

EXECUTIVE

Minutes of the meeting held on 14 December 2011 starting at 7.00 pm

Present:

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

Also Present:

Councillor Nicholas Bennett J.P., Councillor Eric Bosshard,
Councillor Peter Fookes and Councillor John Getgood

101 APOLOGIES FOR ABSENCE

All members were present.

102 DECLARATIONS OF INTEREST

Councillor Fookes declared an interest in item 12 - Gateway Review – Day Opportunities for Older People as Treasurer of the Penge & Anerley Age Concern UK and Councillor Getgood also declared an interest in the same item.

Councillor Morgan declared an interest in item 20 – Street Environment Contract 2012-2017/19; Street Cleansing; Graffiti Removal; Public Conveniences and Highway Drainage Cleaning as his daughter worked for Kier Street Services but in a different Department.

103 CONFIRMATION OF MINUTES

A) Minutes of the meeting held on 16th November 2011

RESOLVED that the minutes of the meeting held on 16th November 2011, excluding exempt information, be confirmed as a correct record.

B) Matters Arising Report LDCs111351

In relation to Minute 143 – Carbon Reduction Commitment the Chairman asked for an update in respect of the outcome of representations about the responsibilities of Academy Schools. The Finance Director advised that there had been consultations on the schools' liabilities and this would be covered in the Financial and Council Tax report to the January Executive meeting.

RESOLVED that the report be noted.

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

Councillor Nicholas Bennett JP had submitted 1 written question and one oral question had been submitted by a member of the public, full details of which together with the answers are set out in the appendix to these minutes.

105 ANNUAL AUDIT LETTER

Report CEO 1188

The Executive received the Annual Audit Letter which provided a high level summary of the results of the 2010/11 audit work that had been undertaken. The report would also be submitted to the Audit Sub-Committee for consideration at its meeting the following evening.

The Finance Director commented on the changes to the Accounting requirements under the International Financial Reporting Standards (IFRS) during 2010/11 which increased the complexity of the process and had meant producing double the amount of supporting notes. It was pleasing that no concerns had been raised by the Auditors and that an unqualified value for money conclusion had been issued. The Resources Portfolio Holder also spoke of the extra work undertaken by the staff and the good practice standards achieved and the Executive asked for its appreciation to be passed on to all those involved.

The Chairman drew attention to the summary of recommendations and proposed that a report be done through the Executive and Resources PDS Committee on testing the Council's disaster recovery plans in the event of a major disaster at the Civic Centre. Councillor Bossard agreed that this be added to the Committee's work programme.

RESOLVED that the Annual Audit report be noted.

106 BUDGET MONITORING 2011/12

Report RES11142

Consideration was given to the fourth budget monitoring report for 2011/12 based on activity levels up to October 2011. The report also highlighted any significant variations that would impact on future years as well as early warnings that could impact on the final year end position. Members noted that a projected net underspend of £3,470k was forecast based on information as at October 2011. The Finance Director commented that the main cost pressures on the budget remained largely the same in respect of the Children & Young People and Adult & Community Services. However, the key issue would be the full year effects on the budget which would be reported to the next meeting of the Executive.

In response to a member question the Director confirmed that although notification of the grant settlement had been received this was still subject to final confirmation. He went on to briefly outline three main changes in respect of the government deferring further top-slicing of Bromley's Local Authority Central Services Education Grant (LACSEG) until 2013/14, additional Early Years Intervention Grant which may be required to fund new responsibilities and the new issue of any Council Tax increase exceeding 3½% in 2012/13 triggering an automatic referendum for registered electors. Comment was made on the likely cost of a referendum which could be in excess of £400,000 but that the total cost involved would need to take into account such issues as rebilling. The next draft 2012/13 Budget report to the Executive would explain the situation in greater detail as part of the build up to setting the Council Tax at the Executive meeting in February 2012.

RESOLVED that

- (1) the latest financial position be noted including the projected net underspend of £3,470k forecast, based on information as at October 2011, consisting of a £967k underspend on services; additional grant income of £319k; £700k improved forecast for recovery of Heritable Bank investment; £300k increased interest earnings and a projected underspend on the Central Contingency provision of £1,184k;**
- (2) the following be noted - a projected reduction to the General Fund balance of £981k after allowing for the underspends detailed in (1) above, offset by a contribution to the Severance Fund of £3,500k and carry forwards of £951k funded from underspends in 2010/11;**
- (3) the comments from the Director of Children and Young People and the Adult and Community Services Management Team detailed in sections 3.3 and 3.4 of the report be noted;**
- (4) approval be given to release £100k for fuel costs from the Central Contingency as detailed in section 3.5.2 of the report;**
- (5) the early warnings detailed in paragraph 3.12 of the report and in particular the future uncertainty relating to the top slicing of funding for Academies be noted; and**
- (6) it was noted that there were items elsewhere on the agenda requesting approval to utilise in year underspends and grant funding which had not been reflected within this report (paragraph 3.2 refers) pending approval.**

**107 COMMUNITY INFRASTRUCTURE LEVY - DCLG
CONSULTATION ON DETAILED PROPOSALS AND DRAFT
REGULATIONS FOR REFORM**

Report DRR11/132

The Executive considered a report seeking agreement to a Council response to the Government's consultation on the detailed proposals and draft regulations for reforms to the Community Infrastructure Levy (CIL) which began on 10th October and closed on 30th December 2011. The proposed reforms were as a result of the changes to the levy included in the Localism Act which had gained Royal Assent in November. Detailed in the report were the main issues for consideration arising from the Government's proposals.

Members noted that Local Authorities could levy a charge (CIL) on most types of residential, commercial and industrial development that involved an increase in floor space. The CIL charge could then be used alongside other funding streams to deliver infrastructure plans locally but could not be used to remedy existing local deficiencies. As part of the process Bromley would have to prepare an Infrastructure Delivery Plan (IDP) on which work was already underway and a CIL viability assessment. The Executive was also aware that alongside of this was the ongoing issue of the Mayor's CIL proposals which Bromley had objected to (Minute 178 – 14.02.11 refers) and the Chief Planner had attended the Public Examination currently taking place.

The Chief Planner drew attention to the proposed response appended to the report, some of which did not relate directly to London Boroughs. The Chairman commented on the use of the phrase 'meaningful proportion' in question 1 and what that really meant. In response the Chief Planner drew attention to the suggested response to question 2 which emphasised the view that local authorities such as Bromley should retain control over how the levy was spent locally.

RESOLVED that

- 1) the proposed response to the Government's consultation as set out in the Appendix to the report be approved; and**
- 2) as the preparation of a Bromley CIL is linked to the plan making process a report on the matter will be submitted back to the Executive in due course.**

**108 INTRODUCTION OF TRIAL OF REVISED GREEN GARDEN
WASTE COLLECTION SERVICE AND TEXTILE COLLECTIONS**

Report ES11108

The Director of Environmental Services submitted a report which explained proposals for the introduction of a trial scheme to supplement the current Green Garden Waste Sticker service and finalise options for textile collections

in the Borough. The report had been discussed by both the Environment and the Executive & Resources (E&R) PDS Committees who had supported the proposals. However, the E&R PDS Committee had suggested the Portfolio Holder might consider making an initial charge to customers to cover the cost of the wheelie bin provided. The Environment Portfolio Holder had subsequently agreed the introduction of a pilot scheme for a fortnightly wheelie bin collection service for Green Garden Waste which would be for a 10½ month period at a price of £60 per property as well as the changes to the textile collection service. This report was primarily coming to the Executive to seek approval of the funding arrangements for the trial scheme. It was proposed that the total cost (£220,000) be met by using £140,000 of the current projected underspend for the Environment Portfolio and a contribution of £80,000 from the recently established 'Invest to Save Fund'. The Finance Director advised that the proposals were supported by a very strong business case.

The Environment Portfolio Holder spoke in support of the pilot scheme which was designed to be easy for residents to buy into and was based on the experience gained during the roll out of the food waste collection service. It was being trialled first and if successful would then be extended across the Borough. The Environment PDS Committee and its Chairman had fully backed the proposals. He also pointed out that some neighbouring Boroughs made no charge for their garden waste collection service.

The Chairman of the E&R PDS Committee, Councillor Bosshard, had some concerns at the use of underspend monies to part pay for the scheme particularly in the current financial climate. His Committee felt that charging a fee for the cost of a bin which could be built into the overall cost for joining the scheme would be worthwhile. The Director of Environmental Services explained that a charge for bins had been considered when drawing up the scheme. Officers had looked carefully at examples from other Boroughs who already had such schemes and concluded that by making a charge and putting up the cost it could deter people from taking part. They had wanted to ensure the scheme would work and be sustainable for the future. Councillor Nicholas Bennett who had been a member of the Working Party involved did not agree but asked whether the management costs had been factored into the business case. The Director responded that they had but he did not have the breakdown with him and would circulate the information to members after the meeting.

Councillor Morgan expressed the view that the total cost of the scheme should be fully repaid not just the Invest to Save portion and members went on to debate this issue and whether the use of the underspend was appropriate for this purpose or should the total cost be met from the Invest to Save Fund. The Finance Director confirmed that the repayment of the contribution to the Fund would be expected in 2012/13 and as part of the process a report, similar in style to a post completion report, would be submitted to the I & E Sub-Committee to monitor the situation. The Director of Environmental Services advised that the underspend was on the Waste budget which had arisen out of lower disposal costs from reduced waste

tonnages and was being ploughed back into this further waste recycling scheme, with only the £80,000 being needed from the Invest to Save Fund. On being put to the vote it was –

RESOLVED that

1) approval be given for the utilisation of the current projected underspend for the Environment Portfolio to part fund the wheelie bin containers to facilitate the introduction of this trial service, with the balance being met from the Invest To Save Fund; and

2) the £80,000 funds vired from the Invest to Save Fund to support the trial scheme be repaid upon completion of the trial.

109 RELEASE OF GOVERNMENT FUNDING TO SUPPORT THE STEP UP TO SOCIAL WORK PROGRAMME

Report DCYP11131

Members discussed a report seeking the release of funding in respect of the Step up to Social Work programme recently announced by the Children's Workforce Development Council. The Director of Children & Young People (CYP) services advised that this was a new scheme that had been introduced by the government to improve standards in the Children and Social Care workforce. Local authorities participating in the scheme were required to form a partnership and Bromley was the lead in the South East London Regional Partnership with Bexley and Lewisham Boroughs, together with Goldsmiths College who would be running the course. As lead authority the Council would receive total funding of £698,000 over a 2 year period (for 12 – 14 candidates) which would be released in phases as the project milestones were met. By the end of the project Bromley would expect to receive 5 highly qualified Social Workers at no cost to the Council who would be undertaking the complex cases within the range of Court requirements.

In response to a number of questions raised about the scheme the Director advised that there was unlikely to be any drop out of candidates due to the rigorous pre assessment of applicants. Also by selecting 14 candidates for the programme and eventual allocation across the 3 Local Authorities, there were two reserves that could be drafted in if a vacancy occurred early in the process. The Director CYP also confirmed that candidates would be required to pay back the costs involved if they did not complete the course. Members were informed that candidates had been asked to say which authority they wished to work for as part of the assessment and matching process: 6 would be going to Lewisham, 5 to Bromley and 3 to Bexley. Positions would be available for the new Social Workers at the end of the programme which would help towards further reducing the use of Agency staff.

RESOLVED that approval be given for the release of the Step Up to Social Work funding into the CYP Budget to run the Step Up to Social

Work Programme in partnership with the London Boroughs of Bexley and Lewisham.

110 PROCUREMENT ARRANGEMENTS FOR DOMICILIARY CARE SERVICES

Report ACS 11072

Further to Minute 41 (20th July 2011) consideration was given to a request for a further extension of the existing contract arrangements for Domiciliary Care Services. Members were informed that since July preparations had been going on towards an open tender exercise leading to letting a framework for domiciliary care services. It had originally been anticipated that a new contract could be awarded to start from 28th August 2012 upon the conclusion of the existing contract. However, there had been considerable interest from providers and more time might be required for the evaluation process although the Assistant Director of Commissioning and Partnerships – Adult and Community Services advised that they would only use this option if necessary given the response to the tenders.

RESOLVED that approval be given to waive competitive tendering requirements to continue the existing contractual arrangement for a period of up to 4 months from 28th August 2012, if required in order that contractual arrangements are in place whilst the procurement exercise is completed.

111 SUPPORT FOR THE VOLUNTARY SECTOR - COMMUNITY LINKS BROMLEY

Report ACS 11073

The Executive considered a report proposing the award of a contract to Community Links Bromley for three years from 1st April 2012, with an option to extend for a further two years and for additional funding for the first year (2012/13) being met from LPSA reward grant. The report had also been pre-scrutinised by both the Executive & Resources and Adult & Community (A&CS) PDS Committees whose comments were reported at the meeting. The report detailed what was covered in the core contract with Community Links and the future requirements in respect of helping the Council deliver on its agenda for social care and its wider community objectives.

Members spent some time debating the issues arising from the proposals particularly around the need for clear targeting and value for money. Whilst acknowledging the significant contribution made by the organisation comment was made on what added value the Council would be gaining from paying the additional funding as proposed, particularly as it was noted that Community Links had large reserves. In addition members were concerned at some of the overlaps in work between the various voluntary groups and the lack of robust monitoring information. The Portfolio Holder for Adult & Community Services emphasised the excellent work done by the Voluntary Sector and the

support provided by Community Links. He reported that at the A&CS PDS meeting they had also discussed funding being given on a targeted basis and had proposed an amendment to the second recommendation in the report to reflect this. The Portfolio Holder for Children & Young People had some concerns at releasing the additional finance and commented that he was not aware that Community Links provided support for young people services and would like to see more details of this before any decision was taken. Councillor Evans pointed out that this was one of the target areas that Community Links would be expected to develop for the future and the new Chief Executive of the organisation was keen to work with CYP to achieve this.

Councillor Getgood asked that the confidential report showing more detail of the financial arrangements should be brought forward into the public part of the meeting as it was difficult discussing these issues without referring to the confidential information. Having considered the suggestion and the advice from the Director of Resources the Executive agreed that the report be brought forward into Part 1 of the meeting. Councillor Getgood commenting on the proposals referred to the difficult cuts in funding faced by most other groups yet it was being recommended that Community Links should get a significant increase above their grant and could not see the reasoning nor how successful they had been to justify such an increase. The Assistant Director Commissioning and Partnerships drew attention to the list of requirements set out in the report and outlined the work carried out by the organisation in taking the lead in supporting many voluntary groups to continue with their work. Further issues were raised concerning the lack of a business case for the proposals and that no competitive tendering was taking place.

The Chairman reemphasised the Council's support for the Voluntary Sector yet at the same time Members had specific concerns that needed to be addressed. The current contract finished in March next year and Community Links would need funding to continue. However he felt more work needed to be done to show what added value the organisation brought to the local authority and suggested the current contract be extended, possibly from 1 -2 years to allow this to happen and that the additional funding could be looked at again when more detailed information was available and on a case by case basis. In the second year consideration could be given to an open tendering process at the end of the extension. It was also suggested that there should be joint working between Community Links and Age Concern in the future.

RESOLVED that

- 1) approval be given to extend the existing contract with Community Links Bromley for up to 2 years from 1st April 2012 on the basis that after the first year the Council would consider whether there should be a competitive tendering process at the end of that period; and**
- 2) at this stage no additional funding for 2012/13 be agreed but that Community Links be informed that any appropriate bids for this funding will be considered from April next year on a case by case basis.**

112 GATEWAY REVIEW - DAY OPPORTUNITIES FOR OLDER PEOPLE

Report 11071

Consideration was given to a report proposing the extension of current contracts for dementia day care centres and for mainstream centres with dementia-specific places both of which were due to expire in 2012. Reference was made in the report to the changing needs of day centre users during the last 25 years since the service was outsourced from direct Council provision in 1986. There was now a need to reassess the situation as well as the way forward in providing appropriate services for clients and particularly working with voluntary organisations in developing what they had to offer and for them to attract more people who self fund. Members briefly discussed the implications for the future, the possible reduction in referrals to day centres, older people living longer and the increase in people who self fund and supported extending the contracts until March 2013.

RESOLVED that approval be given for the extension of the current contracts until March 2013.

113 FUNDING ARRANGEMENTS FOR INFORMATION, ADVICE AND GUIDANCE SERVICES

Report ACS09123

The Executive discussed a report outlining the current arrangements for the provision of general and specialist information, advice and guidance services in the field of social care, housing and general enquiry services available to any member of the public and funded by the Council either directly or through various contracts with key providers. The current arrangements had grown over a number of years but arising from the Supporting Independence in Bromley Programme an Information, Advice and Guidance Strategy had recently been developed to provide a framework for the commissioning of these services and the report recommended the future approach to be adopted. Included in the confidential part of the agenda were the financial implications. One of the main contracts was with Bromley Citizens Advice Bureau (CAB) to provide a free universal advice and guidance service and members were informed that detailed discussions had been held with their Chairman and he had provided financial information on which the proposals in the Part 2 report were based.

The report had been pre-scrutinised by the Adult and Community Services PDS Committee who had raised issues relating to specialist advice provision, including benefit appeals, and the concerns about the adequacy of training for staff from the Department for Work and Pensions (DWP) to deal with older people and people with learning difficulties or mental health needs. The Chairman of the Committee had proposed changes to recommendation 3 of the report which was agreed to be put forward to the Executive.

The Portfolio Holder for Adult & Community Services reported that he had received an email from the Chairman of the CAB who had raised some questions on points of detail in the report which were incorrect and made brief reference to two of the issued referred to. However, on balance he did not consider the matters made any material difference to what was being proposed at this meeting. Councillors Fookes and Getgood both spoke at the meeting about their concerns in respect of the proposals and requested deferring consideration of the report. In particular Councillor Getgood whilst agreeing that the CAB needed to do more outreach work was very concerned at the proposal to lose the Penge Centre. The Assistant Director advised that in depth discussions had been held with the CAB and the proposals were put forward by them for the reductions and changes to the service. This was also confirmed by Councillor Evans who had been present at the discussions. He supported the approach outlined in the report including the comments from the PDS Committee.

RESOLVED that

- 1) all Council service providers in future will have clear contractual responsibility to provide information on their service both in hard copy (where appropriate) and electronically and to ensure this is published either directly, or through links to other websites, on Bromley MyLife;**
- 2) the arrangement for one strategic partner/core contract to be identified for each care group to provide information, advice and guidance and that efficiency savings will be sought with regard to existing contracts be noted;**
- 3) specialist advice provision, including benefit appeals advice, is to be reviewed to ensure that it is meeting an identified priority need and that the outcome of the review will include future commissioning requirements and decommission intentions, as appropriate, and will be reported back to the Adult and Community Services PDS Committee at its meeting in April 2012;**
- 4) the Department for Work and Pensions (DWP) is the primary agency responsible for providing assistance with accessing welfare benefits and that the Council will where necessary arrange training for DWP staff to ensure that they have the necessary skills to assist people with particular needs;**
- 5) residents be encouraged to access general information, advice and guidance services through the use of the internet and national help lines; and**
- 6) the requirement for competitive tendering pursuant to Contract Procedure Rule 13.1 be waived and a new contract be entered into with Bromley Citizens Advice Bureau (CAB) for a period of two years commencing 1st April 2012 as set out in the report in the confidential**

part of this agenda, with the option to extend for a further year (with authority to exercise the option to extend to be delegated to the relevant Chief Officer in consultation with the relevant Portfolio Holder); on the basis that funding will be reduced over a two year period (2012/13 and 2013/14), to enable the CAB, in line with its own development proposals, to move to a service based on outreach provision, telephone and internet access.

114 BROMLEY MUSEUM AT THE PRIORY, ORPINGTON

Report DRR 11/135

Following the Executive's decision (Minute 123 – 8th December 2010 refers) that a first stage application be made to the Heritage Lottery Fund in respect of the extension of the Borough's Museum at The Priory, a report was submitted on the outcome of the application. The matter had also been discussed by both the Renewal & Recreation PDS and the Executive & Resources PDS Committees both of whom had supported the recommendations.

Members were disappointed to hear that whilst the Heritage Lottery Fund (HLF) had felt it had been a good application by the Borough and met their criteria it had not been successful. From subsequent discussions with the HLF it appeared there was insufficient funding available to meet the level of bids received at national level. However, at a regional level the HLF had indicated that the application was in their view a priority and they would wish to see it re-submitted for decision at regional level. There would need to be some revision as this would be a reduced grant request and approval was sought to proceed with the first stage application which had to be carried out by the first week of March for consideration by the Regional Board on 13th June 2012.

RESOLVED that approval be given for the re-submission of the first stage application to the Heritage Lottery Fund and that a further report on the outcome of the application be submitted back to the Executive following the Regional Board meeting in June 2012.

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

The Executive and Resources PDS Committee at its meeting on 6th December 2011 had requested a report on the contents and implications of the Localism Bill and arising from the discussion proposed that consideration be given to reconvening the Constitution Working Group. As the Executive could propose changes to the Council's constitution it was proposed that the Working Party be reconstituted to carry out a short piece of work on this matter. The Director of Resources advised that there would need to be a

special Council meeting in March to deal with the new legislation expected to come into effect in April 2012 and that the Working Party could start early in the New Year with the intention of finishing its task prior to that special meeting. The suggested membership would be along similar lines to previously and the Leader asked that Councillor Nicholas Bennett be included as one of the Conservative nominations.

RESOLVED that

1) the Constitution Improvement Working Group be reconvened to carry out specific work on matters arising from the Localism Bill affecting the Council's Constitution with the following Membership:

Leader of the Council (or Deputy)

Resources Portfolio Holder

Chairman of the General Purposes & Licensing Committee or nominee

Chairman of the Development Control Committee or nominee

Chairman of the Executive & Resources PDS Committee or the Vice-Chairman

2 other majority group members and one nominee from each of the minority parties.

2) nominations to be submitted to the Leader of the Council for approval so that the Group can commence work early in January 2012.

116 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 listed below as it was 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**

117 EXEMPT MINUTES OF THE MEETING HELD ON 16TH NOVEMBER 2011

The exempt minutes of the meeting held on 16th November 2011 were confirmed.

118 SUPPORT FOR THE VOLUNTARY SECTOR - COMMUNITY LINKS BROMLEY FINANCIAL INFORMATION

It was agreed that this financial information should be brought forward into the public part of the meeting.

119 FUNDING ARRANGEMENTS FOR INFORMATION, ADVICE AND GUIDANCE SERVICES - FINANCIAL INFORMATION

The report set out the financial details in respect of the public item on this matter.

120 STREET ENVIRONMENT CONTRACT 2012-2017/19; STREET CLEANSING; GRAFFITI REMOVAL; PUBLIC CONVENIENCES AND HIGHWAY DRAINAGE CLEANING

The Executive received a report on the results of the tenders received for the Street Environment Contract and agreed the recommendations for the award of the contract.

121 OPPORTUNITY SITE G - BROMLEY TOWN CENTRE

The Executive considered a report on proposals for progressing the development of Opportunity Site G in Bromley Town Centre and that residents and other interest parties be informed of the situation and that the Council would issue a Prior Intention Notice.

122 FORMER BROMLEY TOWN HALL AND SOUTH STREET CAR PARK, BROMLEY (OPPORTUNITY SITE C)

The Executive received a report on the latest situation regarding the arrangements for disposal of Bromley Town Hall and South Street Car Park, Bromley.

123 LIBRARY STOCK SUPPLY CONTRACT REVIEW 2011

Consideration was given to a report on the future contract arrangements for the supply of Library Stock.

124 BUDGET MONITORING 2011/12 - APPENDIX

Members noted the financial situation in respect of ongoing litigation.

Chairman

The Meeting ended at 10.20 pm.