

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

Minutes of the meeting held at 7.00 pm on 17 May 2012

Present:

Councillor Eric Bosshard (Chairman)
Councillors Douglas Auld, Nicholas Bennett J.P.,
Ruth Bennett, Judi Ellis, Peter Fookes, Will Harmer,
Brian Humphrys, William Huntington-Thresher,
Russell Mellor (Vice-Chairman), Nick Milner, Sarah Phillips
and Richard Scoates

Also Present:

Councillor Graham Arthur, Councillor Stephen Carr and
Councillor Stephen Wells

**160 APOLOGIES FOR ABSENCE AND NOTIFICATION OF
SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor John Getgood, who was replaced by Councillor Peter Fookes and from Ernest Noad. Councillor Tom Papworth apologised for arriving late.

161 DECLARATIONS OF INTEREST

Councillor Peter Fookes declared a personal interest in relation to agenda item 7 (Corporate Contracts Register) in relation to Penge and Anerley Age Concern.

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

No questions had been received.

**163 MINUTES OF THE EXECUTIVE AND RESOURCES PDS
COMMITTEE MEETING HELD ON 4TH APRIL 2012
(EXCLUDING EXEMPT ITEMS)**

In relation to minute 148 (Holding the Chief Executive to Account), Councillor Peter Fookes stated that he was still awaiting an apology from the distribution company responsible for delivering party political material alongside the Council's environmental newsletter. The Leader responded that he would follow up the matter.

RESOLVED that the minutes of the meeting held on 4th April 2012 (excluding exempt items) be confirmed as a correct record.

164 MATTERS ARISING FROM PREVIOUS MEETINGS
Report RES12081

The Committee considered the following matters arising from minutes of previous meetings.

Minutes 88, 89 & 143 Blue Badge Enforcement - A note giving the Committee further details about recent prosecutions had been circulated. Members were concerned that the levels of fines awarded by the courts were too low, and the Council's actual costs in bringing prosecutions were not being covered. The Committee was informed that the court was obliged to take into account the defendant's circumstances, and sometimes the court did not award costs. Members queried whether all penalty charge notices had been paid and suggested that successful prosecutions be listed on the Council's website and clearer warnings be given on application forms for blue badges that the Council would prosecute in cases of fraudulent use. A Member commented that LB Wandsworth appeared to put greater effort into taking action against offenders, and Members needed to know more about what other boroughs did. The Committee concluded that they needed a further report for their next meeting.

Minute 159 (Council Organisation Chart) - It was confirmed that the chart was being updated and would be ready before the Committee's next meeting in June.

RESOLVED that the Matters Arising be noted, and a report be submitted to the next meeting on blue badge enforcement.

165 FORWARD PLAN OF KEY DECISIONS

The Committee noted the Forward Plan of Key Decisions published on 16th April 2012.

166 CORPORATE CONTRACT REGISTER

The Committee received the latest update of the Corporate Contracts Register. It was confirmed that the format of the Register was being revamped to provide a more useful document for Members – in particular, the current Register only contained the contract costs at the time each contract was awarded, when it needed to reflect current costs including any waivers and extensions. In future, all PDS Committees would see their part of the Register before it came to Executive and Resources PDS Committee. The Contracts Register would now go to PDS Members bi-monthly rather than every cycle.

167 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

Three oral questions and one written question had been submitted for the Resources Portfolio Holder by Councillor Nicholas Bennett; these are set out below.

Question (1) If he will arrange for a report to the Executive detailing the pension and compensation arrangements for each officer on senior management grades who has left the Council's service in 2010-11 and 2011-12?

Reply:

Councillor Arthur stated that he would agree to a report being provided with the core data pursuant to the Data Protection principles re confidentiality of personal data.

Councillor Bennett asked that a full report come back to the next meeting as a part 2 item which provided a detailed breakdown of the pension and compensation arrangements for individual senior officers, which in the past was what Members would have seen.

Question (2) How many staff employed
(i) as employees
(ii) as consultants
are paid through a company or sole trader account?

Reply:

- (i) There are 2,374 people employed by the Council. Out of this 1 member of staff is paid as a sole trader and one via their company but by Comensura not by the Council.
- (ii) There are currently 2 consultants working at the council, 1 in the Property Division and 1 in CYP. Both are paid through their company.

In response to further questions from Councillor Bennett, officers clarified the distinction between directly employed staff and consultants engaged to work for the Council, and confirmed that there were no instances of employees being paid through companies to avoid tax. Councillor Bennett requested further information for the next meeting.

Question (3) What are the formulae used to calculate staff costs sought in legal cases?

Reply:

The provisions for the charging of staff costs vary according to the types of proceedings and whether they are civil or criminal.

In civil cases there are prescribed hourly rates and other rates for the type of work involved e.g. writing of letters, preparation and court attendance.

Where cases are prosecuted in the criminal courts then costs claimed will depend on the type of prosecution. Costs are at the discretion of the court and the court is obliged to take into account the means of the defendant. The amount of any fine is likely to influence the costs awarded. The legal costs which will be sought will vary depending on when the case is disposed of. Officer time from instructing departments can be applied for to reflect time spent on investigation.

In response, Councillor Bennett explained that he had just spent three days at Bexley Magistrates Court with Licensing officers and he felt that the costs being sought were inadequate, especially as they did not include the time spent attending the court. Councillor Arthur agreed that he would discuss the matter with the Director of Resources.

Written Question:

If he will list all “invest to save” schemes introduced since 2006 showing

- (i) the original business case including forecast cost and anticipated savings
- (ii) actual cost at latest available date
- (iii) savings realised?

The reply is attached as an appendix to these minutes. Councillor Bennett asked for clarification of the final two columns in the table in the reply and the original expectation of savings in the business case.

168 RESOURCES PORTFOLIO - PREVIOUS DECISIONS

The committee noted five decisions taken by the Resources Portfolio Holder since the last meeting.

169 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

Report RES 12082

The Committee scrutinised reports on the part one agenda for the meeting of the Executive on 23rd May 2012.

(6) NHS Social Care Funds Investment Plan – Learning Disability Health Facilitator

Report ACS12026

The proposal in the report was to draw down funding for a two year time limited post of Learning Disability Health Facilitator supported by a part time Data Analyst to work with GPs and other health and social care professionals to improve access to health services for people with a learning disability. The proposal had been supported by the Health and Wellbeing Board earlier that day.

Councillor Judi Ellis objected that this role was already being carried out, cautioning against duplication, and she questioned why there had not

been consultation with existing staff or with the Learning Disability Partnership Board. She would discuss the proposals with officers before the meeting of the Executive.

The Committee supported the proposals, subject to noting the concerns raised by Councillor Ellis.

(7) Invest to Save – Reference from Improvement and Efficiency Sub-Committee

Report RES12085

The Improvement and Efficiency Sub-Committee had submitted a request to the Executive that they be given delegated authority to determine Invest to Save bids requiring up to £200k. It was confirmed that the “loans fund” referred to in the original report to the Sub-Committee was purely internal. Members discussed the payback period for invest to save schemes – it was normally three years, although this could be longer for larger schemes, and costs were scrutinised through the budget monitoring process.

The Committee supported the proposals.

(8) Bromley Town Centre – Increased Parking Capacity

Report ES12077

The report summarised proposals to improve car parking capacity in Bromley town centre in the light of the redevelopment of the Westmoreland Road Car Park. The proposals were in three phases, with additional back-up options. The Environment PDS Committee would carry out detailed scrutiny of each scheme. It was confirmed that the Council did have demand/footfall figures to support the proposals, which were primarily about maintaining parking capacity for the town centre.

Members proposed exploring whether businesses could be persuaded to provide spaces to Council staff to free up other spaces. They also suggested that private residents could offer their driveways, although it was pointed out that a market for this already operated on-line.

The relative cost of the schemes in the three phases was compared: phase 1 appeared to represent much better value in cost/benefit terms but there was concern that the cost increased for phases 2 and 3. A Member commented that businesses would benefit and so should be encouraged to fund the additional capacity. It was commented that the Council would benefit through overall business rate growth, although one Member suggested checking the impact on the business rate valuation of the Civic Centre of charging for using the St Blaise car park at weekends.

The Committee supported the proposal to fund phase 1 of the improvements.

170 HR UPDATE
Report RES12089

The Committee received its regular report on staffing numbers and people in post. There were 442.64 externally funded posts – officers confirmed that the number had declined, and that the Council always had in place an “exit strategy” for when funding was withdrawn. Many of these posts in the former Adult and Community Services Department related to the PCT learning disability re-provision, while most of the posts in Environmental Services were Transport for London funded. Councillor Judi Ellis suggested that officers check whether staff involved in the joint SEN project with LB Bexley were included in the figures.

Councillor Nicholas Bennett requested a report to the next meeting on any issues outstanding from the HR Working Group’s report.

RESOLVED that the report be noted.

171 UPDATES FROM PDS CHAIRMEN

PDS Committee Chairman reported on the work of their Committees as follows –

Care Services (formerly Adult and Community PDS): Councillor Judi Ellis summarised the important issues considered at the last meeting of the Adult and Community PDS Committee on 10th April. Three reports had been scrutinised concerning housing issues - a Property Purchase Initiative, the homelessness Strategy 2012-17 and changes to funding for Empty Property Grants and Loans and Nomination Periods. The Committee had also noted that the Council was withdrawing funding for the Admissions Avoidance Service as the level of activity did not produce sufficient successful outcomes and lack of control over emergency activity. The Committee continued to monitor the impact of charges on Day Centres, and had also scrutinised the mental health budget at this meeting.

Education (formerly Children and Young People PDS): Councillor Stephen Wells, as chairman of the former Children and Young People PDS Committee and now Education Portfolio Holder updated the Committee on current issues. He referred to the review of payments to foster carers, the Kingswood Centre, and expansion at the Riverside and the Glebe Schools. The newly appointed Assistant Director for Education, Dr Tessa Moore, was due to take up her post in July, and the process for recruiting a Director of Education and Care Services was now under way again.

Councillor Nicholas Bennett, as Chairman of the new Education PDS Committee, added that a useful meeting had been held the previous day between senior Members and staff in the new department to make arrangements for the new portfolios and PDS Committees.

Environment PDS: Councillor William Huntington-Thresher reported on proposals to employ Xfor on a six month trial basis to combat littering. The exact areas that they would target had not been finalised. He also referred to the imposition of carbon tax on street lighting in two year's time – this would have a major financial impact in the region of £.5m per annum. Recycling was now above 50%, with landfill down to below 15%.

Public Protection and Safety PDS: Councillor Douglas Auld reminded Members that on 31st May his Committee would be considering reports from South London and Maudsley NHS Foundation Trust and the Police following the escape of four patients. The Committee would also be receiving reports on the links between public health and public protection, the 2012/13 portfolio plan, Victim Support and summer diversionary activities.

Renewal and Recreation PDS: Councillor Sarah Phillips reported that her Committee had considered the consultation on changes to the Bromley Adult Education College and had received an update on proposals for Beckenham town centre. She also referred to the Olympics and the Queen's Diamond Jubilee celebrations, and recorded her thanks to Colin Brand and his team for the great success of the Queen's visit to Bromley.

172 WORK PROGRAMME 2012/13
Report RES12083

The Committee received the latest version of its work programme. The report also contained draft terms of reference for a Local Government Finance Working Group. The Chairman asked Members to suggest areas for scrutiny, and the Committee discussed the need to avoid duplicating the work of other PDS Committees.

Councillor Brian Humphrys stated that he had been a member of the Primary School Development Plan Working Group.

**173 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**

**174 EXEMPT MINUTES OF THE MEETINGS HELD ON 25TH
JANUARY 2012 (to follow) AND 4TH APRIL 2012**

The Committee confirmed the exempt minutes of the meetings held on 25th January and 4th April 2012.

175 RESOURCES PORTFOLIO - PREVIOUS EXEMPT DECISIONS

The Committee noted exempt decisions made by the Resources Portfolio Holder since the last meeting.

**176 PRE-DECISION SCRUTINY OF EXEMPT RESOURCES
PORTFOLIO HOLDER REPORTS**

The Committee scrutinised proposed decisions of the Resources Portfolio Holder relating to the following matters -

**176.1 AWARD OF CONTRACT FOR THE SUPPLY OF PERSONAL
COMPUTERS**
Report RES12088

The Committee supported the proposed award of a contract for the supply of personal computing hardware.

176.2 SHEILA STEAD HOUSE, BUSHELL WAY, CHISLEHURST
Report DRR12/037

The Committee considered offers received for the purchase of the site.

176.3 THE OAKFIELD CENTRE, OAKFIELD ROAD, PENGE

This report was withdrawn.

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

The Committee scrutinised an exempt report on the part 2 agenda for the Executive's meeting on 23rd May concerning Opportunity Site G, High Street, Bromley.

The Meeting ended at 9.54 pm

Chairman

Appendix 1

8. Question for written reply from Cllr Nicholas Bennett.

If he will list all “invest to save” schemes introduced since 2006 showing

- (i) the original business case including forecast cost and anticipated savings
- (ii) actual cost at latest available date
- (iii) savings realised?

Reply:

The table below was circulated at the meeting, however Cllr Bennett asked for further information on the table, as it did not give the number of years before the investment had been repaid. It was agreed that this additional information would be added to the table and circulated to all Members.

*Executive and Resources Policy Development and Scrutiny Committee
17 May 2012*

Invest to Save Scheme	Date of Executive approval	Total Cost		Full Year Annual Revenue Saving	
		Original Business Case £000	Actual £000	Original Business Case £000	Actual £000
SEN Re provision (Riverside Special School)	Oct-05	5274	4251	2000	2263
Adult Placement Scheme & Independence of People with Learning Difficulties	14/11/05 & 09/01/06	1092	1092	1381	1381
Environmental improvements (Note 1)	09/01/06	250	250	*	*
BEECHE Centre, High Elms & Care Leavers into Employment (Note 2)	09/01/06	560	560	*	*
Common Housing Allocation System & Choice-Based Lettings	19/06/06 & 23/07/07	143	143	18	18
Library Self-Service & RFID Technology	19/06/06	360	360	90	91
Customer Access Programme	06/11/06	607	607	175	175
Library Technology Systems Upgrade	05/02/07	200	200	18	26
Carbon Management programme (Note 3)	04/02/2008 06/10/2008	250	250	n/a	186
SQL Cluster Projects	04/02/08	160	153	30	30
Server Virtualisation	04/02/08	300	300	130	130
One Way Programme	19/05/08	966	762	249	240
Waste Collection Trial Extensions & Waste Pilot scheme	16/06/08 & 02/02/09 & 01/09/10	1458	1458	180	180
Joint Web Platform	02/02/09	142	142	20	20
Trial of Revised Green Garden & Textile Collection service (Note 4)	14/12/11	220	220	178	n/a
Street Lighting (Note 5)	07/03/12	7942	n/a	172	n/a
Total		19924	10748	4641	4740

Note (1): The original bid referred to efficiency savings that would be realised in Street Services and Cleansing budgets in the future that were difficult to quantify although it is likely some savings were achieved.

Note (2): The original bid referred to cashable savings of £39k in the delivery of services to Care Leavers and an anticipated reduction in energy costs which could not be quantified. It is unlikely that these savings were realised.

Note (3) - the Executive approved capital funding of £250k to provide match funding for external grant support (total approved expenditure £500k with £250k being externally funded). At the time this funding was approved, it was not possible to quantify the revenue savings that would be achieved as expenditure is subject to the Carbon Management Programme Board's approval of individual projects, following submission of a formal business case. The cost of individual projects are recovered from savings achieved and re-invested in other projects creating a self-sustaining fund. To date, a total of £670k has been spent on 9 individual projects resulting in estimated full year savings of £186k. At the end of the fund's life, the initial investment will be repaid in full.

Note (4): This scheme is on-going and an advance of £220k was made from the Invest to Save Fund in 2011/12. Repayment of £140k was made in 2011/12 from underspends from elsewhere within the Environment Portfolio and the balance of £80k will be repaid in 2012/13 upon completion of the trial. The amount of revenue savings is dependent on the number of customers taking up the service which is not yet known.

Note (5): The Executive approved the draw down of £7,942k from the Invest to Save Fund and a further report will be submitted back to the Executive in the autumn on the outcome of the tendering process and the financial implications. The actual costs and full year revenue saving will be detailed in this report. The estimated annual revenue savings of £172k, as reported to the Executive, represented a total saving of £1,891k over an 11 year period, after allowing for repayment of the Invest to Save funding (including interest).