

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

Minutes of the meeting held at 7.00 pm on 10 October 2013

Present:

Councillor Eric Bosshard (Chairman)
Russell Mellor (Vice-Chairman)
Councillors Nicholas Bennett J.P., Brian Humphrys,
Nick Milner, Ellie Harmer, Peter Fookes, Tony Owen,
Ian F. Payne, Neil Reddin FCCA, Pauline Tunncliffe,
Will Harmer and Kate Lymer

Also Present:

Councillor Graham Arthur, Councillor Stephen Carr,
Councillor Richard Scoates and Councillor Stephen Wells

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

Apologies for absence were received from Councillors David Hastings, William Huntington-Thresher and Tom Papworth.

381 DECLARATIONS OF INTEREST

Councillor Peter Fookes declared an interest as a Trustee of Penge and Anerley Age Concern in relation to the Contracts Register (minute 386.)

During consideration of the part 2 report on the Priory Revisited project (minute 396/1) Councillor Nicholas Bennett declared an interest as a member of the Bromley Local History Society.

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

No questions had been received.

**383 MINUTES OF THE EXECUTIVE AND RESOURCES PDS
 COMMITTEE MEETING HELD ON 4th SEPTEMBER 2013
 (EXCLUDING EXEMPT ITEMS)**

RESOLVED that the minutes of the meeting held on 4th September 2013 (excluding exempt information) be confirmed.

384 MATTERS ARISING FROM PREVIOUS MEETINGS

Report RES13179

The Committee received an update on matters arising from previous meetings.

385 FORWARD PLAN OF PRIVATE AND KEY EXECUTIVE DECISIONS

The Committee received the latest version of the Forward Plan of Private and Key Executive Decisions published on 17th September 2013. It was noted that the reports on Invest to Contain - Adult Services and Anerley Town Hall had been delayed.

386 CONTRACTS REGISTER

The Committee received extracts from the corporate Contracts Register showing (A) Resources Portfolio contracts above £50k and (B) all contracts above £200k.

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

No questions had been received.

388 RESOURCES PORTFOLIO - PRE-DECISION SCRUTINY

The Committee considered the following reports for pre-decision scrutiny where the Resources Portfolio Holder was minded to take decisions.

388.1 PRIORY GARDENS AND ADJOINING FORMER PUBLIC TOILET BLOCK

Report ES13084

The Committee was informed that it was proposed to suspend the marketing of the former Priory Gardens public toilets to provide an opportunity for the Friends of Priory Gardens to use this building as a base from which to operate a horticultural gardening volunteer programme. Members expressed support for the scheme.

RESOLVED that the recommendations be supported.

388.2 CHIEF EXECUTIVES DEPARTMENT CARRY FORWARD REQUESTS

Report RES13186

The Committee considered a report setting out carry forward requests for the Chief Executive's Department from 2012/13 to 2013/14. The following sums were involved –

CCG Funding to the Communications Team (Integrated Services for the Elderly – ProMISE)	£47,000
Health and Wellbeing Board Funding	£15,000
Electoral Services	£23,000
Connecting Communities	£22,800
Total	£107,800

The Resources Portfolio Holder was recommended to agree that these carry forward funds be drawn down.

RESOLVED that the recommendation be supported.

388.3 INSURANCE FUND - ANNUAL REPORT 2012/13 Report RES13183

The Committee received the annual report for 2012/13 on the Council's Insurance fund, including statistics on insurance claims over the past two years. The total Fund value had risen slightly over the course of 2012/13 from £2,965k to £3,022k as the value of claims paid and estimated outstanding claims was broadly in line with contributions to the Fund. A mid year review of the Fund had been carried out and it was expected that the final Fund value at 31st March 2014 would increase to about £3,200k.

RESOLVED that the recommendations be supported.

389 SCRUTINY OF THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor Stephen Carr, attended the meeting to update the Committee on his work and answer questions. He began his presentation by dealing with budget issues, commending the work being done by Portfolio Holders and the Health and Wellbeing Board to integrate health and social care budgets – he felt that there would be further efficiencies found in these budgets. The public consultation meetings were revealing similar themes and very little agreement about what were low priority areas of spending, but good progress was being made. The Council did now have the opportunity to raise additional income by investing in business and development such as with the Westmoreland Road scheme. Good progress was also being made in Orpington with the new cinema, in Beckenham with the town centre improvements, with the case for the DLR being extended to Bromley being put to the GLA and the prospect of a £500m investment in Crystal Palace Park. He highlighted the key role of PDS Committee Chairmen in responding to baseline reviews and commissioning work, ensuring that good quality services were maintained whether this might involve outsourcing or a range of social enterprises or management buy-outs, or working with other authorities and partners. He concluded by thanking Charles Obazuaye, Director of HR, and his staff for delivering the change to local pay.

The Leader took comments and questions from Members as follows –

- A Member asked whether, with regard to shared services, if a partner authority changed political control this would mean that the shared service would be affected. The Leader responded that Bromley already had successful shared contracts with Labour-controlled neighbours, and much depended on the terms of the service level agreements, which could be different for each partner.
- Asked about the Council's strategic approach to reviewing what services might have to stop altogether the Leader explained that the approach was to examine all services, establish what was statutory, consider what level of service was required and maintain robust gate-keeping. This would be accompanied by consultation but the worst-case scenario was to have a list of options that would deliver a balanced budget.
- A Member commented that the Council often seemed to be poor at delivery, listing a number of examples, and suggested that this was down to the quality of staff. The Leader stated that he too was frustrated by the delays to the works in the High Street and to improvements at West Wickham pools, but he suggested that contractors were possibly at fault in the High Street and that he would chase Mytime Active about investment at West Wickham.
- Cllr Nicholas Bennett asked about a decision to list a pub in Penge as a community asset – the Leader promised to provide details of the decision.
- A Member asked what costs the Council might be liable for if it lost the appeals against the new local terms being made by eleven employees. The Leader responded that he did not expect the Council to lose.
- Two Members commented on a business in Beckenham which might be re-locating outside the borough, and urged the Leader to be pro-active in working with local businesses. The Leader asked for details of this particular case, and stated that he was determined to create business opportunities in the borough. In relation to this, one Member suggested that money from the Wellcome site in Park Langley ring-fenced for the provision of industrial space or a business park should be used to regenerate the area – the Leader stated that he would look at this.
- A Member commented that he had recently had a number of shopkeepers in Bromley town centre complaining to him, and he urged the Leader to be proactive in addressing their issues. The Leader stated that communication was very important, and that he was aware that ward Councillors had been very active in trying to resolve these issues.
- A Member asked whether there had been a consistent approach to baseline reviews across all departments. The Leader commented that

he thought that current work was indeed much more consistent than in the past.

- A Member asked whether staff were being encouraged to suggest efficiencies. The Leader responded that frontline staff often knew best what would work and that as staff numbers reduced or people were employed by contractors there was a need to be a decent employer and to treat staff with respect.
- A Member asked whether the recent decision by Development Control Committee to grant permission for a scheme at 1 Westmoreland Road affected the business case for the development by Cathedral of the former multi-storey car park site on the other side of the road. The Leader accepted that there might be issues of timing, but he felt that the development would be more likely to increase the value of the Cathedral site – officers confirmed that Cathedral had been carefully consulted and were supportive of the other development.

The Committee Chairman thanked the Leader for updating the Committee and answering its questions.

390 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS Report RES13180

The Committee considered the following reports on the agenda for the meeting of the Executive on 16th October 2013.

(5) Commissioning Review of Education Services Report ED13085

The recommendations arising from the commissioning review of Education Services carried out as part of the Bromley Commissioning Programme were that (i) market testing should commence on the basis of a single bundle of services, (ii) discussions should commence with relevant schools on a contract for services for Primary and Secondary Hearing Impairment provision, and (iii) a limited amount of in-house capacity be retained to ensure that the Council can provide appropriate strategic leadership.

The proposals had already been scrutinised by the Education PDS Committee on 17th September. The Committee had been very supportive of the proposals, subject to some legitimate concerns being addressed, as a result of which some amendments had been made to the report and to recommendation (iv) (b). The Chairman of the Education PDS Committee commended Mr Lawrence Downes for providing an excellent report.

It was confirmed that schools were being informed of the proposals through the Primary and Secondary Headteachers' Forums and that the Council was seeking involvement from schools in the market testing process. In addition, initial arrangements had been made to meet with the Darrick Wood schools to discuss the hearing impairment unit proposals, subject to

Member decision. It was confirmed that the tendering process would be open for any staff-led social enterprises to express an interest.

RESOLVED that the recommendations be supported.

(6) Beckenham Town Centre Improvements

Report DRR13/126

Following the unsuccessful funding application to Transport for London (TfL) in 2012/13 for the Beckenham Town Centre improvement scheme, an amended bid had been submitted to TfL supported by the Beckenham and West Wickham Town Centres Working Group and by local Ward Members. In support of the application it was proposed to set aside capital receipts of £726k and £150k from the Members Initiative earmarked reserve allocated for Beckenham Town Centre improvements as a match funding contribution towards the overall scheme costs of £3.257m a funding decision was expected from TfL in December 2013.

It was confirmed that local residents and businesses had been involved in developing the proposals through the Beckenham and West Wickham Town Centres Working Group, and Ward Members on the Committee welcomed the improvements.

RESOLVED that the recommendations be supported.

(7) Local Development Scheme Version 5, 2013-2015

Report DRR13/103

The report set out an updated version of the Local Development Scheme (LDS) which was the project management document for the production of the Local Plan for the Borough in 2013/15 and replaced the 2010 version. The Development Control Committee had considered the report at its meeting on 12th September 2013 and supported the proposals.

The Chairman urged that efforts to implement the Bromley Community Infrastructure Levy (CIL) should be accelerated.

A Member commented on the absence of Neighbourhood Forums and Neighbourhood Plans; officers explained that no neighbourhood forums had been established which was a prerequisite for a neighbourhood plan; while there were some progressing in parts of London there were none within LB Bexley or LB Croydon at the present time.

Members urged that consultation be carried out online wherever possible, with all policy documents available on the website; it was confirmed that there was an online consultation portal and that printing was kept to a minimum.

Cllr Nicholas Bennett commented that it seemed to take a long time for planning applications to be validated.

RESOLVED that the recommendations be supported.

(8) Crystal Palace Park – Exclusivity Agreement

Report DRR13/131

The Committee considered the development proposals from the ZhongRong International (Group) Limited (ZRG) to rebuild the Crystal Palace and restore Crystal Place Park in line with the Crystal Palace Park Master Plan. The report recommended that the Council enter into an exclusivity agreement with ZRG until 1st February 2015 to allow for further negotiations to establish whether an acceptable scheme can be developed.

The Chairman welcomed the proposals but urged that agreement on heads of terms be sought as quickly as possible to establish exactly what the issues were. Other Members also welcomed the scheme, but commented that previous schemes had not been successful and that there would be some local opposition. It was confirmed that a team of senior officers had been established to manage the project, but it was likely that it would be necessary to buy-in skills. Although the Park was well-served by public transport, it was recognised that environmental impact, traffic, parking and transport infrastructure would be major issues.

RESOLVED that the recommendations be supported.

391 UPDATES FROM PDS CHAIRMEN

Report RES13181

The Committee received updates from the following PDS committee meetings –

- Public Protection and Safety PDS Committee on 10th September 2013
- Education PDS Committee on 17th September 2013
- Environment PDS Committee on 1st October 2013

392 WORK PROGRAMME 2013/14

Report RES13182

The Committee received an update on its work programme for 2013/14 and on currently active working groups and sub-committees. The New Technology Working Group would be meeting again shortly to re-consider the proposals for Member IT following comments from the Constitution Improvement Working Group. Councillor Ian Payne commented that the Bromley Town Centre Working Group needed to look at the deeper issues affecting the town centre, and Councillor Will Harmer added that the views of local businesses should be harnessed.

Councillor Nicholas Bennett proposed that a one-off meeting be set up to consider whether the Council was recovering its costs adequately in court. Councillor Neil Reddin offered to join Cllr Bennett.

It was reported that the Primary School Development Plan Working Group had been re-named as the School Places Working Group, to cover both primary and secondary sectors, and the Behaviour Services Working Group had now been wound up.

RESOLVED that the work programme be noted, and a one-off Working Group be convened as set out above to examine the issue of how the Council's costs are calculated for court cases.

Note: The remit of the Working Group was subsequently confirmed as follows -

To examine whether the cost of services for which the council makes a charge or recharges cover the full cost of the provision of those services.

Reason for review:

1. It is not clear that the charge made for revenue producing services always ensured full cost recovery;
2. The Court of Appeal has ruled in a number of cases that a council may not recover more than the actual cost to the council and therefore it is important to ensure that our costings are accurate and take account of all factors;
3. Departmental recharges need to be accurate so that departments are mindful of the additional costs they may face with any proposed increase in expenditure and to encourage a review by them of existing expenditure.

393 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**

394 EXEMPT MINUTES OF THE MEETING HELD ON 4TH SEPTEMBER 2013

The exempt minutes of the meeting held on 4th September 2013 were confirmed.

