

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

Minutes of the meeting held on 25 August 2010

**Present:**

Councillor Eric Bosshard (Chairman)  
Councillors Robert Evans (Vice-Chairman),  
William Huntington-Thresher, Sarah Phillips, Paul Lynch,  
Russell Mellor, Tony Owen, Nick Milner, Russell Jackson,  
Will Harmer, David McBride, Ruth Bennett,  
Roger Charsley and Julian Grainger

**Also Present:**

Councillor Stephen Carr and Councillor Neil Reddin

**63 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

Apologies were received as follows:

<u>Apologies</u>	<u>Alternate</u>
Councillor Nicholas Bennett	Councillor Ruth Bennett
Councillor Judi Ellis	Councillor Roger Charsley
Councillor Tim Stevens	Councillor Julian Grainger
Councillor Peter Fookes	

**64 DECLARATIONS OF INTEREST**

There were no declarations.

**65 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

There were no questions.

**66 MINUTES OF THE EXECUTIVE AND RESOURCES PDS COMMITTEE MEETING HELD ON 14TH JULY 2010 (EXCLUDING EXEMPT ITEMS)**

**RESOLVED that the minutes of the meeting held on 14<sup>th</sup> July 2010 be confirmed as a correct record.**

Referring to Minute 10 Councillor Evans asked whether a letter from the Leader had been sent to the Rt Hon Grant Shapps MP, Minister of State for Housing and Local Government and to Bob Neill MP, Parliamentary Under Secretary of State for Communities and Local Government to complain about the cost impact of the Southwark judgement for Local Authorities. It was agreed to find out the position. (Action: GW)

In regard to Minute 55(ii) Councillor Robert Evans also asked about the inclusion of Member home addresses on the new “*Your Bromley Borough Councillors*” poster (requested by several new Members). The Chairman commented that this would be provided for those Members who were prepared to have their home address publicised.

## **67 MATTERS ARISING FROM PREVIOUS MEETINGS**

Report LDCS10142

Members noted an update on matters arising from previous meetings.

Referring to the update on Minute 238 concerning recommendations from the Data Working Party and re-convening the Group to monitor progress, Councillor Julian Grainger explained that dates would be proposed to the Working Party for a further meeting.

## **68 CORPORATE CONTRACTS REGISTER**

The Committee received the latest update on the Corporate Contracts Register.

Referring to contracts recorded in the main Register, Councillor William Huntington-Thresher referred to the contract related to “*Transport Highways and Engineering Consultancy – Lot 1 – Transport Planning and Traffic Engineering*”. He understood that the contract had been agreed by the Executive along with the contract on Street Lighting Consultancy. This would be followed up and the position clarified (Action: SH)

For contracts listed under “*Contracts Beyond Alert Date – as at 19<sup>th</sup> July 2010*” Councillor Evans referred to the contract on Bromley Women’s Aid and Refuge from Domestic Violence which was due to expire on 30<sup>th</sup> September 2010. He noted a comment on the Register indicating that a report on the award of a new contract for the service would be provided to the Executive in December 2010 and was concerned to ensure there would be no gap in service between September and December.

## **69 FORWARD PLAN OF KEY DECISIONS**

The Committee considered the Forward Plan of Key Decisions.

Concerning a decision scheduled for the Executive on 29<sup>th</sup> September 2010 for a replacement Bridge along Chislehurst Road, the Chairman informed Members that he would be meeting the contact officer and other parties on 15<sup>th</sup> September 2010.

Councillor Robert Evans drew attention to three contracts where it was indicated that a decision would be made "*Not before*" a certain date. He asked why it was necessary to indicate the timing of a decision in this way and assurance was given of the need to be more explicit with likely dates in future. Councillor Evans also enquired about the Exchequer Services Contract.

## **70 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

There were no questions.

## **71 RESOURCES PORTFOLIO - PREVIOUS DECISIONS**

Decisions made since the previous meeting were noted. These related to the fourth quarter Treasury Management Performance 2009/10 and Treasury Management Annual Report 2009/10; the Insurance Fund Annual Report 2009/10; a summary of a Part 2 decision related to the sale of property at 2 Betts Way, Anerley; and a further summary of a Part 2 Decision concerning property at 208 High Street, St Mary Cray.

## **72 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS**

The Committee considered reports on the agenda for the Executive meeting on 1<sup>st</sup> September 2010 and a number of comments were made.

### **3B Matters Arising** Report LDCS10155

The Chairman enquired of progress related to Minute 187 from the Executive meeting on 30<sup>th</sup> March 2009. This related to the Area Action Plan for Bromley Town Centre. The Chief Planner explained that the Inspector's report on the Area Action Plan had been received and the matter would now be considered by the Development Control Committee and the Executive before going to Council for adoption on 25<sup>th</sup> Council 2010.

### **5. Financial Monitoring 2010/11** Report DR10069

Councillor Nicholas Milner enquired whether it was the intention to achieve zero overspend at the end of 2010/11. The Deputy Director of Finance explained that the Council had always managed to keep in budget and it was necessary to look carefully at pressures and budgets – the key message was to stay in budget. The Leader of the Council, Councillor Stephen Carr explained that the Executive had set aside additional sums to address the effects of the recession and Chief Officers had been asked to do all they could to keep in budget.

Councillor Robert Evans highlighted particular difficulties when a Department had to deal with pressures outside of their control quoting the example of spending on Looked After Children within Children and Young People Services. In this regard, Councillor Russell Mellor enquired whether savings were based on a salami slicing approach or took account of pressures on the budget. The Deputy Director of Finance referred to reductions in Government grants and how this was being addressed in both the Children and Young People and Adult and Community Departments. It was about first looking at the grant reductions and their impact and then reaching conclusions.

#### **6. Building Regulations Charging Scheme** Report DRR10/0084

Members considered the above report which outlined building control fees to be charged from 1<sup>st</sup> October 2010. This followed the Building (Local Authority Charges) Regulations 2010 requiring charges to be set for a break-even position for the chargeable part of the service.

Councillor Sarah Phillips outlined her understanding that the Building Control service could be outsourced. The Chief Planner confirmed that there were approved inspectors in private firms that could compete with Local authority Building Control services but explained that Independent Inspectors were not obliged to accept all applications - applications that were exempt from charges, such as those concerned with disabled persons, would invariably be dealt with by a Local Authority. He also indicated that many people chose to apply to the Council for chargeable services as a good service was provided at cost.

Councillor Julian Grainger suggested that the recommendation to delegate the amendment of fees to the Director of Renewal and Recreation (with the aim of ensuring a service is provided on cost recovery basis) should be subject to an informal notification to the PDS Committee and/or Portfolio Holder. The Chief Planner explained that the average prices listed at paragraph 3.31 of Report DRR10/0084 were a best estimate and any significant changes to the charges would be reported to Members. The Chairman added that he was relaxed about delegating authority to the Director of Renewal and Recreation for amending the fees and the Committee supported the recommendations to the Executive.

#### **7. Recycling and Composting for All: Phase 2 Business Case** Report ES10122

Members considered a report to the Executive concerned with rolling out the Composting For All (CFA) trial across the borough.

Referring to the potential savings to be generated through waste reduction, the Chairman enquired why waste disposal costs were expected to dip significantly for 2012/13 even without the benefits of the CFA rollout. In explanation, reference was made to a predicted drop in landfill waste and a predicted increase in waste for incineration.

Councillor William Huntington-Thresher referred to the rollout mechanism as a key ingredient to the success of the CFA trial. He informed Members that the Environment PDS Committee (which had considered the report the previous evening) supported the recommendations except for recommendation 2.5 where it was agreed to recommend that caddy liners should continue to be freely provided to residents for the foreseeable future. Councillor Huntington-Thresher indicated that participation by residents was vital to the success of a borough wide rollout and that this outweighed the cost of providing the availability of free liners.

For private flats, Councillor David McBride asked whether it was intended to have a fortnightly waste collection in the rollout and was advised that the rollout applied to street level properties.

Referring to a weekly paper collection and a fortnightly green box collection, Councillor Ruth Bennett suggested that households with families would have a higher volume of plastic and other waste. She also noted the availability of helpful storage facilities for recycled waste from certain retail outlets and queried whether there might be a potential income stream for the Council in directing residents to such outlets. The Assistant Director advised further on the collection of plastics which included the collection of plastic packaging such as yoghurt pots, food trays and margarine tubs in addition to plastic bottles. Recyclable material was separated from non-recyclable at the sorting facilities with non-recyclable plastic waste incinerated. As a result, the volume of residual waste for residents was reduced so making its fortnightly collection easier to manage. Customer feedback indicated a desire for all plastics to be included in the green box collection as part of the trial. For weekly paper collections the Contracts Manager (Waste and Refuse Service) referred to the weight of material collected and the re-sale value of paper material collected. A weekly paper collection was more cost effective and offered more value than a weekly green box collection.

Councillor Will Harmer enquired whether consideration was being given to the sponsorship of retail outlets/supermarkets for the provision of caddy liners. Members were advised that officers had initially written to the Chief Executives of Supermarkets but approaches were now being made to individual supermarkets at "grass roots" level.

Councillor Julian Grainger suggested that supermarkets might be more willing to consider sponsorship if the Council were able to provide kitchen caddies to

fit the size of paper bags that supermarkets could most conveniently provide. The Contracts Manager (Waste and Refuse Service) advised that any paper liner would not be successful. Councillor Grainger also suggested that there might be savings - including savings in the provision of split bodied vehicles – if collections were not provided to homes unwilling to participate in the rollout or from homes in an entire road where the majority of homes were reluctant to participate. The Contracts Manager (Waste and Refuse Service) explained that it was intended to encourage all residents to take part in the rollout and during the trial this approach had been reasonably successful. A key reason for non-participation was usually a lack of awareness and it was confirmed that there were no roads or streets unwilling to participate. It would become more expensive to collect from some roads and not from others and by rolling out CFA on a step by step basis the existing service would become more expensive to maintain along with rollout of the new arrangements for other areas.

Councillor Russell Jackson enquired about steps being taken to reduce missed collections, disposal of nappies and combining waste collection services with other boroughs. On missed collections, Members were advised that there were Customer Relations Management (CRM) systems in place as a result of which it was possible to manage customer interactions. Additional Waste Advisors would also be in place for the rollout with vans providing extra containers and provision to remove waste causing a problem. Tonnages would be monitored and Waste Advisors would be available in areas during the day and evening for residents to approach. There was a high level of satisfaction with similar arrangements during the current trial as a service was provided to the doorstep.

Concerning the disposal of nappies, residents were advised to place soiled nappies in a secure container for disposal. A clinical waste service could also be provided (e.g. to the elderly) and a waste adviser could visit to provide further information. There had been a small number of residents who had taken advantage of the clinical waste service. In regard to shared services, this was seen as a mid to longer term option with the short term focussing on the CFA borough rollout. It was possible however for negotiations to take place in the meantime.

Councillor Tony Owen highlighted the need to increase recycling rates further referring to the importance of publicity emphasising increasing taxes associated with landfill disposal. He advocated co-operation with the many residents associations in the borough to convey key messages on recycling. The Assistant Director confirmed that this was the strategy being taken with work “on the ground” to address problems as they arise. He also referred to the level of waste reduction during the current trial. Door knocking was also undertaken for those areas with a low take up.

Councillor Ruth Bennett was complimentary of progress made to date but felt that there was still some way to go to achieve the performance of some European cities such as Vienna. She felt that there was a direct correlation between age and recycling suggesting that the older generation were far more

likely to recycle. She also enquired about non residential waste and incentives for companies to recycle. The Contracts Manager (Waste and Refuse Service) explained that Local Authorities might be obligated by 2015 to provide a business waste service but for the present time Councillor William Huntington-Thresher explained that commercial waste operations were required to be a segregated service. As part of the rollout the Contracts Manager (Waste and Refuse Service) also advised that children at school would be provided with the same recycling opportunities as homeowners. He added that many companies offered holistic recycling services which included the provision of schools advisers.

Councillor Sarah Phillips was also very impressed with the trial rollout and enquired whether assurances could be provided of continued service during any cold spell next winter. The Assistant Director explained that information was placed on the Council's website and advice to schools would be strengthened during winter events. Councillor Roger Charsley congratulated officers on the success of the trial rollout and indicated that he had received helpful advice from a waste adviser.

In conclusion Members agreed with the Environment PDS Committee to support the recommendations to the Executive with the exception of Recommendation 2.5. For this recommendation Members agreed with the Environment PDS Committee that the liners should be freely provided to residents for the foreseeable future but subject to the liners being provided upon request.

**RESOLVED that the recommendations to the Executive be supported with the exception of recommendation 2.5 concerning caddy liners which should continue to be freely provided to residents upon request for the foreseeable future.**

## **73 SECTION 106 AGREEMENTS: UPDATE**

Report DRR10/00087

Members considered an update on Section 106 Agreements.

Development of a joint database had been completed through creation of an Access Database populated by information from both the Uniform system and Oracle accounting system. The detail of every S106 agreement was stored in at least one of three Appendices. Appendix 1 recorded the 'negative/restrictive obligations' including developments restricted by the S106 either by use, limitations on development within the curtilage, or by not implementing a previous permission. Appendix 2 recorded the 'positive non financial' contributions and Appendix 3 recorded 'positive financial' contributions.

Members were provided with details of 17 new agreements since the previous update in November 2009. Appendix 1 of the report showed nine 'negative'

S106 legal agreements; Appendix 2 showed five new 'positive non-financial' S106 legal agreements; Appendix 3 showed three new agreements of specific 'positive financial' gain to the Council (one of which was also included at Appendix 1) and Appendix 4 provided details of current balances held by the Council for S106 agreements - split by service area, revenue/capital classification and the time limit for spending monies. Where no time limits existed a five year limitation from the date of the legal agreement was assumed.

In discussion Councillor Robert Evans referred to paragraph 5.3 of the report and the financial position of unspent balances across the service areas. In particular he highlighted the latest balance at 30<sup>th</sup> June 2010 related to Housing. This comprised some £2.3m and he enquired what the sum was spent on and whether it could be used more flexibly. The Chief Planner agreed to report back after making further enquiries, (Action: BM)

At paragraph 4.7 of the report Councillor Julian Grainger enquired about one of the three statutory basis in the Community Infrastructure Levy (CIL) under which section 106 contributions could now be sought, namely the test related to being "*directly related to the development*". The Chief Planner explained that there were previously five policy tests as outlined in Circular 05/05 which were not legal requirements. However new regulations regarding the Community Infrastructure Levy made it more defined where a section 106 contribution could be sought.

**RESOLVED that the report and its appendices be noted.**

## **74           UPDATES FROM PDS CHAIRMEN**

The Committee received updates from PDS Committee Chairmen on recent and forthcoming activity.

Councillor Robert Evans referred to finances within Children and Young People (CYP) services. He outlined a projected overspend and value of savings needed in the Department. Reasons for the projected overspend included safeguarding measures and a rapid increase in Looked after Children. He also referred to costs associated with Special Educational Needs (SEN). Another pressure was Primary School places. Councillor Evans also highlighted the recent call-in of a decision concerned with school lunches.

For the Adult and Community PDS Committee, Councillor Roger Charsley outlined developments. He reported that representatives from the South London and Maudsley NHS Foundation Trust (SLAM) had attended two A&C PDS Committee meetings (one a special meeting) in regard to security at River House, part of the Bethlem Royal Hospital. He also referred to a presentation from Age Concern concerning their brokerage service and reported that the Committee had received questions on care provided at local hospitals in the light of concerns raised by clinicians. A draft report was also

received by the Committee on the review of Allocations Policy and Housing register banding which was subsequently approved for consultation.

The A&C PDS Committee was also monitoring the Portfolio budget recognising the pressures particularly within physical and learning disability budgets. Reference was additionally made to an increase in referrals outlined in the Bromley Safeguarding Adults Board report and an increased profile and scrutiny in this area. A successful conference helped to enforce established standards across partner organisations and a newsletter and communications strategy was in place to raise public awareness. A quality assurance framework had also been agreed across all agencies and there was a protocol between the Police and Adult and Community Services to ensure prompt and effective police advice/action across safeguarding issues.

There had also been a number of complaints in regard to Blue Badges as the provider of the Assessments unexpectedly withdrew. The Council had undertaken to provide the service and sufficient Occupational Therapists were now in post; a backlog had also been cleared.

The Health White Paper and the future of Bromley LINK had been added to A&C PDS Committee Work Programme.

Councillor William Huntington-Thresher advised that the Environment Portfolio was in budget. There was a reduced income from parking which was offset by less waste to landfill. Councillor Huntington-Thresher also referred to the Environment PDS Committee looking at winter service and considering a vision for priorities in allocating Local Implementation Plan (LIP) funding.

Councillor Sarah Phillips referred to recent meetings of the Executive and Renewal and Recreation Portfolio Holder - the next meeting of the Renewal and Recreation PDS Committee would not take place until October. Councillor Phillips also advised that the Bromley North Working Group commissioned by the R&R PDS Committee would be starting its work shortly.

## **75 WORK PROGRAMME 2010/11**

Report LDCS10144

Members considered the Committee's 2010//11 Work Programme.

The Chairman referred to dates earmarked for presentations by the Leader, Resources Portfolio Holder and the Chief Executive.

In regard to a proposal from Councillor Peter Fookes at the Committee's previous meeting for a Working Group to investigate the "Total Place" agenda, Members noted a paper from Councillor Fookes and agreed to consider it at a future meeting when Councillor Fookes was in attendance.

**RESOLVED that the 2010/11 Work Programme be noted.**

**76 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000**

RESOLVED that the Press and public be excluded during the consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries  
refer to matters  
involving exempt information**

**77 EXEMPT MINUTES OF THE MEETING HELD ON 14TH JULY 2010**

The exempt minutes were agreed.

**78 MATTERS ARISING FROM PREVIOUS MEETINGS - EXEMPT MINUTES**

There were no matters arising.

**79 RESOURCES PORTFOLIO - PREVIOUS EXEMPT DECISIONS**

The Committee noted exempt decisions taken by the Portfolio Holder since the previous meeting. These decisions related to premises at 2 Betts Way, Anerley and 208 High Street, St Mary Cray.

**80 PRE-DECISION SCRUTINY OF EXEMPT EXECUTIVE REPORTS**

The Committee considered reports on the Part 2 agenda for the Executive's meeting on 1<sup>st</sup> September 2010.

**81 PROPERTY DIVISION - RESTRUCTURE DETAIL**

Report DRR10/00086

Following a restructure of the Council's Property Division as previously approved by the Executive, Members received a report with details of the changes and the outcome of the restructuring process.

**Key to Actions**

SH = Susan Haynes, Corporate Procurement Manager

BM = Bob McQuillan, Chief Planner

GW = Graham Walton, Democratic Services Manager

The Meeting ended at 9.44 pm

Chairman