in the report. It has no bearing whatsoever on the analysis of the actual evidence. Clearly when making its decision the Council will have to ensure that it refers to a broken red line on the plan, and not a broken black line.

**7. From Rita Radford to the Chairman of the Sub-Committee**

In the light of the evidence - as supplied by most of the evidence submissions (over 80) of unimpeded use of Landway as a footpath for many years prior to 2019 - some over 80 years, some over 70 years and many others, why would the PROW committee not approve the PROW application?

**Reply:**

The Council is duty bound to make its decision based upon the actual evidence, not just part of it. No amount of public use will bring about the establishment of a public right of way if there is conclusive evidence that the owners of the land had no intention to dedicate such rights. Whilst there has undoubtedly been use of the Application Route by the public, there is evidence provided by both users and landowners of actions (by the landowners) which could demonstrate a lack of intention to dedicate. These actions deserve due consideration.

**Supplementary Question:**

If the objectors to the application are new occupants of recently converted buildings, not longstanding owners, and so may not be aware of the previous history, does this affect the quality of their evidence?

**Reply:**

The Sub-Committee will take into account a range of factors including the experiences of all those who have submitted evidence. It is a very lengthy report and I thank everyone who has contributed.



**RIGHTS OF WAY SUB-COMMITTEE**

**10<sup>th</sup> January 2024**

**(B) QUESTIONS FOR WRITTEN REPLY**

**1. From Philip Lapper to the Chairman of the Sub-Committee**

Does the sub-committee acknowledge that the evidence forms give a very mixed picture about the gate at the bottom of the track? From the wider evidence, there can be no reasonable doubt that there has been a locked gate for many years, so the forms saying otherwise must be inaccurate and should be dismissed from your consideration?

**Reply:**

The user evidence forms do give a mixed response regarding the existence of a gate. The existence of a gate across a way is not however evidence that public rights do not exist. In many instances witnesses will not recall the existence or location of gates if they do not impede their journey. People often only recall things that cause them a problem or inconvenience.

The fact that a gate is referred to by some user witnesses, does not mean that the gate was actually locked. That can only be taken to be the case if they specifically state this. Some user witnesses refer to locked gates along the route, not necessarily at the bottom of the track, other do not. This may be consistent with the occasional locking of the gates. It is however a matter for the Sub-Committee to determine how much evidential weight they place on this evidence.

The forms which do not mention gates certainly cannot be dismissed from consideration. It would be unlawful to do so. Such forms must be considered alongside all other available and relevant evidence.

**2. From Helen Lapper to the Chairman of the Sub-Committee**

Does the PROW committee accept that if the LBB employ a professional advisor to report on a technical issue beyond a layperson understanding that the LBB should only follow the recommendation provided by the paid/employed expert.

**Reply:**

The decision to be made by the PROW Sub-Committee is quasi-judicial in nature, which means that the Sub-Committee must make its own decision, based upon all of the available and relevant evidence. It would be potentially unlawful for it to blindly follow the recommendation, or opinion, of a third party.

Notwithstanding the above, the Sub-Committee cannot and should not disregard the advice it receive lightly. If the Sub-Committee reaches a different conclusion to that reached by its professional advisors, it will have to set out in some detail (as part of the minutes of the meeting) the rationale behind its decision.

**3. From Simon McDowell to the Chairman of the Sub-Committee**

Does the sub-committee acknowledge that the Landway only leads to fields that are actively farmed with large machines that take up the width of the track and, with blind spots, will pose significant health and safety risks to walkers and their dogs, which is one of the reasons why the landowners restrict access?

**Reply:**

The Landway as a physical track does lead to fields but also links to a public footpath at the golf course end. It would therefore be wrong to state that it only leads to fields at this stage of the proceedings. A full answer to that element of the question will only be resolved once the DMMO application has run its full course and the issue of the existence, or otherwise, of a public right of way has been determined.

Issues relating to health and safety, the width of the track, blind spots etc, whilst genuine concerns are not matters that can lawfully be taken into consideration. The DMMO application does not seek to create any new public rights, only record those already alleged to exist. If a public right of way is shown to have been established then both the landowners and the Authority may have to consider these issues.

**4. From Richard Ward to the Chairman of the Sub-Committee**

What is the Sub-Committee's opinion as to why two public footpaths lead into the western end of the Landway if not because the Landway has been used historically as a highway connecting the paths to the centre of the village? (See maps, Apps. 1&6.)

**Reply:**

The origin of the footpath that crosses the western end of the Application Route is unknown. The origins of the Application Route itself are however clearer and more probably than not rest in it being a private occupation road leading to fields. There is certainly insufficient historic evidence available at this time to suggest that the Landway was historically a public highway of any description. Whether public rights have been established through long public use has yet to be determined and is the

subject of the current application. It is however fair to say that if the footpath which crosses the western end of the Landway did not exist, then it would be highly unlikely that the Landway would be subject to any public right of way because it would be a cul-de-sac.

#### **5. From Wendy Ward to the Chairman of the Sub-Committee**

The user evidence summary table App 8 shows my name but no comment, and comments of others reduced to very few words / issues. I and others wrote on more than one issue. How will the committee be made aware of the full detail and range of comments made?

#### **Reply:**

The comments section of the Summary only contains comments that were considered relevant by the Consultant. If both comments were entered against a specific user, then this would indicate there is no information other than that covered elsewhere in the report. Appendix 8 should not be taken in isolation. All evidence provided to the Consultant is included within the report and its Appendices. The Sub-Committee will consider the report and its appendices in the whole, not isolated elements of it.

#### **6. From Joanna Clark to the Chairman of the Sub-Committee**

What evidence does panel consider is required if numerous statements, about 80, from local people confirming land used for many years as a path, is deemed insufficient? I would suggest that evidence provided by DRA is significant. It provides evidence that the community have used this path for many years.

#### **Reply:**

It is important to understand that no amount of public use will result in the establishment of a public right of way if there is evidence that the landowner had no intention to dedicate the route as a public right of way. In this particular case there would appear to be such evidence.

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