

EXECUTIVE

Minutes of the meeting held on 19 October 2011 starting at 7pm.

Present:

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Robert Evans, Peter Morgan,
Colin Smith and Tim Stevens

Also Present:

Councillor Simon Fawthrop, Councillor John Getgood,
Councillor Brian Humphrys, Councillor Russell Jackson,
Councillor Russell Mellor and Councillor Stephen Wells

71 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Noad and members expressed their condolences.

72 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

73 CONFIRMATION OF MINUTES

(A) Minutes of the meeting held on 7th September 2011

RESOLVED that the minutes of the meeting held on 7th September 2011, excluding exempt information, be confirmed as a correct record.

(B) Matters Arising Report RES11107

Further to Minute 60 (Budget Monitoring 2011/12) of the last meeting, the Portfolio Holder for Resources advised that he had had discussions with the CYP Portfolio Holder and the Director of Children and Young People Services concerning the overspend on the CYP Budget. He had been encouraged by the work being done and the innovative approach being taken to tackling the problem including the specialist provision in respect of fostering and a probable Invest to Save in borough project. Councillor Noad would be updating members as matters progressed.

RESOLVED that the report be noted.

74 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Two members of the public had submitted oral questions. However, as Mr Michael Lewis was not in attendance a written response would be sent to him – full details are set out in the appendix to these minutes.

75 BUDGET MONITORING 2011/12

Report RES11113

The Executive received the third budget monitoring report for 2011/12 based on expenditure and activity levels up to August 2011. The report also highlighted significant budget variations which would impact on future years and early warnings for the final year end position. Members noted that overall a projected underspend of £2,427k was forecast based on information as at August 2011. There would be an overall reduction in general fund balances of £2,042k after allowing for the contribution to the Severance Fund of £3,500k and carry forwards funded from underspends in 2010/11. The main cost pressures in year continued to relate to Children & Young People and Adult & Community Services as detailed in the report. The Chairman reemphasised the need for continued vigilance to keep spending within budget.

RESOLVED that

(1) the latest financial position be noted, including the projected net underspend of £2,427k forecast, based on information as at August 2011, consisting of a £401k underspend on services, additional grant income of £319k, £700k improved forecast for recovery of Heritable Bank investment and a projected underspend on the Central Contingency provision of £1,007k;

(2) the projected reduction to the General Fund balance of £2,024k after allowing for the underspends detailed above be noted, offset by a contribution to the Severance Fund of £3,500k and carry forwards funded from underspends in 2010/11 as detailed in paragraph 3.9 of the report;

(3) the comments from the Director of Children and Young People and the Adult and Community Services Management Team as detailed in sections 3.3 and 3.4 of the report be noted; and

(4) the early warnings detailed in paragraph 3.12 be noted in particular the uncertainty relating to the top slicing of funding for Academies.

**76 NHS FUNDS FOR SOCIAL CARE 2011/12 AND 2012/13:
INVESTMENT PLANS FOR SERVICES FOR PEOPLE WITH
PHYSICAL DISABILITIES AND YOUNGER ADULTS WITH
LEARNING DISABILITIES**

Report ACS11055

Further to Minute 63 of the last meeting consideration was given to a second report concerning the funding allocation to the PCT identified in the NHS Operating Framework for 2011/12 and 2012/13 for social care services which also supported the NHS. The report set out the investment plans and accompanying business cases for how the funds would be used to alleviate future budget pressures in services for people with physical disabilities and younger people with learning disabilities. In response to a query from the Chairman members were assured that procedures for appropriate exit clauses for staff taken on in respect of this initiative would be in place at the end of the 2 year period.

(Director of Resources Note: An amendment had been reported prior to the meeting in respect of the Investment Plan for Younger People with Learning Disabilities as the number of those young people transferring to adult services by 2015/16 was 136 not 36 as shown. This was a typing error and all calculations in the report had been based on the correct figure.)

RESOLVED that

(1) the drawing down of NHS funds for Social Care from the Council's central contingency of £279,157 in year 1 and £257,037 in year 2 for the investment plan for services for people with physical disabilities be agreed; and

(2) the drawing down of NHS funds for Social Care from the Council's central contingency of £55,173 in year 1 and £165,522 in year 2 for the investment plan for services for younger people with learning disabilities be agreed.

77 TRANSFORMING COMMUNITY EQUIPMENT SERVICES

Report ACS11054

The Chairman advised that this item was being deferred as the additional information requested relating to the utilisation of the ICES store was not available and it would therefore be dealt with at the next meeting in November. Alternatively an urgent meeting could be called if necessary. However, Mr Glen Kelly was in attendance with representatives of the staff concerned and the Chairman agreed that he could make a short statement to the Executive. Mr Kelly spoke in support of retaining the in house store rather than agreeing the option proposed for what he viewed would be little financial gain and a loss in the standard of service provided locally. The Chairman

commented that members noted the views expressed and would be examining the figures closely before coming to any decision.

RESOLVED that consideration of this item be deferred to the next meeting.

78 RELEASE OF GOVERNMENT FUNDING TO SUPPORT IMPROVEMENTS IN CHILDREN AND FAMILIES SOCIAL WORK

Report DCYP11112

The Department for Education (DfE) had announced in 2010 the creation of a Social Work Improvement Fund (SWIF) to assist employers to build capacity for reform and improvement in social work with children and families. In addition, in September 2011 the Local Authority was informed of the Government's intention to distribute further funding to support the implementation of the recommendations of the Munro Review of child protection. The total allocation of funding for Bromley was £218,713 made up of £168,713 from SWIF and £50,000 from the Munro funding. The Director of CYP Services explained the proposed allocation of funding with the emphasis on improving the quality of front line social work practice in child protection as set out below:

- (i) £50,000 on the introduction of the 'Disorganized Attachment model' for assessing child maltreatment and neglect.
- (ii) £30,000 on the introduction of the 'Parent Assessment Manual Software' (PAMS) for the assessment of neglectful parenting where parents have learning disabilities.
- (iii) £60,000 on the Graduate certificate in Systemic Practice for all front line staff.
- (iv) £50,000 on the introduction of a training package to support staff and foster carers with the assessment and management of older children with behavioral difficulties.

The Director also highlighted that in line with the Government's request for employers to form closer relationships with higher education institutions providing social work training to develop training programmes in partnership, Bromley together with Bexley and Lewisham had entered into such a partnership arrangement with Goldsmiths' College, London University. Reference was made to the remaining £28,713 of funding and whether this would be used to offset the overspend on the CYP budget.

RESOLVED that

- 1) the release of the Social Work Improvement Fund and Munro funding totalling £190,000 to support the improvement in front line child protection as outlined above be approved; and**

2) the CYP Portfolio Holder be delegated authority to utilise the outstanding balance of £28,713 as appropriate.

79 POSSIBLE ARTICLE 4 DIRECTION AT THE CHENIES, PETTS WOOD

Report RES11101

At its meeting on 8th September 2011 the Development Control Committee had considered a proposal that an Article 4 Direction should be sought to withdraw permitted development rights for the insertion of roof lights in properties within The Chenies Conservation Area in Petts Wood. If an article 4 direction was served, the Council might be liable to pay compensation to applicants in certain circumstances, but this needed to be balanced against the potential harm to the conservation area caused by a possible proliferation of proposals. The Committee had concluded that the Executive should be recommended to approve a non-immediate Article 4 Direction, under which permitted development rights were only withdrawn upon confirmation of the direction by the local authority following local consultation.

Councillor Simon Fawthrop, one of the local ward members, spoke in support of the proposal.

RESOLVED that the issue of a non-immediate Article 4 Direction should be sought.

80 THE COUNCIL'S FINANCIAL STRATEGY - DELEGATED AUTHORITY FOR PROPERTY ACQUISITIONS

Report DRR11106

The Executive had agreed at its last meeting (Minute 61 – 070911 refers), subject to the approval of Council on 24th October 2011, to create a regeneration/investment fund of £10million and an invest to save fund of £14million. A further report was submitted seeking agreement to delegate authority to the Director of Renewal and Regeneration, in consultation with the Director of Resources, the Leader of the Council and the Portfolio Holders for Resources and Renewal and Recreation, to take decisions on the purchase of properties that met the Council's criteria. The main reason for suggesting this delegation was to ensure that the Council could respond quickly to attractive investment opportunities and not be disadvantaged in the market place by having to wait for a decision.

Councillor Jackson, Vice-Chairman of the Executive & Resources PDS Committee, attended the meeting to speak on the item. Whilst the PDS Committee had not held its scheduled meeting due to lack of business Committee members had been invited to submit any comments on Executive items and Councillor Bosshard, who was unable to attend this evening, had

raised concerns on this item in respect of two issues. He was unhappy with a delegation that was 'uncapped' and suggested a ceiling of £1m and asked that in respect of the regeneration and investment fund that any purchase should be correlated to the sale of an asset and the money acquired used to top up balances. The Renewal and Recreation Portfolio Holder advised that the intention was to invest in High Street properties which could be in the £2m-£4m price bracket and that this was a means of getting a far higher return on the Council's investment rather than the very low interest rates currently being paid. He was quite happy to agree to the request to top up the fund from sale proceeds and strongly supported what was proposed. The Portfolio Holder for Resources also agreed with this approach whilst appreciating the idea of capping the level to show clear accountability. He felt it was a very good opportunity for the Council to earn a higher investment and at the same time invest in High Street improvements. Responses were also made to questions raised by Councillor Mellor on the process.

Members discussed the proposal for a capping limit at this stage on the basis that if necessary an urgent meeting of the Executive could be arranged to approve any actions exceeding that amount.

RESOLVED that, subject to the approval of Council to the Executive's decision to establish a regeneration/investment fund and an invest to save fund, decisions on the purchase of properties funded from these sources and costing in excess of £500,000 and up to a capping limit of £2m be delegated to the Director of Renewal and Recreation in consultation with the Director of Resources, the Leader of the Council and the Portfolio Holders for Resources and Renewal and Recreation.

81 PROPOSED GOVERNANCE OF CRYSTAL PALACE PARK

Report DRR11/091

Crystal Palace Park was a site of local, regional, national and international significance which now required an alternative approach to its management to ensure that it was enjoyed for generations to come. The approved Masterplan for Crystal Palace Park, although subject to a judicial review, required consideration to be given to the mechanism by which the Masterplan could be implemented and the need to attract significant external support and funding whilst retaining and increasing the support of local residents, interest groups and associations.

The report examined different options for the future governance of the park and recommended that management of the park in the form of a 'not-for-profit' organisation be further investigated. The report also suggested pursuing discussions with established and experienced organisations such as the National Trust, English Heritage and other industry sectors with a history and reputation for managing green spaces.

Recognising the complexities of the park's history, the diverse range of parties that had an interest in the future of the park and the scale of resources likely to be required to implement (in all or in part) the Masterplan, the creation of the Crystal Palace Park Management Board was recommended. The Board would be established to explore opportunities for the management, restoration, development and protection of Crystal Palace Park, recognising the site's multi-faceted historical significance and creating an environment which was valued and admired by local people and visitors alike. Set out in the appendix to the report was the proposed membership of the Board together with five different stakeholder Groups drawn from across the spectrum of individuals, groups, local authorities and organisations having involvement with the Park.

The Director of Renewal and Recreation introduced his report and advised that it had been discussed by both the Renewal and Recreation and Environment PDS Committees whose comments had been circulated to Executive members. Both Committees supported the creation of the Board and had expressed various views. The Director felt that the establishment of the Management Board reporting direct to this Executive was the best way of securing investment for the future of the Park. Also included in the report was a suggested timetable for the development phases of the project with the intention to report back to the Executive with final proposals in November next year.

Councillor Getgood attended to speak to the item and in general terms agreed with what was being proposed. However, he did have some concerns in relation to the make up of the Board and specifically asked that the Executive consider appointing two Ward Councillors rather than one onto the Management Board. Councillor Getgood also emphasised the importance of the role of the Existing community Stakeholders Group and that perhaps its elected Chairman should represent the overall views direct to the Board. The Director explained the process being proposed and that the Crystal Palace Park Stakeholder Group which would be newly formed, together with the Existing Community Stakeholders Group would be selecting the appropriate two community representatives to sit on the Board.

Councillor Smith considered this was a good news item and stressed the importance of the Management Board taking a strong active lead in pursuing the rejuvenation of this very important Park. The Chairman also supported the proposals and agreed with the appointment of two Ward Councillors and the reduction to one Community representative as suggested. He also requested an earlier report back to the Executive next year following the proposed Community Conference. In respect of the Stakeholder Groups he felt that efforts had been made to make them as inclusive as possible. The Director considered there would be no problem with the changes and spoke of the need to ensure that there were proper information and communication systems in place so everyone involved was kept informed of progress.

RESOLVED that

- (1) the creation of the Crystal Palace Park Management Board be approved (as set out at Appendix 1 to the report), subject to amending the membership to provide for 2 Ward Councillors and 1 Community Representative;**
- (2) Officers support members of the Crystal Palace Park Management Board to:**
 - (a) explore the ‘not-for-profit’ organisation governance option for the park;**
 - (b) pursue discussions with established organisations that have the experience and capability of managing green spaces, such as the National Trust and English Heritage;**
 - (c) investigate options for a challenge of the Lee Valley Regional Park Act 1966 in collaboration with neighbouring boroughs to obtain agreement to reinvest Bromley’s funds into Crystal Palace Park;**
 - (d) agree that the Crystal Palace Park Executive Project Board bring back further reports to the Executive with recommendations on the future management of Crystal Palace Park and any other significant developments;**
- 3) an updating report be submitted to the Executive in April 2012 following the Community Conference.**

82 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY - MID YEAR REVIEW 2011/12

Report RES11117

The Executive considered a report summarising treasury management activity during the first quarter of the financial year 2011/12, providing an update on interest rates, the current economic climate and the Council’s investment with Heritable Bank. In respect of the latter the Finance Director was hopeful that the Council would receive the majority of the £5m investment with about 60% of our claim being returned so far. The report also proposed a change to the investment criteria that formed part of the Council’s Annual Investment Strategy to increase the total investment limit for the two part-nationalised banks, Lloyds TSB and Royal Bank of Scotland, to £60m. Treasury management performance was usually reported quarterly to the Executive & Resources PDS Committee for decision by the Resources Portfolio Holder, but there was an urgent need to change the investment criteria, which required the approval of full Council on 24th October 2011 and the Executive’s approval was sought to making the appropriate recommendation.

The Finance Director explained the background to the proposed changes to the investment criteria particularly the historically low levels of investment rates and the restricted investment opportunities available to the Council and the efforts made to find the most beneficial opportunities. The Portfolio Holder for the Environment, Councillor Colin Smith, raised some concerns about the credit rating of these banks and the continuing general financial uncertainty. The Finance Director advised that the intention would be to place investments for a short term of 1 year in these banks that were heavily nationalised by the government. The Executive discussed the matter and were mindful of the continuing uncertainty in the money markets as well as the situation in the Euro zone during the next few weeks and on balance agreed to support the proposal but that Council be recommended that the implementation of this be deferred for 3 months to give time to assess the changing financial situation.

RESOLVED that the report be noted and Council be recommended to agree that the proposed increase in the investment limit for the part-nationalised banks, Lloyds TSB and the Royal Bank of Scotland, from £40m to £60m, be approved, subject to this being implemented after 3 months dependent on the prevailing financial situation.

83 ORGANISATIONAL REDESIGN

Report HHR11003

The Chief Executive reported that he intended to introduce key corporate departmental changes designed to realign the organisational structure with what the Council was trying to achieve. Highlights included:

- Realignment of like for like functions/teams to improve financial and managerial performance, thus yielding cashable and non-cashable savings;
- Specific business requirements to bring together adult social care, children social care services, education and operational housing functions in a new department;
- Reduction in managerial posts, in line with the Corporate Operating Principle aimed at establishing the optimal ratio of managers to staff;
- Cultural realignment, i.e. complementary staff engagement and empowerment initiatives aimed at improving the working environment in which staff can contribute to the challenges and opportunities facing the Council.

The report did not address any proposed departmental and/or divisional restructuring happening concurrently as part of the on-going cost cutting exercises or for any other business reasons. Individual Chief Officers would manage their departmental/divisional restructurings in the usual way, as set out in the Council's Managing Change Procedure. Therefore, this report focused on the corporate departmental arrangement, mainly at 1st and 2nd tier levels, although a separate review of other managerial tiers in the organisation was being carried out concurrently. This was consistent with the

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determination to reduce the number of managers in the organisation and devolve decision making processes to frontline staff.

The Chief Executive advised that he had received comments from the Portfolio Holder for Adult & Community Services on the Operational Housing service which he had subsequently taken into consideration as the new Department developed over the coming weeks. He would expect the new department bringing together adult and children's care services etc would begin operating in January/February 2012.

The Chairman in accepting the organisational approach being taken requested that the Leaders of both the Minority Parties be consulted/kept informed of progress on these changes.

RESOLVED that

- (1) the proposed corporate departmental changes be noted;**
- (2) it is noted that, subject to appropriate individual and Trade Union and staff side consultations, the Chief Executive will manage any staff redundancies and/or staff redeployments in accordance with the Council's HR procedures and the Officer Scheme of Delegation; and**
- (3) the cultural realignment initiatives designed to support and complement the corporate structural changes be noted and endorsed.**

84 SCHEME OF DELEGATION TO OFFICERS

Report RES11102

Following the recent resignation of the Director of Adult and Community Services, Mr Terry Rich, it was necessary to make some minor changes to the Council's Scheme of Delegations to Officers, allocating the former Director's delegations to the four Assistant Directors in the Adult and Community Services Department as appropriate. Most of the delegations concerned were executive and were therefore made by the Leader of the Council. The remaining non-executive delegations needed to be considered by full Council on 24th October 2011. The opportunity had also been taken to make some other minor corrections.

The report also explained that it was necessary for Council to make a small change to the Constitution to designate the Assistant Director, Care Services, to perform the statutory responsibilities of the Director of Social Services, and the Assistant Director, Strategy and Performance, to perform the remaining strategic chief officer functions.

The views of Councillor Grainger were reported at the meeting who had queried the necessity in certain specific areas for the delegation to be 'Council/Leader' and thought it should state one or the other. In response the

Director of Resources advised that in the case of contracts this was not straightforward as some were executive and some were not and the way it was expressed allowed for flexibility and without the need to go into extreme detail. He therefore strongly advised that there should be no change to these particular delegations as recommended.

RESOLVED that the minor changes to executive delegations in relation to Adult and Community Services and other minor corrections received from the Leader of the Council be noted as set out in Appendix 1 to the report.

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

There were no issues to be reported from the Executive and Resources PDS Committee, whose meeting on 12th October 2011 had been cancelled.

**86 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 that 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**

**87 EXEMPT MINUTES OF THE MEETING HELD ON 7th
SEPTEMBER 2011**

RESOLVED that the exempt minutes of the meeting held on 7th September 2011 be confirmed as a correct record.

Chairman

The meeting ended at 8.35pm.

APPENDIX 1

4. QUESTIONS FROM MEMBERS OF THE PUBLIC

A) From Mr Michael Lewis of the Portfolio Holder for Resources, Councillor Graham Arthur

(As Mr Lewis did not attend the meeting it was agreed in accordance with normal practice that a written reply would be sent to him following this meeting.)

(1) What steps is the Council proposing to take to improve the quality of its management of the capital programme, and what lessons in terms of best practice from other comparable London boroughs, CIPFA, the DCLG and other bodies can it learn and implement?

Reply:

The Capital Programme Outturn report to the Executive on 22nd June 2011 recognised the need for improved monitoring of the capital programme following the levels of slippage at year end in recent years. The 1st Quarter Capital Programme Monitoring report to the Executive on 20th July 2011 confirmed that the monitoring process was being reviewed and would be strengthened in the coming months. Officers have recently completed a review of capital monitoring procedures and improvements will be implemented during the current financial year.

Overall, the key monitoring control relates to the total cost of a scheme against the approved programme and schemes can be phased over a number of years. Due to the nature of capital expenditure slippage does occur and, although it is important to monitor this closely, it will not impact on the performance and overall costs of the capital programme.

(2) Will the Council undertake a fundamental review of all its capital schemes after this year's clock change to ensure, in these difficult financial times, maximum VFM for the taxpayer is achieved and that all projects are delivered to specification, budget and timescale?

Reply:

The Council is not intending to undertake a fundamental review of all capital schemes after this year's clock change. Monitoring of the capital programme is carried out throughout the year and reported quarterly to the Executive and PDS Committees. Reviewing whether individual schemes have achieved the original aims and objectives, been delivered on time and within budget is the purpose of a post completion review report and these can only be prepared following completion of the scheme.

B) From Mr Ray Sacks, Chairman of the Crystal Palace Campaign of the Leader of the Council

(1) The proposed structure, named the Crystal Palace Park Executive Project

Board, is being established to develop ideas and produce proposals for the future governance of the park. What is the commitment of Bromley Council to carry this through to completion in a reasonable time, say maximum one year?

Reply:

As announced at the Crystal Palace Park conference held on 20th May, which I believe you attended, the Council was totally committed to develop ideas and explore options for the future governance of Crystal Palace Park. The council plans to follow the timetable as laid out in the committee report at paragraph 3.52. The Board will review this timetable and amend if necessary. The Council is keen to make as positive progress as possible.

Mr Sacks did not have a supplementary question.

(2) The Board seems to lack specific expertise in relation to the many possible trust or governance structures available. Will there be sufficient funds to call on (or co-opt) such experts such as London Management Services Ltd (who did excellent background work for the Master Plan) to provide advice?

Reply:

The Leader replied that the Board members certainly had extensive experience, influence, knowledge and skills to champion and drive the future governance of Crystal Palace Park forward to a satisfactory conclusion. The members of the Board would use the expertise of Bromley Council members and officers, the Greater London Authority and other organisations who have been mentioned where possible or who have offered support, to ensure the future of Crystal Palace Park is secured. All the organisations mentioned have experience and knowledge regarding 'non profit organisations' and their legal governance. Any specific issues he was sure could be dealt with by the officers and if necessary at this stage Councillor Carr thought resources could be found to cover this.

Mr Sacks did not have a supplementary question

(3) If the CPP Executive Project Board is not approved, what plans do Bromley Council have for improving the management of the Park, attracting sufficient funds for this purpose and protecting/regenerating its fabric and heritage?

Reply:

If the Crystal Palace Management Board was not approved the Council would have to continue to manage the park, as well as continuing the recently established Crystal Palace Park Stakeholder Group - Site Management Group, to explore external funding streams, improve the local environment and facilitate all the agencies on site. In addition the Leader would consider lobbying the Mayor for his support in seeking external funding and Mr Sacks

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could rest assured that every possible route would be explored.

Mr Sacks did not have a supplementary question as such but commented on the need to include the four other Boroughs involved in discussion with the Management Board which the Leader also supported and was part of the proposals for discussion at this evenings meeting.