

TO MEMBERS OF THE COUNCIL

Notice is hereby given that a meeting of the Council of the London Borough of Bromley is to be held in the Council Chamber at Bromley Civic Centre, Stockwell Close, Bromley, BR13UH on Monday 11 March 2024 at 7.00 pm which meeting the Members of the Council are hereby summoned to attend.

Prayers

A G E N D A

- 1 Apologies for absence
- 2 Declarations of Interest
- 3 To confirm the Minutes of the meeting of the Council held on 26 February 2024 (Pages 3 - 12)
- 4 Petition (Pages 13 - 18)
- 5 Questions (Pages 19 - 26)

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

Questions specifically to clarify reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that these questions are received by the Democratic Services Team by 5pm on Tuesday 5th March 2024.

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

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

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

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

- 6 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees.
- 7 Planning Related Changes to the Local Planning Protocol and the Scheme of Delegation (Pages 27 - 56)
- 8 To consider Motions of which notice has been given. (Pages 57 - 60)

9 The Mayor's announcements and communications.

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Ao Adetosoye

**Ade Adetosoye CBE
Chief Executive**

**BROMLEY CIVIC CENTRE
STOCKWELL CLOSE
BROMLEY BR1 3UH
Friday 1 March 2024
Vol.60 No.6**

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the Meeting of the
Council of the Borough
held at 7.00 pm on 26 February 2024

Present:

**The Worshipful the Mayor
Councillor Mike Botting**

**The Deputy Mayor
Councillor Keith Onslow**

Councillors

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

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Mike Botting

48 Apologies for absence

Apologies for absence were received from Councillors Peter Dean, Kira Gabbert and Shaun Slator.

49 Declarations of Interest

Councillor Nicholas Bennett declared an interest in relation to minute 51 as a member of the Lee Valley Regional Park Authority.

Councillor Simon Fawthrop declared an interest in relation to minute 52 as his wife was employed by the Council.

50 To confirm the Minutes of the meeting of the Council held on 11 December 2023

It was noted that there was a typing error in question 9, on page 6 of Appendix C, which would be corrected.

RESOLVED that the minutes of the meeting held on 11th December 2023 be confirmed.

**51 2024/25 Council Tax
 Report CSD24022**

The Director of Finance had circulated the following changes to the Council Tax Resolution -

“There were no changes to the final Mayoral precept accepted by the London Assembly on 22nd February 2024.

Since the last meeting of the Executive there have been further changes on levies and the final position is shown in recommendation 2.1 (f) below.

Members are requested to note that the 2024/25 Budget includes the impact of the recommended 2024/25 pay award that is subject to Full Council approval (agenda item 7).

The above change will require the following proposed amendments to be made to the recommendations of the Executive:

Amended Recommendation (2.1)

- (e) approves a revised Central Contingency sum to reflect the allocation of the pay award, movement of levies and final local government settlement, resulting in a sum of £9,829k;
- (f) approves the following provisions for levies to include in the budget for 2024/25:

	£'000
London Pension Fund Authority	448
London Boroughs Grant Committee	248
Environment Agency (Flood defence etc.)	270
Lee Valley Regional Park	350

Total	1,316
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- (g) notes the final position on the GLA precept, as accepted by the London Assembly on 22nd February 2024; and
- (h) Sets a 2% increase in Adult Social Care Precept with a 2.99% increase in Bromley's General Council Tax, compared with 2023/24 (2% increase in Adult Social Care Precept and 2.99% increase in Bromley's General Council Tax) and 8.58% increase in the GLA precept."

The recommendations as amended above were moved by Councillor Christopher Marlow and seconded by Councillor Colin Smith.

The following amendments were moved by Councillor Simon Jeal and seconded by Councillor Jeremy Adams –

"After allowing for the report from the Director of Finance the following amendments are proposed to the recommendations of the Executive set out in the Blue Book on pages 27-134.

The following changes be made to the recommended budget for 2024/25:

Additional recommendations:

1. Council be recommended to:

- (k) Approve the proposed changes to the revenue budget as detailed in Appendix 1

Subject to the approval of (k) above:

- (l) Approve the following changes to the Capital Programme (agenda item 5):
- i) The addition of £3,150k for a Children's Home, funded from the Invest to Save earmarked reserve;
 - ii) The addition of £3,150k for a care home for Adults, funded from the Invest to Save earmarked reserve;
 - iii) The addition of £123.2m for a social housing scheme on the current Civic Centre site, funded by GLA Grant (£54m), external borrowing from the Public Works Loan Board (£58m) and the Invest to Save earmarked reserve (£11.2m);
 - iv) To not proceed with the planned disposal of the Civic Centre site;
 - v) The disposal of former 'Top Shop' building;
 - vi) The drawdown of £8m from the Growth Fund earmarked reserve to cover the net impact on capital financing arising from the change in capital receipts in iv) and v) above;
- (m) The detailed proposals relating to the changes in (l) will be reported back to Executive prior to final release of capital resources identified above.

Amended recommendations:

4. Council is recommended to formally resolve as follows:

(3) That the following amounts be calculated for the year 2024/25 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):

(a) £663,215k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.

(b) £463,199k being the aggregate of the amounts which the Council estimates or the items set out in Section 31A(3) of the Act.”

The following Members voted for the amendment –

Councillors Jeremy Adams, Jessica Arnold, Kathy Bance, Graham Casey, Will Connolly, Alisa Igoe, Julie Ireland, Simon Jeal, Kevin Kennedy-Brooks, Josh King, Ruth McGregor, Tony McPartlan, Chris Price, Chloe-Jane Ross, Ryan Thomson, Sam Webber and Rebecca Wiffen (17)

The following Members voted against the amendment –

Councillors Jonathan Andrews, Felicity Bainbridge, Yvonne Bear, Nicholas Bennett, Kim Botting, Mark Brock, David Cartwright, Josh Coldspring-White, Aisha Cuthbert, Sophie Dunbar, Robert Evans, Simon Fawthrop, Adam Grant, Hannah Gray, Sunil Gupta, Christine Harris, Colin Hitchins, Mike Jack, David Jefferys, Charles Joel, Jonathan Laidlaw, Kate Lymer, Christopher Marlow, Alexa Michael, Tony Owen, Angela Page, Will Rowlands, Colin Smith, Diane Smith, Mark Smith, Alison Stammers, Melanie Stevens, Harry Stranger, Michael Tickner, Pauline Tunnicliffe and Thomas Turrell (36)

The following Members abstained –

Councillors Mike Botting and Keith Onslow (2)

The amendment was **LOST**.

The following amendments were moved by Councillor Chloe-Jane Ross and seconded by Councillor Julie Ireland –

“After allowing for the report from the Director of Finance the following amendments are proposed to the recommendations of the Executive set out in the Blue Book on pages 27-134.

The following changes be made to the recommended budget for 2024/25:

Additional recommendations:

(k) Approve the proposed changes to the revenue budget as detailed in appendix 1 including the following:

i) carry forward of the £411k business rate levy adjustment for 2023/24

ii) contribution from Invest to Save earmarked reserve of £900k

iii) the implementation of the 100% Council Tax second home premium from 2025/26

Amended recommendations:

4. Council is recommended to formally resolve as follows:

(3) That the following amounts be calculated for the year 2024/25 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):

(a) £664,466k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.

(b) £464,450k being the aggregate of the amounts which the Council estimates or the items set out in Section 31A(3) of the Act.”

The following Members voted for the amendment –

Councillors Graham Casey, Will Connolly, Julie Ireland, Chloe-Jane Ross and Sam Webber (5)

The following Members voted against the amendment –

Councillors Jonathan Andrews, Felicity Bainbridge, Yvonne Bear, Nicholas Bennett, Kim Botting, Mark Brock, David Cartwright, Josh Coldspring-White, Aisha Cuthbert, Sophie Dunbar, Robert Evans, Simon Fawthrop, Adam Grant, Hannah Gray, Sunil Gupta, Christine Harris, Colin Hitchins, David Jefferys, Charles Joel, Jonathan Laidlaw, Kate Lymer, Christopher Marlow, Alexa Michael, Tony Owen, Angela Page, Will Rowlands, Colin Smith, Diane Smith, Melanie Stevens, Harry Stranger, Michael Tickner, Pauline Tunnicliffe and Thomas Turrell (33)

The following Members abstained –

Councillors Jeremy Adams, Jessica Arnold, Kathy Bance, Mike Botting, Alisa Igoe, Mike Jack, Simon Jeal, Kevin Kennedy-Brooks, Josh King, Ruth McGregor, Tony McPartlan, Keith Onslow, Chris Price, Mark Smith, Alison Stammers, Ryan Thomson and Rebecca Wiffen (17)

The amendment was **LOST**.

Accordingly, as proposed by Councillor Christopher Marlow and seconded by Councillor Colin Smith, the following recommendations of the Executive, with the changes proposed by the Director of Finance, were put to the vote -

Council resolves to:

(1) (a) Note the following recent changes including the outcome of the Final Local Government Settlement 2024/25 announced by DLUHC on 6th February:

- i) additional Services Grant funding of £24k;**
- ii) final allocation of Public Health Grant which represents a 2.1% increase in funding (£64k); and**
- iii) one-off funding of £411k in 2023/24 only, mainly relating to the government’s business rates safety net and levy account.**

- (b) Approve the schools' budget of £116.453m which matches the estimated level of Dedicated Schools Grant (DSG) after academy recoupment;
- (c) Approve the draft revenue budgets (as detailed in the revised Appendix 2) for 2024/25;
- (d) Agree that Chief Officers identify alternative savings/mitigation within their departmental budgets where it is not possible to realise any savings/mitigation reported to the previous meeting of the Executive held on 17th January 2024;
- (e) approve a revised Central Contingency sum to reflect the allocation of the pay award, movement of levies and final local government settlement, resulting in a sum of £9,829k;
- (f) approve the following provisions for levies to include in the budget for 2024/25:

	£'000
London Pension Fund Authority	448
London Boroughs Grant Committee	248
Environment Agency (Flood defence etc.)	270
Lee Valley Regional Park	350
Total	1,316

- (g) note the final position on the GLA precept, as accepted by the London Assembly on 22nd February 2024; and
- (h) Set a 2% increase in Adult Social Care Precept with a 2.99% increase in Bromley's General Council Tax, compared with 2023/24 (2% increase in Adult Social Care Precept and 2.99% increase in Bromley's General Council Tax) and 8.58% increase in the GLA precept.

2. Council Tax 2024/25 – Statutory Calculations and Resolutions (as amended by the Localism Act 2011).

Subject to 1. (a) to (h) above, if the formal Council Tax Resolution as detailed below is approved, the total Band D Council Tax will be as follows:

	2023/24 £	2024/25 £	Increase £	Increase % (note #)
Bromley (general)	1,218.25	1,260.35	42.10	2.99
Bromley (ASC precept)	189.80	217.96	28.16	2.00
Bromley (total)	1,408.05	1,478.31	70.26	4.99

GLA *	434.14	471.40	37.26	8.58
Total	1,842.19	1,949.71	107.52	5.84

* The GLA Precept may need to be amended once the actual GLA budget is set.

(#) in line with the 2024/25 Council Tax Referendum Principles, the % increase applied is based on an authority's "relevant basic amount of Council Tax" (£1,478.31 for Bromley) – see paragraph 6 below. Any further changes arising from these Principles will be reported directly to Council on 26th February 2024.

3. Council is formally resolves as follows:

- (1) It be noted that the Council Tax Base for 2024/25 is 135,300 'Band D' equivalent properties.**
- (2) Calculate that the Council Tax requirement for the Council's own purposes for 2024/25 is £200,016k.**
- (3) That the following amounts be calculated for the year 2024/25 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):**
 - (a) £663,110k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.**
 - (b) £463,094k being the aggregate of the amounts which the Council estimates or the items set out in Section 31A(3) of the Act.**
 - (c) £200,016k being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.**
 - (d) £1,478.31 being the amount at 3(c) above, divided by (1) above, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.**
- (4) To note that the Greater London Authority (GLA) has issued a precept to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below (NB. the GLA precept figure may need to be amended once the actual GLA budget is set).**
- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2024/25 for each part of its area and for each of the categories of dwellings.**

Valuation Bands	London Borough of Bromley £	Greater London Authority £	Aggregate of Council Tax Requirements £
A	985.54	314.27	1,299.81
B	1,149.80	366.64	1,516.44
C	1,314.05	419.02	1,733.07
D	1,478.31	471.40	1,949.71
E	1,806.82	576.16	2,382.98
F	2,135.34	680.91	2,816.25
G	2,463.85	785.67	3,249.52
H	2,956.62	942.80	3,899.42

- (6) That the Council hereby determines that its relevant basic amount of council tax for the financial year 2024/25, which reflects a 4.99% increase (Adult Social Care Precept increase of 2%), is not excessive. The Referendums Relating to Council Tax Increases (Principles) (England) Report 2024/25 sets out the principles which the Secretary of State has determined will apply to local authorities in England from 2024/25. Any further changes arising from these Principles will be reported directly to Council on 26th February 2024. The Council is required to determine whether its relevant basic amount of Council Tax is excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

The following Members voted for the motion –

Councillors Jonathan Andrews, Felicity Bainbridge, Yvonne Bear, Nicholas Bennett, Kim Botting, Mark Brock, David Cartwright, Josh Coldspring-White, Aisha Cuthbert, Sophie Dunbar, Robert Evans, Simon Fawthrop, Adam Grant, Hannah Gray, Sunil Gupta, Christine Harris, Colin Hitchins, Mike Jack, David Jefferys, Charles Joel, Jonathan Laidlaw, Kate Lymer, Christopher Marlow, Alexa Michael, Tony Owen, Angela Page, Will Rowlands, Colin Smith, Diane Smith, Mark Smith, Alison Stammers, Melanie Stevens, Harry Stranger, Michael Tickner, Pauline Tunnicliffe and Thomas Turrell (36)

The following Members voted against the motion –

Councillors Jeremy Adams, Jessica Arnold, Kathy Bance, Alisa Igoe, Simon Jeal, Kevin Kennedy-Brooks, Josh King, Ruth McGregor, Tony McPartlan, Chris Price, Ryan Thomson and Rebecca Wiffen (12)

The following Members abstained –

Councillors Mike Botting, Graeme Casey, Will Connolly, Julie Ireland, Keith Onslow, Chloe-Jane Ross and Sam Webber (7)

The amendment was **CARRIED**.

52 Capital Strategy 2024/25 to 2027/28 and Q3 Capital Programme Monitoring
Report CSD24023

A motion to approve the Council Strategy for 2024/25 to 2027/28, including an increase of £2,477k in relation to new schemes to be added to the Capital programme as detailed in section 3.11 of the report to the Executive, was moved by Councillor Christopher Marlow, seconded by Councillor Yvonne Bear and **CARRIED**.

53 Treasury Management - Annual Investment Strategy 2024/25 and Quarter 3 Performance 2023/24
Report CSD24024

A motion to note Treasury Management performance report for the third quarter of 2023/24 and to adopt the Treasury Management Statement and Annual Investment Strategy for 2024/25 including (i) the Prudential Indicators for the period 2024/25 to 2026/27 (Annex 3 of Appendix 4 of the report) and (ii) the Minimum Revenue Provision (MRP) Policy Statement (paragraph 2.4 of Appendix 4 to the report), was moved by Councillor Christopher Marlow, seconded by Councillor Colin Smith and **CARRIED**.

54 2024/25 Pay Award
Report CSD24025

The following amendment was moved by Councillor Josh King and seconded by Councillor Kevin Kennedy-Brooks

“Amend recommendation 2.1 (ii) to add the words:

[Spinal Point 12 (BR4)...] which shall be increased to an hourly rate of £13.15, in line with the London Living Wage as at 1st April 2024. In consideration of the current cost of living pressures, an additional pay award of £500 shall be made for 2024/25 to each member of staff from grades BR4 to BR8 inclusive.”

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

A motion to approve (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 spinal points 9-11 (affecting grade BR3) with assimilation to equivalent 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) reject the Trade Union pay claim for staff, and to note that, as in previous years since coming out of nationally/regionally negotiated frameworks, Bromley staff will receive the 2024/25 pay increase in time for the April pay, was moved by Councillor Pauline Tunnicliffe, seconded by Councillor Colin Hitchins, and **CARRIED**.

55 Pay Policy Statement 2024/25
Report CSD24026

A motion to approve the 2024/25 Pay Policy Statement was moved by Councillor Pauline Tunnicliffe, seconded by Councillor Colin Hitchins and **CARRIED.**

56 Members Allowances Scheme 2024/25
Report CSD24027

A motion to approve (i) the Members Allowances Scheme 2024/25 (Appendix 2 to the report) on the basis of a 3% increase in line with the proposed increase for officers and (ii) the increase of the Mayoral and Deputy Mayoral Allowances by 3% to £16,946 and £4,157 respectively, was moved by Councillor Pauline Tunnicliffe, seconded by Councillor Colin Hitchins and **CARRIED.**

57 The Mayor's announcements and communications.

The Mayor thanked Members for their attendance at recent events –

- The Civic Carol Service and Nine Lessons on 17th December at All Saints Church in Orpington;
- The Sunday Lunch at The Warren to raise funds for Ukraine;
- Holocaust Memorial Day;
- The Annual Mayor's Quiz;
- The service to mark the second anniversary of the start of the war in Ukraine.

The Mayor reminded Members about the forthcoming events –

- Wine Tasting Evening on 16th March 2024;
- The Walnuts Restaurant in Locksbottom were offering a Sunday Lunch in aid of the Mayor's Charities;
- The dinner at the East India Club in April was now fully booked, but there was a waiting list.

The Mayor thanked Members for their phenomenal support throughout his year.

The Meeting ended at 9.23 pm

Mayor

Agenda Item 4

Report No.
CSD24029

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 11 March 2024

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

Title: PETITION

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

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

Ward: Petts Wood & Knoll

1. Reason for decision/report and options

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

1.2 A petition asking the Council to install two pedestrian crossings outside the Crofton Schools in Orpington was received in January 2024. The petition requests the Council to –

“Set up two zebra crossings – one in Crofton Lane near Crofton Infant School and the second in Towncourt Lane near Crofton Junior School in Orpington.”

The Council sent a formal response on 1st February 2024, but the petitioners have requested to address the Council.

1. **RECOMMENDATION**

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

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Transformation Policy

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

Financial

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

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Property

1. Summary of Property Implications: Not Applicable
-

Carbon Reduction and Social Value

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

Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
-

Impact on Health and Wellbeing

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

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

Two Zebra Crossings near Crofton School, Orpington

- 3.2 A petition asking the Council to install two pedestrian crossings outside the Crofton Schools in Orpington was received in January 2024. The petition requests the Council to –

“Set up two zebra crossings – one in Crofton Lane near Crofton Infant School and the second in Towncourt Lane near Crofton Junior School in Orpington.”

- 3.3 The supporting information submitted with the petition is set out at [Appendix A](#) to this report. The following reply was sent to the lead petitioner on 1st February 2024, explaining the Council's position –

“Thank you for the petition recently received requesting zebra crossings outside Crofton Junior and Crofton Infant Schools. The possible need for a crossing here had already been brought to the attention of the Council by your Ward Councillors. In response to this Officers took [a report](#) to the Council's scrutiny committee in November to ask for approval to seek funding for a study. That recommendation was subsequently supported by Members and a decision to add this location to the list was made by Cllr Bennett, Portfolio Holder for Transport, Highways & Road Safety.

Bromley has now received confirmation from TfL that funding has been approved for this study for 2024/25. What this means in practice is that in the coming months the traffic engineers will be able to commission speed and volume studies plus pedestrian counts, which are essential to decide where and what type of crossings or other improvements might be most beneficial. Some initial site visits have already taken place.

I should point out that the installation of formal crossings cannot be certain, as there may be physical or safety constraints that prevent this being taken forward. Some of the considerations are set out [here](#) on the Council website. Whether or not zebra crossings are recommended when the data has been analysed and further observations made at the locations in question, Officers will look to see if other enhancements can be made in respect to signs and road markings.

If you need to ask for further information, can I suggest you contact the Council's School Travel Plans team, who are copied into this email. However, if you are not completely satisfied with the Council's response, as Lead Petitioner you can address the next full Council meeting on 11th March 2024 for up to 5 minutes; I'm happy to expand on this if that would be helpful.”

- 3.4 The paper petition contains 546 verified signatures, plus a further 890 verified online signatures and is therefore above the threshold allowing the lead petitioner to speak at a full Council meeting. The lead petitioner, Karina Malka, has indicated that she is not satisfied with the Council's response and would like to take up the opportunity to address full Council in support of her petition.

Non-Applicable Headings:	Impact on vulnerable adults and children/Policy/Finance/Legal/Human Resources/Procurement/Property/Carbon Reduction/Local Economy/health and Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Petition documents received by the Council

PETITION TO THE COUNCIL OF BROMLEY

A title: Two zebra crossings near Crofton School, Orpington

Statement/actions we would like Council to do: Set-up two zebra crossings - one in Crofton Lane near Crofton Infant School and the second in Towncourt Lane near Crofton Junior School in Orpington

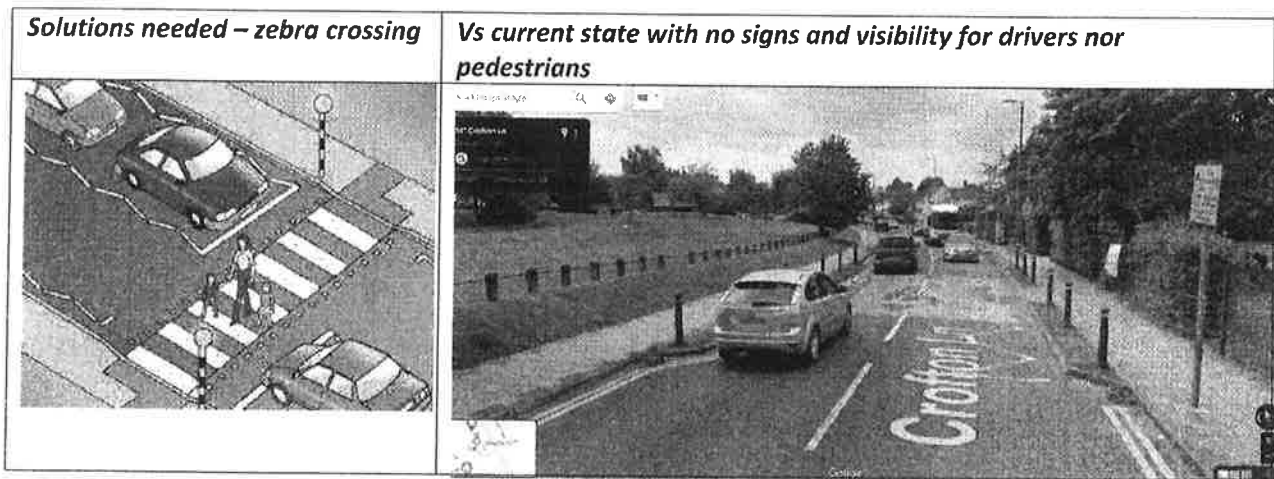
PETITION TO THE COUNCIL OF BROMLEY

Paper petition will be supported by e-petition.

A title: Two zebra crossings near Crofton School, Orpington

Statement/actions from the Council: Set-up two zebra crossings (*) - one in Crofton Lane near Crofton Infant School and the second in Towncourt Lane near Crofton Junior School in Orpington

(*) Zebra Crossing is marked by black and white painted strips across the road and flashing amber beacons. The Highway Code says that motorists '**must** give way when someone has moved onto a crossing'. However, pedestrians should remain on the kerbside for safety's sake until approaching vehicles have stopped.



Justification:

- **Prior petitions:** This is not a first petition in this matter, which indicates that this is not a new issue. The local community keeps on requesting for safe crossings near Crofton school, but in the past the Council has not considered the safety of the children as a priority. Also, the previous petitions have been rejected by the Council as they did not follow the correct format. We hope that this time the Council will make a decision that is best for over 1,000 children crossing the street every day, and that the voices of their parents and carers will be heard, before a serious accident occurs. We also hope that this will be considered without any political angle, but from a perspective of what is best for the children.
- **Crofton is one of the largest schools in Bromley, with heavy traffic in the area, but no safe crossings.** Over 1,000 children attend the school - about 540 in Infant Crofton School and about 720 in Junior Crofton School. Some Children start school at 7:30am in the Breakfast Club, others at 9:30am in the classroom. Children end school at 3:30pm or between 5:00pm and 6:30pm in the Afternoon Club. Hence often it is still dark when crossing the street. Currently the place to cross the street in front of the entrance to Breakfast and Afternoon school club in Crofton Lane is not marked and does not provide visibility or safety for pedestrians (mainly children with parents and carers) and does not alert the drivers as it is simply not visible, but also does not require the drivers to give priority to pedestrians. In front of the entrance in Towncourt Lane there is even no crossing. There is heavy traffic area in the morning and in the evening.

PETITION TO THE COUNCIL OF BROMLEY

A title: Two zebra crossings near Crofton School, Orpington

Statement/actions we would like Council to do: Set-up two zebra crossings - one in Crofton Lane near Crofton Infant School and the second in Towncourt Lane near Crofton Junior School in Orpington

- Lack of safety:** Due to no proper crossing, some drivers either do not see that this is a spot where pedestrians will cross, or they do not feel obliged to stop given no requirement. Parents with children who are trying to cross the road either on a good sunny day or a rainy dark morning or evening (given hours mentioned above) are often ignored by the drivers as some drivers will allow pedestrians to cross, but most of the others don't and this unfortunately will either cause accidents or we will be honked at. Situation is dramatic as also riskier cases that occur are when one driver stops on the right, but the other on the left does not. Parents often holding hands of two children or also pushing a buggy must wave at the drivers and risk safety of their children. Additionally, in Towncourt Lane parent have no place to cross from / to bus stop that is opposite the Junior school. Stopping vehicles to allow pedestrians to cross at the proposed zebra crossings will create a safer environment for all road users as drivers will have clear rules to follow thanks to the flashing amber beacons and the "human judgement and willingness" elements will be eliminated which in fact are the riskiest factors.
- Prior incidents.** At this point we have six cases of casualties with involvement of adult pedestrians from last three years, but this includes Covid-19 period (lockdowns), and evidence from a longer period has been requested from the Police and will be supplemented once available.

Date	Time	Location	Category	Severity	Age	Gender	Occupation	Vehicle	Driver	Witness	Police	Notes
23/09/2021	18:30	Crofton Lane	Pedestrian	Minor	10	Female	Parent	Car	None	Yes	Reported	Driver did not stop for pedestrian crossing.
15/08/2021	16:30	Crofton Lane	Pedestrian	Minor	8	Male	Child	Car	None	Yes	Reported	Driver did not stop for pedestrian crossing.
17/08/2021	17:00	Crofton Lane	Pedestrian	Minor	12	Female	Child	Car	None	Yes	Reported	Driver did not stop for pedestrian crossing.
12/08/2021	16:00	Crofton Lane	Pedestrian	Minor	11	Male	Child	Car	None	Yes	Reported	Driver did not stop for pedestrian crossing.
09/08/2021	17:30	Crofton Lane	Pedestrian	Minor	9	Female	Child	Car	None	Yes	Reported	Driver did not stop for pedestrian crossing.
25/08/2021	16:45	Crofton Lane	Pedestrian	Minor	10	Male	Child	Car	None	Yes	Reported	Driver did not stop for pedestrian crossing.

- Proposed solution involves relatively low and only a one-time cost, but it would provide increased safety for over one thousand children for years.** We understand that managing budgets is a focus for the Council. However, two Zebra crossings which we are proposing are cheaper to build than traffic signal-controlled crossings, hence it is not the most expensive solution. Also, a cost of zebra crossing given its one-time nature is lower than total cost of the lollipop patrols that would need to be paid every year. Furthermore, Bromley borough is one of the largest and in the top of 25 local authorities in the UK with most of high earning residents, which may indicate that a cost of two zebra-crossings would not create constraints in the budget, and local community representing 1,000 children every year would like to see that the council tax addresses their needs.

Contacts for this petition:

Guidance - who can sign a petition: A petition can be signed by a person of any age who lives, works or studies in Bromley. All petitioners should provide as appropriate their home, work or education establishment address. You can only sign a petition once; the list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be discounted.

(A)

Council

11 March 2024

Questions from Members of the Public for Oral Reply

1. From Kieran Terry to the Portfolio Holder for Transport, Highways and Road Safety

In 2021, when I was a Chislehurst Councillor, I put forward some drawings for road safety improvements at Chislehurst War Memorial. In particular, these included the creation of new pedestrian crossings without the related traffic congestion, environmental and road safety issues from previous proposals. Will the Portfolio Holder consider these plans further?

2. From Ju Owens to the Chairman of the Executive, Resources and Contracts PDS Committee

With regards to your recent request for officers to review Bromley Council's processes, policies and procedures to protect and defend freedom of speech, do you agree that freedom of speech does not equate to freedom from consequences?

3. From Ray Nowak to the Portfolio Holder for Renewal, Recreation and Housing

How many households have benefited from the Bromley Household Support this past fiscal year and what is the balance remaining in that fund?

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(B)

Council

11 March 2024

Questions from Members of the Public for Written Reply

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

I welcome the partnership between the Council and the London Mayor on tackling empty properties. Will the Council prioritise the 3 large properties in the Beckenham area which have been empty for well over 10 years?

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(C)

Council

11 March 2024

Questions from Members of the Council for Oral Reply

1. From Councillor Tony McPartlan to the Portfolio Holder for Transport, Highways and Road Safety

There is an increasing problem of inconsiderately parked vehicles in areas where pavement parking is permitted. This can lead to the pavements being partially or fully blocked, causing difficulty and danger for pedestrians, especially disabled and elderly people. What can we do to encourage residents who legally park on pavements to do so considerately?

2. From Councillor Jonathan Andrews to the Portfolio Holder for Portfolio Holder for Transport, Highways and Road Safety

To ask the Portfolio Holder what was the outcome of the trial of the Pothole Pro machine and whether he has any other plans to review new technology to improve efficiency?

3. From Councillor Alexa Michael to the Portfolio Holder for Transport, Highways and Road Safety

Will the Executive Member for Transport Highways and Road Safety make a statement as to how the allocation by His Majesty's Government of £455,000 for potholes is to be spent?

4. From Councillor Graeme Casey to the Portfolio Holder for Children, Education and Families

What investigations have been made to consider the potential financial savings that could be made for children's services by investing in a Council run children's home?

5. From Councillor Chris Price to the Leader of the Council

What plans do the Council have for celebrating Gypsy Roma Traveller Month this year?

6. From Councillor Alisa Igoe to the Portfolio Holder for Renewal, Recreation and Housing

Reference: Full Council 11 December 2023 - the Portfolio Holder's response to Cllr Bance "that reports should be made to the Council's rough sleeper team, who could then refer to other agencies as appropriate."

On my 16 January 2024 Teams call with the Council's Rough Sleeper Coordinator I was advised to initially report rough sleepers to Streetlink, an outside agency, who the Coordinator said would then report to the Council. Which advice is correct, that given to me, or that given to Cllr Bance?

7. From Councillor Simon Jeal to the Portfolio Holder for Renewal, Recreation and Housing

Could you please outline the purpose of the Bromley Homelessness Forum, led by Bromley Council's Housing division?

8. From Councillor Jeremy Adams to the Leader of the Council

Bromley depends on charities and voluntary organisations, but many, especially smaller, local organisations, are facing ever greater financial pressures and reduced income. What measures can or will the Council take to support local charities and voluntary organisations in our borough?

9. From Councillor Simon Jeal to the Portfolio Holder for Children, Education and Families

Since Harris Federation withdraw their application to the Department for Education to open a free school a year ago, has the Council continued working on plans for a secondary school on the Kentwood site?

(D)

Council

11 March 2024

Questions from Members of the Council for Written Reply

1. From Councillor Tony Owen to the Portfolio Holder for Transport, Highways and Road Safety

To ask the Portfolio Holder if he will list all the borough roads with 20 MPH speed limits, the date they were introduced and their rationale and if he will review their utility?

2. From Councillor Tony Owen to the Portfolio Holder for Transport, Highways and Road Safety

To ask the Portfolio Holder if he will list all roads with humps, when they were installed and the rationale for their installation and whether he review their utility.

3. From Councillor Will Connolly to the Portfolio Holder for Environment

Since the changes to service for Flats recycling for service improvements, have reports of missed collections risen or reduced in numbers and what measures are being taken to address any ongoing issues at addresses that frequently report missed collections?

4. From Councillor Alisa Igoe to the Portfolio Holder for Transport, Highways and Road Safety

HGVs which service a Plaistow ward supermarket need to reverse into the store's car park, to be able to exit. The Council has provided additional double yellow lines however I am still receiving complaints of the danger to pedestrians and vehicles. Would the Portfolio Holder agree to officers meeting me and the store staff on site to solve this issue?

5. From Councillor Sam Webber to the Portfolio Holder for Renewal, Recreation and Housing

Can the Portfolio Holder help residents of Lownds Court in Bromley hold their new freeholders (The Alaskan Permanent Fund / APF) and managing agents (Prior Estates) to account, given the 3 blocks (comprising 20 flats) was recently sold off by the Council when the remaining 50% of The Glades was sold off to the APF.

Residents who are leaseholders wish to ask about the APF about the possibility of buying the freehold of their properties and wish to hold the agents to account over a lift which has been out of order for months and the sinking fund, to which all leaseholders contribute each year.

Neither organisation is currently being responsive to residents.

6. From Councillor Sam Webber to the Portfolio Holder for Environment

Will the Portfolio Holder ensure that all new trees planted in Council maintained parks by LBB staff or idverde, are properly maintained from now on? Could he confirm if any such planted trees in Queen's Gardens in Bromley have had to be replaced?

Agenda Item 7

Report No.
CSD24039

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 11 March 2024

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

Title: PLANNING RELATED CHANGES TO LOCAL PLANNING
PROTOCOL AND SCHEME OF DELEGATION

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

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

Ward: All

1. Reason for decision/report and options

- 1.1 At its meeting on 5th March 2024 the Development Control Committee is due to consider the attached report recommending changes to the Local Planning Protocol and Code of Conduct and the Scheme of Delegation to Officers. There is an addendum to the report recommending additional changes to the Scheme of Delegation. Both the Local Planning Protocol and the Scheme of Delegation to Officers form part of the Council's Constitution and full Council approval is therefore required for the changes.

2. RECOMMENDATION

Subject to the final recommendation from Development Control Committee on 5th March, 2024, Council is recommended to approve the changes to the Local Planning Protocol and Code of Conduct and the Scheme of Delegation to Officers.

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*): Chief Officers and Deputy Chief Officers as defined in the Local Government & Housing Act.
2. If from existing staff resources, number of staff hours: Not Applicable

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable

Property

1. Summary of Property Implications: Not Applicable

Carbon Reduction and Social Value

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

Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable

Customer Impact

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

Ward Councillor Views

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

Non-Applicable Headings:	Adults & vulnerable children, Policy, Finance, Personnel, Legal, Procurement, Property, Carbon Reduction, Local Economy, Health and Wellbeing, Customer, Ward Councillors
Background Documents: (Access via Contact Officer)	See attached report.

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Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 5 March 2024

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

Title: PLANNING RELATED CHANGES TO LOCAL PLANNING
PROTOCOL AND SCHEME OF DELEGATION

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: All Wards

1. Reason for decision/report and options

- 1.1 This report sets out changes proposed as part of a new annual review of the Local Planning Protocol and the Scheme of Delegation to Officers insofar as it relates to the Development Control Committee.
-

2. **RECOMMENDATION(S)**

- 2.1 **The Committee is asked to approve the proposals set out in 3.1 to 3.8 of this report and the related changes in the appended Local Planning Protocol and Scheme of Delegation. These changes will need to then be agreed at Full Council.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Transformation Policy

1. Policy Status: Not Applicable:
 2. Making Bromley Even Better Priority (*delete as appropriate*):
 - (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.
-

Financial

1. Cost of proposal:: Unknown at this point
 2. Ongoing costs: Recurring Cost: Additional committee reports and committee time
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £
 5. Source of funding: Existing budget
-

Personnel

1. Number of staff (*current and additional*): 90
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance: Planning enforcement is not a statutory activity
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: None
-

Property

1. Summary of Property Implications: None
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: None
-

Impact on the Local Economy

1. Summary of Local Economy Implications: None
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: None
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A
3. **COMMENTARY**

3.1 A number of changes to the Local Planning Protocol and Scheme of Delegation to Officers are proposed to achieve the objectives set out below. The proposed changes to the documents are appended to this report.

3.2 (i) Enabling Members to have the ability to 'call-in' planning enforcement cases to Plans Sub-Committees.

It is proposed that when officers have identified a breach of planning control and are at the point of wanting to either issue an enforcement or breach of condition notice or close the file and take no further action because it isn't expedient then the ward councillors are informed of the case and proposed course of action by email and given 5 working days to call in the matter for a decision at Plans Sub Committee if they wish.

This would be using the existing online call-in form for planning applications so that there is no ambiguity, and a reference number along with planning reasons for the call-in would be required to be provided. If no call-in form is received after 5 working days, officers can proceed as they originally proposed. Because no breach may be identified and because the relevant facts would be needed for Councillors to make the call-in decision, call-in cannot take place until the formal notification email to Ward Councillors is sent as set out above.

A one-year trial of this process is recommended so that the resource and other implications including decision outcomes can be assessed.

3.3 (ii) Decisions against officer recommendation – strengthening the guidance.

The guidance in the Local Planning Protocol has been strengthened – see the appended draft updated version.

3.4 (iii) Clarifying the guidance around site visits.

The guidance in the Local Planning Protocol has been strengthened – see the appended draft updated version.

3.5 (iv) Clarifying the rules around visiting ward Members at meetings – setting a maximum speech limit of three minutes, to be consistent with the arrangements for members of the public.

This has been added to the Local Planning Protocol – see the appended draft updated version.

3.6 (v) Allowing ward Members who are unable to attend a meeting to request that any member of the committee reads out a statement on their behalf.

This has been added to the Local Planning Protocol– see the appended draft updated version.

3.7 (vi) Adding a statement that draft minutes should be produced as quickly as practicable – ideally within five working days.

This has been added to the Local Planning Protocol – see the appended draft updated version.

3.8 (vii) It has been suggested that the Protocol should be reviewed annually by Development Control Committee, towards the end of the Council year, so that any updates can be put in place before the start of the next Council year.

4 FINANCIAL IMPLICATIONS

- 4.1 Call-in for enforcement cases will result in additional cost as a result of preparation of formal reports and committee time. The scale of this is currently unknown. Decisions contrary to officer recommendation may result in lost appeals and costs awarded against the Council at appeal.

5 PERSONNEL IMPLICATIONS

- 5.1 Call-in of enforcement cases may result in additional staffing pressures within the existing team in respect of administering the process, formal report writing and attendance at committee meetings. Additional training for committee members would also be required to ensure properly informed decision making on enforcement matters.

6 LEGAL IMPLICATIONS

- 6.1 Call-in for enforcement cases may delay the legal process and there could be a higher risk of judicial review, lost appeals and awards of costs against cases considered at committee.

7. WARD COUNCILLOR VIEWS

- 7.1 The suggested changes in this report have been proposed by Councillors.

Non-Applicable Headings:	Transformation Policy/Procurement/Property/Carbon Reduction and Social Value Implications; Impact on Vulnerable Adults and Children/the Local Economy/Health and Wellbeing; Customer Impact
Background Documents: (Access via Contact Officer)	Local Planning Protocol Scheme of Delegation to Officers PAS Review for LBB 2019 & 2021

30. Local Planning Protocol and Code of Conduct



London Borough of Bromley Local Planning Protocol and Code of Conduct

Contents:

1. Introduction
- 1.A. Attendance at Planning Committee
2. Referral of Applications to Committee
3. Agenda and Reports
4. Site Visits
5. Late Representations
6. Public Speaking Procedure
7. Order of Proceedings
8. Decision Making and Voting
9. Councillor and Officer Roles

1 Introduction

1.1 Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.

1.2 The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate. Planning decisions are based on balancing competing

interests and making an informed judgement against a local, regional and national policy framework.

1.3 The seven principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, both nationally and locally, and as such applies to councillors and officers. The overarching principles were first set out by Lord Nolan in 1995 in the Government's First Report on Standards in Public Life. They were reasserted and refined in subsequent reports of the Committee on Standards in Public Life, most recently the Local Government Ethical Standards Report published in 2019. These principles are:

- **Selflessness:** holders of public office should act solely in terms of the public interest.
- **Integrity:** holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity:** holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability:** holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness:** holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** holders of public office should be truthful.
- **Leadership:** holders of public office should exhibit these principles in

their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

1.4 This protocol and code of conduct applies to all planning committee meetings, currently known as Development Control Committee and Plans Sub Committees, and to all Officers and Councillors attending committee meetings. Reference to planning committee is to either of these meetings. Planning committee is a formal meeting of elected Members who make statutory decisions as the Local Planning Authority.

1.5 The purpose of this document is to help all those involved with planning committees, and in particular those making decisions, be consistent in their behaviour and approach and to ensure that the meetings are conducted fairly, transparently and in accordance with the relevant legislation. It has been produced in accordance with the Planning Advisory Service publication 'Probity in Planning' – December 2019. [This document will be reviewed annually.](#)

1.6 Where permission is refused, applicants can appeal against planning decisions to the independent Planning Inspectorate, with a possibility of costs being awarded against the Local Planning Authority if unreasonable behaviour by the Authority can be demonstrated. Appeals can also be submitted against the imposition of planning conditions.

1.7 Planning decisions can be the subject of judicial review, and aggrieved parties can go to the Local Government and Social Care Ombudsman with complaints about maladministration. Adherence to this protocol will minimise the risk of appeals being lost, successful costs claims, lost court cases and upheld complaints.

1A Attendance at Planning Committee Meetings

1A.1 Officers and Councillors attending any planning committee meetings to address or advise the committee are required to have read, understood and abide by this Protocol prior to attending a meeting.

1A.2 Substitute Members at planning committee meetings should be impartial and no more than two Members sitting on a committee should be representing any particular ward at any time. This does not include visiting Members who cannot vote.

1A.3 All Members who sit on a planning committee are required to have basic training before they sit on that committee, which is provided annually on the following topics and will be monitored:

- Introduction to Planning
- The Development Plan and Decision Making
- Predetermination and Predisposition
- Probity and Disclosure of Interests
- How Committees Work
- The Local Planning Protocol

1A.4 When more than 50% of the Members of a specific Plans Sub Committee declare at the start of the meeting (or beforehand) that they know a planning applicant, the matter would automatically be referred to the Development Control Committee. The Chairman of each committee is responsible for identifying such cases.

2. Referral of Applications to Committee

2.1 Applications can be included on a committee agenda for any of the following reasons:

1. They are subject to a written 'call in' by a Councillor

2. They fall outside of the powers delegated to Planning Officers
3. Planning Officers decide to refer the application to committee

2.2 This is a summary and reference should be made to the Scheme of Delegation ([London Borough of Bromley Constitution Chapter 6 - Scheme of Delegation](#)) which provides the constitutional framework for powers of delegation to Officers and sets out the arrangements for 'call in'.

2.3 Planning applications, tree matters and contravention reports can be considered by either Plans Sub Committee or Development Control Committee. Matters of policy and strategic reports are only considered by Development Control Committee.

2.4 If an application is to be considered at planning committee (see 2.1 above), the following procedures apply to determining which committee to report it to:

- 'Non-major' applications are considered by Plans Sub Committee unless the Assistant Director (Planning) determines that the application is of strategic importance and refers it to Development Control Committee.
- 'Major' applications - Officers recommend a decision route and this is agreed by the Chairman and/or the Vice Chairman of Development Control Committee within 3 working days of receiving the Officer recommended decision route in writing. This will normally be via a recommendation list provided at least monthly.

2.5 Applications are placed onto committee agendas by Officers using a 'cab rank' principle whereby they are reported to the next available committee once the case officer is content that the application is ready to be reported. Members should not request to Officers that applications be considered by a particular committee or on a particular date.

3. Agenda and Reports

3.1 The planning committee agenda will include planning applications in numerical order based on the application reference number.

3.2 Application reports are normally presented in a standard format provided by the Assistant Director (Planning). Reports will identify and analyse the material considerations, of which the committee will need to take account when considering the application on its planning merits. The presentation of reports for matters other than applications may vary according to their content but will present a clear recommendation where appropriate.

3.3 Planning committee agendas must be published on the Council's website a minimum of 5 working days prior to the committee meeting.

3.4 Planning application reports will always include an officer recommendation for either approval or refusal. Non application reports will include a recommendation where appropriate.

4. Site Visits

4.1 Planning Officers will normally visit each application site for cases being considered by committee and these visits are used to inform the committee report and recommendation. Photographs from these visits are often used within reports to illustrate particular important points.

4.2 For formally arranged Councillor site visits, the Chairman of the relevant committee in consultation with the Assistant Director (Planning) or Head of Development Management will decide whether a site visit for committee members is necessary in advance of any particular application being determined at committee. Such visits will not be publicised.

4.3 A site visit for committee members is only likely to be necessary if either:

- I. the impact of the proposed development is particularly difficult to visualise from the plans and any supporting material, including photographs taken by officers; or
- II. the proposal is particularly contentious.

[A formal site visit will not be necessary where a site is predominantly visible from a publicly accessible area and in such circumstances it is preferable for discreet individual site visits to be carried out if Members feel they wish to see the site first hand so as to avoid possibilities of lobbying by any party.](#)

4.4 Formally arranged site visits are for Members to observeing the site and gaining a better understanding of the issues. They should not be used as a lobbying opportunity by applicants or their agents, local residents, objectors or supporters or for debating any aspect of the proposal or for making any decision. Councillors will usually be accompanied by a Planning Officer.

4.5 It is often useful for committee members to visit a site to familiarise themselves with it prior to consideration of an application at committee. If Members do encounter an applicant or neighbour during any informal visit, they should not express an opinion, either for or against the proposal.

4.6 Doing so could be misinterpreted as lobbying and may create a suspicion of bias. If such contact is made this should be declared in Committee, but this should not prevent that Member from taking part in the consideration of that application provided they have acted in accordance with the advice in this Protocol.

5. Late Representations

5.1 Planning applications involve public consultation which has to comply with a legal statutory minimum requirement. In many cases the Council consults over and above the statutory minimum and our approach to this is set out in Section 4 of our

published Statement of Community Involvement - [Bromley Council Statement Of Community Involvement](#)

5.2 Public consultation on planning applications includes a formal period for representations to be submitted, and representations are accepted only on a discretionary basis after the expiry of the formal consultation period. Representations received after formal consultation has closed are not guaranteed to be considered in the determination of an application.

5.3 To ensure that all representations can be assessed and presented to planning committee as appropriate, it is necessary to have a cut off time for receiving representations on applications to be considered at committee and this is 12 noon on the day of the meeting. The Assistant Director (Planning) has the final decision on whether to accept late representations.

5.4 As committee reports are prepared and published some time in advance of committee meetings, any representations (including those from consultees) received after publication of the report will be uploaded to our website and may be verbally summarised by the Officer attending the meeting.

5.5 If late representations affect the conclusions of the report or recommendation this will be reported verbally to the committee.

5.6 Documents must not be distributed to committee members at the committee meeting (including by public speakers) to ensure that the material considered in the determination of the application is available to all.

6. Public and Visiting Councillor Speaking Procedure

6.1 Members of the public making written comments on planning applications which are to be considered by a planning committee have the opportunity to verbally

address Councillors at committee if they wish. Anyone wishing to speak must have already written in expressing their views on the application. Speakers are not normally permitted on items other than planning applications.

6.2 Members of the public wishing to speak at planning committee must give notice to the Democratic Services Team of their intention to speak no later than 10:00 am on the working day before the meeting. Requests to speak will only be registered once the relevant agenda has been published.

6.3 Should speakers wish to table any correspondence or photographs to supplement their speech to the committee, all documents must be submitted to the Democratic Services Team by 5.00 p.m. on the working day before the meeting. A permanent copy of any item must be provided and it is not acceptable to refer to online maps, photographs on phones/ipads or similar. The Chairman`s agreement must be sought at the meeting for any items to be considered.

6.4 Order of public speakers: if the recommendation is 'permission' then it will normally be the opponent first, supporter second. If the recommendation is 'refusal', the reverse order will apply.

6.5 Normally one person is permitted to speak for an application and one person permitted to speak against it. If there are more than two requests to speak for or against, people with similar views should get together and agree spokespersons. If there is no agreement, the first person to notify Democratic Services of their intention to speak will be called. Among supporters, the applicant (or if the applicant wishes, the agent) takes precedence, and if the applicant or agent do not wish to speak, the first supporters will be called.

6.6 Residents' Associations or other organisations wishing to make use of these arrangements must appoint a single spokesperson to represent their views.

6.7 Speakers are reminded that only material planning considerations

are relevant to the determination of planning applications.

6.8 Each speaker will normally be given up to three minutes and this will be indicated by the warning light system in front of the speaker: - an amber light will show the passing of two-and-a-half minutes and a red light will show the completion of the three minute period. At the red light the Chairman will normally ask the speaker to cease their presentation.

6.9 Members of the Committee (but not visiting Ward Members) may ask speakers to clarify points raised. Otherwise, once members of the public have spoken, no further intervention will be permitted.

6.10 Visiting Ward Councillors should notify the Democratic Services Team of their intention to speak at committee prior to 5:00pm the day before the meeting.

Visiting Councillors ~~do not have a formal time constraint but should aim to~~are

required to keep their presentation to within 3 minutes and will be reminded when

this time is expiring by the Chairman. Any representations must be limited to

material planning considerations. Visiting Members must not sit with members of

the committee or sub-committee after they have finished addressing the committee

and must not take part in the subsequent debate so it is clear that they are not part

of the formal committee membership.

~~6.10~~6.11 If a Ward Councillor is unable to attend the meeting but wishes to make representations to the committee, a statement (maximum 3 minutes long) can be read out by an attending committee member or officer.

7. Order of Proceedings

7.1 Whilst the order of consideration of items at planning committee is ultimately a matter for the Chairman, planning applications will normally be heard first, followed by other items.

7.2 The Chairman will normally vary the order of the agenda taking items

with visiting Councillors and public speakers first. Speakers and visiting Councillors should leave the table once they have spoken, prior to the debate on the item commencing.

7.3 Matters will proceed for each item as follows, skipping items where there is nothing to report or no speaker present:

1. Update from Planning Officer and presentation for applications
2. Public speaker(s) (see 6.7 above)
3. Visiting Ward Councillor (see 6.13 above)
4. Committee debate
5. Chairman summarises motions put and seconded
6. Chairman to clarify reasons for refusal or permission if different to that recommended or if additional reasons / conditions are to be added
7. Planning Officer opportunity to advise committee prior to motion being considered
8. Vote taken
9. Chairman to summarise and confirm the decision

Planning, legal and other professional officers have a right to be heard and to give advice within their area of professional expertise at any point in the consideration of an application.

7.4 The Chairman should be careful to ensure that additional conditions or reasons for refusal are clearly identified prior to going to the vote and not afterwards to ensure that the committee is clear what it is voting on. The Chairman can take advice from legal, planning or other professional officers present.

7.5 Should there be differing views about the content of reasons for refusal or conditions, the Chairman may take a separate vote following the main vote to

clarify the outcome.

7.6 Committee members are given the opportunity to record their vote against whatever motion is put if they wish.

7.7 It is important for the quality of decision making that the Planning Officer is provided with an opportunity to update Members and make any final comment immediately prior to the vote being taken to help ensure that the committee is fully aware of any further advice pursuant to the debate / motion.

7.8 Meetings will normally finish by 10:00pm.

8. Decision Making and Voting

8.1 Councillors who have called in an application to committee should not move or second a motion on that application. The Chairman should take the motion that is proposed and seconded first and only if that motion fails move to the next motion that is proposed and seconded.

8.2 Should votes for or against a recommendation both fail it is still open to the committee to consider whether they might defer the application for possible changes to make it acceptable to the majority of the committee. The Chairman can use her or his casting vote to decide if voting is equal for and against a motion.

8.3 Councillors should state motions they put clearly and include any specific changes they propose to the officer recommendation so that the committee understand the extent of the motion being proposed (see also 7.5 above).

8.4 When voting, committee members should raise their hands clearly to ensure an accurate count for the vote.

Motions and Votes Against Officer Recommendation:

8.5 Where a motion goes against Officer recommendation the procedure

should be:

1. Chairman summarises motions put and seconded
2. Chairman clarifies reasons for refusal or permission if different to that recommended or if additional reasons / conditions are to be added
3. Chairman gives the Planning Officer [and / or the legal representative](#) the opportunity to advise committee prior to the motion being considered.

The advice from the Planning Officer will be based upon the material considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge. The solicitor advising the Committee will be called upon as necessary to give advice on legal matters.

[8.6](#) If the Planning Officer considers that he/she is unable to give that advice immediately, or if the Planning Officer considers that a final decision to refuse could make the Council vulnerable at appeal and awards of costs, Officers should be able to seek a deferral of the item for one cycle of the committee so that a confidential report which sets out the risks can be prepared and avoids Officers having to advise on these issues in public (the final decision on the application should however always be in public), ~~or defer the application to the next Development Control Committee.~~

~~8.6~~[8.7](#) Draft minutes will normally be produced by officers within 5 working days of the committee meeting unless there are exceptional circumstances which delay their release.

9. Councillor and Officer Roles

9.1 The PAS publication 'Probity in Planning' 2019 states: "*Councillors and*

officers have different but complementary roles within this system, and effective communication and a positive working relationship between officers and councillors is essential to delivering a good planning service..”

9.2 The 7 Standards of Public Life identified in the Localism Act 2011 are:

- Selflessness – public interest
- Integrity – not open to inappropriate influence/private gain
- Honesty – truthful; declaration of interests and gifts
- Objectivity – use best evidence; impartial; non-discriminatory
- Accountability – open to scrutiny
- Openness – open and transparent decisions in public
- Leadership – uphold and exhibit standards and behaviours

9.3 The Planning Advisory Service Report for Bromley (May 2019) states:

“The role of Councillors on the Committees presents a challenge to the individual. It is often considered to be a quasi-judicial role, but has been described as

“A formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly.”

(Local Government Association/Planning Advisory Service: Probity in Planning for Councillors and Officers 2013.)

In this role Councillors are expressly being asked to place to one side any party political interests, and their role as the representatives of a particular ward, and assess, debate, and then determine often controversial planning proposals in the wider public interest of the whole Council area, and in line with national and local planning policy. They must do so in a way which demonstrates they have

understood their role and have approached the decision point open to considering and weighing the merits of all the material issues.”

Members must never be involved in decision making for applications submitted by themselves, a family member or a close personal associate, and must comply with the Members Code of Conduct at all times when such applications are submitted.

If on consideration of a planning application a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that a Member was biased the Member must recuse themselves from consideration of that application.

9.4 The role of the committee Chairman is to lead and manage the committee and in particular:

- determine the order in which questions may be addressed from the committee members following the officers presentation;
- ensuring that the public speaking procedure is followed;
- managing the committee debate about applications including the order in which Councillors who wish to address the committee may speak;
- determining when the debate has come to a close and votes should be cast in the order in which the motions were first completed (i.e. where the motion has been moved and seconded by Members of the Committee).
- ensuring that debate and decisions made are suitably focused on relevant planning considerations.

9.5 Councillors sitting on the planning committee should:

- make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons.
- consider only material planning considerations in determining applications
- exercise their responsibilities with regard to the interests of the London

Borough of Bromley as a whole rather than with regard to their particular Ward's interest and issues;

- Come to meetings with an open mind.
- Not allow anyone (except officers, other committee Members and public speakers when they are addressing the committee) to communicate with them during the meeting (orally or in writing) as this may give the appearance of bias. For the same reason, it is best to avoid such contact immediately before the meeting starts.
- Consider the advice that planning, legal or other officers give the committee in respect of the recommendation or any proposed amendment to it.
- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires the Local Planning Authority to make decisions in accordance with the development plan unless there are good planning reasons to come to a different decision.
- Come to their decision only after due consideration of all of the information available to them, including the local information that Members are uniquely placed to access, but always remembering to take decisions on planning grounds alone. If Members feel there is insufficient time to digest new information or that there is insufficient information before them, then they should seek an adjournment to address these concerns.
- Not vote on a proposal unless they have been present to hear the entire debate, including the officer update and any public speaking.
- Make sure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the development plan, that they clearly identify and understand the planning reasons leading to this conclusion and that they take into account any advice planning, legal or other officers give them. Their reasons must be given prior to the vote and be recorded. Be aware that they may have to justify the resulting decision by

giving evidence in the event of challenge.

- Members ~~are required to~~should avoid requests for officers to speed up or delay the determination or assessment of particular applications or for items to be reported to particular meetings for any reason including their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.
- seek to attend relevant training and briefing sessions organised from time to time for them.

9.6 The role of Planning Officers at committee is:

- to use professional judgement when recommending decisions on applications and other planning matters.
- to provide professional advice to the committee on planning applications and other matters at any point in the meeting.

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**EXCERPT FROM LONDON BOROUGH OF BROMLEY SCHEME OF
DELEGATION RELATING TO PLANNING ENFORCEMENT DECISIONS**

Underlined text is additional proposed wording:

Section 16.5

(c) Take planning enforcement action under the Town and Country Planning Act 1990, including (i) the issue of Enforcement Notices (section 172), (ii) Stop Notices (section 183), (iii) Completion Notices (section 94), (iv) unopposed revocations (section 97), (v) orders requiring discontinuance of use, or alteration, or removal of buildings and works (section 102), (vi) the power to require information as to interest in land (section 330), (vii) Planning Contravention Notices (section 171C), (viii) Breach of Condition Notices (section 187A), and (ix) Untidy Site Notices (section 215). Except in the case of any matter identified by officers as a breach of planning control where Ward Councillors have been formally notified of officer intention to either issue a formal notice or close the case with no further action and a Ward Councillor formally requests in writing within 5 working days of being informed, using the online call-in request form and giving a planning reason, that the decision whether to take enforcement action and the extent of that enforcement action is referred to Members for a decision.

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Report Addendum to Item 6 – Development Control Committee 5th March 2024

Proposed additional changes to scheme of delegation

1. It is proposed to amend the scheme of delegation to allow the Council to determine certain applications where the Council has an interest under delegated powers. At present any application made by the Council or on Council land is required to be determined at committee.
2. The proposed change will allow lawful development certificate applications made by or on behalf of the Council or on Council land and advertisement applications which relate to statutory Council functions to be determined by officers.
3. The rationale for this is that lawful development certificate (aka certificate of lawfulness) applications are determined on legal merits and there is no assessment of planning merits, thus the decision is a factual legal one as opposed to planning merit judgement. Advertisement applications for statutory functions would not be commercial in nature and are not likely to be controversial.
4. There remains the ability for call in by Members or self referral to committee by officers if appropriate.
5. The proposed changes are to Section 16.5 (b) (i) as follows:
 - (i) Applications submitted by or on behalf of the Council, or on land owned by the Council or where the Council has a financial interest (except applications under section 73, certificates of lawfulness under Section 191 and 192 and advertisement consent applications relating to statutory functions of the Council);

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COUNCIL

11th MARCH 2024

MOTIONS

(A) Police Base Re-Openings

Proposed by Councillor Thomas Turrell and seconded by Councillor Hannah Gray

“The Council thanks the Commissioner of the Metropolitan Police, Sir Mark Rowley, for coming to Bromley last summer to present his ‘New Met for London’ plan.

This Council broadly welcomes the measures in the plan, especially the commitment to restoring community policing. In line with this, Council calls on the Mayor’s Office for Policing and Crime (MOPAC) to provide the necessary funding so the Metropolitan Police can re-open bases in Penge/ Crystal Palace and West Wickham, as well increasing the number of bases it has in the rural parts of the Borough. Council welcomes the reopening of the base at Green Street Green in Chelsfield. This will help to achieve the Commissioner’s target of ensuring that no Police officer is more than 20 minutes away from the communities which they serve.

Council also calls on the Metropolitan Police to review the bureaucracy around volunteers covering front desks at the local police bases.

In addition, this Council is concerned that too many of the Borough’s Safer Neighbourhood Teams (SNTs) are based out of Bromley Police Station. As such, their ability to patrol local neighbourhoods depends on the availability of public bus transport. Council calls on MOPAC to ensure all SNTs have access to Police vehicles so they can travel to these neighbourhoods whenever necessary, not when a bus can take them.”

(B) ULEZ and the Mayor of London

Proposed by Councillor Colin Hitchins and seconded by Councillor Josh Coldspring-White

This Council believes that the best interests of the people of Bromley have not been served by the premature extension of ULEZ and profligate spending by the Mayor of London resulting in enormous increases in his precept on council taxpayers.

(C) Household Support Fund

Proposed by Councillor Alisa Igoe and seconded by Councillor Chris Price

“Council notes:

The Department for Work and Pensions launched the Household Support Fund on 6 October 2021 and has extended it three times over subsequent years, providing over £2billion for local authorities, with Bromley Council receiving £9.3million since 2021.

The Fund has provided support for the most vulnerable residents in Bromley, for essentials including food, toiletries, bedding, boiler repairs, cookers, fridges, and arrears in utility bills, rents, mortgages and Council Tax.

The Household Support Fund will close on 31 March 2024.

From 1 April 2024 the financial burden of providing crisis support to vulnerable households in Bromley will fall solely to the Council.

Bromley Council resolves to:

Call on the Government to continue the Household Support Fund for another 12 months beyond 31 March 2024.”

(D) Live Streaming Council Meetings

Proposed by Councillor Chloe-Jane Ross and seconded by Councillor Sam Webber

Council Notes:

(1) Online access to Council meetings improves local democracy by encouraging more residents to engage in council business with convenient access, whilst increasing transparency and accountability in Council decision making.

(2) That an increasing number of local authorities are recording and streaming Council meetings live routinely and maintaining the recordings for public access thereafter.

(3) Bromley Council has successfully live streamed Council meetings during COVID and after.

(4) That most Bromley Council meetings are already hybrid meetings, with attendees in the Council Chamber and Council Officers and Councillors viewing and/or participating online (noting Councillors are not permitted to vote online), and many hybrid meetings are already being recorded for internal purposes.

(5) There are cost and resourcing implications in providing a 5-star live streaming service, however the Council has existing resources to offer basic streaming and to upload recordings of Council meetings online with minimal cost implications.

Therefore, Council moves to:

- (1) Livestream all future Full Council meetings and Committee meetings.
- (2) To maintain recordings of meetings online for an appropriate length of time.
- (3) Continue to investigate affordable enhancements to live streaming and availability of recordings online to improve the service without incurring significant costs.

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