

EXECUTIVE

Minutes of the meeting held on 8 December 2010

Present:

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Julian Benington,
Peter Morgan, Ernest Noad, Neil Reddin and Colin Smith

Also Present:

Councillor Nicholas Bennett J.P., Councillor Eric Bosshard,
Councillor Robert Evans, Councillor Peter Fookes and
Councillor Alexa Michael

116 APOLOGIES FOR ABSENCE

All members were present.

117 DECLARATIONS OF INTEREST

Councillor Julian Benington declared an interest as his daughter worked for Affinity Sutton (Broomleigh Housing Association).

118 MINUTES OF THE MEETING HELD ON 3RD NOVEMBER 2010

a) Minutes

RESOLVED that the minutes of the meeting held on 3rd November 2010, excluding exempt information, be confirmed as a correct record.

b) Matters Arising

Further to Minute 108 – Capital Programme Monitoring – 2nd Quarter 2010/11 the Director of Resources circulated an update on the payment of reward grant. Members were advised that the payment would be made in one instalment in the financial year 2010/11 as there was a single pot for Reward Grant this year. However, the split of Capital to Revenue had not been decided and would not be done until all the claims were submitted in February 2011. At that stage the Department for Communities and Local Government would decide the Capital level. Concerning Bromley's claim until the data had been verified, the exact amount would not be known although the latest reported figure was £2.37m (using the 50% reduction already announced). A claim should be submitted after 6th December 2010 but before 1st Feb 2011.

RESOLVED that the report be noted.

**119 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING
THE MEETING**

No questions had been received.

120 ANNUAL AUDIT LETTER

Report DR10108

The Executive received a report on two matters dealt with by the Council's external auditors, Price Waterhouse Coopers, and which was also submitted to the Audit Sub-Committee on 6th December 2010. The first item concerned the 2009/10 report to satisfy the requirements of (ISA (UK&I) 260) – Communication of audit matters with those charged with governance. The report summarised the results of the External audit work undertaken for the 2009 audit. The second matter was the Annual Audit Letter which provided a high level summary of the results of the 2009/10 audit work, together with recommendations. Members noted that following the government announcement to abolish comprehensive area assessment (CAA) at the end of May, all work on the issue of Use of Resources had ceased. However, based on the work that had been completed the Council continued to show a strong performance in the areas where it had been previously assessed as performing well and improvements were noted in the areas previously identified for development.

The Director of Resources referred to the Sub-Committee's discussions with the audit representatives and a copy of the minute of that item had been circulated. The Sub-Committee had questioned whether there would be a reduction in the level of audit fees to be charged, which was also raised by the Resources Portfolio Holder, and the future of the Audit Commission. Members were informed that as not all of the work had been completed by the auditors there may be a corresponding reduction in the fees charged and this would be the subject of negotiation. At this stage it was not clear what the process for external audit would be following the demise of the Audit Commission.

RESOLVED that the reports be noted.

**121 SUPPLEMENTARY PLANNING DOCUMENT (SPD) ON
PLANNING OBLIGATIONS**

Report DRR10/00123

Consideration was given to a report proposing the adoption of a revised Supplementary Planning Document (SPD) on Planning Obligations. The matter had been considered previously by the Development Control Committee on 23rd November 2010 who had endorsed the revised document and recommended its adoption by the Executive.

The Chief Planner advised that In January 2010, the draft Supplementary Planning Document (SPD) on Planning Obligations had been endorsed by members of the Development Control Committee for a six week period of public consultation. There had been a delay in bringing it back to members following the change in government to see if this would have an affect on the approach being proposed. He confirmed that there had been no material changes but the document would be replaced in 2014.

An updated copy of the document had been circulated with the agenda and sought to provide guidance on the requirements and mechanisms for Section 106 planning obligations to development proposals in the Borough. The revised draft submitted took account of a number of comments received during the consultation process, together with updates and further clarifications. Members were informed that the production of the document was important for the immediate future to ensure that the Council's procedures were clear to applicants and developers and would be a material consideration in the determination of planning applications.

The Portfolio Holder for the Environment queried the wording of paragraph 3.8 in the document in relation to including TfL and the need for consistency in the wording ('will' or 'may'). The Chief Planner explained that TfL were involved as a highway authority for several major roads in the borough and as such would have to be consulted on any developments impacting on their highway. However, he would ensure the wording was made consistent. He also responded to questions concerning the geographical map (Appendix 5) in respect of the Children's' Play Facility Deficiency and confirmed it related to outdoor facilities and the necessity for this to be included. Councillor Evans asked about the implications for the payment of 106 monies in respect of the new academy schools. The Director of Children & Young People Services advised that the full details concerning academy schools funding etc was yet to be determined and more information would be available in the new Bill/Act but she was hopeful that the funding would remain with the commissioning agency i.e. the Council. Questions were also raised on affordable housing targets and their inclusion in the London Plan and that there was no reference to Free Schools. The Chief Planner confirmed that the housing targets were still in the London Plan and would be enforceable although Bromley had raised objections at the recent Inquiry. He also advised that the SPD was not 'written in stone' and could be amended as changes in legislation occurred.

RESOLVED that subject to the amendment of paragraph 3.8 as above the revised Planning Obligations Supplementary Planning Document be adopted.

122 PROPOSALS FOR CHANGES TO PLANNING APPLICATION FEES IN ENGLAND (CONSULTATION)

Report DRR 10/00139

A consultation document on Proposals for Changes to Planning Application Fees had been received with a closing date of 7th January 2011, a copy of which had been circulated with the officer report.

Currently planning fees were set nationally although not all applications attracted a fee. The consultation paper put forward two options:-

- i) To decentralise the responsibility of setting fees to local planning authorities (this was the preferred option in the paper); or
- ii) Maintain the current fee option.

The proposals for fee changes were on the basis that a local authority would be able to set its own fee levels but should be non profit making. The fee would cover only handling, processing and determining those applications which attracted a fee. It was not proposed to change the type of applications that did not currently attract fees. Comments were also being sought on allowing local planning authorities to decide whether to give applicants a 'free go' when resubmitting an application following refusal or withdrawal and to set a higher fee for retrospective applications.

The Chief Planner had set out proposed responses to the consultation questions for approval and explained the background to the comments. Councillor Michael, Chairman of the Development Control Committee, attended to speak to the item, which because of the deadline had not been able to be considered by her Committee. She supported the decentralisation of fee charges and the responses proposed. The Chairman suggested that the response to Question 1 on whether the Council agreed that LPAs should set their own fees should be more positive.

RESOLVED that the recommended responses to the consultation on planning fees as set out in the report be endorsed subject to Question 1 being "Yes, but while on the face of it this is an attractive change, in practice because the fees will operate on a cost recovery basis, it will not change the percentage of the planning service which will be covered by fee income."

123 BROMLEY MUSEUM AT THE PRIORY ORPINGTON

Report DRR10/00127

Further to Minute 45 (21st July 2010 refers), the Executive received a report on the results of the consultations in respect of option 3 relating to the extension of the Borough's museum into part of the vacated Orpington library

building to create an 'arts and heritage hub', together with potential funding arrangements.

The Assistant Director of Renewal and Recreation introduced the report and briefly outlined the overall aims of the project. Consultations had taken place with various associated organisations and individuals over the past months and included an open consultation session held at The Priory which was promoted to museum and library users. Arising from these discussions the results showed that the majority of people welcomed and supported the concept of:-

- Expanding the museum service into part of the vacated public library;
- Improving the visitor facilities; and
- Broadening the scope of the museum offer.

Following advice from English Heritage and the Heritage Lottery Fund, a pre-application had been made to the Fund's Heritage Grants Programme and further discussions subsequently held with them. The outcome was very positive with the Heritage Lottery Fund (HLF) strongly encouraging the Council to pursue its application, although it was appreciated there was no guarantee that the funding would be approved. A recent amendment to their funding criteria meant that the HLF now funded up to 90% of a project's costs, expecting the other 10% to be found by the applicant. On this basis with the museum project estimated to cost £3m, including fees, a grant of £2.7m could be forthcoming from the HLF with Bromley having to provide £300,000 towards the project costs. Approval was therefore being sought to submit a first stage application for which more detailed work was required, including specialist advice costing £22,000. This cost could be covered in the budget but Members were advised that a significant part of the design costs could also be the subject of a bid that would still further reduce the Council's financial contribution. Attention was drawn to the fact that up to the second stage there was no commitment by the Council.

The Portfolio Holder for Renewal and Recreation spoke enthusiastically about the proposals which had been discussed by the Renewal and Recreation PDS Committee the previous evening. The members had supported the recommendation and Councillor Benington encouraged the Executive to approve a first stage application to the Heritage Lottery Fund. The Chairman considered this to be a good news item for Orpington and commented on the need to ensure that the usage of the building could be widened out to cater for as broad a spectrum of interests as possible. The Assistant Director agreed that this would be part of the development proposals. In response to a question concerning the future running costs of the project he explained that a cautious approach had been taken at this early stage. However, he was confident that the additional revenue generated by the project would cover the costs and there were still other avenues to explore such as partnership working but this would be for future consideration.

RESOLVED that approval be given for a first stage application to be made to the Heritage Lottery Fund and a further report be submitted back to the Executive on the outcome of this bid.

124 OFFICE ACCOMMODATION STRATEGY

Report CE1065

Consideration was given to a report of the Chief Executive proposing various alterations to the civic centre office accommodation to improve the efficiency and utilisation of the existing buildings, together with the cost implications. The Director of Renewal and Recreation introduced the report and referred to the strategic review carried out by Gleeds, a firm of external property specialists, whose key conclusion was for a short term (up to 5 years) and medium term (5 years plus) accommodation strategy. The longer term prospect took account of the possible relocation of the Council offices away from the civic centre.

In the short term the Executive's approval was being sought to limited investment (approximately £2m) in the civic centre to carry out essential works to the envelope of the building and internal alterations to the layouts of offices to facilitate increased occupation levels. The programme as set out in the report had been prepared taking into consideration getting the best value from the refurbishment works, the estimated pay back period for which was 4.2 years, facilitating departmental and service requirements and delivering efficiency savings. There would be an increase in office space in St Blaise by 30% and the North Block by 70%. Provision had been made in the budget for £1.4m to relocate Liberata from the Town Hall to the civic centre which could be utilised.

The Portfolio Holder for Resources whilst generally supportive of the proposals referred to the list of works and asked that the IT installations works would not be duplicated. He also commented on the energy efficiency works and asked whether certain of these could be funded as part of the energy efficiency savings. The Chief Property Officer responded that he could assure members that there would be no duplication of IT work. He also advised that officers were looking at the energy management potential in consultation with Environmental Services and would be seeking funding where appropriate. The Director of Resources commented on the significant savings on energy that would occur as a result of the proposed works to the North Block. The Chairman agreed that the proposals were going in the right direction but he had some reservations over the need for certain of the works and proposed that members to be consulted on expenditure at each stage.

RESOLVED that approval be given in principle to the programme of works associated with the Town Hall disposal and for the provision of £1.4m in the current capital programme to be increased to £2m, subject to full consultation with the Leader and Resources Portfolio Holder prior to making orders for the various works set out in the schedule.

125 FINANCIAL MONITORING 2010/11

The Executive received the fifth budget monitoring report based on expenditure and activity levels up to October 2010. The 2010/11 projected outturn showed an overall net reduction in balances of £1,025,000. This consisted of a reduction in balances to reflect net overspends of £896,000, offset by additional income from interest on balances of £180,000, a net saving on central items of £665,000 and a further reduction in balances to reflect carry forwards (£974,000), funded from unspent budget provision in 2009/10. Any savings from the unspent budget provision in 2009/10 resulted in a corresponding increase in revenue balances in 2009/10.

The Director of Resources introduced the report and advised that whilst the main areas of pressure were still overspends on ACS and CYP budgets, actions taken by the Adult and Community Services department had resulted in the overspend reducing to £300,000. The Portfolio Holder for Adult and Community Services was pleased to see the improvement and commented that this was down to positive management action within the service.

Concerning CYP services the Director advised that work was progressing to reduce their overspends with the main areas relating to social care and the significant increase in referrals resulting in additional looked after children. Attention was drawn to the inclusion of the provision originally set aside for the pay award (£605,000) which was no longer required this year and was therefore shown as a saving. In addition there was a provision for £1m for investment that was available to the Executive. Potential redundancy costs had been included, in relation to proposals to be discussed later in the meeting and were shown at the maximum figure as required, totalling £1.8m but this was unlikely to be fully utilised and some monies were available elsewhere in the budget. In response to a request from the Environment Portfolio Holder, the Director agreed to amend the wording used in future around waste management and savings as a result of the recession. He also agreed to provide members with a full breakdown of the Contingency sum and information on what grant monies were still available to utilise.

RESOLVED that

- 1) the latest financial position as detailed in the report be noted;**
- 2) the actions taken by Chief Officers in the ACS and CYP services to reduce the overspends be noted; and**
- 3) approval be given to the utilisation of the budgets for the pay award and one off initiatives in respect of severance payments as referred to in paragraph 3.11 of the report.**

**126 BASE BUDGET LEVEL 2011/12 AND UPDATE ON COUNCIL'S
FINANCIAL POSITION 2011/12 TO 2014/15**

Report DR 10107

Further to Minute 48 (21st July 2010), Members considered a report seeking approval of the initial level of the 2011/12 Budget as a basis for proceeding to the setting of the Council Tax in the new year. The Director of Resources updated the position since his last report in July and also highlighted outstanding issues, further action required and areas of uncertainty. It had been hoped to update members on the grant settlement but this had still not been announced although the Director was hopeful it would be the following week. There was considerable speculation at this stage around grants and the 'grant floor' but it would be premature to guess and the Director would report back to members as soon as the information became available.

RESOLVED that

- 1) the draft level of the 2011/12 budget , including those savings included as set out in Appendix 1 of the report be agreed as a basis for setting the 2011/12 Budget;**
- 2) the outstanding issues that will require resolution in settling the 20/1112 Budget be noted;**
- 3) the outcome of the Comprehensive Spending Review be noted and the announcement of the Local Government Financial Settlement be awaited;**
- 4) the issues around the remaining Area Base Grant and those Grants into Formula Grant be noted;**
- 5) the position regarding the four major areas of growth in the budget and the approach taken be noted; and**
- 5) the need to make significant provision for severance costs in setting the budget be noted.**

**127 SAFEGUARDING AND SOCIAL CARE: RELEASE OF SOCIAL
WORK IMPROVEMENT FUND GRANT**

This item was withdrawn at the meeting.

128 HOMELESSNESS PREVENTION GRANT

Report ACS10071

Consideration was given to a report concerning the receipt of an additional £150,000 Homelessness Grant from the distribution of an additional £10m to London local authorities to support their plans to mitigate the impact on

households affected by the proposed Housing benefit reforms. The Assistant Director (Housing and Residential Services) explained that in Bromley some 2000 households were likely to be affected by the changes ranging from the loss of a few pence to in some cases up to £90 in benefit. Set out in the report were the proposed uses for the funding and members were advised that it was not about using the funds to 'top up' the losses. Various initiatives were being proposed including negotiations with landlords.

The Chairman commented on the need for the arrangements to be seen as fair and equitable and the Assistant Director agreed that the process would be modelled on the Disability Hardship Fund. If as requested the Executive approved the allocation of the grant monies to the ACS Portfolio budget the process would be regularly monitored through the ACS PDS Committee. The Portfolio Holder supported the proposal and asked that in reporting to the PDS Committee examples of the work in practice be included.

RESOLVED that

- 1) approval be given to the allocation of the additional grant to the ACS Portfolio Budget to be used as set out in the report; and**
- 2) the outcomes from the use of the grant be included in the 6 monthly performance reports to the ACS PDS Committee.**

129 PROPOSED PRIVATE SECTOR LEASING SCHEME

Report ACS10072

The Executive discussed a report seeking approval to enter into a contract with a national property services group to operate as the Council's management agent for leasehold properties for households for whom the local authority had a statutory duty to secure accommodation.

The Assistant Director (Housing and Residential Services) advised that the situation had been made more difficult with the changes to the housing benefit subsidy rules resulting in housing associations leasing schemes ceasing to be financially viable. One of the Council's main partners had decided to pull out of the market and it was proposed to procure a Private Sector leasing solution aimed at securing a supply of leasehold properties available to the Council within the Housing Benefit cap rates. The reasons for selecting Orchard & Shipmen were explained in the report and this approach was also being used by several other local authorities. The company had a track record of providing a quality service on a cost neutral basis to the local authority.

There was some urgency in the Council finding a solution to the potential loss of leasehold properties and getting the contract operating as soon as possible. The Executive accepted the need for urgency and agreed to waive the call in period. The Chairman of the Executive and Resources PDS Committee indicated no objection to this action.

RESOLVED that

- 1) approval be given to enter into a contract with Orchard and Shipman through the Mid-Lothian procurement agreement for the procurement and management of leasehold properties sufficient to enable the Council to discharge its statutory housing obligations and that this be dealt with as an urgent matter; and**
- 2) performance against this arrangement to be overseen by the Adult and Community PDS Committee as part of the existing 6 monthly performance monitoring reports.**

130 PERSONAL BUDGETS AND CONTRIBUTIONS

Report ACS10075

Consideration was given to a report proposing a Personal Budget and personal contributions policy for Adult Social Care and seeking approval to go out to consultation on the consequent changes proposed to the fees and charges for Adult Social Care Services.

The Director of Adult and Community Services introduced the report which was largely driven by the move to Personal Budgets and the need to put a value on the services received. In some cases service users could change to purchasing their own personal services or have a combination of both. The report detailed examples of the type of services involved and how personal budgets were operated and calculated. The changes to the policy for Adult Social Care had been drawn up in accordance with the guidance issued by the government and it was intended to consult with service users, their families and carers as well as stakeholders, partner agencies and voluntary sector organisations on both the policy and the changes to fees and charges.

RESOLVED that

- 1) approval be given to consult with service users, their families and carers and with stakeholders on a revised Personal Budget and Contributions policy;**
- 2) the variations listed in appendix 1 in respect of charges for adult care services and personal contributions rates towards Personal Budgets be approved for consultation;**
- 3) the consultation to include the introduction of a charge for day care which would be included within the personal budget for eligible service users and levied directly from the attendee for non eligible users;**
- 4) the consultation shall include the introduction of full cost recovery from the non-eligible recipient of social care/support services and that such charges are collected by the service provider;**

5) the consultation be on future contributions rates including the replacement of the current variable level of Disability Related Expenditure disregard with standard rates set between £5 and £15 per week; and

6) the Adult and Community Services PDS Committee be consulted and the results of the consultation be considered by the Adult & Community Services Portfolio Holder prior to the introduction of a revised Personal Budget and contributions policy by April 2011.

131 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

It was noted that the meeting of the Executive and Resources PDS Committee due to take place last week had had to be cancelled due to the very bad winter weather. The PDS Chairman indicated that there were no other issues that needed to be raised with the Executive.

132 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 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**

133 EXEMPT MINUTES OF THE MEETING HELD ON 3RD NOVEMBER 2010

The exempt minutes of the meeting held on 3rd November 2010 were confirmed.

134 PROPOSALS FOR RESTRUCTURING LEARNING & ACHIEVEMENT SERVICES

The Executive considered a report setting out proposals to significantly restructure the Learning and Achievement Division brought about by the major reductions in government grants which previously paid for the majority of this service. The recommendations were agreed.

135 REVIEW OF IN HOUSE HOME CARE SERVICES

The Chairman agreed that whilst this item was confidential the matter of consultation on the proposals being considered could be discussed in the open part of the meeting.

The Interim Head of Finance briefly outlined the background to the proposals which had been brought about by the decline in the proportion of care delivered by the in house home care services over recent years. This had been as a result of service users now receiving personal budgets and with more people choosing to purchase their own direct care. It was emphasised that the proposal was not about the level of care being provided but about changes to the provider of the service. The proposal to close the in-house service had been the subject of consultation, with the 90 day period ending on 30th November 2010. A summary of the comments received on the proposal was circulated at the meeting.

The Chairman asked various questions on maintaining the level of service, how this would be monitored, who was responsible for reviewing the needs of clients if they changed etc. Members were advised that the standards of the contracted external providers were the same as for the in-house service. They were assessed by an independent regulator as well as having contract monitoring visits and surveys of service users. Any changes to an individual's needs would be assessed as part of the annual review process.

The Chairman advised that this had been a tendering exercise carried out in accordance with the Council's regulations. The consultations had taken place with the staff involved and it was not about changes to the level of service provided.

Members continued discussion of the full details of the proposal in the confidential part of the meeting and agreed the recommendation to close the in-house service and the consequent redundancy arrangements.

136 PROPOSED RESTRUCTURE - CARE MANAGEMENT AND ASSESSMENT TEAMS IN ADULT AND COMMUNITY SERVICES

The Executive discussed a report proposing a revised team structure in the assessment and care management Teams and agreed the recommendations.

137 CORPORATE MANAGEMENT - EARLY RETIREMENT

The Executive agreed to discuss this report on the grounds of urgency and approved the recommendations for early retirement.

The Meeting ended at 9.15 pm

Chairman