

EXECUTIVE

Minutes of the meeting held on 2 February 2011 starting at 7.00 pm

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 John Getgood and
Councillor Russell Mellor

156 APOLOGIES FOR ABSENCE

All members were present.

157 DECLARATIONS OF INTEREST

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

Councillor Neil Reddin declared an interest as he had a child starting school at one of the Borough Primary schools.

Councillor Colin Smith declared an interest as his daughter worked part time at one of Bromley Library.

158 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 12th and 20th January 2011

a) Minutes - Meeting on 12th January 2011

In respect of Minute 143 (Carbon Reduction Commitment), the Chairman confirmed that he had written to the Secretaries of State for Education and for Energy and Climate Change making representations on the issues raised by members. He was awaiting a response and would keep members informed.

RESOLVED that the Minutes of the meetings held on 12th and 20th January 2011, excluding exempt information, be confirmed as a correct record.

b) Matters Arising

Further to Minute 91 (29th September 2010) Treasury Management Issues – Council Investment: Delegation, the Director of Legal, Democratic and Customer Services advised that it was no longer necessary to continue with this delegation to the Director of Resources.

RESOLVED that the report be noted and the delegation to the Director of Resources concerning Council investments be rescinded.

159 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

One written question had been received from Councillor John Getgood and one from a member of the public details of which, together with the answers, are set out in the Appendix to the minutes.

160 PUBLIC HEALTH IN BROMLEY - SECTION 75 ARRANGEMENTS SHADOW HEALTH AND WELL BEING BOARD

Report ACS 11013

The Director of Adult and Community Services reported on the Government's proposals for the reform of the NHS which would bring about radical changes to the organisation of the commissioning arrangements for local health services and for Public Health functions to be transferred to local government. Attention was drawn to the proposals for transferring Public Health functions (health improvement, tackling health inequalities and health protection) to the local authority, the draft legislation of which indicated this would take place by April 2013.

Members were informed that the Council together with Bromley PCT had for the past 18 months been in discussion about areas where further integration and joint working could be beneficial from a service delivery and efficiency perspective. The Bromley PCT along with other London PCTs was undergoing a major reorganisation resulting in the introduction of Sector PCT arrangements. In the light of the Government's new proposals therefore the situation had been reviewed and it was considered opportune to make arrangements for the transfer of the Public Health functions to the Council earlier rather than wait until 2013. A report setting out the justification and the proposed way forward to facilitate the transfer had been considered by the Shadow Health & Well Being Board in January and was appended to the Director's report. Subject to the agreement of the Council's Executive and the PCT it was proposed to draw up and conclude an agreement with a target date for transfer of the Public Health functions to the Council by April 2011. The mechanism for doing this would be by entering into a Section 75 Agreement.

Also as part of the Government's proposals was the establishment of a Health & Well Being Board and Bromley had set up a Shadow Board in January this year which had started to exercise the functions envisioned in the Government's approach. The Executive's approval was now formally sought to the terms of reference for the new Shadow Board.

The Portfolio Holder for Adult and Community Services spoke of the importance of these proposals and that to some extent Bromley was ahead in having already started the process of joint working over a year ago. He referred to the Joint Strategic Assessment which he felt had been light on Mental Health issues and would like to see this included. Councillor Noad supported the suggestion particularly related to children's mental health which had been underfunded. Members in discussing the proposals were generally supportive but highlighted some issues around the Joint Strategic Needs Assessment and the level of input into it and Inspection regimes. The Director advised in response to comments on the transfer of Public Health staff and the implications of this including pensions, that those staff would remain Public Health employees together with their staffing budgets until the official transfer in 2013. A workforce strategy would be developed in the interim and he thought suitable financial provision would be made although the details were still being worked on as the Bill was going through Parliament.

RESOLVED that

- 1) approval be given to proceed with the transfer of the current Public Health service from Bromley PCT to the Council under a Section 75 Agreement with a target date of April 2011;**
- 2) authority to finalise that Agreement be delegated to the Chief Executive and the Director of Legal, Democratic and Customer Services, in consultation with the Leader and Deputy Leader of the Council; and**
- 3) the establishment of the Shadow Health and Well Being Board with its Terms of Reference as set out in Appendix B of the report be noted and endorsed.**

**161 PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 -
DELEGATION TO OFFICERS**

Report ES10199

The Public Health (Control of Disease) Act 1984 had been extensively modified by the Health and Social Care Act 2008. In particular new Regulations had been made in respect of the notification of various diseases and other risks to the public health and Local Authority powers relating to disease control. The revised statutes had brought a range of new requirements, duties and powers to the Council which were wider and more flexible so that a response to public health hazards would be more effective.

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The report of the Director of Environment set out the background to these changes and the action required to implement them.

The Executive was being asked to approve the necessary delegation to the Director of Environmental Services and through him to other Officers of the Council, Health Protection Agency or other organisations as required.

RESOLVED that the Director of Environmental Services be authorised to act as the 'Proper Officer' and hold the powers set out in the report (Appendix 2 to these minutes) and to -

Appoint Officers from the Council, Health Protection Agency or other organisations as necessary to exercise specific functions and powers as given to them.

162 FINANCIAL MONITORING 2010/11

Report ES 10199

Consideration was given to the sixth budget monitoring report based on expenditure and activity levels up to November 2010 and seeking approval to the release of certain funding. Members were informed that there was an underlying net overspend of £664,000 on services (excluding recession costs), the additional costs arising from the severe winter of £635,000 offset by additional income from interest on balances of £170,000 and net savings on central items of £69,000, resulting in a decrease in balances of £1,060,000 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. After allowing for carry forwards of £974,000 there was an overall projected decrease in balances for 2010/11 of £2,034,000.

The Director of Resources introduced his report and advised that whilst there were still overspends with the main areas being Adult and Community and Children and Young People Services continued action was being taken by the officers to reduce these as far as possible given the current financial situation. He also highlighted the additional costs arising from the severe winter weather and that there could be further costs depending on the conditions during the remaining winter period. The Portfolio Holder for Children and Young People services commented on what he felt was the unfortunate use of the word 'overspend' when realistically the situation had been caused by pressures outside of the Council's control, despite the best efforts of officers to keep costs down.

The Chairman acknowledged the difficult situation but emphasised the need for continued vigilance in keeping spending within budget.

RESOLVED that

- 1) the latest financial position as detailed in the report be noted;**
- 2) the comments of the Chief Officers set out in the report in relation to the action to address overspends on their budgets be noted;**
- 3) the comments of the Director of Environmental Services relating to the additional costs arising from the recent heavy snowfalls be noted;**
- 4) approval be given to the request from the CYP Portfolio Holder to:**
 - release £100,000 from the Central Contingency Sum for the costs arising from the impact of the “Southwark Judgement” on homeless 16-17 year olds;**
 - release funding totalling £20,000 for the “Workforce Strategy Partners Programme”; and**
- 5) approve the release from the 2010/11 Contingency Sum of a sum of £19,700 for the cost of petitions.**

163 2011/12 BUDGET - INTERIM UPDATE

The Chairman advised visiting members and the public that the Executive this evening would not be discussing budget proposals for next year in depth. As already agreed at the last meeting a special meeting had been convened for that purpose on the former Council meeting date of 14th February 2011. The recommendations from that meeting would then go to Council for setting the Council Tax on 28th February 2011. However he had asked the Director of Resources to give an oral update on the current situation.

The Director of Resources explained that since the last meeting there were a few issues to report. The Government had confirmed the Formula Grant levels and Bromley's position remained unchanged. No announcement had yet been made on Grant Capping although it was expected that local authorities setting a high Council Tax could be affected. Although it had not been formally confirmed there were strong indications that the Council Tax freeze grant set for 2 years (2011/12 – 2012/13) could be in place for 4 years. There had been a judicial review of the decision to reduce the amount of London Borough's Grant this year but it was not expected that the decision would be overturned. The Chancellor had been expected to make a statement on the results of the Hutton Inquiry regarding pensions, but this had been delayed to June. The Director advised that any other changes impacting on setting the Council Tax would be reported to the Council meeting on 28th February 2011.

The Chairman reported that following the discussions at the last meeting and the circulation of the savings proposals for consultation, as at 31st January 2011 he had received 57 responses commenting on such matters as

efficiencies of service; the Library service, school crossing patrols; CYP issues and Learning Disabilities. These would all be given due consideration.

Councillor Getgood spoke at the meeting and whilst accepting that the Council had to make savings as it was no longer receiving grant money from the government, expressed his deep concern at the disproportionate effect the proposals would have on the most vulnerable. In particular he highlighted Adult & Community and CYP services and felt the Council should look at cuts in other areas to make savings and review its stance on non use of reserves. In response the Chairman reiterated that the Council did not want to be in this difficult situation but had to sort out a viable budget over the next 2 years whilst making huge savings. Members were very aware of the issues and the Chief Executive had been tasked with assessing the impact of the proposals and the results would be reported back. Concerning the use of reserves this was not a sustainable proposition, once the funds were spent there would be nothing to fall back on. The interest earned previously had enabled new schemes to go ahead such as the new libraries at Biggin Hill and Orpington. Other members also spoke in support of these views.

RESOLVED that the current position and the comments received so far be noted.

164 CAPITAL PROGRAMME MONITORING - 3rd QUARTER 2010/11

Report DR10114

The Executive considered a report summarising the current position on capital expenditure and receipts following the third quarter of 2010/11 and seeking approval to a revised Capital Programme. The Director of Resources advised that this was the usual report to members setting out the changes to the programme since the meeting on 3rd November 2010. If all the changes proposed were approved, the total capital Programme 2010/11 to 2013/14 would increase by £2.8m, mainly due to net increases in eternal funding, and the 2010/11 estimate would reduce by £4.4m mostly because of rephrasing expenditure into later years.

RESOLVED that Council be RECOMMENDED to approve the following amendments to the Capital Programme:

- (i) the addition of £1,500,000 in 2010/11 in respect of additional funding from Bromley PCT for the LD reprovision scheme (as referred to in paragraph 3.2 of the Director's report);**
- (ii) the addition of £7,255,000 over the two years 2011/12 to 2012/13 in respect of government grant allocations announced in the December Settlement (as referred to in paragraph 3.3 of the Director's report);**

- (iii) the addition of £485,000 in 2011/12 in respect of external funding for London private sector renewal schemes (as referred to in paragraph 3.4 of the Director's report);**
- (iv) the addition of £100,000 in 2011/12 in respect of new Capital Ambition funding for Efficiency and Transformation (as referred to in paragraph 3.5 of the Director's report);**
- (v) a reduction of £4,340,000 over the four years 2010/11 to 2013/14 to reflect reduced Transport for London support for highways schemes (as referred to in paragraph 3.6 of the Director's report);**
- (vi) a reduction of £2,690,000 in 2010/11 to reflect reduced Formula Devolved Capital support (as referred to in paragraph 3.7 of the Director's report);**
- (vii) a net addition of £100,000 in 2010/11 for the Farnborough Primary School extension scheme (as referred to in paragraph 3.8 of the Director's report);**
- (viii) the addition of £230,000 in 2010/11 in respect of the balance of short breaks capital funding (as referred to in paragraph 3.9 of the Director's report); and**
- (ix) the addition of £112,000 in 2010/11 to reflect additional Extended Services grant (as referred to in paragraph 3.10 of the Director's report).**

165 CAPITAL PROGRAMME REVIEW 2010

Report DR11003

Further to Minute 147 (12.01.11), the Director of Resources submitted a report on the new capital schemes supported by Chief Officers in the annual capital review process. As previously stated the main focus was on the continuation of existing essential programmes and on externally funded schemes, with only a limited new spending programme being put forward. It had been agreed that those schemes covering the years 2011/12 to 2014/15 (set out in Appendix 1 to the report) would be considered at this meeting.

In his report the Director of Resources outlined the background to the current position with reducing resources and the effect of the down turn in the housing market. Although reasonable prices were still being offered for some land sales, completion of deals continued to be problematic.

The following table summarised the revised programme put forward for approval in the Capital Monitoring report in Minute 164 above, together with new schemes.

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Capital Expenditure	2010/11	2011/12	2012/13	2013/14	2014/15
	£m	£m	£m	£m	£m
Revised approved programme	73.4	51.4	16.7	8.8	-
Proposed new schemes (App. 1)	-	1.1	3.2	10.3	14.6
Proposed programme	73.4	52.5	19.9	19.1	14.6
Add: investment priorities, etc	-	2.5	4.5	-	-
Add: allowance for new schemes	-	-	1.25	1.25	1.25
Less: Estimated slippage	-2.0	-5.0	1.0	1.0	1.0
Estimated expenditure	71.4	50.0	26.65	21.35	16.85

RESOLVED that Council is **RECOMMENDED** to approve that the new proposals listed in Appendix 1 of the Director's report be included in the Capital Programme, subject to fully costed feasibility studies being approved by Portfolio Holders.

166 GATEWAY REVIEW 0, 1 & 2: APPROVAL OF 2011/2012 CYP BUILDING MAINTENANCE BUDGETS, CYP PLANNED MAINTENANCE PROGRAMME AND PREFERRED PROCUREMENT OPTION

Report DRR10/00129

The Council's Property Division was responsible for carrying out planned maintenance works to the CYP buildings and a report was submitted which set out the budget for the proposed programme and the criteria used to justify their inclusion.

Based on previous budgets, a planned maintenance programme of high priority building works estimated to cost £3.7m had been compiled. The Director of Renewal and Recreation when introducing the report highlighted the difficulties in setting the programme when announcement of the Council's maintenance allocation had been delayed and had only just been confirmed for one year only - 2011/12. However, the indications were that future funding was likely to be protected. In drawing up the programme only high priority projects had been selected and the remaining budget would be directed at reducing the backlog of maintenance and on schemes contributing to energy savings.

The Director explained that Academy schools would not be part of this process as they would receive funding direct from Central Government for that purpose. Members questioned the procedure as it was known that a number of schools were in the process of preparing to become Academies. A consultation exercise had been undertaken with the Director of CYP Services and the Portfolio Holder to minimise the risk when selecting schemes. The Director of Children and Young People Services advised that as it took about 3 months overall to attain Academy status there was time to factor this in when selecting schools and their priority rating. Reference was made to the fact that the Council had a statutory responsibility to maintain its buildings in a condition fit for purpose. The report had been scrutinised by the Executive

and Resources PDS Committee at its meeting the previous week who had also discussed this situation.

RESOLVED that

- 1) the overall expenditure for the Maintenance Budget for CYP Properties in 2011/2012 of £7,387,000 be approved;**
- 2) the criteria used to assemble the planned maintenance programmes (Gateway review 0 & 1) be noted;**
- 3) the initial CYP planned maintenance programme, a full copy of which had been made available in the Members room, be noted;**
- 4) authority be delegated to the Chief Property Officer to vary the planned programmes where such action is considered necessary to either protect the Council's assets or make the most effective use of resources;**
- 5) the preferred procurement option and method be used (Gateway review 2);**
- 6) authority be delegated to the Chief Property Officer to select the most economically advantageous tender for any individual item of expenditure under the approved programmes referred to at (1) – (4) above; and**
- 7) the Director of Renewal & Recreation be authorised to submit planning applications where appropriate in respect of schemes set out in this report.**

**167 CONSULTATION ON MAYORAL COMMUNITY
INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE**

Report DRR11/010

The Chairmen proposed that this item, which had not been included on the published agenda, be considered as a matter of urgency.

The Executive was informed that the Mayor of London had very recently issued a consultation draft document giving details, including a proposed charging levy, under powers set out in Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010. London Boroughs were being asked to submit their views by 1st March 2011. This was the first opportunity members had to consider the implications of the proposals and the report was also being submitted to the Development Control Committee at its meeting on 8th February 2011. In view of the very tight deadline it was suggested that the matter be considered in more detail at the Executive special meeting on 14th February 2011.

The Chief Planner briefly outlined the main elements of the document as follows:

- the charging of a levy on most developments that were larger than 100 square metres to fund Crossrail;
- Boroughs had been grouped into 3 zones with Zone 1 paying £50 per square metre; Zone 2 would pay £35 per square metre; and Zone 3 paying £20 per square metre;
- Bromley had been placed in Zone 2;
- There were some exemptions from the levy such as charitable organisations/education establishments and affordable housing developments;
- There appeared to be no time limit to how long the levy would remain in place.

Members were advised that it had not been possible to analyse all the implications within the short time period that the document had been available. However, as an example based on very broad calculations an amount in the region of £5.3m could be claimed under this levy from Bromley which would be taking the funds out of the local economy. It also appeared that the Council would have to collect the levy on behalf of the Mayor.

The Executive was extremely concerned at the proposals and unanimously agreed that they should be robustly rejected. Bromley had been included in the middle banded Zone yet was an outer Borough and was likely to have least benefit from Crossrail. The cost implications were very worrying and members felt it would place an additional tax on Bromley, with developers having to charge extra to compensate for the levy. This could also have an adverse effect on the Council's plans to encourage regeneration of the Town Centre as part of the Area Action Plan by slowing down development. Further consideration needed to be given to all aspects of the proposals and the Council's position.

RESOLVED that an initial letter be sent to the Mayor asking for the limited consultation deadline to be extended to allow for full and meaningful discussions as well as raising initial objections to what appears to be an ill thought out scheme in the current stringent financial climate.

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

There were no additional issues to be reported from the Executive and Resources PDS Committee.

169 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 disclosure to them of exempt information.

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

170 EXEMPT MINUTES OF THE MEETINGS HELD ON 12TH AND 20TH JANUARY 2011

The exempt minutes of the meetings held on 12th and 20th January 2011 were confirmed.

171 FORMER BLUE CIRCLE SITE: JOINT USE EDUCATION PAYMENT 106 CONTRIBUTION

Report DRR 10/00144

Members were informed that since the report was published a further letter and legal information concerning this matter had been received from Asprey Homes and in the light of this it was agreed to discuss the report in the confidential part of the meeting.

The Executive considered its views on the situation which would be conveyed to the Development Control Committee.

172 LEGAL CHALLENGE TO BROMLEY AREA ACTION PLAN

The Executive considered its response to a legal challenge to the Bromley Area Action Plan.

173 CAPITAL PROGRAMME

The Executive considered a schedule of anticipated capital receipts.

Chairman

The Meeting ended at 9.32 pm.

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WRITTEN QUESTION FROM MEMBERS OF THE PUBLIC

From Miss Adele Titford – 1 written Question

Is £233,000 the cost Bromley Council has put on a child's life in order to justify removing Lollipop men and women from our borough? I would like to know how replacing these experienced professional people with zebra crossings and/or occasional parent and governor volunteers can ensure the safety of our children.

Reply:

Your question is based on pejorative assertion which I simply do not accept or agree with.

The Council has already opened conversations with schools on related matters and will be working with teachers, PTAs and the wider community wherever possible to investigate how the service can be delivered differently, at greater value for money to the Tax Payer.

Well intentioned parents have over a year to engage within this process and play their small part in achieving a solution based on collective shared responsibility for their loved ones.

I am confident given the well of good will and neighbourliness which exists across our local communities we will see them rise to this challenge.

I cannot over emphasise strongly enough just how stark and parlous the Borough's funding situation is set to become in coming years, given the recent reductions in funding forced upon local Councils as a result of the national budgetary crisis.

No single line of spending is or can be allowed to remain immune to challenge or reduction, as painful as that may be for all of our cherished preferences. The situation remains that critical.

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Minute Annex

Appendix

WRITTEN QUESTION FROM A COUNCILLOR

From Councillor John Getgood – 1 written Question

How many job losses in each Directorate do you expect will result from the cuts proposed in council spending for 20011/2012 and 2012/2013?

Reply:

(See attached schedule)

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Total Number of Redundancies proposed for 2011/12 and 2012/13

	2011/12		2012/13	
	FTE's	Posts	FTE's	Posts
CYP	71.36	101	0.00	0
ACS	61.48	110	0.00	0
R&R	1.00	1	8.00	9
ES	17.50	17	8.50	10
Resources/LADs	21.00	21	8.90	10
Chief Exec	5.00	5	1.50	2
	177.34	255	26.90	31
Already Approved by Executive				
CYP - Learning & Achievement	-56.33	-83		
ACS - Inhouse homecare, care services	-53.48	-102		
	-109.81	-185		
New - not yet reported to Executive	67.53	70.00	26.90	31

As you can see from the above there are 177.34 ftes (255 posts) being deleted in 2011/12 and 26.90 ftes (31 posts) being deleted in 2012/13.

Of these CYP and ACS have already taken reports to the Executive on 8 December 2010 relating to restructuring of Learning & Achievement Services, In house homecare and Care Management. These total 109.81 FTE's and 185 actual posts, that have already been consulted on leaving around 70 posts in 2011/12 (31n in 12/13) .

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