

## **EXECUTIVE**

Minutes of the meeting held on 16 July 2014 starting at 7.00 pm

### **Present**

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

### **Also Present**

Councillor Kathy Bance MBE, Councillor Nicholas Bennett  
J.P., Councillor William Huntington-Thresher and  
Councillor Diane Smith

## **18 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Robert Evans (Portfolio Holder for Care Services).

## **19 DECLARATIONS OF INTEREST**

Councillor Colin Smith declared an interest by virtue of his daughter being employed on a part-time basis by the L B Bromley Library service.

## **20 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10TH JUNE 2014**

The minutes were agreed and matters arising noted.

## **21 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

A number of questions were received, mainly for written reply. Mr Chris Spencer attended to ask two questions.

Details of all questions received and replies provided are at **Appendix A**.

## **22 BUDGET MONITORING 2014/15**

### **Report FSD14047**

Members considered the first budget monitoring position for 2014/15 based on expenditure and activity levels to May 2014.

The Leader highlighted the continued importance of in-year budgeting and tight gatekeeping.

**RESOLVED that:**

- (1) a projected net overspend on services of £3,739k is forecast, based on information at May 2014;**
- (2) the full year cost pressures of £5.2m, as detailed at section 3.9 of Report FSD14047 be noted;**
- (3) a projected reduction to the General Fund balance by £5.3m to £14.7m be noted as detailed at paragraph 3.8.1;**
- (4) comments from the Director of Transformation and Regeneration, the Director of Education, Care and Health Services and the Director of Environment and Community Services as detailed at sections 3.2 ,3.3 and 3.4 of Report FSD14047 be noted;**
- (5) release of £250k to continue work as the Lead Local Flood Authority be agreed as set out at paragraph 3.5.2 of Report FSD14047;**
- (6) release of £275k from unallocated monies within Central Contingency to purchase and install the Radio Frequency Identification Data system detailed at paragraph 3.5.3 of Report FSD14047 be agreed;**
- (7) release of £31k from Central Contingency for the Carbon Reduction Commitment scheme, as detailed at paragraph 3.5.4 of Report FSD14047, be agreed;**
- (8) release of £102k funding from Central Contingency to implement Individual Electoral Registration, as detailed at paragraph 3.5.5 of Report FSD14047, be agreed;**
- (9) release of £533k from Central Contingency for the additional cost of Concessionary Fares, as detailed at paragraph 3.5.6 of Report FSD14047, be agreed;**
- (10) release of £40k from Central Contingency related to the cost of LBB staff transferred to Liberata, as set out at paragraph 3.5.7 of Report FSD14047, be agreed;**
- (11) all carry forward requests at paragraphs 3.6.1 to 3.6.7 of Report FSD14047 be agreed; and**
- (12) the changes in allocation of Government Grant funding for 2014/15, as detailed at section 3.7 of Report FSD14047, be noted.**

**23 CAPITAL PROGRAMME MONITORING – 1ST QUARTER  
2014/15**

**Report FSD14049**

Report FSD14049 summarised the current position on capital expenditure and receipts following the first quarter, 2014/15.

The Portfolio Holder for Resources commended a recent review of the Capital Programme resulting in a recommended deletion of £3,104k from the programme. A number of schemes were identified as either dormant or completed with residual balances. The Portfolio Holder referred to the introduction of a discipline for removing schemes having no expenditure after a three year period. He also recommended that capital programme initiatives are considered by relevant PDS Committees.

**RESOLVED that:**

- (1) the report be noted;**
- (2) the revised Capital Programme be agreed; and**
- (3) the following amendments to the Capital Programme be approved:**
  - **deletion of £3,104k following a detailed review of the programme (paragraph 3.3.1 to Report FSD14049);**
  - **reduction of £361k over the four years, 2014/15 to 2017/18, in respect of reduced Schools Formula Devolved Capital grant support (paragraph 3.3.2 to Report FSD14049);**
  - **addition of £144k in 2014/15 to reflect revised grant support from Transport for London for highway schemes (paragraph 3.3.3 to Report FSD14049);**
  - **reduction of £218k in respect of schemes that have reached completion (paragraph 3.3.4 to Report FSD14049);**
  - **addition of £746k over the three years, 2014/15 to 2016/17, to reflect additional specific grant to finance expenditure on Disabled Facilities Grants (paragraph 3.3.5 to Report FSD14049);**
  - **net addition of £8k on the Parks for People and Crystal Palace Subway schemes (paragraph 3.3.6 to Report FSD14049).**

**24 ONE SECTION 75 AGREEMENT WITH BROMLEY CCG**

**Report CS14048**

Report CS14048 proposed that all existing and future joint commissioning and joint service delivery (e.g. *Better Care Fund*) be captured under an overarching *Section 75* agreement as set out in the National Health Service Act 2006.

Under an overarching Section 75 agreement, new individual agreements proposed by the Joint Integrated Commissioning Executive would be covered

under a deed of variation. Noting this, the Leader recommended that both he and the Portfolio Holder for Care Services be given notice of any new agreement(s) or amendment(s) to existing agreements. The Leader suggested that he and the Portfolio Holder provide any objections within five days of receiving notice. Authority should be taken to proceed if officers had not received an objection within the five day period.

**RESOLVED that:**

**(1) the proposed approach to legally administering the Council's integrated commissioning and service delivery arrangements under one high level Section 75 agreement between L B Bromley and Bromley's Clinical Commissioning Group, be approved;**

**(2) the power to approve the final Section 75 agreement between L B Bromley and Bromley CCG be delegated to the Chief Executive, the agreement being re-signed and re-sealed on an annual basis;**

**(3) The Leader and Portfolio Holder for Care Services be given notice of any new agreement(s) or amendment(s) to existing agreements under the overarching Section 75 agreement; and**

**(4) where no objection is received by officers from the Leader or Portfolio Holder for Care Services within five days of providing notice, this is to be taken as authority to proceed with the new agreement(s) or amendment(s).**

(N.B. New individual agreements proposed by the Joint Integrated Commissioning Executive will be covered under a deed of variation and will be subject to the standard financial and contract regulations based on the level of funding involved e.g. if a new agreement involves funding contributions of over £1m it will be taken first through Executive for a decision.)

## **25 PUBLIC HEALTH CONTRACTS - ANNUAL UPDATE**

### **Report CS14067**

Report CS14067 provided an update on both (i) the administration of Public Health contracts following the transition of existing contracts from the now abolished Bromley Primary Care Trust, and (ii) an update on 2013/14 activity delivered by Public Health contracts along with detail on 2014/15 contract arrangements.

For the Genitourinary Medicine (GUM) service contract, arrangements for lower value contracts had been made with three providers to contract directly rather than through the existing section 75 agreement with Bromley Clinical Commissioning Group (CCG).

Given the significant sums for public health contracts, Members sought further detail on previous outcomes and future targets, including the approach taken to measure public health outcomes. Noting a rise in smoking prevalence since 2009, the Portfolio Holder for Renewal and Regeneration asked how it was possible to know that sums invested are worthwhile.

The Director of Public Health provided advice. This included reference to the provision of targets for public health including areas such as cardiovascular, new incidents of disease, and health check programmes. The majority of public health outcomes had improved although diabetes and obesity were notable exceptions. In this regard it was pleasing to note that child obesity at school reception levels had reduced. On smoking, although the number of new smokers was increasing there was an effective cessation service with Bromley having a known ex-smoking population of some 80,000.

The Portfolio Holder for Renewal and Regeneration suggested that some funds be switched from cessation to measures helping to prevent young people take up smoking. The Leader also asked how it was possible to be sure that the number of smoking cessations resulted from the cessation programme and not from other factors.

The Director of Public Health agreed that some funds should be invested in prevention. However, only a limited number of methods had proved successful. The Director confirmed that the cessation figures derived solely from the cessation programme, with the figures emanating from sources such as the GP register.

On activity related to the contraception and reproductive health service, the Portfolio Holder for Education suggested that the number of failed contraception outcomes leading to pregnancy be included in data. Without this, it was difficult to assess the effectiveness of the service. The Director of Public Health advised that it was no longer possible for Public Health to access individual NHS patient data and consequently it was not possible to provide a link to individuals. The Director nevertheless highlighted the effectiveness of contraceptive methods provided by the service.

Having considered the recommendations, the Leader felt they should be supported. However, it was necessary to obtain greater value for money on public health. Strict contract monitoring was also necessary along with further evidence to support future recommendations. This would also assist Members gain a greater understanding of public health administration.

**RESOLVED that:**

**(1) the considerable progress to date on administering Public Health contracts in regard to a new framework agreement and new service level agreement with GPs be noted;**

**(2) contracts with the local community provider be continued under a section 75 agreement with the CCG until the contract ends in March**

**2016 (subject to the provider continuing to meet the performance measures put in place by Public Health officers);**

**(3) the main sexual health clinic contracts with the local south east London acute providers continue to be administered under the same section 75 agreement for a further year while other options are explored;**

**(4) the lead commissioner for sexual health services be authorised to contract directly with some out of borough providers that residents use where the commissioner can secure a better rate on the Council's behalf; and**

**(5) the activity performance of Public Health contracts during 2013/14 be noted.**

## **26 SECTION 106 FUNDING FOR HEALTH PROVISION**

### **Report CS14067**

Report CS14067 reviewed arrangements for processing Section 106 funding secured for health provision.

The allocation of funding to specific projects was subject to further negotiation.

#### **RESOLVED that:**

**(1) the process for Health partners accessing and utilising specific health related funding made available through Section 106 agreements be agreed as set out at paragraph 3.8 to Report CS14067;**

**(2) authority be delegated to the Executive Director, Education Care and Health Services, in consultation with the Portfolio Holder and Director of Corporate Services, to approve individual health proposals up to £250k with the funding being allocated under a formal grant arrangement as appropriate; and**

**(3) authority to agree proposals for spending above £250k be delegated to the Care Services Portfolio Holder up to a value of £1m.**

## **27 PROPOSAL TO EXTEND THE CONTRACTS FOR DELIVERY OF SUBSTANCE MISUSE SERVICES**

### **Report CS14063**

Members were asked to agree an extension of the three existing contracts with Crime Reduction Initiatives (CRI) to provide an integrated drug and alcohol service for one year from January 2015 to December 2015.

Report CS14063 also sought approval to extend the contract with KCA - providing an integrated drug and alcohol service for children and young people - for a period of one year from January 2015 to December 2015.

On measuring outcomes from the contracts, Members were referred to paragraph 3.5 of Report CS14063 which included reference to the proportion of individuals successfully completing treatment i.e. not returning to the service within a period of six months following discharge. It was a strong programme with few individuals re-appearing. Local performance was subject to national monitoring and more data was available to Members if necessary. For 2013/14 and previous years it was agreed to circulate data on the number of individuals aged 21 in the borough having a drug addiction problem. It was not possible at the meeting to provide information on the number of Drug Rehabilitation Requirements issued to drug users by the Courts.

To help prevent young people experimenting with drugs, initiatives were taken forward mainly through schools and the Healthy Schools London Programme. Priorities on measures for the treatment of individuals misusing drugs were commissioned through the Substance Misuse Board.

The Deputy Leader suggested the report be referred back to the Care Services PDS Committee or the Health and Wellbeing Board (it was understood the Substance Misuse Board reported to the HWBB). Although there were benefits to the programme, the value of the contracts represented a significant sum and it was understood the PDS Committee had some reservations about the proposals, even though they were supported.

Supporting this approach, the Leader confirmed that the matter should be reported back to the Executive after the Health and Wellbeing Board had considered the matter and/or the Care services PDS Committee had re-considered. It was important for the Executive to have a full understanding of this area given the sums involved.

**RESOLVED that the matter be reported back to the Executive after the Health and Wellbeing Board had considered it and/or the Care services PDS Committee had given the matter further consideration.**

## **28            OUTSOURCING OF FINANCIAL ASSESSMENT TEAMS AND APPOINTEESHIP AND DEPUTYSHIP TEAM**

### **Report FSD14050**

It was proposed to transfer the Financial Assessment teams and the Appointeeship and Deputyship team to Liberata, generating full-year savings in the region of £121k per annum.

A paper highlighting the response to staff questions during consultation was tabled at the meeting for the information of Members.

**RESOLVED that:**

- (1) transfer of the Council's Financial Assessment Teams and Appointeeship and Deputyship Team to Liberata be endorsed, generating savings in a full year of £121k p.a.;**
- (2) the Financial Assessment Teams be transferred on 1<sup>st</sup> October 2014;**
- (3) the Appointeeship and Deputyship Team be transferred on 5th January 2015; and**
- (4) consultation be carried out on the new Charging Policy for Appointeeship and Deputyship, as detailed at paragraphs 6.4 to 6.8 of Report FSD14050, and subject to no material changes being required as a consequence, delegate authority for implementation of the Policy to the Director of Finance in consultation with the Resources Portfolio Holder.**

**29 TRANSPORT GATEWAY REVIEW**

**Report ES14062**

Report ES14062 detailed the outcome of the Transport Gateway Review, focusing on transport activities undertaken or commissioned by the Education, Care and Health Services Department.

Predominantly comprising Passenger Transport Services (PTS) for adults and the Special Educational Needs Transport (SENT) team for children, the existing Passenger Transport Framework Agreement utilised by the SENT team was due to expire in August 2015, and the vehicle hire agreement for delivering Passenger Transport Services had been extended to November 2015. There was potential to combine delivery of the services after August 2015 and identify through market testing whether significant savings could be realised from contracting either element or by delivering the services a different way.

The services had been soft market tested as part of the review. This included discussions with service managers. Permission was sought to go to the market to determine the best value option for delivering the services in future. The proposed contracts have a potential value of £5.8m per annum. As such it was necessary to place a Contract Notice advertisement in the Official Journal of the European Union (OJEU) to seek expressions of interest from organisations wishing to tender.

**RESOLVED that:**

- (1) the tendering of contract(s) for the provision of transport services for adults and children, as outlined at paragraphs 3.28 – 3.30, be approved; and**



**(2) the placement of any required Notice of advertisement in the OJEU, seeking expressions of interest from organisations wishing to tender, be agreed.**

### **30 INVEST TO SAVE - TRAINING STATEMENTED PUPILS TO TRAVEL INDEPENDENTLY**

#### **Report ED15060**

In providing an update on the invest to save travel training programme, Report ED15060 recommended an investment of £60k per annum to continue providing the programme through a three year contract with Bexley Accessible Transport Services from 1<sup>st</sup> September 2014 to 31<sup>st</sup> August 2017. An investment of £60k per annum could be expected to deliver travel training for 20 statemented pupils each year.

In earlier consideration, PDS Members requested further information on whether the programme could be extended to more than 20 pupils per year. Early scoping suggested that, of 825 pupils being transported, approximately 60 pupils might be receptive to travel training in 2014/15 with a similar number in subsequent years. Experience from 2013/14 suggested that approximately one-third might ultimately prove unsuitable leaving a stretch target of approximately 40 pupils to become independent travellers in 2014/15. This would require increased funding of £120k per annum.

The Portfolio Holder for Education referred to the success of the initiative and desire for a longer term programme to ensure as many pupils as possible with special education needs are included in the scheme. There was a potential invest to save opportunity and a process whereby the young people could develop, with some becoming more independent. The Portfolio Holder for Resources commended the programme.

#### **RESOLVED that:**

**(1) investment of £120k per annum be agreed to continue the travel training programme for the next three years;**

**(2) award of a three year contract to the current provider, Bexley Accessible Transport Services (BATS), for a programme of travel training be agreed provided:**

- **the forecast return on investment continues to be achieved each year in line with projected savings; and**
- **the quality of training is maintained.**

### **31 UPDATE ON THE PROCESS FOR MARKET TESTING EDUCATION SERVICES**

#### **Report ED15073**

Report ED15073 proposed expanding the scope of the market testing of Education Services to encompass additional services including Special Educational Needs provision, Adult Education provision, and strategic management functions related to sufficiency, access, and quality of education provision in Bromley.

To give confidence to families and residents in taking market testing forward, there would be a range of stakeholder engagement with opportunity for briefing at various meetings. The strategy would be communicated to all service users. The Portfolio Holder for Resources highlighted the importance of PDS consideration.

The Leader supported an evaluation of the market testing outcomes for the benefit of all parties. This would include a report back to Members. The Director added that there was no assumption made on outcomes from the process.

**RESOLVED that:**

**(1) the scope of the market testing of Education Services be expanded to include: strategic management functions; the residual functions of the Behaviour Service; the Special Educational Needs Service (including the Specialist Support and Disability Service); and Bromley Adult Education (paragraphs 3.11 to 3.31 of Report ED15073);**

**(2) the option to explore management arrangements with relevant schools for the Hearing Impairment Units be rejected and the Hearing Impairment Units be included within the SEN Inclusion Support service as part of the overall market testing process (paragraphs 3.36 to 3.42 of Report ED15073);**

**(3) the market testing tendering process commence as per the timetable at paragraph 3.61 of Report ED15073 and that a Competitive Dialogue approach be used (paragraphs 3.59 to 3.61 of Report ED15073); and**

**(4) a further report detailing the outcome of the market testing be reported to a future Executive meeting, along with recommendations, and that this report describes how quality of service and support for children will be monitored and enforced.**

**32 CORPORATE PARENTING STRATEGY**

**Report CS14066**

The multi-agency Corporate Parenting Strategy for 2014-15 aims to build services around the needs of children and young people in Council care to maximise their opportunities and improve outcomes.

The strategy sets out how the Council and its partner agencies intend to carry out their corporate parenting responsibilities for looked after children, young people and care leavers, setting out the Council's vision and strategic priorities. It identifies the key areas of focus along with the planning and governance arrangements to achieve them. The strategy is underpinned by the service business plan, related strategies for placements and care planning and various work streams within the Council.

Noting that the Strategy was to be presented to Full Council, Members agreed to defer consideration of the document until the Full Council meeting on 21<sup>st</sup> July 2014.

**RESOLVED that the Corporate Parenting Strategy be referred to the Full Council meeting to be held on 21<sup>st</sup> July 2014.**

**33 SUPPORTING YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) TO PREPARE FOR ADULT LIFE - FUNDING PROPOSAL**

This item was withdrawn from the agenda prior to the meeting.

**34 LEAD LOCAL FLOOD AUTHORITY FLOODING AND WATER MANAGEMENT ACT 2010**

**Report ES14042**

Report ES14042 provided an update on the Council's role as Lead Local Flood Authority. It considered the impact of recent groundwater flood events and sought the Portfolio Holder's views on the Council's involvement in future events. Following the Environment PDS Committee on 1<sup>st</sup> July 2014, a Decision was made on this aspect by the Deputy Leader and Portfolio Holder for the Environment (dated 16th July 2014) and published on 17<sup>th</sup> July 2014.

Report ES14042 also sought Executive agreement to the release of dedicated Central Contingency funding (£250k) to fund works detailed in the report and to ensure the Council meets its statutory duties as Lead Local Flood Authority.

Councillor Nicholas Bennett J.P. (West Wickham) enquired whether guidance could be provided to householders on where to obtain grant and other assistance to help protect against any future groundwater flood events. Supporting provision of signposting for residents, the Deputy Leader confirmed that officers would take this forward, referring to the availability of grant funding.

**RESOLVED that a sum of £250k be released from the dedicated 2014/15 Central Contingency budget to implement the proposals detailed in Report ES14042.**

### **35 BROMLEY LIBRARY SERVICE - OUTCOME OF CONSULTATION**

#### **Report DRR14/054**

Following the outcome of consultation with library users and staff (detailed in Report DRR14/054) a number of changes were proposed to meet budget savings for 2014/15, including changes to opening hours and extension of Radio Frequency Identification Data (RFID) equipment to all libraries in the borough.

The Executive was asked to approve the deletion of the mobile library service, as set out at paragraph 7.13 of Report DRR14/054, and (as a tabled recommendation) to agree one off funding of £275k to meet the cost of RFID equipment and its installation (paragraph 9.3 of Report DRR14/054).

Following closure of the mobile library service, the voluntary Home Library Service would continue to be available for any Bromley resident unable to:

- travel to a Library due to disability or illness;
- carry items to or from a library;
- access a library e.g. due to mobility problems and/or poor facilities at a Library.

Most mobile library stops overlap existing static library provision. Of the 37 mobile sites, 24 fall within a 1.5 mile radius of a static library. The remaining mobile sites are within 1.6 and 4.0 miles from static libraries and served by a variety of bus routes. They are also easily accessible by car.

The Home Library Service would be actively promoted to eligible customers including those who might be currently unaware of the service.

Provision of RFID equipment to all Libraries would enable library users to check books in and out and access a number of Council services.

Noting the new opening hours for Libraries, the Deputy Leader highlighted that Petts Wood and Southborough Libraries were due to close each Wednesday. As both are in close proximity, he suggested that one Library open on Wednesdays and the other open on Tuesdays.

#### **RESOLVED that:**

**(1) deletion of the mobile library service as set out at paragraph 7.13 of Report DRR14/054 be agreed; and**

**(2) in view of savings identified, one off funding of £275k from unallocated inflation in 2014/15 Central Contingency sums be agreed to meet the cost of RFID equipment and installation (paragraph 9.3 of Report DRR14/054).**

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

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

**37            LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION)  
(VARIATION) ORDER 2006 AND THE FREEDOM OF  
INFORMATION ACT 2000**

**38            EXEMPT MINUTES OF THE MEETING HELD ON  
10TH JUNE 2014**

The exempt minutes were agreed.

**39            DIRECT CARE UPDATE**

**Report CS14056**

Members were updated on tendering for the in-house direct care services.

**40            SUPPORT FOR THE VOLUNTARY SECTOR - COMMUNITY  
LINKS BROMLEY**

**Report CS14068**

Consideration was given to the work of Community Links Bromley (CLB) and whether to award a new contract.

**41            AFFORDABLE HOUSING PAYMENT IN LIEU FUND:  
MONITORING AND PROGRESS ANNUAL REPORT (2013-14)  
AND EXPENDITURE OPTIONS**

**Report DRR14/068**

Members considered an annual update and recommendations concerning the Council's Affordable Housing Payment in Lieu (PIL) fund.

**42            AWARD OF CONTRACT FOR A COMMUNITY WELL-BEING  
SERVICE FOR CHILDREN AND YOUNG PEOPLE**

**Report CS14062**

Members considered the outcome of the tendering process to provide a community well-being service for children and young people with mental health needs aged 0-25 years (previously referred to as CAMHS).

The report provided a recommendation for award of contract.

**43 FUTURE USE OF EDUCATION PROPERTY**

**Report ED15083**

Members considered recommendations related to the future use of an education property.

**44 FUNDING FOR CONDITION SURVEYS: OPERATIONAL PROPERTY PORTFOLIO**

**Report DRR14/063**

For the Operational Property Portfolio, approval was sought to obtain competitive tenders and appoint external consultants to carry out condition surveys and other associated works outlined in Report DRR14/063.

**45 LOCAL LAND CHARGES LITIGATION**

**Report CSD14094**

Members were asked to agree terms for settling a claim in connection with charges previously levied for personal searches of the Land Charges Register.

**46 CAPITAL RECEIPTS**

**Report FSD14049**

Members noted Appendix D to Report FSD14049 showing details of the 2013/14 outturn for capital receipts along with a forecast of capital receipts for the years 2014/15 to 2017/18.

**47 SECTION 106 FUNDING FOR HEALTH PROVISION**

**Report CS14067**

Further financial details related to Report CS14067 were provided to Members as exempt information.

Chairman

The Meeting ended at 9.13 pm

### QUESTIONS FOR ORAL REPLY

#### Questions from Mr Chris Spencer

1. (Ref. market testing SEND services) Would the Executive support the inclusion of new thinking on service provision so that the terms of reference include (a) implementation ideas borne out of the new SEND reform legislation and (b) new insight-based service strategies / ideas that could help potential providers to deliver more effectively?

#### Reply

All plans being developed are consistent within the new SEND reform legislation and where appropriate new ideas will be adopted to ensure services are delivered effectively.

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2. Will the Executive support and facilitate the bringing together of key people within education, health and care services so that we can define ways to deliver on the intent of the new SEND reform legislation? As a leading pathfinder the eyes of many service providers and decision makers across the country are on us!

#### Reply

Yes, the successful transformation of SEND services will only be achieved by working in partnership across agencies.

#### Supplementary Question

In his supplementary question, Mr Spencer asked for innovation in the development of proposals. He was encouraged that this approach had been accepted. In view of implementation work, he suggested a six month time frame thereby enabling professionals to be in a better position to undertake changes. Mr Spencer trusted officers to make good decisions – there was opportunity with the new legislation and a demand for change.

#### Reply

The Portfolio Holder referred to Market Testing being a long process and it was currently an early stage. He was confident there would be new ways of working at the end of the process and had confidence in officers to take the process forward.

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## QUESTIONS FOR WRITTEN REPLY

### Question from Mr Tom Chance

Council monitoring suggests that nitrogen dioxide levels have consistently been above legal limits on Anerley Hill and Anerley Road in recent years, exposing residents and local business employees to this significant health risk. What steps are you taking to reduce pollution levels on these streets?

### Reply

Air quality monitoring data undertaken in both the Anerley Hill and Anerley Road environs confirm in recent years the mean annual nitrogen dioxide objective of 40 µg/m<sup>3</sup> has been exceeded, in line with most of London.

Bromley has continued to work hard towards improving its air quality including the publication of an Air Quality Action Plan, which sets out a package of measures, using both existing powers available to the Council and working with other organisations and aimed at addressing the nitrogen dioxide exceedences in line with meeting the annual mean.

A copy of the action plan can be found on the Council website.

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### Questions from Mr Peter Leigh

1. How can the gardens be below the level of the culvert which runs under the electricity sub-station – see 3.16
2. When will the detailed study be undertaken – see 3.17
3. £30k is not going to go very far. – see 3.20. What if the report recommends increasing the size of the culvert from Glebe Way to Corkscrew Hill in view of its proven inadequacy in 2001 and 2014?

### Reply

The main river culvert running from Corkscrew Hill to Courtfield Rise is very shallow, in some places only just below ground level. Although the culvert runs under the UKPN sub-station, the ground level at the low point of the garden immediately adjacent to the substation sits below the level of the culvert.

The detailed study is to be undertaken by the Environment Agency (EA). The London Borough of Bromley have not been informed of the date they intend to implement it at this point in time.

Should the EA study identify any necessary maintenance / improvement works to the culvert over and above their available budget, such works would be subject to additional EA funding being made available.

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## Questions from Mr David Strawson

1. As a parent of a disabled child I am very concerned that both parents and children and young adults with disabilities are not being engaged sufficiently in this process, to influence outcomes that materially affect their lives. What will the Executive do to ensure this shortcoming is addressed?

### Reply

The proposal under consideration is whether to expand the scope of the market testing of Education Services to include additional services such as Special Educational Needs and the Specialist Support & Disability Service. The decision to market test all other Education Services was previously agreed by the Council's Executive in October 2013.

It is for the Council to consider and make arrangements on how services are delivered, informing key stakeholders as appropriate as decisions are made. If the Council agrees to expand the scope of market testing, it is at that point that appropriate engagement with stakeholders will commence, as described in the report under consideration.

The process of market testing itself does not directly affect the services currently being received by service users. If, as a result of the market testing process or otherwise, proposals are made that involve specific changes to the services being delivered then the Council will engage as appropriate with all relevant stakeholders prior to decisions being made. It should be noted that a change in provider does not necessarily mean that the Local Offer or the educational provision provided to children with Special Educational Needs or disabilities will change.

The Assistant Director for Education has established a regular meeting with representative parent group to discuss issues relating to the SEND reforms and to provide a forum where parent views are heard as part of the commissioning of services.

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2. Significant benefit is derived from delivery of education, health and care services in an integrated way. The market test is only for education. Why, when these services are delivered in unison so successfully from the Phoenix centre is it difficult to market test and potentially outsource them together?

### Reply

Health services, such as those delivered at the Phoenix Centre, are not, in the main, commissioned or funded by the London Borough of Bromley. They are commissioned and funded primarily by the Clinical Commissioning Group (previously the Primary Care Trust) and are delivered on their behalf by providers, such as Bromley Healthcare, who hold contracts with the Clinical Commissioning Group.

The new SEN Code of Practice and the Children and Families Act 2014 places particular emphasis on an integrated approach for the delivery of education, health and care services.

Regardless of how services are delivered in the future, this will continue to be a priority for the Council. This will be achieved, as it is now, through partnership working and planning between the Local Authority, the Clinical Commissioning Group and service providers.

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3. What opportunity have the parent, carer and disabled youngsters community  
a) had  
and  
b) will they have  
to review and influence the success criteria of the market test?

Reply

The market testing of Education Services covers a wide range of educational services, most of which may not be directly relevant to the parent, carer and disabled youngster community described, and therefore it is not appropriate for the overall process to be focused on any one particular group.

As market testing involves a competitive tendering exercise, through a competitive dialogue process, the Local Authority has to maintain confidentiality in the management of the process to ensure that no potential bidders are able to receive any information that may give them an unfair advantage over others.

However, throughout the process we will be engaging with all relevant stakeholders as appropriate and this will allow stakeholders to ensure their views are heard. Engagement will take different forms; the detail has yet to be decided as the decision to expand the scope of market testing has yet to be taken.

The Assistant Director for Education has established a regular meeting with a representative parent group to discuss issues relating to the SEND reforms and to provide a forum where parent views are heard as part of the commissioning of services. These views will inform the market testing process.

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Questions from Susan Sulis, Secretary, Community Care Protection Group

1. LBB action on the Government's Index of Multiple Deprivation (IMD) ratings for Cray Valley West, (CVW), Cray Valley East (CVE), and Orpington wards.

CVW is scored as Quintile Level 1, the most deprived in England. CVE and Orpington, are rated at Level 2.

- (a) How is the Council's Public Sector Equality Duty defined in its policies and allocation of resources for this area?

Reply

The Council will have regard to its obligations under the Equality Act 2010 and where appropriate to all other statutory and common law obligations and duties which are relevant to a decision or policy when a matter is under consideration.

(b) How would the closure of the 'Orpington Foodbank' affect Health Inequalities?

Reply

We have no evidence that it will any impact on health inequalities.

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2. 10<sup>th</sup> October 2013 Resources Portfolio Holder and PDS Committee confidential report to charge the full commercial rent of £8,400 per annum for the shop used by the 'Orpington Foodbank'.

(a) What factors did the report consider?

Reply

The report considered in October 2013 related to the request from the Oak Community Church (OCC) to remain in the property occupied on a temporary basis in Cotmandene Crescent rather than return to their original premises in Ranmore Path. The OCC subsequently chose not to return to Ranmore Path and agreed to take a lease of and pay a rent for the property in Cotmandene Crescent.

The report considered commercial property factors; the need to maximise income; the established policy that Council properties should be let at market rent to ensure transparency and to avoid hidden subsidies when letting to charitable organisations; estate management issues; that the letting of 111 Cotmandene Crescent at nil rent was only a temporary arrangement following the fire at Ranmore Path; the services provided by the Foodbank; views of the OCC about the benefits of Cotmandene Crescent over Ranmore Path; and the existence of OCC's own property in Chipperfield Road.

(b) Did it include the lack of income sources of the Bromley Borough Foodbank, compared to other charities with Council contracts and/or shop sales?

Reply

No

(c) Were the Public Health, Social Care and Health Inequality implications of possible closure in an area of Multiple Deprivation identified?

Reply

No

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3. 10<sup>th</sup> October 2013 Report and Decision on the 'Orpington Foodbank'.

(a) Was the Director of Care Services consulted, and his views incorporated in the report?

(b) Was the Director of Public Health consulted?

(c) Was the Portfolio Holder for Care Services and Public Health consulted?

Reply

The Director of Education, Care and Health Services (who is the line manager of the Director of Public Health) was consulted and he consulted the Portfolio Holder for Care Services and Public Health.

(d) Why was the report not referred to the Care Services Policy Development and Scrutiny Committee for its views?

Reply

Members did not resolve to do so. The Chairman of the PDS Committee is a Member of the Executive and Resources PDS Committee which considered the report.

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Questions from Melanie Weston

1. When will you be holding a public meeting with the local residents?
2. After the 2001 flooding why did Bromley Council not carry out any maintenance to the culvert as recommended in the 2001 report and subsequently passed over to the Environmental Agency in 2007?
3. When residents have to renew household insurance will you provide evidence that as LLFA you are doing all that is necessary to protect our properties to ensure we are able to continue insuring our properties without inflated prices?

Reply

There are no plans to hold a public meeting.

Maintenance of the main river culvert remains the responsibility of individual riparian owners. The London Borough of Bromley are only the riparian owner for the culvert under the public highway in Courtfield Rise which had not been identified as needing repair during the period in question.

The London Borough of Bromley has a responsibility as LLFA to manage the risk of flooding and work with other stakeholders in the dissemination of information. The nature of Groundwater flooding is such that the LLFA are not in a position to do "all that is necessary" to protect any individual property.

Residents may be able to provide evidence that protection measures have been undertaken themselves via the R&R grant process.

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## Questions from Mr Chris Widgery

1) What does evidence from other authorities show about the impact of physically separating co-located education, care and health services on the outcomes of the children and what evaluation has been carried out about the impacts of physically separating the Phoenix preschool from other related services?

### Reply

There are no proposals to separate education, care and health services in the way described. Options for the future location of the Specialist Support & Disability Service, currently based at the Phoenix Centre, have to be considered as the current lease arrangements will come to an end next year. All available options will be considered before a proposal for final decision is put forward. Any solution that is considered will, in discussion with our partners in health and care services, look at the ways in which an integrated service can continue to be delivered – whether that be full co-location or other effective ways of delivering an integrated service.

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2) Has consideration been given to working with the NHS jointly to relocate *all* services on the current Masons Hill site to a new location, thereby preserving the benefits of co-location? If so, please explain how this was done and who was involved?

### Reply

As per my previous response, no decision on the relocation or otherwise of the London Borough of Bromley funded services currently based at the Phoenix Centre has been taken. Options are currently being considered before a proposal for a final decision is put forward, which will involve discussion with our partners in health services.

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3) Given that we understand a decision on the Masons Hill lease needs to be taken during the school holidays, will the Portfolio holder and Jane Bailey agree to ease the anxieties of families of affected children by discussing and explaining the proposals for relocation before any decisions are taken?

### Reply

There is nothing in the report under consideration that would indicate that a decision needs to be taken in the timescale described. The market testing report briefly references the issue of the Phoenix Centre lease, included for information as it is relevant to the planning of the market testing. It references alternative locations as one of the potential options to be explored further.

For clarity, the current lease on the Phoenix Centre expires on the 31 July 2015. At this time, we are considering the options available to us. The timescale by which a final decision needs to be taken is still to be determined and may be subject to negotiation. It is likely that some options will need to be investigated in more detail before proposals for a final decision can be put forward. Proposals put forward for

final decision by Members will include engagement with stakeholders as appropriate as part of the decision making process.

The Assistant Director for Education wrote last month to parents and carers who access services located at the Phoenix Centre outlining the situation. The Assistant Director for Education will continue to keep parents and carers informed as appropriate throughout the process.

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