



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Keith Pringle

keith.pringle@bromley.gov.uk

DIRECT LINE: 020 8313 4508

FAX: 020 8290 0608

DATE: 2 October 2014

To: Members of the
EXECUTIVE

Councillor Stephen Carr (Chairman)

Councillors Graham Arthur, Robert Evans, Peter Morgan, Colin Smith, Tim Stevens and Stephen Wells

A meeting of the Executive will be held at Bromley Civic Centre on **WEDNESDAY 15 OCTOBER 2014 AT 7.00 PM**

MARK BOWEN
Director of Corporate Services

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

- 1 **APOLOGIES FOR ABSENCE**
- 2 **DECLARATIONS OF INTEREST**
- 3 **TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 10TH AND 19TH SEPTEMBER 2014** (Pages 5 - 18)
 - a) to confirm the minutes of the meetings held on 10th and 19th September 2014 (minutes of the meeting held on 19th September 2014 to follow)
 - b) Matters Arising report
- 4 **QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions must be received in writing four working days before the date of the meeting. Therefore please ensure that questions are received by the Democratic Services Team by 5pm on Thursday 9th October 2014.
- 5 **TEMPORARY ACCOMMODATION UPDATE - USE OF MANORFIELDS AS TEMPORARY ACCOMODATION** (Pages 19 - 26)
- 6 **HOMELESSNESS AND WELFARE REFORM DRAW-DOWN FROM CENTRAL CONTINGENCY** (Pages 27 - 38)

- 7 **SUBSTANCE MISUSE SERVICES** (Pages 39 - 54)
- 8 **ADOPTION GRANT DRAW-DOWN** (Pages 55 - 60)
- 9 **DRAW-DOWN OF GOVERNMENT GRANT FUNDING HELD IN CONTINGENCY TO SUPPORT THE LOCAL AUTHORITY IN IMPLEMENTING THE SEN REFORMS AND PATHFINDER CHAMPION SUPPORT** (Pages 61 - 70)
- 10 **COMMISSIONING - PROPOSED TOTAL FACILITY MANAGEMENT CONTRACT** (Pages 71 - 116)
- 11 **STREET LIGHTING - INVEST TO SAVE** (Pages 117 - 122)
- 12 **PUBLIC TOILET PROVISION** (Pages 123 - 130)
- 13 **CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**
- 14 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed 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.

Items of Business

Schedule 12A Description

- | | |
|--|---|
| <p>15 EXEMPT MINUTES OF THE MEETING HELD ON 10TH SEPTEMBER 2014 (Pages 131 - 136)</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> |
| <p>16 LEARNING DISABILITY SUPPORTED LIVING CONTRACT AWARD (Pages 137 - 142)</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> |
| <p>17 AWARD OF CONTRACTS FOR CLARE HOUSE AND WORSLEY BRIDGE SCHOOLS AND FINAL SETTLEMENT OF THE LANGLEY PARK SCHOOL FOR BOYS CONTRACT (Pages 143 - 152)</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> |

**18 THE GLADES SHOPPING CENTRE: MALL
REFRESHMENT (Pages 153 - 158)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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EXECUTIVE

Minutes of the meeting held on 10 September 2014 starting at 7.00 pm

Present

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

Also Present

Councillor Nicholas Bennett J.P., Councillor Eric Bosshard,
Councillor Alan Collins and Councillor Peter Fookes

55 APOLOGIES FOR ABSENCE

There were no apologies.

56 DECLARATIONS OF INTEREST

Councillor Peter Morgan declared a personal interest by virtue of his daughter being a Director of Kier Property Services.

57 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 16TH AND 22ND JULY 2014

The minutes were agreed and matters arising noted.

58 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Three questions had been received for written reply. Details of the questions and replies are at **Appendix A**.

59 BUDGET MONITORING 2014/15

Report FSD14060

Members considered the second budget monitoring position for 2014/15 based on expenditure and activity levels to July 2014. Approval was sought *inter-alia* for the release of sums from Central Contingency and to a number of carry-forward requests. Member views were also sought on the amount of monies that should be set aside as an earmarked reserve for the "Parallel Fund".

With a projected net overspend on services (of £4,351k) the Leader highlighted the importance of revenue expenditure being contained within budget and for action to be taken by Portfolio Holders and officers to ensure

this happens. The Leader emphasised that the projected overspend position needed to be addressed within the next six weeks.

Portfolio Holders provided brief commentary on the budget position for their Portfolios including details of specific challenges.

The Portfolio Holder for Resources highlighted that there were now several instances of unfunded new burdens placed on the Council and hoped that details were being passed to local MPs. He also asked for a report on progress with Invest to Save measures. Additionally, with pressure building on operational housing, the Portfolio Holder suggested that unallocated s106 receipts for housing be used towards the pressures. The Portfolio Holder for Renewal and Recreation suggested that any invest to save commentary identify how much has been paid back.

On new burdens – particularly the impact of welfare reforms - it was explained that the Department for Work and Pensions would say there is no impact on local authorities. On invest to save, there had been previous discussions at PDS Committees and a report would be brought back to the Executive. For s106 monies earmarked for housing, a more flexible use of the funding now enabled it to be used for short term housing; the Renewal and Recreation Portfolio Holder indicated that some s106 funding had already been used to purchase some properties.

Concerning monies to be set aside as an earmarked reserve for the “Parallel Fund” it was agreed that a sum of £2.7m should be set aside by way of a one-off lump sum.

RESOLVED that:

- (1) the latest financial position be noted along with a projected net overspend on services of £4,351k based on information at July 2014;**
- (2) the full year cost pressures of £5.5m as detailed at section 3.9 of Report FSD14060 be noted;**
- (3) a projected reduction to the General Fund balance of £3.8m to £16.2m be noted as detailed at paragraph 3.8 of Report FSD14060;**
- (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 FSD14060 be noted;**
- (5) funding of £66k be released from Central Contingency for Welfare Reform as detailed at paragraph 3.5.2 of Report FSD14060;**
- (6) funding of £36k be released from Central Contingency for Staying Put as detailed at paragraph 3.5.3 of Report FSD14060;**

(7) all carry forward requests at paragraphs 3.6.1 - 3.6.7 of Report FSD14060 be agreed;

(8) changes in allocation of Government Grant funding for 2014/15 as detailed at section 3.7 of Report FSD14060 be noted; and

(9) a one-off lump sum of £2.7m be set aside as an earmarked reserve for the “Parallel Fund”.

60 TREASURY MANAGEMENT - INVESTMENT STRATEGY REVIEW AND Q1 PERFORMANCE 2014/15

Report FSD14057

Report FSD14057 summarised treasury management activity during the quarter ending 30th June 2014 and recommended changes to the Council’s Treasury Management Investment Strategy.

The changes comprised an increase in the total investment limit for the two part-nationalised banks, Lloyds and Royal Bank of Scotland, to £80m each and in the maximum investment period to three years; a reduction in the minimum credit rating for corporate bond investments to A-; and the addition of Diversified Growth Funds as permitted investments, with a total investment of up to £10m.

The report also included an update on the Council’s investment with Heritable Bank.

Investments at 30th June 2014 totalled £287.2m (excluding the balance of the Heritable investment) and there was no outstanding external borrowing.

Members were advised that recommended changes to the investment strategy would significantly improve income for the Council.

RESOLVED that:

(1) actual Treasury Management performance in the quarter ended 30th June 2014 be noted; and

(2) Council be recommended to approve the following changes to the Council’s Treasury Management Investment Strategy –

- **an increase in the total investment limit for the two part-nationalised banks, Lloyds and Royal Bank of Scotland, to £80m each and in the maximum investment period to three years (paragraphs 3.27 to 3.29 of Report FSD14057);**
- **a reduction in the minimum credit rating for corporate bond investments to A- (paragraphs 3.30 to 3.34 of Report FSD14057);**

- **investment of up to £10m in Diversified Growth Funds (paragraphs 3.35 to 3.37 of Report FSD14057).**

61 GATEWAY REPORT - PROPOSALS FOR RE-TENDERING OF THE CHURCHILL THEATRE MANAGEMENT CONTRACT

Report DRR14/075

Current arrangements for management of the Churchill Theatre were due to expire on 3rd April 2016 and Report DRR14/075 outlined the process and timetable for re-tendering the lease. It was proposed that this would be based on a period of 25 years with a break clause for redevelopment at years 10, 15 and 20, exercisable with a 24 month notice period.

Concerning the proposed length of contract, it was indicated that 25 years would make the proposal more attractive to any potential contractor. The Portfolio Holder for Education sought clarification on whether the proposed break clause for redevelopment at years 10, 15 and 20 was exercisable by both parties for their benefit and it was agreed to clarify the position following the meeting.

Noting that the Executive and Resources and Renewal and Recreation PDS Committees supported the tender process and timescales and that the recommendations were intended to solely initiate the process, the recommendations were agreed.

RESOLVED that:

(1) the proposed tender process and timescales outlined within Report DRR14/075 be approved in order that officers can undertake the tendering process; and

(2) a further report be brought to the Executive in May 2015 on the results of the tender process and evaluation, along with the results of the condition survey of the building currently being undertaken.

62 LAND AT UPPER ELMERS END ROAD AND CROYDON ROAD - APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN

Report CSD14132

At its meeting on 9th July 2014 the Development Control Committee considered a report related to a third party application to register the triangle of land at Elmers End bounded by Upper Elmers End Road, Croydon Road and Elmerside Road as a new Town or Village Green. The report to the Committee, appended to Report CSD14132 (along with the relevant minute), recommended that, as the application failed to meet the legal criteria for a third party registration, it should be rejected. However, the Committee was

mindful to support the land being registered as a new Town or Village Green and was advised that this could be achieved by way of an application for voluntary registration by the Council in its capacity as owner of the land. As relevant decision maker, the Executive was asked whether or not this course of action should be followed.

The Leader acknowledged receipt of emailed representations (also provided to Executive Members) and at the Leader's invitation, Councillor Alan Collins addressed Members in support of the land becoming a new Town or Village Green.

Members sought clarification on a number of aspects including: how the land could possibly be considered unique; why further support was not expressed at consultation; what difference would town/village green registration make (compared to current use of the land); and what were the recreational uses currently taking place on the green. Clarity was also sought on why preference should be given to protecting this land (for recreational use) rather than other local parks.

Councillor Collins suggested the land was important given its history for recreational purposes. By registering as a Town or Village Green, the land would be secured for recreation. There appeared no requirement on the number of supporting representations necessary for registration; the absence of further representations did not indicate a lack of interest. For any drinking/dog fouling problem, the enforcement approach at nearby Beckenham Green could provide an example for the Elmers End land. Local residents wanted security that the land would continue to be used for recreation. Any future structures on the land would also harm the area aesthetically.

The Leader suggested that security was already available without the need for registering the land as a Town or Village Green. Concerning the setting of any precedent through voluntary registration, it was suggested that whilst no precedent could be set according to strict legal definition, it might be possible to rely on such a registration in pressing for any future decisions; this could cause difficulties should Members wish to take a different course in future with similar applications.

The Leader felt comfortable that there was no necessity to have the land registered as a Town or Village Green. The report recommendation was put to a vote and it was agreed by a majority that the current status of the land should remain.

RESOLVED that no action be taken to seek voluntary registration of the land as a new Town or Village Green.

**63 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.

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

**65 EXEMPT MINUTES OF THE MEETINGS HELD ON 16TH AND
22ND JULY 2014**

The exempt minutes were agreed.

66 ACQUISITION OF INVESTMENT PROPERTIES

Report DRR14/084

Members considered an update on the acquisition of investment properties to meet the £2m income target in the 2014/15 budget and looked at considerations for the future purchase of investment opportunities.

Approval was also sought for the purchase of a further property.

**67 OPERATIONAL PROPERTY REVIEW AND DISPOSAL
OPPORTUNITIES**

Report DRR14/085

The Council commissioned a consultant to undertake a review of all of the Council's land holdings. Report DRR14/085 advised Members of some of the properties identified as possible disposal opportunities together with properties already identified as surplus or potentially surplus to requirements.

68 CHISLEHURST LIBRARY, RED HILL, CHISLEHURST

Report DRR14/083

Members considered future possibilities in relation to the Chislehurst Library site.

69 LOCAL LAND CHARGES LITIGATION

Report CSD14094

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

Chairman

The Meeting ended at 8.37 pm

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QUESTIONS FOR WRITTEN REPLY

Questions received from Mr Colin Willetts

1. Following ongoing vandalism to the canal bridge in Brooksway (SPC), could the Leader tell us when works will take place to rectify this damage?

Reply

Works are currently scheduled for early October.

2. Following ongoing fly-tipping along Sandy Lane (SPC), could the Leader tell us when the Lane will be closed to allow the safe removal of this assorted eyesore?

Reply

A pre-arranged road closure took place on 3rd September 2014.

3. Following continued footway parking/footway unloading by articulated trucks delivering to Alsford timber yard/Selco builders, could the Leader tell us what action the Council is taking to prevent these illegal obstructions associated with these two businesses?

Reply

The parking you describe is not illegal.

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Decision Maker: Executive

Date: 15th October 2014

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **MATTERS ARISING FROM PREVIOUS MEETINGS**

Contact Officer: Keith Pringle, Democratic Services Officer
Tel. 020 8313 4508 E-mail: keith.pringle@bromley.gov.uk

Chief Officer: Director of Corporate Services

Ward: N/A

1. Reason for report

1.1 **Appendix A** updates Members on matters arising from previous meetings.

2. **RECOMMENDATION**

The Executive is invited to consider progress on matters arising from previous meetings.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Executive Minutes

Corporate Policy

1. Policy Status: Existing Policy The Executive receives an update on matters arising from previous meetings at each meeting.
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £373,410
 5. Source of funding: 2014/15 Revenue Budget
-

Staff

1. Number of staff (current and additional): 10 posts (8.75fte)
 2. If from existing staff resources, number of staff hours: Monitoring the Executive's matters arising takes at most a few hours per meeting.
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for the benefit of Executive Members
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

<u>Minute Number/Title</u>	<u>Executive Decision/Request</u>	<u>Update</u>	<u>Action by</u>	<u>Completion Date</u>
10 th June 2014				
11. Deprivation of Liberty Safeguards – Funding Request	<p>The Executive Director, Education, Care and Health Services highlighted the significant increase in requests for Deprivation of Liberty Safeguards since the Supreme Court judgement. Court of Protection guidance was anticipated in the next few weeks and the Leader suggested further briefing for Members at a time when more information can be provided.</p> <p>Executive noted that:</p> <ul style="list-style-type: none"> • further monies may be required to meet any additional demands arising from the judgement; • this would be clarified once further details of the judgement and its consequences become available and further mapping work has been carried out; and • these outcomes would be reported to a later meeting. 	<p>The Court has issued guidance and the implications are being considered. An increasing number of DOLS applications are being received and worked on.</p>	<p>Executive Director of Education and Care Services</p>	<p>An update report will be presented to Care Services PDS and Executive in November 2014.</p>
16/1 Award of Contract – Tenancy Support Services for Young People	<p>Longer term proposals to be reported back to Members.</p>	<p>Meetings have commenced with the existing provider and a project plan is drawn up. An update will be provided by January / February 2015.</p>	<p>Executive Director of Education and Care Services</p>	<p>Further report will be presented to Care Services PDS in January 2015 and to Executive in February 2015.</p>

16th July 2014				
31. Update on the Process for Market Testing Education Services	A further report detailing the outcome of the market testing of Education Services was to be provided to a future Executive meeting along with recommendations. The report would describe how quality of service and support for children will be monitored and enforced.	Detailed planning for the market testing of Education Services continues. Final draft tenders are due back Summer 2015.	Executive Director of Education and Care Services	Procurement will commence shortly. The outcome and recommendations are estimated for Member decision in Summer 2015 with implementation in Autumn 2015.
10th Sept 2014				
59. Budget Monitoring 2014/15	The Portfolio Holder for Resources..... also asked for a report on progress with Invest to Save measures. On invest to save, there had been previous discussions at PDS Committees and a report would be brought back to the Executive.	It is anticipated that a report on Invest to Save measures will be presented to the Executive at its meeting on 26 th November 2014.	Director of Finance	As per update opposite.
61. Gateway report - proposals for re-tendering the Churchill Theatre Management Contract	The Portfolio Holder for Education sought clarification on whether the proposed break clause for redevelopment at years 10, 15 and 20 was exercisable by both parties for their benefit and it was agreed to clarify the position following the meeting. Resolved that(2) a further report be brought to the Executive in May 2015 on the results of the tender process and evaluation, along with the results of the condition survey of the building currently being undertaken.	Officers confirm that this would be a break clause exercisable only by LBB and only if the site is subject to redevelopment i.e. a Landlord break for redevelopment purposes upon Site G proceeding or other future developments taking place on Site G. Further report to be provided two weeks prior to the Executive meeting.	Executive Director of Environment and Community Services Executive Director of Environment and Community Services	Clarification now provided as per advice opposite. As per update opposite.

Report No.
CS15087

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

Date: For Pre-Decision Scrutiny by Care Services PDS Committee on
2nd October 2014

Decision Type: Non-Urgent Executive Key

Title: **TEMPORARY ACCOMMODATION UPDATE – USE OF
MANORFIELDS AS TEMPORARY ACCOMMODATION**

Contact Officer: Terry Parkin, Executive Director, Education, Care & Health Services
Tel: 020 8313 4060 E-mail: Terry.Parkin@bromley.gov.uk

Chief Officer: Executive Director of Education, Care & Health Services

Ward: Orpington

1. Reason for report

This report advises on the invest to save requirements for the proposed use of Manorfields, a former residential home, as temporary accommodation to enable the Council to meet its statutory housing duties and to assist towards mitigating the significant cost incurred by the Council as a result of the increased use of nightly paid accommodation to meet statutory duties.

2. **RECOMMENDATIONS**

2.1 **Care Services PDS are asked to comment on the proposals outlined in this report.**

2.2 **Executive is asked to approve:**

- a) **The use of Manorfields as temporary accommodation to meet the Council's statutory housing obligations under the homelessness legislation;**
- b) **Capital funding requirements for refurbishment and associated fees to bring Manorfields to a suitable standard for this purpose; and**
- c) **The use of Orchard and Shipman to oversee the project through the planning and refurbishment process, and then to lease and manage Manorfields as temporary accommodation under the existing leasing and temporary accommodation management scheme agreement which was approved by the Executive in December 2010.**

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence:
-

Financial

1. Cost of proposal: £563,437 planning, fees and refurbishment work.
 2. Ongoing costs: Non-Recurring Cost These are one off costs which would be recouped through the rental stream during the life of the project.
 3. Budget head/performance centre: Housing Needs Temporary Accommodation
 4. Total current budget for this head: £4,576,710 approved controllable budget for operational housing.
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement: The Council has a number of statutory obligations in relation to homelessness including the provision of temporary accommodation. The suitability and standard of accommodation provision is also set out in statute.
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Around 6,000 households approach annually at risk of homelessness. There are currently around 900 households in temporary accommodation to whom the council owes a statutory duty, of which around 480 are in costly forms of nightly paid accommodation.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Full consultation is taking place with ward councillors throughout proposals, planning and development stages. This includes visiting the current scheme at Bellegrave to gaining a detailed understanding of how the proposed unit would be managed.

3. COMMENTARY

Background

- 3.1 The number of households approaching at risk of homelessness has risen dramatically during recent years. Simultaneously, the supply of suitable affordable accommodation across all tenures available to enable the Council to meet its statutory housing duties has reduced, both in terms of new build, housing association re-lets and access to the private rented sector in response to market factors and welfare reform.
- 3.2 This means that, despite the significant work undertaken by officers to prevent homelessness and access a range of alternative housing options, diverting around 90% of initial approaches, the number of statutory homeless households having to be placed in temporary accommodation has continued to rise.
- 3.3 The growing reliance on temporary accommodation to meet the increased demand until permanent housing solutions become available is reflected across London and the Southeast as a whole. Rising property and rental prices against the restrictive temporary accommodation subsidy regime and welfare reform has also resulted in an increased proportion of temporary accommodation only being able to be secured on a costly nightly paid rate basis – effectively topping up rental levels to match market rents. Currently 480 out of 898 placements have had to be secured on a nightly paid basis within an overall average cost to the Council of £6,500 per household per year.
- 3.4 This has moved the provision of temporary accommodation for statutory homeless households from a largely cost neutral position to a full year cost of around £5.23m as numbers and nightly rates continue to rise. There are also a number of associated additional workloads and resource pressures arising from the volume of invoices, visiting and accommodation charge collection associated with the increased use of nightly paid accommodation.
- 3.5 It is therefore necessary to urgently source alternative, more cost effective temporary accommodation units to reduce this overall cost pressure and meet statutory duties.
- 3.6 The Manorfields proposal forms one of a number of identified actions to secure more cost effective temporary accommodation and also a range of longer term settled housing solutions. Manorfields was identified following analysis of a number of vacant units to assess suitability in terms of potential to refurbish for this use based on the model previously developed for Bellegrave.
- 3.7 Bellegrave has successfully operated as temporary accommodation provision since November 2013, providing accommodation for on average 35 households at any one time. The scheme has been well maintained and managed, with the predicted savings now being realised against nightly paid accommodation rates.

The proposal:

- 3.8 The proposal is for the use of Manorfields as short terms reasonable quality temporary accommodation. The principle aim of the proposal is to provide a relatively speedy alternative to nightly paid placements and thus help to mitigate a level of the current cost pressures being faced in meeting the Council's statutory rehousing responsibilities.
- 3.9 It is hoped that the temporary provision of an additional 44 units at Manorfields will not only allow time for the housing market and impact of welfare reform to stabilise, but also for a number of the proposed longer term options currently being explored to be put in place to reduce the overall temporary accommodation pressure.

Financial summary	£000
<i>Total cost of refurbishment work</i>	<i>£492,515</i>
<i>Total cost of fees</i>	<i>£70,922*</i>
<i>Full year average revenue saving against NPA net costs</i>	<i>£262,959**</i>
<i>Full year lease income</i>	<i>£59,365***</i>
<p>* <i>Some costs will be incurred to get the proposal through the planning application and, for speed, due to urgency, to complete detailed specifications and tender works concurrently with planning application/decision process. Given the potential financial benefits of this proposal a sum of £40K has been agreed to cover fees including these costs on an 'at risk' basis'.</i></p> <p>**<i>The identified savings show the average annual saving from the reduced use of NPA accommodation based on current average net costs.</i></p> <p>***<i>The lease income is based on average occupancy levels and is calculated as the net income minus all management and maintenance costs including repairs, insurance, voids/bad debt risks, CCTV and staffing resources.</i></p>	

- 3.10 The above provides a financial summary of the project costs based on the current draft specification against the initial survey working on a basic five year lifespan. The refurbishment work would be kept to a minimum focusing only on statutory standards to reduce overall expenditure and to bring the scheme on line as quickly as possible.
- 3.11 The proposals include the intention to install interconnecting doors to enable flexible use to best meet statutory rehousing duties in terms of varying household size against nightly paid costs with an overall average occupancy of 44households. This may change slightly dependent upon housing needs, with the financial model showing the minimum level of anticipated return.
- 3.12 If approved the planning application process and refurbishment is likely to take between 5 and 6 months.
- 3.13 As ownership would be retained by the Council, this would allow for disposal or alternative use at a future stage.
- 3.14 Manorfields Care Home occupies a site of 1.5 acres. It was offered for sale in 2013 and the offers received were reported to the Resources Portfolio Holder following pre-decision scrutiny by the Executive and Resources PDS Committee in July 2013. Following further investigation of various issues relating to the offers the Portfolio Holder decided in January 2014 that Manorfields should be retained to allow consideration of whether it should be used to meet service needs.
- 3.15 It is estimated that the value of this site for residential development would be in the region of £2.9million.

Use of Orchard & Shipman

- 3.16 In light of welfare reform, the number of providers working within temporary accommodation provision has reduced significantly. In addition, extreme difficulty is being experienced in securing temporary accommodation units within temporary accommodation subsidy levels in the private rented market resulting not only in a shortfall in units but also increased pressure on the Council to make up the difference between subsidy levels and market rents.

- 3.17 In preparation for developing alternative temporary accommodation provision models all registered providers involved in providing temporary accommodation for Bromley were approached and asked if they would be prepared to work with the Council on such schemes. Orchard and Shipman were the only partnership agency that responded positively.
- 3.18 There is an existing contract in place with Orchard & Shipman for the procurement and management of temporary accommodation on behalf of the Council. The management of Manorfields as temporary accommodation provision would therefore fall within the scope of the existing contract, with the only variation being the need to cover the fees incurred by Orchard & Shipman to undertake the work specification, planning application and oversee the refurbishment work in the same way as operated previously for the refurbishment of Bellegrove.
- 3.19 The use of Orchard and Shipman is therefore proposed due to the urgency with which the project needs to advance due to the current budget pressures. In addition this proposal provides a level of efficiencies gained as Orchard and Shipman will be able to spread the management and staffing costs across both Manorfields and Bellegrove offering a level of savings against overall management costs across the 2 schemes whilst maintaining the required level of management and security for this type of scheme.
- 3.20 As Orchard and Shipman are able to proceed with immediate effect and already have a contract in place with the Council, this offers both the most cost effective and expedient way forward.

4. POLICY IMPLICATIONS

- 4.1 The Council has a published homelessness strategy which sets out the approved strategic policy in terms of homelessness. This includes temporary accommodation provision and reducing any reliance on nightly paid accommodation. The Council already works with a number of providers for the provision of temporary accommodation including a current leasing scheme contract with Orchard & Shipman.

5. FINANCIAL IMPLICATIONS

- 5.1 Paragraphs 3.8 – 3.15 of this report provide a summary of the project costs, together with the projected savings of reduced NPA use against the overall current temporary accommodation budget pressures. This project forms one of a number of key actions identified to reduce the overall cost pressure being faced.
- 5.2 The annual revenue savings to the Council based on the latest average costs are shown in the table below

Manorfields

Saving of B & B Placements

	<u>No. of units</u>	<u>Weekly cost</u> <u>(net of subsidy)</u>	<u>Annual</u> <u>Cost</u>
		£	£
Studio	9	584.19	30,378
1 bed	11	1187.34	61,742
2 Bed	19	2397.42	124,666
3 Bed	5	887.95	46,173
	<u>44</u>		<u>262,959</u>

Alternative Accommodation at Manorfields

Costs

Management fee	93,600
Staffing	56,643
Arrears/bad debts	37,496
Maintenance/utilities, etc	131,166
	<u>318,905</u>
Income generated from Housing Benefit and other minor income	378,270
	<u>59,365</u>
<u>Revenue saving to LBB per annum</u>	<u>322,324</u>

- 5.3 As set out in the table above the revenue savings that will be generated from using Manorfields for temporary accommodation is estimated to be in the region of £322k per annum
- 5.4 The use of the asset for temporary accommodation means that the council will have forgone the opportunity of generating a capital receipt which is estimated to be in the region of £2.9m. This money invested at 2% would generate income of £58,000 p.a., therefore the net revenue saving after the loss of interest earnings will be £264k
- 5.5 There will be one off costs required for the refurbishment of Manorfields which will be around £563k. This funding will cover the costs of the refurbishment works required to bring the property to a suitable letting standard and also the costs of the associated legal, planning, surveyors fees and project management costs
- 5.6 The report proposes that the funding of the Manorfields project is met from the Councils 2014/15 central contingency sum on the basis that future savings will be reflected in updated financial forecasts. There may be further calls on the cost of homelessness in 2014/15 and the position will be closely monitored.
- 5.7 The latest forecast for this area tabled below. Since the last forecast it is assumed that the homelessness increase continues beyond 2016/17.

HOMELESSNESS BUDGET PROJECTION

	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
PROJECTED OVERSPEND 2014/15 (INCLUDING FULL YEAR EFFECT IN 2015/16)	653	1,122	1,122	1,122
16 NEW B&B PLACEMENTS (APRIL 2015 TO MARCH 2016) BASED ON AN AVERAGE OF £8,000 PER PLACEMENT BASED ON LATEST PROJECTIONS WHICH CAN BE VOLATILE		768	1,536	1,536
16 NEW B&B PLACEMENTS (APRIL 2016 TO MARCH 2017) BASED ON AN AVERAGE OF £8,000 PER PLACEMENT BASED ON LATEST PROJECTIONS WHICH CAN BE VOLATILE			768	1,536
16 NEW B&B PLACEMENTS (APRIL 2017 TO MARCH 2018) BASED ON AN AVERAGE OF £8,000 PER PLACEMENT BASED ON LATEST PROJECTIONS WHICH CAN BE VOLATILE				768
ESTIMATED OVERSPENDS	<u>653</u>	<u>1,890</u>	<u>3,426</u>	<u>4,962</u>
COST OF MANORFIELDS PROJECT *	563			
POTENTIAL SAVINGS FROM MANORFIELDS **		- 295	- 322	- 322
INCOME FOREGONE FROM DISPOSAL OF ASSET (£2.9M X 2% P.A.)		53	58	58
CONTINGENCY AVAILABLE	- 1,200	- 2,800	- 3,800	- 4,800
DEFICIT/(SURPLUS)	<u>16</u>	<u>- 1,152</u>	<u>- 638</u>	<u>- 102</u>

* THE SAVINGS FROM THE MANORFIELD SCHEME WILL EFFECTIVELY 'PAY BACK' THE COST OF THE PROJECT IN 2 YEARS

** ASSUMES THAT IT WILL BE OPERATIONAL FROM MAY 2015

6. LEGAL IMPLICATIONS

- 6.1 The council has a statutory responsibility to offer advice and assistance to prevent homelessness, or to assist in securing alternative accommodation wherever possible. Where this is not possible, the Council has a range of statutory rehousing responsibilities to a number of prescribed groups. This includes the provision of temporary accommodation.
- 6.2 Failure to meet these statutory duties due to lack of, or inappropriate temporary accommodation presents significantly increased risk of costly legal challenge and Judicial Review, involving powers not only to order the acquisition of accommodation, but also compensation and so on.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	<p>LB Bromley Homelessness Strategy 2012 – 2017 LB Bromley Unitary Development Plan 2006 LB Bromley Affordable Housing Supplementary Planning Document 2008</p> <p>Renewal & Recreation Portfolio 2014-15 Business Plan EC&HS Department 2014-15 Portfolio Plan Allocation of Affordable Housing PIL Funds – Care Services Committee, 4th September 2012 Payment in Lieu: Framework and Allocation Process (6th February 2013, Executive Committee) Affordable Housing PIL Fund: Capital Funding Bid- 13th March 2013, Executive Committee Residential Property Acquisitions: Capital Funding Proposal- 24th July 2013, Executive Committee Addressing Rising Homelessness and Housing Need and Associated Budgetary Pressures (ACS11053) EC&HS PDS and Executive report October 2013 & 2014 – Homelessness pressures and contingency draw down.</p>

Report No.
CS14095

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

Date: For Pre-Decision Scrutiny by Care Services PDS Committee on
2 October 2014

Decision Type: Non-Urgent Executive Key

Title: **HOMELESSNESS AND WELFARE REFORM DRAW-DOWN
FROM CENTRAL CONTINGENCY**

Contact Officer: Terry Parkin, Executive Director, Education, Care & Health Services
Tel: 020 8313 4060 E-mail: Terry.Parkin@bromley.gov.uk

Chief Officer: Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

- 1.1 To update Members on homelessness pressures during 2014.
 - 1.2 To request drawdown of £653,000 from the £1.2m held in the central contingency for homelessness and welfare reform pressures as identified in in paragraph 3.13.
 - 1.3 The report also provides a summary of the challenges being faced in relation to homelessness and temporary accommodation and the range of initiatives being pursued to reduce the rising budget pressures wherever possible.
 - 1.4 To note that formal consultation is now commencing on proposed revisions to the allocations scheme included within the range of initiatives. Following consultation a further report will be presented for formal consideration and approval of the revisions.
-

2. **RECOMMENDATION(S)**

- 2.1 **The Care Services Policy, Development and Scrutiny Committee are asked to consider the content of this report and recommend that the Executive release £653,000 of contingency set aside in the 2014/15 central contingency.**
- 2.2 **The Executive is asked to:**
 - a) **Release £653,000 set aside in the central contingency for homelessness and welfare pressures;**

- b) Note the current pressures being faced, support the mitigating actions underway and consider the likely budget impact going forward.**

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence
-

Financial

1. Cost of proposal: : Further Details
 2. Ongoing costs: : Further Details
 3. Budget head/performance centre: Housing Needs – temporary accommodation provision
 4. Total current budget for this head: £4,576,710 approved controllable budget for operational housing.
 5. Source of funding: Education, Care & Health Services Approved 2014/15 Revenue Budget. Payment in Lieu fund in relation to property purchase and new affordable housing schemes – total uncommitted budget £3.36m.
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 6,000 households approach each year at risk of homelessness. There are currently around 900 households in temporary accommodation to whom the Council owes a statutory duty, of which 480 are in costly forms of nightly paid accommodation.
-

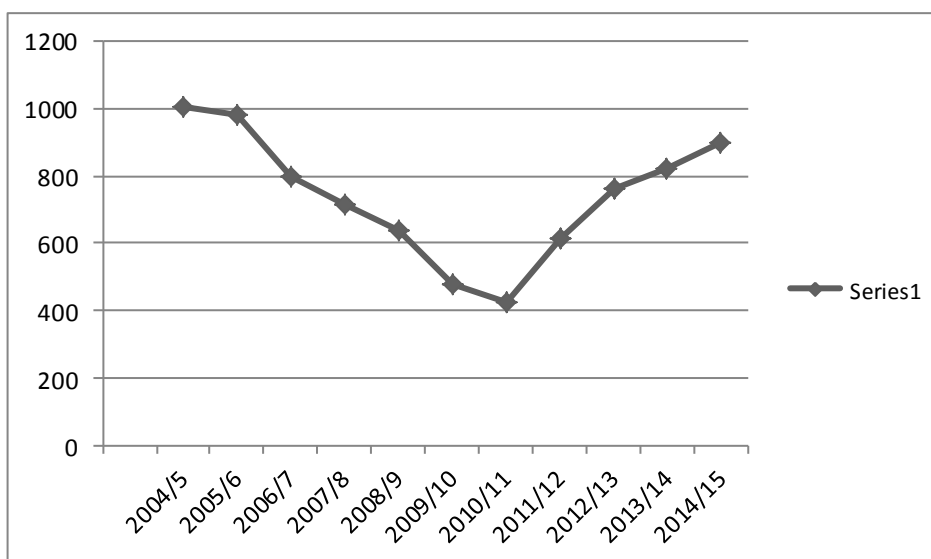
Ward Councillor Views

1. Have Ward Councillors been asked for comments Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Homeless applications and the numbers in temporary accommodation began to reduce in 2006 when the Council first implemented its homeless prevention strategy to provide specialist housing advice and assistance to prevent homelessness or assist in securing alternative accommodation in the private rented sector in the event homelessness cannot be prevented.
- 3.2 The success of this approach achieved more than a 60% reduction in homelessness and temporary accommodation use between 2006 and 2011. However this downward trend in homelessness and temporary accommodation use was reversed in 2011/12 due to the combined impact of the first tranche of welfare reform when the housing benefit local housing allowance (LHA) was reduced by setting it at a lower proportion of the market rent (30% as opposed to 50% quartile) and the recession.

Households In Temporary Accommodation 2004 – August 2014



- 3.3 The combination of the capping of LHA rates, implementation of the overall benefit cap, bedroom size criteria and the reduced housing benefit subsidy level for temporary accommodation has meant that renting to recipients of housing benefit or leasing accommodation to housing providers as temporary accommodation provision has largely become an unattractive option for private landlords as the gap between housing benefit/temporary accommodation subsidy levels and market rents widen.
- 3.4 This has significantly reduced access to the private rented sector for low income/benefit dependent households or for use by the Council in discharge of its statutory homelessness duty or as temporary accommodation. There is also a rise in the number of private sector evictions (now accounting for more around 40% of all homeless approaches) leading to a fall in the number of affordable properties that are available in the private sector, overall leading to a dramatic increase in the use of temporary accommodation for homeless households.
- 3.5 The increase in private sector evictions, homelessness and temporary accommodation use has been London-wide and has resulted in a ripple effect as inner London authorities procure private sector accommodation in cheaper areas of London, forcing other London authorities to seek alternative accommodation outside of their borough and outside of London. For Bromley this means that currently 50% of temporary accommodation placements are outside of the borough.

3.6 Increased homelessness and reduced supply both through the private sector and housing association lets against an overheated private sector housing market has meant that an increasing number of housing providers are now only willing to enter into costly nightly paid arrangements. This has moved the Council from a largely cost neutral position for the provision of temporary accommodation to one where the Council effectively has to top up the difference between housing benefit and market rents creating a net cost for each placement.

Average Nightly Paid Accommodation Costs					
	Average of 2014/15 Charge to Landlord	Average of 2014/15 Total Subsidy Claimed	Average of 2014/15 Total Personal Charge*	Average of Total Cost to LBB	Average of Total Cost to LBB 2013
Room	10,775.44	8,556.78	840.34	1,378.32	1,279.72
Studio	13,659.18	10,243.34	0.00	3,415.84	3,224
1 Bed	15,527.80	10,048.48	0.00	5,479.32	5,040.36
2 Bed	18,360.49	11,860.64	0.00	6,499.84	6,333.08
3 Bed	22,891.00	13,701.13	0.00	9,189.87	
4 Bed	30,090.00	15,678.66	0.00	14,411.34	8,717.28

* Personal charges are only applicable to shared room only accommodation to cover the cost of inclusive utilities

3.7 Between 2011 and 2014 the number of statutory homeless households placed in temporary accommodation has therefore risen from 414 to 898. As the cumulative impact of welfare reform starts to be felt the numbers are currently increasing by on average 16 per month. Overall taking account of the makeup of current placements the overall average annual net cost per household is approximately £6,500.

3.8 The rising cost to the Council of meeting statutory rehousing duties has been regularly reported through the PDS Committee and Executive, setting out the detailed trend and market analysis warning of the likely increase in cost pressures. This resulted in the sum of £1.2m being held in the central contingency to meet any cost pressures arising.

3.9 The continued focus on homeless prevention and housing options work has continued to help to contain pressures by diverting around 90% of all initial approaches, but simply cannot fully mitigate the pressures arising due to the current housing market and welfare reform.

3.10 Additional one off Government grants totalling £166K have also been received to assist in mitigating the growing impact of welfare reform. This has enabled a dedicated service to be set up to work alongside the DWP and housing associations to assist those affected by the welfare reforms to access more affordable accommodation, employment and so forth. To date more than 200 households have been assisted to resolve potential homelessness.

3.11 As such the level of statutory homelessness against available housing supply and continued rising costs have been evident throughout the year, showing that these warnings are now being realised. The latest projections based on July monitoring and activity assumes additional cost pressures of £653k in year and £1.122m following through into next year as a full year effect.

3.12 Members are therefore now asked to approve the release of the £653k held in the central contingency and also to note the projected pressures for 2015 and beyond. The draw down has been assumed in the budget monitoring report.

3.13 The projections below assume that current levels of intervention and lettings will continued to be achieved. Whilst the model does allow for a level of increased demand resulting from future stages of welfare reform, it must be noted that any further increase in demand or reduction in either the level of prevention work able to be achieved or supply of housing association lettings would have a further significant impact upon the level and cost of temporary accommodation. Overall these projections show that, despite the prevention and housing options work being undertaken, the number of households in nightly paid accommodation could rise to nearly 1,000 by the end of 2015/6. At this stage predictions after this point become increasingly unclear in terms of how the market may change, future levels of funding, the impact of universal credit and so forth.

3.14 The table below shows the funding held in contingency over the next three years.

	<u>2014/15</u> <u>£'000</u>	<u>2015/16</u> <u>£'000</u>	<u>2016/17</u> <u>£'000</u>
Central Contingency	£1,200	£2,800	£3,800
Overspend in B&B Placements	-£653	-£653	-£653
Central contingency remaining	£547	£2,147	£3,147

As you can see from the table above, the drawdown of £653,000 in 2014/15 to fund in year pressures will leave £547k remaining in the central contingency and a further £2.6m in further years

Mitigating Actions

3.15 Appendix 1 provides a headline summary of the key actions being undertaken to try and mitigate against these rising cost pressures focused on homeless prevention driving down nightly paid costs and accessing a more cost effective supply of accommodation prioritising the higher cost placements.

3.16 It must however be noted that the current market and impact of welfare reform presents a number of challenges limiting the overall impact of these actions and as such, whilst the actions in place to maximise the level of homeless prevention and access to alternative housing options including more cost effective temporary accommodation can significantly contain future costs pressures, the market and legislative forces are currently restricting the potential of such initiatives fully address current pressures, at best serving to maintain a largely static position against the current level of budget pressure being experienced which will be carried forward into future years.

3.17 Ongoing work will be undertaken to ensure that the priority actions, particularly in relation to homeless prevention and access to private rented and leased accommodation achieve the optimal outcomes possible within the current market. The work will include close scrutiny of all schemes to ensure these are tailored to tackle the main causes of homelessness and offer the greatest incentives to secure accommodation. This work also includes ongoing pan London and sub-regional working to procure accommodation and seek to drive down the increasing costs of nightly paid accommodation, whilst being mindful not to adversely inflate the market further.

3.18 Appendix 2 sets out the key proposed revisions for the allocations scheme which have been designed in light of the current pressures being faced against the supply of accommodation

becoming available building on the 2011 review which reduced the number on the housing register by around 60%.

- 3.19 In considering the proposed revisions it must be noted that the allocations scheme cannot supersede the homelessness legislation, however the proposed revisions would assist by providing additional control to manage high cost temporary accommodation placements. They would also more clearly manage expectations in terms of discharge of the homelessness duty into the private rented sector.
- 3.20 The proposed revisions will now be subject to statutory consultation, following which a further report will be presented full consideration and approval of the revisions.

4. POLICY IMPLICATIONS

- 4.1 The housing objectives are set out in the relevant business plans. These objectives are compliant with the statutory framework within which the Council’s housing function must operate and incorporates both the national targets and priorities identified from the findings of review, audits and stakeholder consultation.
- 4.2 The above actions are in line with the agreed policies in relation to homeless prevention, temporary accommodation and housing options schemes as set out in the Homelessness and associated strategies. Any updated actions or proposals for policy review required will be reported and considered by Members as required.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications are considered within the body of this report.

6. LEGAL IMPLICATIONS

- 6.1 The Council has number of statutory obligations in relation to housing. These include the provision of housing advice and assistance to prevent homelessness or divert from homelessness, assessment of homeless applications; to make temporary and permanent housing provision available for those applicants to whom the Council has a statutory duty; supporting such households to sustain accommodation; to have a published allocations scheme, a housing and homelessness strategy and a tenancy strategy.
- 6.2 All proposals within this report comply with the Council’s statutory duties in relation to homelessness.

7. PERSONNEL IMPLICATIONS

- 7.1 Resources with the Housing Needs Division have been deployed to support the initiatives and approaches set out in this report to meet the Council’s statutory homelessness duties. This deployment will be adjusted as necessary to seek to ensure statutory duties are met and homeless prevention is maximised.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	LB Bromley Homelessness Strategy 2012 – 2017 LB Bromley Tenancy Strategy 2013 LB Bromley Unitary Development Plan 2006 LB Bromley Affordable Housing Supplementary Planning Document 2008 Renewal & Recreation Portfolio 2013-14 Business Plan

	<p>EC&HS Department 2013-14 Portfolio Plan Allocation of Affordable Housing PIL Funds – Care Services Committee, 4th September 2012 Payment in Lieu: Framework and Allocation Process (6th February 2013, Executive Committee) Affordable Housing PIL Fund: Capital Funding Bid- 13th March 2013, Executive Committee Residential Property Acquisitions: Capital Funding Proposal- 24th July 2013, Executive Committee: Addressing Rising Homelessness and Housing Need and Associated Budgetary Pressures (ACS11053) EC&HS PDS and Executive report October 2013 – Homelessness pressures and contingency draw down.</p>
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APPENDIX 1:

Reducing the cost of Temporary accommodation – Action Plan

Action	Progress to Date	Additional cost for 2014/5 if initiatives were not in place.	Risk factors
Homeless Prevention:			
Maximising the level of homelessness prevention focusing on initiatives to reduce the main causes of homelessness.	During quarter 1 2014/15 direct intervention prevented homelessness for 507 families	£3,295,500	Increased homelessness particularly from private rented sector evictions
Maximising Access to the Private Rented Sector as homelessness prevention/dischARGE of the homelessness duty and for use as temporary accommodation			
Enhanced incentives to increase access to private rented accommodation to prevent homelessness and in discharge of the statutory homelessness duty through a range of flexible packages for landlords and agents	During quarter 1 this has assisted 60 households to access private rented accommodation as at average cost of £850 per household (this is usually in the form of underwritten bond guarantee)	£390,000	Increased difficulty in accessing private rented sector due to welfare reform and gap between LHA/market rents.
Private Sector leasing – working with our leasing partners to offer an attractive range of packages to attract landlords to the scheme.	During quarter 1, 6 new properties have been brought on line	£39,000	Welfare reform and restrictive temporary accommodation subsidy levels has reduced the number of providers prepared to work in this field and also significantly reduced the available supply of accommodation.
Use of Vacant dwellings			
Analysis of all vacant council dwellings for use as temporary accommodation	Cranbrook Court – provision of 26 self-contained temporary accommodation units	£111,043	A number of units have not been viable to the cost of refurbishment to basic health and safety standards. Proposals subject to planning permission.
	Bellegrove – provision for on average 34 households	£245K	
	Additional planned Actions	Timescale	
	Manorfields – business case presented for refurbishment to provide 45 units of temporary accommodation	If approved, the scheme would launch May 2015. Once operational £322K saving	
Increasing Affordable Housing Supply:			
Use of PIL to increase affordable housing supply	Purchase of 5 properties managed by our leasing scheme partner for TA provision	£32,500 (full year effect) – All five properties are now tenanted. (current budget assumes in year savings.	
	Additional planned Actions	Timescale	

	Expressions of interest being sought for schemes Autumn with the option to also consider schemes which may not fall within PIL restrictions but could be funded via capital funding	Prospectus to be sent to providers Autumn 2014.	Uncertainty regarding level of interest.
Reducing the cost of nightly paid Accommodation through reduced rates and alternative provision:			
Negotiating with NPA providers to offer block booking arrangements in return for reduced charges	During quarter 1 ,2 landlords have agreed to pilot block bookings at reduced fees	£12,500 achieved quarter 1. £50,000 (full year effect)	Limited take up due to level of demand across London and rising market rents.
Working across London as a whole to drive down rates.	Pan London working group in place. Rates agreed and options to jointly fund alternative accommodation to enable rates to be enforced being discussed	This could reduce cost pressures against current NPA numbers by between £500 - £600K per annum	Rising homelessness and temporary accommodation have made joint agreements difficult. Pan London commitment in place at Director and Leader level.
Focusing housing allocations on greatest need			
Reviewing the Allocations Scheme to ensure that it continues to focus on meeting greatest housing needs and addressing the homelessness pressure	Approved revisions to be launched April 2015.		

Appendix 2: Allocations Scheme: Proposed Key Revisions

Area	Current criteria	Proposed revision	Key Impacts
Increasing the residency criteria	The current residency criteria mirrors the statutory homeless definition: 6 out of the last 12 months or 3 out of the last 5 years.	To increase the residency criteria for inclusion on the housing register to 5 years. NB: the legislation requires specific rules for members of the armed forces. Flexibility will be included to ensure statutory duties are still met in terms of homelessness, care leavers, and social care clients as required.	Managing expectations. Dis-incentivise homeless approaches in favour of homeless prevention and alternative housing options
Reducing the level income and savings above which households would not normally qualify for inclusion on the housing register.	Maximum of £60K per annum in household income to be reduced to a maximum of £30K per household in respect of savings and capital in line with the shared ownership eligibility.	Lower the threshold for income and savings at which point households would no longer qualify for inclusion. Currently comparing against other schemes and shared ownership criteria.	Further prioritisation of highest need and promotion of alternative options to reduce numbers on the housing register.
Under-occupation – making best use of stock to meet emerging statutory need	Housing association tenants under-occupying by two or more rooms, or moving into older persons accommodation are placed into the emergency band. Those under-occupying by 1 bedroom are placed into band 1.	All under-occupiers to be placed into band 1 as standard.	Allows for best use of stock to prioritise moves to free up accommodation most needed to meet statutory needs.
Number of bids	Applicants are able to turn down up to two offers but are expected to accept the third offer, if not then any statutory duty will consider to be discharged	Based on a relaxation of the regulations around choice, to restrict bidding so that applicants can only reasonably refuse on property.	Improved through flow to accommodation and managing of expectations.
Direct offers	Currently used for ‘non bidders’ to discharge a homelessness duty, to facilitate a decant or where a very specific type of	Add emergency moves, transfers, financial loss to the council, welfare reform, and those in temporary accommodation for longer than average; one direct offer to end the duty. Can use private sector or social housing as	Improved through flow to accommodation and managing of expectations. Directly allows control to address highest cost placements or shortfalls.

	property is required.	appropriate.	
Shortlisting	Applicants can be shortlisted for multiple properties	Those shortlisted in position 1 will not be shortlisted for any other properties until the bid has been resolved.	Reducing timescales for rehousing and refusals
Members of the armed forces	Not subject to the local connection rules.	Addition (required by legislation): additional preference will be given to the category of persons outlined in the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989) if they fall within one or more of the statutory reasonable preference categories and are in urgent housing need. Change: Amendment to online form questions.	Recognising the Council's continuing commitment to members of the armed forces.

Report No.
CS14072

London Borough of Bromley

PART 1 – PUBLIC

Decision Maker: Executive

Date: For Pre-Decision Scrutiny by Care Services PDS Committee on
2nd October 2014

Decision Type: Non-Urgent Executive Key

Title: **SUBSTANCE MISUSE SERVICES**

Contact Officer: Claire Lynn, Strategic Commissioner, Mental; Health and Substance Misuse
Tel: 020 8313 4034 E-mail: claire.lynn@bromley.gov.uk

Chief Officer: Terry Parkin, Executive Director, Education, Care and Health

Ward: (Boroughwide)

1. Reason for report

- 1.1 Further information was requested by the Executive to provide details of substance misuse services to enable them to take a decision on whether to extend the three contracts with Crime Reduction Initiatives (CRI) to provide an integrated drug and alcohol service for a period of one year from January 2015 until December 2015 as allowed for in the contracts.
 - 1.2 This report is also seeking approval of the Executive to extend the contract with KCA to provide an integrated drug and alcohol service for children and young people for a period of one year from January 2015 until December 2015 as allowed for in the Contract.
 - 1.3 Executive requested that Care Services Policy Development and Scrutiny Committee give further consideration to these services before a final decision is made.
-

2. **RECOMMENDATION(S)**

- 2.1 **That the Policy Development and Scrutiny Committee support the recommendation to Executive for the extension of the contracts described below.**
- 2.2 **That the Executive agrees to extend the three existing contracts - Stabilisation and Assessment Service, Recovery Service and the Intensive Prescribing Service - with CRI and the Contract with KCA for the children and young people's substance misuse service (BYPASS) in line with the Council's Contract Procedure Rules (CPR) for a period of one year from January 2015 until December 2015.**

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Supporting Independence: Safer Bromley
-

Financial

1. Cost of proposal: Estimated Cost: £123,000 2014/15
 2. Ongoing costs: Recurring Cost: £150,000 full year effect
 3. Budget head/performance centre: Public Health
 4. Total current budget for this head: £12,266,460
 5. Source of funding: Public Health Grant
-

Staff

1. Number of staff (current and additional): n/a
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory : details are set out in para 3.2.4
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 1100
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: None

3. COMMENTARY

3.1 CONTEXT

3.1.1 Drug and alcohol services for both adults and young people are an integral part of the delivery of both government strategy and of Building a better Bromley priorities. They are part of a spectrum of prevention, early intervention and treatment which informs, advises and supports people to take responsibility for their own health. Services contribute to improving the health and wellbeing of Bromley residents and dependence of health and social care services, increasing feelings of safety (as found in the Crime Survey) ,reducing crime, and homelessness. Public Health England have calculated that for every £1 spent on adult treatment services in Bromley £11 is saved in the local economy on crime, homelessness and the requirement for health and care services. A Department for Education cost-benefit analysis found that every £1 invested in specialist substance misuse for children and young people interventions delivered up to £8 in long-term savings and £2 within two years.

3.2 BACKGROUND

The effects of drug and alcohol misuse are wide ranging and potentially impact on every aspects of an individual's life as well as the society in which they live. Some of the effects are illustrated below:

3.2.1 Alcohol

- Nine million adults drink at levels that increase the risk of harm to their health of these in Bromley this equates to 185,938 people. 1.6 million adults nationally and 17,431 in Bromley show some signs of alcohol dependence.
- Alcohol is the third biggest risk factor for illness and death. Nationally 15,479 people died from alcohol-related causes in 2010, up 30% since 2001. A quarter of all deaths among 16-24 year old men are attributable to alcohol.
- Nationally alcohol is involved in almost half of violent assaults and domestic violence; this is also true for Bromley.
- Nationally 27% of serious case reviews mention alcohol misuse.
- Children whose parents have problems with alcohol often have physical, psychological and behavioural problems this is estimated to be some 2.6 million children nationally.
- 16% of road fatalities nationally involve alcohol.

3.2.2 Drugs

- It is reported that 2.7 million adults used an illegal drug in the past year.
- There are 294,000 heroin and crack users in England. In Bromley this is estimated from prevalence data to be 1,117 people. Deaths among heroin users are 10 times the death rate in the general population. In 2011 the cost of deaths relating to drug misuse was £2.4bn.
- Heroin and crack addiction causes crime and disrupts community safety. Any heroin user not in treatment commits crime costing an average of £26,074 per year. 82% of the public said treatment's greatest benefit was improved community safety.
- 1,200,000 people are affected by drug addiction in their families.

- Deaths involving prescription medicines and 'club drugs' are rising; there has been one known death in Bromley to date.
- Nationally parental drug use is a risk factor in 29% of all serious case reviews.
- The annual cost of looking after children who have been taken into care is £42.5m nationally.

3.2.3 The Government consider substance misuse as one of the key priorities in improving health and reducing crime. The drug strategy and the alcohol strategy outline actions that areas should take to address some of the effects of substance misuse. The 2012 National Alcohol Strategy '*Safe Sensible and Social*', changed the direction of travel for tackling alcohol related issues, it focuses on achieving 'radical change' to reduce alcohol related crime, particularly violent crime, alcohol related ill health and death through a number of measures such as introducing a minimum unit price, the role of Health and Well Being Boards in addressing the health effects, working with the alcohol industry to promote responsible drinking, ending the availability of cheap alcohol and irresponsible promotions, developing a local 'toolkit' to empower communities to tackle alcohol related issues and supporting individuals to change. The 2010 National Drug Strategy entitled, '*Reducing Demand, Restricting Supply, Building Recovery: supporting people to live a drug free life*' focuses on moving from harm reduction to 'drug free' recovery and abstinence although harm reduction still plays a role to support people who are unable to become completely abstinent. The key messages centre on challenging dependent drug use and generating ambition for drug and alcohol users to recover from their dependence as well as reducing the societal costs that illicit drug use causes. The strategy looks to deliver three core aims: reducing demand, restricting supply and building recovery in communities. It sets out indicators with the aim of reducing illicit and other harmful use and increasing the numbers of people recovering from their dependence.

3.2.4 These strategies whilst not a legislative requirement have been shown through subsequent case law to have the same remit in law as national service frameworks. There are also responsibilities in statute for the provision of health and social care services resting with the local authority and NHS as for other care groups. These include the responsibilities to assess people with drug and alcohol dependence for their needs and provide services as defined in the NHS and Community Care Act 1990, National Assistance Act 1948, Children's Act 1989 and Care Act 2014. There is also a range of statutory guidance which reinforces the statutory requirements of assessment and provision of services to people with alcohol and drug dependence. There is also an additional statutory requirement outlined in the Criminal Justice Act 1991 for offenders who misuse drugs and alcohol to be dealt with in the community.

3.3 LOCAL CONTEXT

3.3.1 Alcohol

There are three defined levels of risk associated with alcohol consumption as shown in the table below:

Risk	Men	Woman	Common Effects
Lower Risk	No more than 3 - 4 units per day on a regular basis	No more than 2 - 3 units per day on a regular basis	Increased relaxation Sociability Reduced risk of heart disease (for men over 40 and post-menopausal women)
Increasing Risk	More than 3 - 4 units per day on a regular basis	More than 2 - 3 units per day on a regular basis	Progressively increasing risk of: ~ Low energy ~ Memory loss ~ Relationship problems ~ Depression ~ Insomnia
Higher Risk	More than 8 units per day on a regular basis or more than 50 units per week	More than 6 units per day on a regular basis or more than 35 units per week	~ Impotence ~ Alcohol dependence ~ High blood pressure ~ Liver disease ~ Cancer

In Bromley, the proportion of people in each of the risk groups is similar to the national picture; the national trend is towards an increasing proportion of people in higher risk groups. In Bromley 16.6% of people (over 16 years) abstain from drinking, the vast majority of people (73.6%) drink in the lower risk category, 19.5% have increasing risks associated with drinking and 6.9% are dependent drinkers. The estimated level of binge drinking in Bromley is 13.8%, and this is lower than both the London level (14.3%) and the national level (20.1%).

- 3.3.2 Increasing risk associated with drinking impacts on hospital admissions and mortality. Hospital admission rates in Bromley for alcohol related conditions for both men and women have been increasing since 2008 to a peak in 2010-11, with the rate unchanged in 2012-13. These rates are significantly lower than those for London and for England. The hospital admission rate for males is almost twice the rate for females in Bromley.
- 3.3.3 Whilst alcohol-related mortality in Bromley has been fairly stable in males between 2009 and 2012, there was a rise in alcohol-related mortality in females in 2012. The mortality rate for males is significantly lower than the England rate, but not significantly different for females. The mortality rate for males is almost twice that for females in Bromley.
- 3.3.4 In Bromley the health impact of the risks associated with drinking is clear from the above data and locally there are a range of initiatives in place to inform people of the risks to their health. This starts with teaching/information in schools to young people on the risk of drinking, particularly binge drinking. NHS health checks, GP's and hospitals now ask standardised questions about alcohol consumption which includes providing information on the risks and may for some people lead to a referral to treatment services.

3.3.5 Alcohol-related crime is a key measure of the impact of alcohol misuse both on the individual and the community. The alcohol-related crime data is calculated on the proportion of people arrested and who tested positive for urinary alcohol under key offence categories. It is important to note that drunkenness offences are not included due to the fact that intoxicated arrestees are not interviewed. Therefore the data may underestimate the extent of alcohol-related crime. It is also important to note that the data represents crimes committed in Bromley, but not necessarily by Bromley residents. In Bromley, there is a continued reduction in alcohol related crimes compared to previous years. Compared to the national rates, Bromley had a lower crime rate across all categories.

3.3.6 If individuals are convicted for an alcohol related offence the Courts may decide following an assessment (53 referrals for assessment in 2012/13) that an Alcohol Treatment Order is required this means that a person has to consent and attend services for treatment for a determined period of time (39 people went into treatment in 2012/13). Failure to attend is breachable (14 people breached in 2012/13). The integrated drug and alcohol service provides substance misuse workers at the Court and to the police cells to ensure that people are contacted immediately to talk about treatment.

3.3.7 Drugs

The annual Glasgow Prevalence Estimation includes national and regional estimates of the number of opiate, crack and injecting drug users in the UK. The table below shows the estimated rates of drug use in these categories in Bromley as compared with London and England.

	Number of Drug Users (Rate per 1000 Adult Population)			
	Opiate & Crack User	Opiate User	Crack User	Injecting
Bromley	1,117 (5.55)	814 (4.05)	750 (3.73)	119 (0.59)
London	54,985 (9.55)	43,918 (7.63)	40,080 (6.96)	11,351 (1.97)
England	293,879 (8.4)	256,163 (7.32)	166,640 (4.76)	87,302 (2.49)

Source: Glasgow Prevalence Estimates (2011/12)

3.3.8 Bromley has lower rates of drug use in all the key categories than London and England. The numbers of drug users in Bromley has been falling over the last two years with the exception of opiate and crack users, where numbers have increased. Other drugs both legal and illegal can be misused but the prevalence of use is not documented, although data on the number of people in treatment using other drugs is provided in this report.

3.3.9 Individuals who misuse drugs face potential health risks, drugs can become addictive and lead to long term damage to the body. There is also increased risk of being poisoned by drugs and/or overdosing. Injecting drug users may also be exposed to blood borne infections through the sharing of infected needles/syringes, and through the sharing of other injecting paraphernalia. A contract with pharmacies to provide a Needle Exchange service was renewed this year as part of the Public Health Framework to minimise the risks associated with injecting. This service also provides another point of contact to inform people about services and possible treatment and support. For those individuals accessing treatment for substance misuse, who meet clinical criteria, testing can be offered and if appropriate vaccinated against Hepatitis B and C. In 2012/13, 31% (79 people) of eligible new presentations in Bromley accepted Hepatitis B vaccinations, compared with the national

average of 47%. During the same period, 90% (180) of people previously or currently injecting in treatment in Bromley received a Hepatitis C test, as compared with the national average of 72.5%.

- 3.3.10 Substance use, and misuse may lead to or worsen mental ill health. In 2012-13, there were 318 NHS hospital admissions in Bromley where there was a primary or secondary diagnosis of drug related mental ill health. In addition there were 43 NHS hospital admissions where there was a primary diagnosis of poisoning by illicit drugs. Currently 1.5wte posts are funded within Oxleas NHS Trust to provide a liaison service to ensure that this group of people are linked into drug and alcohol treatment services.
- 3.3.11 Mortality rates from substance misuse are fairly low both locally and nationally. In 2012, there were just under 1500 deaths related to drug misuse across England and Wales.
- 3.3.12 There is a strong link between acquisitive crime and addiction to crack cocaine and opiates. The Metropolitan Police Service extended mandatory drug testing across all 32 boroughs in London including Bromley from January 2013 to increase opportunities for diverting drug misusing offenders out of crime and into treatment. A positive drug test for Class A drugs on arrest means that a person has to attend a drug assessment, regardless of whether convicted of the offence. Failure to attend is arrestable. These assessments can result in individuals being persuaded into drug treatment. Between January and June 2013 approximately 39% of people who tested positive were referred into treatment.

If individuals are convicted for an drug related offence the Courts may decide following an assessment (69 referrals in 2012/14) that an Drug Treatment Order is required this means that a person has to consent and attend services for treatment for a determined period of time. (51 people went into treatment in 2012/13) Failure to attend is breachable.(22 people breached in 2012/13). The integrated drug and alcohol service provides substance misuse workers at the Court and to the police cells to ensure that people are contacted immediately to talk about treatment.

3.3.13 Young people

For people under 18 risk taking behaviour, including involvement with alcohol, is very common from around age fifteen. Many young people experiment with alcohol but fewer young people are now drinking alcohol. The vast majority of young people who do drink alcohol go on to drink safely in their adulthood, A key concern is the fact the number of young people who are drinking, are drinking more given that approximately 80% of lifetime alcohol use is initiated before the age of 20. For this reason there are concerns nationally about the use of alcohol amongst some young people. Although alcohol-specific hospital admission rates for under 18 year olds in Bromley have been gradually increasing in the last two years, they are comparable with the London rate, but significantly lower than the rate for England.

Risk behaviours often occur together, engaging in one risk behaviour is a risk factor for other behaviours that can be detrimental to health. Evidence relating to underage sexual activity indicates a positive correlation between early regular alcohol consumption and the early onset of risky sexual activity. The younger a person starts engaging with risk behaviour, such as drinking, the more likely they are to go on to participate in other risk behaviours at a young age. Although it is known that risk behaviours in adolescent years are a normal part of development, the later the on-set of any risk behaviour the less likely it seems to have a long-term impact on health.

3.4 CURRENT SERVICES

Substance misuse services within Bromley are integrated to provide services for drugs and alcohol and cover three main areas of support which are prevention, early intervention and treatment. These services provided are described in detail below.

3.4.1 Prevention

Information is provided to people to enable them to maintain a healthy lifestyle, drinking safely and not misuse drugs. This starts with teaching/information in schools to young people on the risk of drinking, particularly binge drinking and also the risks of taking drugs particularly illegal ones. This is provided in a number of ways, through the curriculum in school, through substance misuse service providing one off sessions into schools. Bromley Healthcare are also contracted with by the Council to provide healthy lifestyle sessions into schools/colleges which include information on drugs and alcohol. These inputs to schools is particularly important given that 80% of lifetime alcohol use is initiated before the age of 20.

The police and community safety have a pivotal role in prevention by restricting the supply of drugs, whilst Licensing, trading standards and community safety ensure that the availability of alcohol is appropriate and managed.

3.4.2 Early Intervention

It is important in any health and care system to intervene at the earliest possible time to try to ensure that people are aware of the risks they are taking and provide detailed information on how to minimise those risks. NHS health checks, GP's and hospitals now ask standardised questions about alcohol consumption which includes providing information on the risks and may for some people lead to a referral to treatment services. Specialist drug and alcohol workers hold "surgeries" in Emergency Departments, specialist outpatient clinics, and mental health units. For children and young people school nurses are being trained in mental health and substance misuse issues and there is a specialist drug and alcohol worker based in the youth offending service all of whom will be able to identify potential issuers with young people and where appropriate refer to specialist services

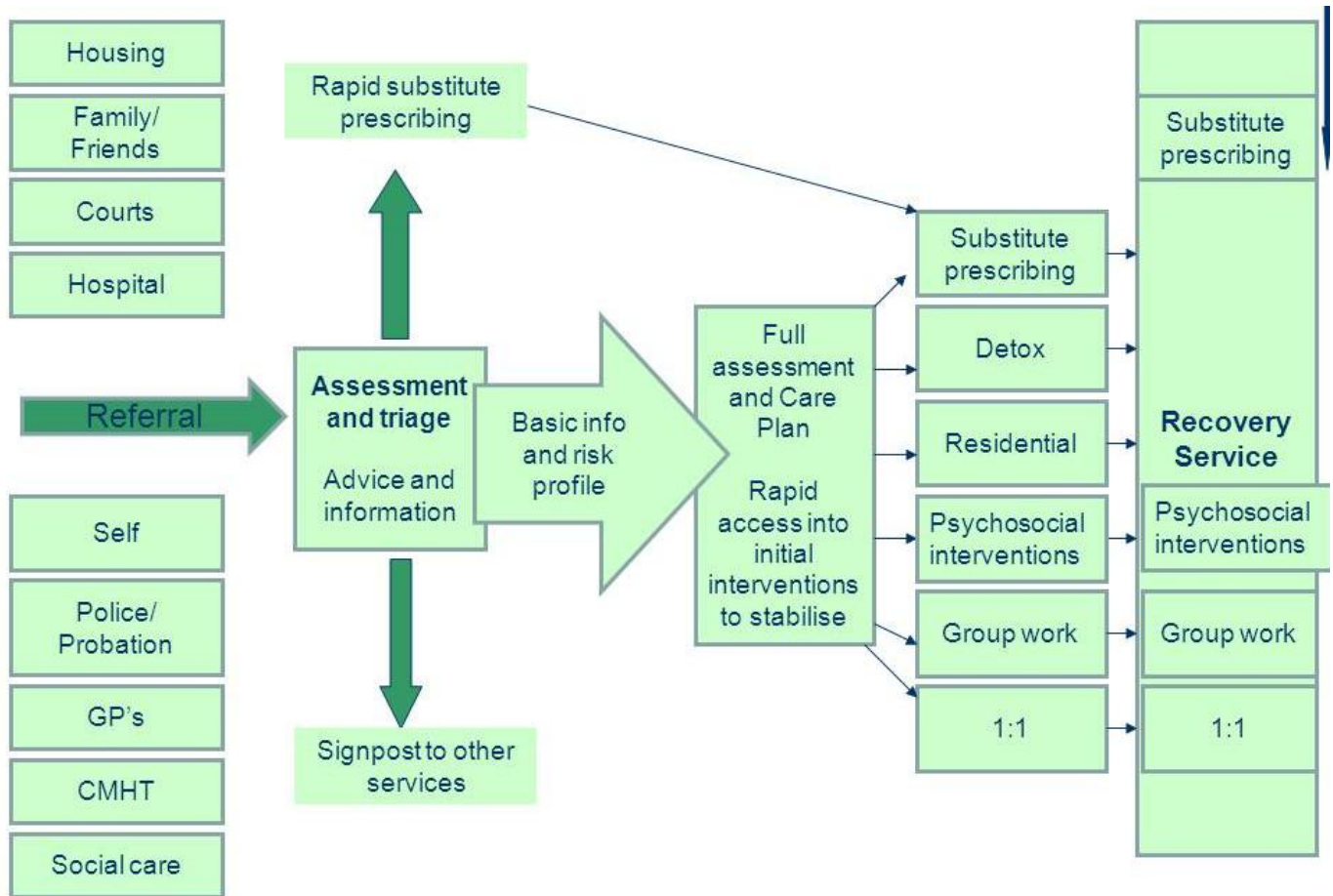
Mandatory drug testing increases opportunities for diverting drug misusing offenders out of crime and into treatment and in a number of cases means that individuals are referred into treatment at a much earlier stage. Drug and alcohol workers working at the police station and at Court will not only talk with individuals who have tested positive but will also see other people who may have a drug or alcohol issue and provide information on the risks associated with these, some may be referred to treatment services.

3.4.3 Treatment services

Treatment services are for people who require support or clinical interventions to enable them to manage reducing their substance misusing and become independent of substances. In 2011 an integrated drug and alcohol provision for people over 18 years, providing a single point of access to all services, a range of therapeutic and support services and a full user led aftercare service. The service has three components

- **Stabilisation and Assessment:** providing a single point of contact, assessment and care co-ordination for people requiring specialist drug and alcohol services.
- **Recovery Service:** delivery of intervention programmes, including a return to employment, to support people to maintain the abstinence or stability from substances.
- **Prescribing Services:** service for people who require stabilisation of their chaotic drug use to reduce dependence on the illicit drug enabling engagement in a process towards abstinence and recovery.

The service was tendered by Bromley Primary Care Trust. Crime Reduction Initiative(CRI) was awarded all three contracts The contracts were awarded in January 2012 for three years plus the option of extending for one year. Other elements of the substance misuse service remained in place under separate contracts and providers to ensure that a full range of treatments and interventions could be provided. A clear pathway for treatment was designed meeting all clinical governance requirements, this is shown below.



Referrals are received to the single contact point for services, from organisations detailed in the figure above. In order to ensure that for critical areas such as Courts, Police, accident and emergency and mental health hospital in patients, outreach workers are provided by the substance misuse provider to engage with people and assess them at the initial point of contact.

Once assessed by the service which is provided by CRI (Crime Reduction Initiative) the individual will have a structured treatment plan drawn up which will include attendance in groups, possible detox either in the community, residential provision or hospital depending on the risks associated with this.

- 3.4.4 For individuals who require substitute prescribing to stabilise them and reduce the risk of using illegal drugs they will be seen by a specialist psychiatrist to establish the prescribing regime. Pharmacies provide a supervised consumption service under the Public Health Framework as part of these services. Previously there were two prescribing services both provided by CRI, the rapid prescribing service provides access to structured prescribing and to other interventions reducing drug related harm. Individuals once stabilised on the substitute prescription would be moved to the Intensive Prescribing service and the Recovery Service. Following a report to this committee in March 2014 it was agreed that the functions carried out under the Rapid Prescribing contract were distributed between the three existing contracts this realised a £55,000 per annum efficiency saving which could be made because of the decrease in demand.

3.4.5 Once people are stable or abstinent they will engage with the recovery services, again provided by CRI to begin to move towards requiring less support. Mutual aid groups such as Alcohol Anonymous, Narcotics Anonymous and Smart recovery are integral to this process and work closely with CRI to offer treatment and support.

3.4.6 If substitute prescribing is required in the longer term then individuals may move to the Shared Care Service provided by KCA (Kent Council on Alcohol) which enables people have their healthcare in a primary care setting by the service supporting GP's in treating individual's substance misuse. This has a positive impact on the substance misuse treatment system by freeing capacity within the secondary services and providing throughput for stable clients. This contracted was awarded in 2010 by Bromley PCT as a 3 year contract with the provision to extend for a further two years which was agreed by this committee in June 2013.

3.5 Outcome of treatment

3.5.1 There are three areas of benefit realised when an individual has treatment for an alcohol or drug dependence.

- When engaged in treatment, regardless of the eventual outcome, people use less illegal drugs, or alcohol, commit less crime, improve their health, and manage their lives better – which also benefits the community. Preventing early drop out and keeping people in treatment long enough to benefit contributes to these improved outcomes.
- Completing treatment successfully which is defined as leaving treatment free from the substance of choice and not re-presenting to services within six months. This is a mandatory Public Health Outcome
- Reduction in the use of alcohol, drugs or in injecting.

3.5.2 Engagement in treatment

Drugs

Engagement in treatment as has been stated results in less use of illegal drugs, or alcohol, reduction in crime committed and improvement in the individuals health. The information below shows the proportion of adults in 2012-13 who have been in treatment for three months or more – a measure for effective treatment engagement .

Bromley is below the national average in terms of the number of people with drug misuse issues remaining in treatment.

Number of drug users effectively engaged in treatment 2012-13

	Local	Growth from 2011/12	Proportion of the total treatment population	National	Growth from 2011/12	Proportion of the total treatment population
Opiate	344	-12%	93%	148,368	-3%	96%
Non Opiate	120	-2%	80%	33,739	-3%	88%
All	464	-10%	89%	182,107	-2%	94%

Source :NDTMS Public Health England

Opiate users still dominate the numbers in adult drug treatment, and generally face a more complex set of challenges and are much harder to treat. The use of 'club' drugs reported by people entering treatment who are also using opiates is one person. Non-opiate-using and adult club drug users (10) typically have good personal resources including jobs, stable relationships, accommodation meaning they are more likely to stay in treatment for shorter periods of time and to complete treatment successfully.

Alcohol

For people who misuse alcohol the length of time in treatment is shorter unless there is a pattern of complex misuse which includes drugs. A supplementary figure is provided in the table below which shows the number of people in treatment in 2012-13 who stated that alcohol was an adjunctive problematic substance to other primary drug use. These people will be receiving treatment for alcohol dependency as part of their drug treatment.

Number of alcohol users effectively engaged in treatment 2012-13

Indicator	Local	National
Number of adults in alcohol treatment in 2012-13	380	109441
Number of adults starting new alcohol treatment in 2012-13	262	75606
Adults starting new alcohol treatment in 2012-13(% is the proportion of adults starting new treatment in the year out of all clients in treatment during the year)	69%	69%
Number and proportion of adults in drug treatment in 2012-13 who cite additional problematic alcohol use	150 (29%)	42925 (22%)

Source :NDTMS Public Health England

3.5.3 Successful completion of treatment

The indicator which is used to measure the performance of services is that of successful completions - the definition of this is free of drug(s) of dependence who do not then re-present to treatment again within 6 months). These are shown for Bromley in the table below for 2012-13.

Drugs

Successful completions for drug misuse 2012-13

		Number	Local	National
Successful Completions as a proportion of total number in treatment	Opiate	36	10%	9%
	Non Opiate	71	41%	41%
	All	107	19%	15%
Proportion who successfully completed treatment and did not return within 6 months	Opiate	36	69%	80%
	Non Opiate	71	96%	95%
	All	107	81%	88%

Alcohol

Successful completions for alcohol misuse 2012-13

	Local	National
The number of adults leaving alcohol treatment	252	69989
Clients completing treatment successfully	141	44314
% of all exits	56%	63%

Please note that the percentages given are rounded to the nearest per cent. Totals may not add up to 100 due to rounding

3.5.4 Reduction in the use of alcohol, drugs or in injecting

However not all individuals will complete successfully as the outcome is defined. This does not mean that treatment has failed as there can for some be a reduction in the use of drugs or in injecting, as shown below.

	Number of people	Local	National
Opiate significant reduction in use	25	29%	23%
Crack significant reduction in use	8	15%	11%
Cocaine significant reduction in use	2	8%	11%
Adults no longer injecting at review	7	58%	60%
Adults successfully completing treatment no longer reporting a housing need	21	84%	88%

3.4.9 For young people under 18 there is a separate service “BYPASS” which was tendered and procured by the Bromley Primary Care Trust and the Council at the same time as the adult service. The contract was awarded in January 2012 for three years plus one year to KCA. They work directly with children and young people who abuse substances, their parents, schools and other services. It provides an integrated drug and alcohol service with one point of access, important links with the Local Authority Children Services, mental health services and schools. It also ensures that the education training and information remit is undertaken in a proactive way to engage with children and young people.

KCA perform well on this contract working with 150 young people in total during 2012/13. The highest number of referrals came from colleges. The primary substances that young people presented with were cannabis and alcohol misuse. There have been improvements to enable individuals to access the service, These include work with schools and to A&E to ensure individuals are aware of services. BYPASS had a successful discharge of 88% during the year that is individuals who left the service having achieved abstinence or reduction in the use of the substance.

Treatment outcomes for young people 2012-13

	Nos of people	Local	National
Number of young people leaving in a planned way		122	10207
Young people leaving in a planned way who re-present to specialist services within 6 months	4	4%	7%
Involved in unsafe drug use at treatment start	45		
No longer involved at planned exit	36	80%	86%
Involved in self harm at treatment start	9		
No longer involved at planned exit	6	67%	82%
Involved in offending at treatment start	19		
No longer involved at planned exit	16	84%	79%
Involved in unsafe sex at treatment start	11		
No longer involved at planned exit	10	91%	79%
Involved in sexual exploitation at treatment start	2		
No longer involved at planned exit	2	100%	79%

3.5 Contract arrangements

CRI was awarded all three contracts delivering integrated substance misuse services through the assessment, treatment and recovery process in Bromley. The contracts were awarded in January 2012 for three years plus the option of extending for one year permission to extend this is sought in this report.

Substance Misuse funding and contracts were identified as being part of the Public Health portfolio which were transferred in April 2013 to the Local Authority. In the report “Public Health Transfer of Contracts” to the Executive on 28th November 2012 details of the process of stock take, stabilise and shift that needed to be undertaken by the Primary Care Trust (PCT) in order to properly prepare their Public Health Contracts ready to come across to the Local Authority under the Transfer Scheme were outlined and agreed. All the substance misuse contracts which were held by the Bromley Primary Care Trust were novated to the Council as part of this transfer including the contract with KCA. The contractual arrangements are detailed in the table below.

Contract	Annual Value	Contract period
Stabilisation and Assessment (CRI)	£589,045	January 2015 with option of one year extension
Recovery Service(CRI)	£346,143	January 2015 with option of one year extension
Intensive Prescribing(CRI)	£345,803	January 2015 with option of one year extension
Shared Care (KCA)	£228,175	June 2015 no further option to extend
Service agreement with GP's for shared care	£20,000	One year service agreement from April 2014
Oxleas dual diagnosis workers	£64,000	Ongoing agreement now part of the S75 agreement with Oxleas
Needle Exchange /Supervised Consumption	£47,000	One year Service agreement with option to extend for a further year from April 2014
Residential/detox placements	£224,370	Spot placements
Bypass (KCA)	£127,980	January 2015 with option of one year extension

3.6 CONCLUSIONS

There are three possible options in relation to drug and alcohol services which are detailed below.

3.6.1 Option One is not to commission any service for people who misuse drugs or alcohol. The risks to this option are detailed below:

- Aspects of the service provision are statutory and some have a similar remit in law as national service frameworks.
- The services are funded through the Public Health Grant, so there would be no saving to the Council. There are a number of points in the grant conditions which support continued investment in Drug and Alcohol services:
 - *Local authorities have to be ‘mindful of the overall objectives of the grant as set out in the grant conditions, and the need to tackle the wider determinants of health, for example, through addressing the indicators in the Public Health Outcomes Framework (PHOF) such as...successful completion of drug treatment’ (section 27 of the LA letter)*
 - *LAs are also reminded to ‘have regard to the PHOF in deciding how to use their public health funding’. The PHOF specifically measures the number of successful completions as a proportion of the drug treatment population, but successful drug treatment supports a range of health outcomes included in the PHOF and I have attached a presentation which demonstrates this.*
 - *It also notes how the ‘new health premium will be designed to reward communities for improving or reducing inequalities in selected health outcomes’ (however there is no detail yet on the potential impact of this on substance misuse funding in future).*

- If aspects of prevention and early intervention services were withdrawn the health and societal impact of this may be seen in increased health and social care costs an increase in crime.
- As can be demonstrated from the information provided above there are over 1106 people (over 18 years) who all benefit from either being in treatment or completing the treatment. The impact of having people in treatment and successfully completing treatment on crime, homelessness and the cost to health and care services are equally significant. This would affect the performance PHOF which the authority is measured against for the overall health and wellbeing of Bromley residents.

3.6.2 Option Two is to extend the current contracts as requested in this report for a further year with a view to tendering for a new service with the possibility of delivering further value for money through this process. This would enable all requirements to provide services to be met with the benefits identified in this report.

3.6.3 Option Three is to re specify the service and to go out to tender for this immediately. This option would now be problematic in terms of procurement timescales particularly given that Executive are not considering this report until November and would therefore involve a short term extension of the contracts.

3.6.4 It is recommended that Option Two is taken as recommended in the report given the risks associated with the other two options as detailed above.

4. FINANCIAL IMPLICATIONS

The contract values are shown in the table below the change in the contract values for 2014/15 is following Members agreement for a £50,000 waiver on each of the three CRI contracts as part of the ceasing of the Rapid Prescribing contract :

Contract	Contract Value	Contract Value	Contract Value	Contract Value	Contract Value	
	2011/12	2012/13	2013/14	2014/15	2015/16	
	(Jan 12 - Mar 12)				(Apr 15 - Dec 15)	
Adult Stabilisation & Assessment	134,763	539,050	539,050	589,045	490,871	2,292,778
Adult Recovery Service	74,035	296,140	296,140	346,143	288,453	1,300,911
Intensive Drug Prescribing	75,060	300,240	300,240	345,803	288,169	1,309,512
BYPASS	31,995	127,980	127,980	127,980	106,650	522,585
	315,853	1,263,410	1,263,410	1,408,971	1,174,143	5,425,786

5. LEGAL IMPLICATIONS

5.1 The Council’s Contract Procedure Rules (CPR) allow for an extension to be made to the four named contracts. CPR 23.7.3 States that: “Subject to any requirements of Financial Regulations statutory restrictions and compliance with the EU Procurement Regulations, (particularly those relating to negotiation), a Chief Officer may authorise the following extension to an existing contract:

- an extension for a particular period provided for within the terms of the contract (but subject to satisfactory outcomes of contract monitoring, such information having been provided where required in these Rules to the relevant Portfolio Holder and/or Executive.

Non-Applicable Sections:	PERSONNEL and POLICY IMPLICATIONS
Background Documents: (Access via Contact Officer)	<p>28 November 2012: http://cds.bromley.gov.uk/documents/s50014515/CS13047%20Public%20Health%20</p> <p>13 June 2013: http://cdslbb/documents/y6664/Public%20Health%20-%20Administration%20of%20ContractsPART%202%20EXEMPT%20REPORT%20TEMPLATE.pdf?T=-2&&\$LO\$=1</p> <p>26 June 2014: http://cdslbb/documents/g4895/Public%20reports%20pack%20Thursday%2026-Jun-2014%2019.00%20Care%20Services%20Policy%20Development%20and%20Scrutiny%20Commi.pdf?T=10&\$LO\$=1</p>

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Report No.
CS14089

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

Date: For Pre-Decision Scrutiny by Care Services PDS Committee on
2nd October 2014

Decision Type: Non-Urgent Executive Non-Key

Title: **ADOPTION GRANT DRAWDOWN**

Contact Officer: Ian Leadbetter, Head of Social Care, Care and Resources
E-mail: ian.leadbetter@bromley.gov.uk
Kay Weiss, Assistant Director Safeguarding and Social Care
E-mail: kay.weiss@bromley.gov.uk

Chief Officer: Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

- 1.1 In January 2013, the department of education announced grant funding to local authorities to support adoption reform activity. The grant was divided into two parts. Part A, totalling £547,752 is non-ring fenced and is to support whole system reform to ensure that children are adopted without delay. Part B, totalling £149,840 was ring-fenced to the recruitment and approval of adopters
 - 1.2 The Executive of 12 June 2013 approved the proposals for spend and drawdown of Part B of the grant totalling £149,840. On the 11 September the Executive agreed a drawdown of £140,000 from part A (£547,752) of the grant. The executive also agreed to receive a further report seeking approval for further drawdowns at a later date.
 - 1.3 An additional non-ring fenced grant of £273,154 was received for 2014/15
 - 1.4 This paper seeks approval for a further drawdown of £345,700 in 2014/15 and £272,400 in 2015/16
-

2. **RECOMMENDATION(S)**

- 2.1 **The Care Services PDS is asked to note and comment on the proposals for the request for the drawdown of the adoption reform grant as detailed**
- 2.2 **The Executive are asked to approve the proposals for the drawdown of the non-ring fenced adoption reform grant totalling £618,100 for 2014/15 and 2015/16.**

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People
-

Financial

1. Cost of proposal::
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Adoption Service/833110
 4. Total current budget for this head: £1,048,670
 5. Source of funding: Grant
-

Staff

1. Number of staff (current and additional): 15
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In January 2013, the Department for Education announced funding to support adoption reform. This grant is paid in two parts; Part A is non-ring fenced and was designed to support 'whole system' reform to ensure that children are identified and adopted without delay. Part B of the grant is ring fenced to be used specifically for the recruitment and assessment of adopters.
- 3.2 After considering a report which outlined spend against Part B of the grant, Executive approved the proposals and draw down of £149,840 (total amount of part B of the grant allocation) from central contingency. Executive may recall that the Council was required to report expenditure against activity against Part B of the grant to the department of education as part of the grant conditions.
- 3.3 Following a review of the requirements to improve adoption performance and our capacity to respond, we developed a set of objectives to underpin the use of the grant, namely:
- Further increase the number of London Borough of Bromley looked after children being placed for adoption;
 - Speed up care planning and adoption timescales to ensure children are moved out of foster care and into adoptive homes in the shortest possible time;
 - Achieve compliance with the duties, regulations and expectations of central government and its regulators;
 - Help to meet the requirement to complete care proceedings within six months;
 - Pay for, in the short term, new financial pressures created as a consequence of having to undertake more connected person assessments, more adoption medicals, and more family group conferences; and;
 - Ensure we can meet the expectations of the new Ofsted Inspection Framework for the new integrated inspection of Children's Social Care, currently out for consultation, and which identifies adoption as a contributory 'graded judgement' regarding the quality of the overall service. In light of the Government drive to improve the numbers and timeliness of adoption, it is expected that adoption will come under increased scrutiny.
 - Help further to contain the placement budget;
- 3.4 As a result, the Executive agreed proposals to spend £140,100 in 2103/14 from part A of the grant (Part A grant total £547,752) leaving £407,652 in contingency for further consideration once future priorities were identified.
- 3.5 In addition to the remaining grant being held in central contingency the Council was awarded a further grant of £273,154 for 2014/15. This additional money was unexpected as we had been led to believe that the grant awarded in 2013/14 was a 'one off' and no further support would be forthcoming. It is therefore prudent to anticipate that it is unlikely that the adoption reform programme will receive further funding going forward.
- 3.6 Difficulties in recruitment meant that there was some slippage in the spend in 2013/14 and the financial position of the grant on the 1 April was as follows:

2013/14 allocation still in contingency	£407,652
Underspend from amount drawn down 2013/14 – CF	£ 77,617
2014/15 grant	£273,154
Total	£758,423

3.7 PERFORMANCE AND COMPLAINE WITH NEW LEGISLATION AND REGULATIONS

3.7.1 Performance against objectives have been achieved or are improving. Increased staffing capacity, funded by the Adoption Grant, has made this possible. In all cases increased staffing is undertaken in the form of short term contracts or by increasing existing hours. Additionally, capacity has been increased in the form of more adoption medicals and more family group conferences. Adoption medicals are mandatory and family group conferences are required as part of care proceedings. The increased capacity is also being used to implement the policy, procedural, assessment, and systems changes necessary to achieve compliance with new legislation and regulations.

Number of Adoptions:

2011-12	10
2012-13	17
2013-14	14
2014-15	21

Full Year Projection

Number of Adopters:

2011-12	6
2012-13	9
2013-14	17
2014-15	18

Full Year Projection

Average time between entering care and moving in with adoptive family (3 year average):

2008-11	821
2009-12	704
2010-13	683
2011-14	641

Average Duration of Care Proceedings:

2012-13	55 Weeks
2013-14	26 Weeks

- 3.8 It is clear that the adoption reform grant (Part A & B) drawn down in 2013/14 has had a significant impact on our ability to deliver positive changes in the speed in which adoptive families are assessed and matched to children waiting an adoption placement.
- 3.9 The average cost of a foster placement for children under the age of 10 is £380 per week (c£20k per annum)The average age of London Borough of Bromley adoptions is 4.6 years, a savings of 15 years care costs per child. The London Borough Bromley primary objective in utilising the adoption grant funding is to secure the long term best interests of the child however we aim to support the further containment of the placement budget. In 2013/14 this was achieved and the placement budget was underspent by £18,000.

3.10 Although adoption performance continues to improve, a Court of Appeal Judgment in the summer of 2013 in relation to adoption being the preferred plan being made by the Family Courts has meant that Family Courts are more challenging of adoption plans which in turn has led to a significant increase in the number of children being made subject to Special Guardianship Orders as an alternative plan in securing 'permanence' for children.

3.11 The number of children who have been made subject to a Special Guardianship Order (SGO) has significantly increased since 2011/12 (see table below). For many of these children SGO is entirely appropriate however for some, the Local Authority plan was for adoption but that plan was rejected in favour of Special Guardianship Orders being made to family members. Special Guardianship Orders bring with them a maintenance payments to the carers for two years and costs in terms of social work support for three years. High levels of support are required for some of these families.

2011/12	10
2012/13	15
2013/14	42
2014/15 (end of July)	4 (Full year projection 40)

3.12 This increase is significant insomuch that all of these Orders were made following a full home study assessment and report being presented to the Court. The Implications of the new family justice requirements enshrined in the Children and families Act 2014, which require that Care Proceedings are concluded within 26 weeks has placed significant pressure to complete these assessments within tight timescales. The use of the Adoption reform grant to support this activity over the next two years will negate any requirement to seek additional financial support through general growth.

3.13 As agreed in the report to the Executive on the 11 September and an undertaking given by the Education, Care and Health Services Portfolio Holder, we have reviewed our priorities (including those imposed upon us following the Court of Appeal Judgments) against our objectives as outlined in 3.3, and have identified that we need to fund the following from the adoption reform grant between 2014 and 2016.

Purpose	2014-2015	2015-2016
2 x SW post to undertake connected person assessments	82,000	82,000
Adoption Reform Lead	62,000	62,000
DGM – Connected Person (new post)	48,000	48,000
Additional hours for current adoption staff – equivalent to one fte	39,000	39,000
Adoption medicals	30,000	To be reviewed as new contract will be required
Additional FGC capacity (over spend was £26k in 2013/14)	30,000	30,000
PT admin worker – to progress adoption/SGO/RO payments and reviews	11,400	11,400
Adoption project worker to continue for a further year to completely embed new assessment process	43,300	0
Total	345,700	272,400
Amount remaining	412,723	140,323

4. POLICY IMPLICATIONS

Improving permanence for looked after children contributes to building a better Bromley

5. FINANCIAL IMPLICATIONS

- 5.1 The local authority has received a non ring-fenced grant of £820,906 to improve adoption and permanence for looked after children. In 2013/14 £62,483 has been spent.
- 5.2 Although there are some additional burdens being funded through this grant, fewer children will be placed in fostering and more into special guardianship and adoption placements.
- 5.3 The average cost of an in house fostering placement is £20k whilst an adoptive placement is £10k and a Special guardianship order £9k. This means that every child diverted from a foster placement will save in the region of £10k to £11k per annum per child. The impact of these potential savings will need to be reassessed in light of the further implementation of the programme.
- 5.4 The grant funding appears to be short term in nature with no indication of funding beyond 2014/15. Arrangements will need to be put in place for an exit strategy that does not put additional burden on council resources.

6. PERSONNEL IMPLICATIONS

All posts created as part of the grant funding allocation will be offered on fixed term contracts not exceeding the funding period

Non-Applicable Sections:	Legal implications
Background Documents: (Access via Contact Officer)	Report to the Executive (CS13003) – 12 June 2013 Report to the Executive (CS13032) – 11 September 2013

Decision Maker: Executive

Date: For Pre-Decision Scrutiny by Education PDS Committee on
30th September 2014

Decision Type: Non-Urgent Executive Non-Key

Title: **DRAWDOWN OF GOVERNMENT GRANT FUNDING HELD IN CONTINGENCY TO SUPPORT THE LOCAL AUTHORITY IN IMPLEMENTING THE SPECIAL EDUCATIONAL NEEDS REFORMS AND PATHFINDER CHAMPION SUPPORT**

Contact Officer: Mary Cava, Head of SEN & Disability
Tel: 020 8461 7633 E-mail: Mary.Cava@bromley.gov.uk

Chief Officer: Executive Director of Education, Care & Health Services

Ward: All Wards

1. Reason for report

- 1.1 The Children & Families Act received Royal Assent in April 2014 and will become law from September 2014.
- 1.2 This report is seeking approval for the release of grant funds held in the 2014/15 central contingency for the following:-
- (a) **SEND Implementation (New Burdens) Grant.** This grant is provided by the government to implement the wide ranging statutory reforms of the Children and Families Act 2014 which require statutory compliance from September 2014, and in particular the transfer of Statements of Special Educational Needs and Learning Difficulty Assessments to Education, Health and Care Plans during the transition timeframe. This funding totals £259,317
 - (b) **Bromley Pathfinder Champion Grant.** This funding is allocated to Bromley for Pathfinder Champion work with our partners in Bexley and Enfield. The amount requested from central contingency totals £71,063 and is ring fenced funding to support the implementation of the new SEN and Disability reforms in 15 non pathfinder London local authorities designated as London Region 1.

2. **RECOMMENDATION(S)**

- 2.1 The Education PDS Committee is asked to note and consider the contents of this report
- 2.2 The Executive is asked to:
- (i) Consider the contents of the report
 - (ii) Approve the drawdown of £151,960 funding from the Council's central contingency for the 2014/15 SEND Implementation Grant, with the remaining £107,357 ring-fenced for drawdown in 2015/16
 - (iii) Approve the drawdown of £71,063 funding from the Council's central contingency for the 2014/15 SEN Pathfinder Champion Grant.

Corporate Policy

1. Policy Status: Existing Policy: Draft Education and Care Services Plan for 2013/14 and Government Directed.
 2. BBB Priority: Children and Young People: Enjoy learning and achieve their full potential; ensuring the health and wellbeing of children and young people, and their families.
-

Financial

1. Cost of proposal: Estimated Cost: £223,023 in 2014/15, and £107.357 in 2015/16
 2. Ongoing costs: Non-Recurring Cost: One-off payment until March 2015
 3. Budget head/performance centre: SEN Reform Implementation (136034)
& SEND Pathfinder (136355)
 4. Total current budget for this head: £381,940 (136034), £0 (136355)
 5. Source of funding: DfE grants;- SEND Implementation (New Burdens)
& SEND Pathfinder Champion Grants
-

Staff

1. Number of staff (current and additional): 8 fte Additional Staff (short term contract)
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement: The Children and Families Act has received Royal Assent and will become law from September 2014
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Estimated number of users/beneficiaries (current and projected): 1,914 children with a Statement of SEN and 202 students with a Learning Difficulties Assessment.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Children and Family's Act becomes law from September 1st 2014. This Act introduces new duties on local authorities in order to improve outcomes for children with SEN or who are disabled, increase choice and control for parents and promote a less adversarial system. There are significant new duties on local authorities in the new legislation. Local authorities have a range of duties which must be implemented immediately and some which require a gradual phasing in of changes over the next three and a half years.
- 3.2 Developmental work has been in progress to deliver the following areas of reform:
- Coordinated assessment and planning & EHC Plans
 - Developing the local authority Local Offer
 - Preparing for Adulthood
 - Personal Budgets
 - Multi-agency working and joint commissioning (including regional commissioning for low incidence needs)
 - Participation of children, young people and parent/carers & educational settings
 - Organisational change and workforce development
- 3.3 Essential statutory targeted work is now required for the conversion of Statements of SEN and Learning Difficulty Assessments into Education Health and Care Plans (EHCP) where appropriate. This involves working closely with a range of partner agencies including Social Care, Health, Clinical Commissioning Groups and education settings including Further Education colleges and other post-16 providers. Conversion must take place over a three and a half year period from 1st September 2014 – 30th April 2018.
- 3.4 The New Burdens Grant will be used to deliver the transferring of statements and learning difficulty assessments to EHC Plans. The new SEND system will commence operation from September 2014 when the Children and Families Act 2014 comes into being. It will run alongside the old system and the timeframe for the changes to be complete are April 2018 where it is expected that all Statements of SEN will have been reviewed and Education, Health and Care Plans will be in place.
- 3.5 It is also proposed that some of this grant is used to review the SEN Services and provisions within Bromley to ensure the services and provisions are "fit-for purpose" reflecting the new government systems of reforms. This activity will investigate local SEN & Disability prevalence and then inform appropriate place planning for pupils with complex SEN and the central service delivery to ensure needs are met locally through high quality and cost effective provision. Thus avoiding costly out of borough placements.
- 3.6 Transition guidance alongside Statutory Instruments is available and defines the groups of children and young people with whom the transition work should commence. Each local authority must publish a Transition Plan stipulating how and when the transfer of statements will take place.
- 3.7 From 1st September 2014 the SEN & Inclusion Service will commence the review process for existing Statements using the new EHCP Template to consider progressing to Education, Health and Care Plans (EHCP). This process, which will be phased, must be completed within 3.5 years.(April 2018).

- 3.8 Existing Learning Difficulty Assessments (LDAs) must be transferred by September 2016.
- 3.9 From 1 September 2014 all requests for statutory assessments will take the form of an assessment of education, health and care needs which may lead to an EHCP.
- 3.10 Directions from the DfE are as follows: within the timeframes stated, Local Authorities MUST transfer children and young people with statements to the new arrangements prior to them transferring from :-
- Year 11
 - Early years settings to schools
 - An infant to a junior school
 - Primary to middle school
 - Secondary school to post 16 institution or apprenticeship
 - Mainstream to a special school or vice versa.
- 3.11 From 1 September 2014 assessments for Statements of Special Educational Needs or Learning Difficulty Assessments will not be offered.
- 3.12 The transition plan will commence in September 2014 and be reviewed and updated on a 6 monthly basis to inform necessary amendments.

Transition in Bromley - Scope of the Exercise

- 3.13 At the time of writing (August 2014) there are 1,914 children and young people with a Statement of SEN maintained by LB Bromley. There are currently 202 Learning Difficulty Assessments. 2,116 in total.
- 3.14 The majority of children requiring specialist provision at Reception age will be transitioning through the new EHC process. There are 110 children and young people who need their plan(developed in the pilot stage of the new reforms) transitioned into the statutory format proscribed by the DfE.

Prioritising the Phased Transfers

- 3.15 Following DfE guidelines Officers propose the following transfer for the school year of 2014/15 proscribed by DfE as:- Priority Year 11. In addition Years 1 and 5 capacity permitting.

The tables below provide information as to how Bromley aim to progress the transferring of Statements and early Pathfinder EHC Plans over the next three years.

The tables provided are approximate numbers, given the fact that some young people will leave schools once choices are made after examination results, some statements may cease if objectives are met, also Pupil Resource Agreements will be promoted to support more speedy and more flexible intervention where appropriate.

Year One Target Groups for Transfer to EHC Plans September 2014 – August 2015

Pupil/Student Groups	Numbers
Children with a Pathfinder Plan	110
Year 1 (end KS1)	79
Year 5 (end KS2)	138
YPs who are transferring from schools (including 6 th formers) to a post 16 institution or an apprenticeship	185
16-25yrs with an LDA FE	29
Young People leaving Custody	2
Others	10
Total	553

Year Two Target Groups for Transfer to EHC Plans 2015/16

Pupil/Student Groups	Numbers
Year 1 (end KS1)	3
Year 5 (end KS2)	106
Year 9	170
Year 11	174
Post 16 (schools)	165
16-25yrs in FE	20
Others	35
Total	673

Year Three Target Groups for Transfer to EHC Plans 2016/17

Pupil/Student Groups	Numbers
Year 1 (end KS1)	0
Year 5 (end KS2)	98
Year 9	173
Post 16 (schools)	100
NCY 11	171
Total	542

Year Four Target Groups for Transfer to EHC Plans April 2017/18

Pupil/Student Groups	Numbers
Year 5 (end KS2)	92
Year 9	137
Total remaining statements	229

It is estimated that approximately 119 statements will cease through pupils moving on to higher education.

The Process of Transfer

- The current Annual Review Process will become the Transfer Review where the pupil has been prioritised for transfer to an EHC Plan and this will commence the process for conversion to the EHC Plan. Parents will be contacted at the start of the school year to inform them when the Transfer Review is likely to take place. Schools will also be informed and a copy of the parental letter will be sent to schools.
- The EHC Template will be used for the transfer review
- The template will be populated by SEN Assessment, Review and Placement Officers prior to review meeting, draft then discussed and outcomes agreed at person centred meeting.
- It is planned that the education provision (with support from advisory workers) will support Parents to update the Section A "All About Me".
- Local voluntary groups bid for a recent government grant to deliver independent support advice to parents, Bromley Mencap, Bromley Parent Voice, Burgess Autistic Trust and Experts by Experience won the bid and will also be supporting the process. Officers will be working closely with this consortium to deliver co-ordinated advice.
- There is a 14 week timeline to complete the transfer process and this will commence at the meeting date. The draft document will be circulated for amendments following meeting, the final is then sent out to all parties.
- Year 11 Transition Reviews will involve the Preparing for Adulthood Team and Educational Psychologists will support transition reviews to agree format for review reports which are required to focus on outcomes to feed into template.

Champion Funding

- 3.16 The Champion funding will be used by LBB Bromley and Champion partners in Bexley and Enfield to deliver regional support and consistency across local authorities for the statutory changes. This not only benefits other local authorities but also brings resource and considerable benefits to Bromley. As in 2013/14 LB Bromley is the lead authority and holds the funding on behalf of Bromley, Bexley and Enfield to implement the champion programme. The government funding is ring fenced for this purpose
- 3.17 As a Pathfinder authority Bromley has been able to access early funding to test some of the new developments. This has enabled officers to progress systems and processes which other LAs are about to commence.

Resourcing

- 3.18 There is considerable and rapid change required to deliver the changes and move in line with the regulations of this new Act. To achieve the above extra staffing capacity will be required. For young people with low level funded statements where needs can currently be met through the schools notional budget with top up funding there will be the offer of a Pupil Resource Agreement where the resources to meet needs can be drawn down without the need to transfer to an EHC Plan. This will ensure needs can be met through local resourcing without the need to draw down an EHC Plan.
- 3.19 Capacity building (Staffing) will be required across the whole service SEN, Inclusion, Disabled Childrens Service (Social Care), Health and Early Years SEN. In addition it is proposed that additional resources are available for special schools to support the delivery of the Plans.

3.20 Due to the considerable change of emphasis on holistic assessment for and with those young people with the most complex and enduring needs, the age range increasing from 0-19 to 0-25 and the emphasis on outcomes for the young person both short and long term outcomes there is a need for a comprehensive overhaul of the SEN Services and provisions in Bromley. This will ensure a fit for purpose service and a clear and comprehensive SEND strategy for the next five years.

4. FINANCIAL IMPLICATIONS

4.1 There are two grants currently in the Council's central contingency for 2014/15, the new, un-ring-fenced SEND Implementation Grant (New Burdens) totalling £259k, and the third and final year allocation of the ring-fenced SEND Champion Pathfinder Grant totalling £71k.

SEND Implementation Grant (New Burdens)

4.2 It is intended that this grant will be spent between November 2014 and October 2015, with £152k in 2014/15 and £107k in 2015/16 financial years. Drawdown is initially requested for the £152k required to fund the necessary work in 2014/15, with the £107k ring-fenced for drawdown in 2015/16, subject to members' satisfaction with progress made towards the targets in 3.15 above.

4.3 This funding is in addition to the £382k SEN Reform Grant for 2014/15, drawdown of which was approved by Executive at its meeting of 2nd April 2014. This funding has been used to increase capacity to review services across education, care and health and develop the requirements of the reforms. This has included; developing a robust Local Offer framework for the three areas of education, health and care; producing a statutory compliant education, health and care plan template; reviewing of thresholds of personal budgets and direct payments to include personal budget policy and practice in education, health and care; mediation requirements and a robust data managing system to deliver the statutory reforms.

4.4 Table A below provides a summary of the planned expenditure, with a proposed spending plan detailed in Table B.

Table A

	2014/15	2015/16	Total
	£	£	£
Temporary Staff	60,400	76,800	137,200
Training	9,100	12,900	22,000
Consultancy	50,000	0	50,000
Third Parties/Partners	12,460	17,660	30,120
IT	20,000	0	20,000
	151,960	107,360	259,320

Table B

Funded Element	Detail	2014/15	2015/16	Total
		£	£	£
1 Additional Inclusion Professional	Target year groups requiring conversion.	25,910	26,090	52,000
2 Additional Assessment and Placement Officers + 1 administrative worker	Work to transfer 500 statements to EHC Plans	31,440	44,560	76,000
Commissioning training for extensive workforce development	Considerable workforce development (Childrens Services, Social Care and Health services) required to deliver specialist and targeted training and also to deliver broader information sharing across the organisations.	9,100	12,900	22,000
Commissioning consultant to review SEN services and provisions	To ensure a fit for purpose, high quality, cost effective service and provisions for the future	50,000	0	50,000
LBB Partners/schools	Extra capacity for specialist schools to support delivery of new plans	12,460	17,660	30,120
Information Managements systems & extra capacity for delivery	New EHC Plan module on ICT systems	20,000	0	20,000
Preparing for Adulthood	Increase capacity of Team to deliver year 11 and above conversion of Learning Difficulty Assessments	3,050	6,150	9,200
		151,960	107,360	259,320

4.5 Indicative figures from DfE suggest that a further £182k will be allocated in 2015/16. A request will be made in due course to draw this down, once the actual allocation is known.

SEND Pathfinder Champion Grant

4.6 LBB has been allocated £71,063 grant funding in 2014/15 as lead Pathfinder in the region, in partnership with the London Boroughs of Bexley and Enfield. This will be the third and final year of this grant.

4.7 The table below shows the 2014/15 delivery plan for the grant.

Funded Element	Detail	September 2014 – Mar 2015 (inc. on costs)
1. Training	Deliver two 1:1 training & support days for each borough in London Region 1 (30 1:1 days across 15 local authorities.)	£20,000
2. Further Training	Deliver 25.5 additional flexible training and support days allocated on basis of need and advice from the Mott MacDonald support Team	£16,000
3. Lead Co-ordination	Coordinate regional activity, report back to DfE, DoH and partners on the implementation of the reform.	£2,000
4. Attend four national champion days	To provide and ensure consistent information is disseminated nationally.	£4,000
5. Produce processes and procedures for national distribution	To produce four case studies (EHC Plans) and the “how to” documentation to support the national implementation of the reforms.	£8,000
6. To attend and present at six national champion peer networks	To ensure consistency within and across regions in delivery.	£6,000
7. Administration	Increase capacity of administrative team to deliver the admin required for the above champion authorities.	£15,263
TOTAL		£71,063

4.8 This grant is ring-fenced for expenditure incurred in the delivery plan above which has been agreed with DfE, and cannot be carried forward to 2015/16. These monies are shared with Bexley and Enfield boroughs.

5. POLICY IMPLICATIONS

5.1 Existing policy to deliver high quality cost effective services. Education Services Plan 2014/15.

5.2 BBB Priority: Children and Young People: Enjoy learning and achieve their full potential.

6. LEGAL IMPLICATIONS

6.1 Legal Requirement: new statutory regulations (Children & Families Act September 2014) ensuring statutory compliance across Bromley and London. A new SEN Code of Practice recently published again ensuring compliance.

7. PERSONNEL IMPLICATIONS

7.1 Number of staff; currently the equivalent of 8 full time members of staff to be employed on temporary contracts for a period of one year only.

Non-Applicable Sections:	None.
Background Documents: (Access via Contact Officer)	DfE Documentation: SEN & Disability Code of Practice 0-25, 2014

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Report No.
DRR14/089

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Executive

Date: 15th October 2014

Decision Type: Non-Urgent Executive Key

Title: **COMMISSIONING - PROPOSED TOTAL FACILITY MANAGEMENT CONTRACT**

Contact Officer: Marc Hume , Director of Regeneration and Transformation
Tel: 020 8461 7987 E-mail: marc.hume@bromley.gov.uk

Chief Officer: Marc Hume/Nigel Davies/Mark Bowen

Ward: All.

1. Reason for report

- 1.1 As part of the 2015/16 Budget process all areas of expenditure have been scrutinised by officers with a view to delivering services in a more efficient and effective way, particularly given the significant funding gap identified in the four year financial forecast. This has included looking at the option of outsourcing services through the Commissioning approach where appropriate.
- 1.2 In light of this budget and service scrutiny, this paper reports back on the outcome of the 'market intelligence' exercise that has been undertaken with regard to Facility Management and Public Protection Services. The Report is looking in particular to establish the programme/timescales in line with the Council's financial strategy commencing with a 'gateway' report to the Executive in February 2015 including confirmation of the 'baseline' option that will be market tested subject to the finalisation of the Council's budget for 2015/16.
-

2. RECOMMENDATION(S)

2.1 That the Executive:

As part of the tender process:

- i) Confirm that the services that are identified in Appendix 1 form the basis for the 'Bundle' of services to be market tested, subject to any further comments that may be received and finalised at the Gateway report stage.
- ii) Seek expressions of interest under the Community Right to Challenge until the 31st December 2014

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring cost. £7.4m
 3. Budget head/performance centre: Building Control - £11.5k; Facilities Management - £2.3m; Land Charges - Cr £168k; Operational Property - £328k; Planning Strategy - £1.5m; Strategic Property - £619k; Public Protection - £2.7m; Carbon Management - £69k
 4. Total current budget for this head: £7.4m (2014/15)
 5. Source of funding: Core Revenue and Grant
-

Staff

1. Number of staff (current and additional): 202.43 FTE's (201 staff)
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? <please select>
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The Council continues to face a period of unprecedented reductions in public funding and over the next few years it will need to identify savings in the region of £50m to balance the revenue budget.

3.2 As part of meeting the Council's future years' "budget gap" it is essential that officers consider alternative service models which will maintain the quality of our services whilst at the same time provide financial savings. In light of the above, this report describes the major aspects of the Total Facilities Management (TFM) project that the London Borough of Bromley is seeking to engage in a competitive process to award either a single or suite of Total Facilities Management Contracts.

3.3 In the London Borough of Bromley, 'Total Facilities Management' is deemed to cover a broad range of distinct service areas which include the regulation of businesses, the protection of residents and communities and the services which support growth and sustainability. The services include the following:

- Operational Property
 - Reactive
 - Planned
- Facilities & Support Services
 - Mail services
 - Committee Room Support
 - Porters and attendants
 - Print management
- Strategic Property
 - Acquisitions
 - Disposal
 - Management of Non-Operational portfolio
 - Capital Works
- Planning Services
 - Development Control
 - Local Land Charge Service
 - Building Control
- Public Protection
 - Licensing
 - Food Safety
 - Community Safety
 - Environmental Protection
 - Trading Standards
 - Housing Enforcement
 - Public Health Nuisance
 - Housing Improvement
- Carbon Management and Reduction
 - Carbon Management Programme

3.4 These services are currently provided by 201 employees (202.43 FTE's). Further details on the distinct service areas are found in Appendix 1, and summarised below as follows:

Service	No of Staff	FTEs
Operational Property	21	19.80
Facilities and Support Services	19	18.52
Strategic Property	12	12.60
Planning Services	54	60.03
Building Control	13	16.25
Land Charges	6	6.10
Public Protection	74	67.53
Carbon Management	2	1.60
TOTAL	201	202.43

3.5 Information was requested as part of a Market Intelligence exercise around Facility Management in order to seek the market's views on the development of a local model of services, the capacity of the market to supply these services and the level of interest in this proposed procurement activity, in particular the Authority was seeking to gain an understanding of:

- Potential interest from the market to deliver a range of services.
- Preferred packaging of the services for best benefit to the Council and the Contractor.
- The areas of service delivery that potential contractors would be interested in tendering for.
- The length of contract(s) to best suit individual packages or the service as a whole.
- Experience of contractors in delivering similar services to the Public Sector.
- The attractiveness of the Council's services and how they could be improved to make them more attractive to the contractor if at all.

3.6 Originally, two separate work streams were commenced, one looking at Facility Management and Planning and one looking at Public Protection Services . Four returns were received in total; two returns were received with regard to the FM services and two returns also being received for Public Protection Services. As a consequence of the feedback and comments from the market intelligence exercise, both work streams have now been combined into one new work stream, Total Facilities Management.

FM Services	Carillion (AMBS) Ltd Serco
Public Protection	Capita LBB In-House Service

3.7 Meetings were held with all four organisations. Feedback from the meetings is detailed below.

Facility Management

- 3.8 Both Carillion and Serco expressed a willingness to bid for the full range of services on offer citing a number of influencing factors whereby they felt that efficiencies could be achieved:
- Improved process and procedures
 - Supply chain management
 - Investment in technology and the combination of similar 'role' types to maximise staff resources.
 - Leverage across the broader organisational structure to maximise resources.
- 3.9 Additional areas of interest for inclusion in a bundled contract were highlighted as energy efficiency (carbon management) and Environmental Health and Licensing.
- 3.10 The general view was that the market would look at 10 year contracts as a minimum. This term afforded them an opportunity to recover early upfront investment. The view of the companies interviewed was that contracts of less than 7 years were not deemed of sufficient length to warrant bidding.
- 3.11 Two additional meetings were held with EC Harris to specifically consider the inclusion of Planning with a further meeting with CBRE Ltd. to consider the benefit of including the Strategic Property Function within the bundle.
- 3.12 The market was of a view that there was a significant opportunity to develop local business consultancy services to offer local companies a one stop shop for planning, building control and energy efficiency matters. There was also a view that this could be further developed in areas such as environmental health and licensing offering potential greater economies of scale.

Public Protection

- 3.13 Capita are keen to bid for Public Protection Services and believe that savings could be achieved of between 10%-15%, or up to 20% if a broader bundle of services was offered to the market. Their view was that normally services such as Building Control, Planning and Highways Maintenance would be included in the bundle, in a sense the larger the bundle the bigger the potential savings.
- 3.14 They also referenced the inclusion of CCTV and Monitoring plus Community Safety and Enforcement activity.
- 3.15 Service effectiveness and economies of scale result from a one stop shop approach which is embedded within their operating structure leading to a greater level of responsiveness through a multi-disciplinary team approach.
- 3.16 Similar to the responses from Carillion and Serco, Capita emphasised the benefit of including Planning and Building Control within a broader Property/FM related contract. Capita referenced their involvement in the delivery of planning services in Salford which included member liaison.

- 3.17 The Government is committed to giving public sector workers the right to bid to take over the running of the services they deliver. Two or more employees of the relevant authority are eligible to use the right. The expectation is that employees will form an employee led structure to take on the running of services under the Community Right to Challenge as set out in the Localism Act 2011. Employees using the 'Right' are not expected to have finalised all of their arrangements before submitting an expression of interest, but will need to form a separate legal entity in order to bid in a procurement exercise. The Community Right to Challenge applies to all relevant services, provided by a relevant authority. The provision of the services currently provided under the Public Protection banner would be deemed to fall within this relevant category
- 3.18 In order not to delay the broader commissioning programme it is considered prudent to specify how the period whereby expressions of interest can be accepted by the Authority. By not doing this, expressions of interest could be received at any time during the procurement process potentially leading to delays. By publishing the intent now, it will be possible to manage the response in line with the commission programme as set out in appendix 2.
- 3.19 The In-House Public Protection Management Team also expressed an interest and were confident that they would be able to generate new areas of income and advised that they were keen to go down this route. Overall, there was a lack of detail at this stage on proposed staffing structure/secondment/TUPE/redundancy. The in-house element would only be relevant if the contract was divided into lots as the in house team would not be considered suitable for consideration for large multi-faceted contract.
- 3.20 The In-House Public Protection Management Team have since approached the Cabinet Office for support to develop a business case to move towards potential mutual status. (No decision has yet been taken by the Cabinet Office.) The in-house team has also received support from Bromley Healthcare, an existing mutual. Discussions with Bromley Healthcare are proposed to determine the potential funding position with regard to back office costs such as HR, Finance and IT etc. and to assess the financial viability for Bromley Healthcare.
- 3.21 The Council in developing this procurement option is looking to work with suppliers who will work closely with us and is clear about its ambition and the outcomes that it will be looking to achieve through this process, in particular:
- Increased efficiencies and reduced costs by exploring alternative delivery models, with organisations operating on economies of scale through back office functions and flexible workforces.
 - Assurance that the Council meets its statutory responsibilities whilst passing on operational responsibility and cost management
 - Reduction in staff numbers and costs through the transfer of staff resource.
- 3.22 These services are 'bundled' together for a number of reasons, the primary one being that they exist to deliver outcomes which benefit local residents and businesses, added to this, in the main the services listed above are process driven and prescriptive in their delivery. Some of the services listed, fall within the definition of statutory services, but the Authority does have flexibility in the standard and quality of the services it delivers. Outsourcing, as is proposed in the report, does not excuse the Authority from its statutory duty and the Council will need to be clear as it develops the market documentation that it continues to meet its statutory responsibilities whilst passing on operational responsibility and cost management to the third party supplier.

- 3.23 The Council will be looking to retain a small in-house intelligent client team to provide strategic service leadership and contract management in terms of ensuring that the proposed out sourced services continue to meet the aims and objectives of the Council and that the Council's statutory duties are effectively delivered. Until the final bundle of services to be market tested has been finalised, it is not possible to provide any further detail on the size of this client team.
- 3.24 There will inevitably be a change in the relationship between member governance and third party performance as a consequence of moving forward with this project given that the aim would be to have the smallest client team possible from the outset of the new contract, with the contractor taking the lead role in managing queries and issues.

4. Procurement Route

- 4.1 The current Procurement Regulations allow, under normal circumstances, for the use of an "Open" or "Restricted" (Two Stage) tender process, with other arrangements such as the Competitive Dialogue Process and Negotiated Procedure only allowed to be used in specific circumstances. While the Dialogue Process might be used in this case, due to the complex nature of the intended arrangements, it only allows for a somewhat curtailed discussion around potential service delivery methods and no negotiation on price.
- 4.2 The newly agreed EU Procurement Regulations are due to be implemented in the UK around the turn of the year. While still providing the first three procedures identified above, they introduce as a replacement for the Negotiated Procedure the use of a Competitive Dialogue with Negotiation procedure for use in appropriate circumstances which are met by the intended contract. The new procedure allows for a fuller discussion on service delivery arrangements, price and alternative proposals – providing an identified minimum requirement and the award criteria are unchanged, via direct negotiation. It is considered that the use of this new arrangement provides the best fit for the Council's intended contracting requirements and will be the best allowable approach to secure a successful tender/contract outcome. The timetable identified accommodates the use of this process and the tender arrangements to be used.
- 4.3 A key point of the new process is that it specifies the extent to which the Authority can change its requirements during the process. The Directive specifically precludes an authority from making changes to:
- the description of the procurement
 - the part of the technical specifications which define the minimum requirements
 - the award criteria.
- 4.4 However, it acknowledges the right to make changes to other parts of the specification provided bidders are given sufficient time to make an adequate response. The benefit of this approach is that the Council is clear about what it is seeking to achieve and the bidding companies are clear about what they are looking for and the expectation of them in terms of delivery. It also enables the specification to mirror the 'baseline work stream', as it is likely that throughout the development of the specification and through the process that there is the potential for service reductions to be agreed as part of the Council's broader financial strategy.
- 4.5 On the assumption that the use of Competitive Dialogue with Negotiation is agreed, an indicative programme is set out below:

Total FM – Indicative Timetable CDwN		DATE
Total FM – Gateway Report Procurement Strategy Accepted	PF/Executive Approval ERPDS – 2/2/15 Executive – 11/2/15 (Alternative Dates; ERPDS – 18/3/15 Executive – 25/3/15) Call-in – By 19/2/15	Feb 2015
Despatch of OJEU – Publication of UK advertisement. (Check Journal copy deadlines)		March 2015
Return of pre-qualification questionnaire (30 Day Minimum)		May 2015
Client References and any Site Inspections as required – Organisation basis –Capacity and Capability		
Initial Submission		October / November 2015
2 nd Submission – (Repeat steps above)		January 2016
Final Negotiations /Evaluation/Finalise Contract on all substantive issues		September 2016
Evaluation Award Report – to Management / ERPDS /Executive		October / November 2016
Award Process – including “Stand still” (10 days)		November / December 2016
Contract Commencement date (Award Notice must be sent within 30 days of Conclusion)		April 2017

- 4.6 A comprehensive Indicative Project timetable is set out in Appendix 2 of this report.
- 4.7 There are a number of current contracts with third parties, for instance those for MFD’s, specialist Software, Security and Cleaning which will be impacted upon by the recommended action. Where possible it is intended to extend these contracts to make them co-terminus with the new arrangements or include them as legacy contracts to be subsumed and managed within the new arrangement as appropriate.
- 5. POLICY IMPLICATIONS**
- 5.1 Moving to a Commissioning Authority is in line with the Authority’s Corporate Operating Principles and is key to achieving the Building a Better Bromley 2020 Vision in ensuring that services continue to be provided as efficiently and effectively as possible, in light of the financial pressures facing the Council over the next few years.

6. FINANCIAL IMPLICATIONS

- 6.1 The controllable budgets for the services within Total Facilities Management are shown in the table below, with more detail in Appendix 1: -.

Service	2014/15	
	Budget	
	£'000	
Building Control	12	
Facilities Management	2,322	
Land Charges	-168	
Operational Property	328	
Planning Strategy	1,528	
Strategic Property	619	
Public Protection	2,674	
Carbon Management	69	
Total Controllable Budget	7,384	

7. PERSONNEL IMPLICATIONS

- 7.1 In the run up to the production of this report, meetings were held between the Project team and all staff from the service areas currently affected by the proposals as set out in this report. Further communication with staff and their representatives will be taking place before the date of the Committee and any feedback from these discussions will be provided at the meeting.
- 7.2. If Members agree the recommendations in the report, staff and their representatives will be engaged and consulted as early as practical at each stage of the process going forward, subject of course to any commercially sensitive information. There will also be engagement with representatives and stakeholders who might be affected by the proposals.
- 7.3. Any staffing implications arising from the recommendations in this report will need to be carefully planned for and managed in accordance with Council policies and procedures and with due regard for the existing framework of employment law.

8. LEGAL IMPLICATIONS

- 8.1 The report sets out options for market testing a range of services presently undertaken by in-house teams. A decision is yet to be taken and a formal Gateway report will be considered by the Executive in early 2015. If it is decided that it is appropriate to undertake a procurement exercise then the procedures are likely to be governed by the Public Procurement Regulations 2015 which are presently in draft form. The draft regulations closely follow the EU Directive and major changes are not expected. Details of procurement options are set out in the body of the report.
- 8.2 Draft Regulation 40 empowers local authorities to undertake market consultations with a view to preparing a procurement and informing economic operators of their procurement plans and requirements. This specifically includes the ability to seek advice from market participants which can be used in the planning and conduct of the procurement procedure provided that it does not have the effect of distorting competition or violating the principles of non-discrimination and transparency.

- 8.3 As is set out in paragraph 3.17 members are recommended to also seek expressions of interest under the “Community Right to Challenge provisions set out in Part 5, Chapter 2 of the Localism Act 2011 and supporting regulations and guidance. Local Authorities are, under Section 82 (2) of the Act, able to set and publicise periods during which expressions of interest to undertake services may be submitted and paragraph 3.3 of the statutory guidance encourages authorities to align dates for submission so that expressions of interest relating to two or more services can be submitted. If an expression of interest is submitted and accepted then it will trigger a procurement exercise.
- 8.4 Section 3 of the Local Government 1999 presently applies to the process and that requires us in the discharge of our duty, to secure economy, efficiency and effectiveness in the delivery of our services, to consult residents and others. Guidance issued in 2011 by the Secretary of State stresses the need for consultation with service users throughout the commissioning cycle. Whilst the point on consultation under section 3 formed one ground of challenge in the case of R (Nash) v Barnet London Borough Council, judicial assistance from that case is limited as both the High Court and Court of Appeal considered the challenge on that point was out of time. However in the High Court, the Judge undertook a detailed analysis of s.3 of the 1999 Act and concluded that a general consultation about "priorities" or other general matters which might assist the Authority in deciding whether to outsource if the type undertaken by the Council was not sufficient. He took care to emphasise that the duty does not extend to consulting on all decisions, great or small, relating to the implementation; he was, however, of the opinion that representatives should have had the opportunity to express views or concerns about the issue of outsourcing of the functions or services in question. The Government is seeking to repeal the duty through Clause 78 of the Deregulation Bill however, unless/until this provision is enacted, it is essential that any consultation undertaken has regard to the specific consultation duties under section 3 as well as any general or staff consultation which will be undertaken.
- 8.5 As with all service issues then, the Council must have regard to the public sector equality duty under section 149 Equality Act 2010 and the need for the necessary equality impact assessments to be undertaken must be reviewed throughout the process.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	

OPERATIONAL PROPERTY Total FTE – 19.8 Annual Employee Budget = £820,400	
Service	Details
Reactive Team:	
Corporate and Education Unplanned maintenance work	<ul style="list-style-type: none"> ● Managing/arranging managed Term Contracts, Specialist Term contracts to undertake repairs for all Corporate sites and SLA schools e.g. building works ● Investigating reported faults/breakdowns/repairs ● Undertaking works e.g. roofing, drainage, electrical, etc. ● Procurement of appropriate Contractor/Suppliers via Managed Term Contractors (MTC) , Specialist Term Contractors (STC) or quotations from LBB approved list of contractors , monitoring of the works and then processing payments for the works.
Corporate and Education Cyclical Maintenance work	<ul style="list-style-type: none"> ● Managing and arranging Managed Term Contracts , Specialist Term Contracts to undertake regular Statutory servicing for all Corporate sites and SLA Schools e.g. boiler plant, air conditioning, etc. ● Managing and arranging remedial repairs resulting from faults arising from planned service works
Corporate and Education Asbestos Management Work	<ul style="list-style-type: none"> ● Managing and arranging Managed Term Contracts, specialist contracts to undertake Statutory Asbestos management e.g. surveys, material testing, material removal ● Arranging the removal and reinstatement of deteriorated or damaged asbestos containing material

OPERATIONAL PROPERTY Total FTE – 19.8 Annual Employee Budget = £820,400	
Service	Details
Corporate and Education Water Treatment Works	<ul style="list-style-type: none"> • Managing and arranging managed Term Contracts for all Corporate sites and as requested by SLA school sites • Arranging investigations /risk assessment /repor to assess Legionella risk upon request • Procuring remedial works to resolve non-compliant plant/installations • Correspond with schools refunding for works
Corporate and Education Electrical Fixed Wire Testing	<ul style="list-style-type: none"> • Managing and arranging competitive tenders for statutory electrical fixed wire tests for all Corporate buildings and schools • Subsequent correspondence to schools to undertake remedial repair work
Education Swimming Pool Management	<ul style="list-style-type: none"> • SLA providing schools with full management service inc. plant /equipment maintenance , water treatment, etc. • Procurement of appropriate contractor /supplier
Corporate and Education Insurance Funded work	<ul style="list-style-type: none"> • Management /arrangement of fire/water damaged insurance funded claims refurbishment works • Undertaking and procuring works from approved contractors • Liaise with Insurance Claims Loss Adjuster

OPERATIONAL PROPERTY Total FTE – 19.8 Annual Employee Budget = £820,400	
Service	Details
District (Walnuts) Boiler Plant	<ul style="list-style-type: none"> Maintenance and operation of heating and hot water systems inc. annual inspection, monitoring of consumption for distribution of costs to Mytime/LBB joint users
Planned Team:	
Education Capital Maintenance Programme	<ul style="list-style-type: none"> Range of schools building refurbishment/heating/building service works identified by Strategic Properties Asset Management Plan and undertaken by in house building surveyor/engineering planned design team.
Corporate Planned Programme	<ul style="list-style-type: none"> Range of building refurbishment/mechanical and electrical project works identified by Strategic Properties Asset Management Plan and undertaken by in house building surveyor/engineering planned design team.
Education Client Commissioned work	<ul style="list-style-type: none"> Managing and arranging improvement works as commissioned by Education Client to undertake. Projects subject to competitive tenders to LBB approved contractors
Client Commissioned work	<ul style="list-style-type: none"> Managing and arranging improvement works as commissioned by other departments/clients to

Appendix 1.

Summary of Service Activities

	undertake
OPERATIONAL PROPERTY Total FTE – 19.8 Annual Employee Budget = £820,400	
Service	Details
FM	<ul style="list-style-type: none"> • Relief Caretaking Service
Business Support	<ul style="list-style-type: none"> • Technical Helpdesk • Budgetary Control • Invoice Management • Cyclical contract administration • Asbestos contract administration

FACILITIES AND SUPPORT SERVICES Total FTE 18.52 Annual Employee Budget = £507,000	
Service	Details
Mail Services	<ul style="list-style-type: none"> • Dedicated centralised mail points • Complete mail service in and out • Includes schools, libraries and out-building post and delivery • Deeds strong room • MFDs • Paper management and design work • TNT incoming and outgoing archiving • Print Bureau services • Security management system (SMS) for buildings, car parks and MFDs • Administration of staff car parking scheme
Committee Room Support	<ul style="list-style-type: none"> • Support Members' agenda run and committee reports

Summary of Service Activities

FACILITIES AND SUPPORT SERVICES Total FTE 18.52 Annual Employee Budget = £507,000	
Service	Details
Refreshments	<ul style="list-style-type: none"> ● Refreshments for Members in evenings and certain Senior Officers during the day ● Set up all committee room layouts and audio visual equipment
Porters and Attendants	<ul style="list-style-type: none"> ● Two shifts cover 20 hours a week 8am – 12pm, 1.30pm – 5.30pm assisted by Attendants ● Attendants support Registrars at weekends ● Cover for Mayoral driver ● Fire safety ● Events management on and off site ● Confidential waste ● Rubbish clearance ● Delivery of goods ● Site management

Appendix 1.

Summary of Service Activities

FACILITIES AND SUPPORT SERVICES Total FTE 18.52 Annual Employee Budget = £507,000	
Service	Details
Cleaning	<ul style="list-style-type: none"> • Civic Centre and Yeoman House cleaning (contracted service) • Emergency cleaning • Library cleaning contract • Top floor of the Walnuts • Yeoman House – confidential waste and odd jobs • Window cleaning incorporated • Pest control at the Civic Centre
Security	<ul style="list-style-type: none"> • Civic Centre out-of-hours security (contracted service) • Out-of-hours security • Snow clearance at the Civic Centre
Elections	<ul style="list-style-type: none"> • Logistical arrangements for elections on and off site • Preparation and printing of count documentation

STRATEGIC PROPERTY Total FTE – 12.6 Annual Employee Budget = £619,500	
Service	Details
Acquisition of Property	<ul style="list-style-type: none"> ● Acquisition of properties including: High Street investment opportunities, unfit/unoccupied houses, residential properties in Opportunity Site G, residential properties for Temporary Housing using PIL Funds ● Compulsory Purchase Orders
Disposal of Property	<ul style="list-style-type: none"> ● Dealing with all aspects of the marketing of surplus property. ● Evaluation of bids ● Negotiation of detailed terms including development agreements and conditional contracts ● Residential lease extensions

STRATEGIC PROPERTY Total FTE – 12.6 Annual Employee Budget = £619,500	
Service	Details
Management of the Council's Non-Operational (Investment) Property Portfolio	<ul style="list-style-type: none"> ● Reversionary freehold interests (e.g. Intu Shopping Centre (The Glades) Bromley and the Walnuts Orpington) ● Management of former HRA shopping parades ● Lettings of Miscellaneous range of property ● Advertising sites ● Ground rents on residential properties – extensions to leases under statutory provisions ● Leases, way leaves and easements to statutory undertakers ● Allotment sites ● Miscellaneous properties, e.g. depot, garage/workshop, stores ● Managed Green Belt Portfolio ● New lettings and lease renewals ● Disputes on boundaries and on titles ● User clause disputes ● Repairs where the Council has a liability ● Schedules of dilapidations

STRATEGIC PROPERTY Total FTE – 12.6 Annual Employee Budget = £619,500	
Service	Details
Management of the Council's Non-Operational (Investment) Property Portfolio (cont)	<ul style="list-style-type: none"> • Investigation of Breaches of covenant and lease agreements • Consents for assignments of leases • Annual measurement of portfolio performance to ensure properties continue to meet the Council's investment criteria.
Management of Property not within the Investment Portfolio	<ul style="list-style-type: none"> • E.g. Residential property occupied by current and ex staff, pavilions in parks, • Lettings of operational properties as part of service contracts, e.g. depots, or within Council property to strategic partners, e.g. Liberata, Metropolitan Police. • Other property management and lettings/lease renewals required by Service Departments • Management of vacant properties • Grant of long leases and granting consent to schools converting to academy status • Management of Commons • Encroachments onto Council property • Licences for temporary occupation • Management of property let to contractors

STRATEGIC PROPERTY Total FTE – 12.6 Annual Employee Budget = £619,500	
Service	Details
Asset Management	<ul style="list-style-type: none"> ● Compilation and analysis of performance data for all operational properties. ● Preparation of Council's asset management plan ● Undertaking property reviews to ensure that property use is maximised and the estate is rationalised – identification of properties that can be declared surplus to requirements.
Rating	<ul style="list-style-type: none"> ● Submission of appeals on rating assessments of Council property. ● Negotiating revised rateable values with the District Valuer / Valuation Tribunals (Business Rates) /Upper Tribunal (Lands Chamber)
London Residuary Body Work	<ul style="list-style-type: none"> ● Management of property transferred to LBB as lead borough on behalf of all London Boroughs and City of London Corporation following the abolition of the Greater London Council
Valuations	<ul style="list-style-type: none"> ● Asset valuations – 20% of the Council's property portfolio revalued every year in accordance with CIPFA and RICS requirements ● Ad hoc valuations for various purposes

Appendix 1.

Summary of Service Activities

STRATEGIC PROPERTY Total FTE – 12.6 Annual Employee Budget = £619,500	
Service	Details
Maintenance of Property database	<ul style="list-style-type: none"> ● Reconciling and rectifying property database ● Preparing data to ensure compliance with Transparency Agenda
Capital Works :	
Planned Maintenance	<ul style="list-style-type: none"> ● Compilation of planned maintenance process including inspection and reporting to Members.
Office Accommodation Strategy	<ul style="list-style-type: none"> ● Overseeing office accommodation strategy ● Contract with TNT for archiving for the whole Council
Energy Management	<ul style="list-style-type: none"> ● Energy monitoring ● Production of Display Energy certificates for operational properties ● Providing advice and guidance to Operational Property Team

PLANNING SERVICES (INC. PLANNING STRATEGY & REGENERATION) Total FTE – 60.03 Annual Employee Budget = £2,447,290	
Service	Details
Development Control, Planning Appeals and Enforcement Teams	<ul style="list-style-type: none"> ● Processing both Major and Non-Major planning applications for the authority. ● Post decision work, clearance of conditions and legal agreements ● Management of statutory planning appeals ● Pre-application advice (paid service) ● Statutory & Non-Statutory Enforcement investigation of alleged breach of Planning Control ● Licensing – Statutory Consultation
Policy Team	<ul style="list-style-type: none"> ● Local Plan development ● Input to Development Control and Appeal Process ● Community Infrastructure Levy – collection of Mayoral CIL, information and advice on process and benchmarking. ● Street naming and numbering

Summary of Service Activities

PLANNING SERVICES (INC. PLANNING STRATEGY & REGENERATION) Total FTE – 60.03 Annual Employee Budget = £2,447,290	
Service	Details
Regeneration	<ul style="list-style-type: none"> ● Investigation, enforcement and management of Tree Preservation Orders ● Management of works to trees under TPOs or in Conservation areas. ● Investigation, enforcement and management of High Hedges legislation ● Management and maintenance of the GIS Database and Mapping System ● Activities in connection with planning appeals ● Investigation and enforcement of Listed Building consent ● Management of planning applications in Conservation Areas ● Development and delivery of the Council's town centres regeneration programme ● Development and delivery of external funded regeneration projects

Appendix 1.

Summary of Service Activities

LOCAL LAND CHARGES SERVICES Total FTE – 6.1 Annual Employee Budget = £171,370	
Service	Details
Local Land Charges Team	<ul style="list-style-type: none">● Maintaining the Local Land Charge Register● Statutory property searches<ul style="list-style-type: none">- Person Searches- Residential Searches- Commercial Searches● Non-statutory property searches

Summary of Service Activities

BUILDING CONTROL Total FTE – 16.25 Annual Employee Budget = £810,510	
Service	Details
Building Control Team	<ul style="list-style-type: none"> ● Management of applications and building notices in accordance with Section 16 of the Building Act 1984 ● Statutory site inspections ● Management of default applications reverting to the local authority ● Management of Regularisation Certificates ● Management of Dangerous Structures both during and outside of office hours ● Administration of Approved Inspectors Regulations ● Issuing conditions and Notices for Demolition and inspections ● Plan examination and site inspection of non-fee earning applications ● Registration of non-fee cavity wall applications ● Building control enforcement – contraventions ● Discoveries – proactive enforcement
Building Control Team (cont)	<ul style="list-style-type: none"> ● Registration and logging of Competent Persons Notifications ● Fire Safety Order consultations ● Departmental liaison, reports & statistical advice to other divisions ● Non-statutory - general advice on council matters ● Non-statutory - Design advice

Appendix 1.

Summary of Service Activities

BUILDING CONTROL Total FTE – 16.25 Annual Employee Budget = £810,510	
Service	Details
	<ul style="list-style-type: none">• Non-statutory - advice on Licensing• Non-statutory – structural design• Non-statutory – structural/building surveys• Non-statutory – HMO's – Means of escape in case of fire

Summary of Service Activities

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Public Health Nuisance	<ul style="list-style-type: none"> ● Investigate statutory nuisances including taking formal action and prosecution. ● Investigation of filthy and verminous properties including taking formal action and undertaking works in default. ● Respond to all variations/new applications for licensed premises ● Provide advice and assistance to licensed premises to prevent noise disturbance from regulated entertainment ● Investigation of rubbish and flytipping complaints including taking formal action, undertaking works in default and prosecution. ● Provide advice and guidance to residents regarding alley gating and community clean-ups. ● Undertake multi-agency operations to detect and deter unauthorised waste carriers 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Public Health Nuisance (cont)	<ul style="list-style-type: none"> • Provide out-of-hours Noise Service (provided by staff on a rota basis) 	MOPAC funded
Housing Enforcement	<ul style="list-style-type: none"> • Investigate complaints relating to housing conditions • Service enforcement notices, undertake works in default and prosecution. • Investigate complaints relating to houses in multiple occupation • Inspect and licence houses in multiple occupation • Inspect and licence permanent mobile home sites • Respond to housing planning applications • Provide energy efficiency advice (also 	

Summary of Service Activities

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Housing Enforcement (cont)	statutory requirement to provide a report on the energy efficiency of the house stock every two years).	
Housing Improvement	<ul style="list-style-type: none"> • Provision of statutory disabled facilities grants from means testing through preparation of schedules, estimates to completion of work. • Provision of grants and loans for repair of defective property for vulnerable home owners on low income. • Loans, grants, enforcement and advice for empty property owners to reduce the number of empty properties in the Borough and maximise new homes bonus payments. • Take control of long term empty property 	<p>Externally funded through DoH/Better Care Funding</p> <p>Externally funded through revolving loan fund</p> <p>Externally funded through SELHP revolving loan fund and through time limited GLA funding</p>

Summary of Service Activities

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Housing Improvement (cont)	<p>through Empty Dwelling Management Orders, repair and manage property, or compulsory purchase of long term empty property.</p> <ul style="list-style-type: none"> • Assistance for vulnerable clients to keep them safe in their homes through advice and financial assistance to undertake repairs that otherwise put them at risk. 	<p>External funding for Empty property officers and capital funding to support cost of work</p> <p>Externally funded through revolving loan fund</p>
Environmental Protection	<ul style="list-style-type: none"> • Provide permanent CCTV services for LBB system • Provide mobile CCTV system • Provision of the Local Authority mortuary and management of the Coroner Service. • Provide Pest Control service for the Borough • Provide Stray Dog service • Enforce PDPA legislation • Enforce drainage legislation 	

Summary of Service Activities

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Environmental Protection (cont)	<ul style="list-style-type: none"> ● Provide drainage advice to residents ● Provision of pollution control ● Monitor air quality and provide necessary action plans ● Grant Section 61 agreements and take action against complex environmental nuisance complaints ● Enforce Section 60 CoPA Notices ● Enforce asbestos regulations ● Provide asbestos inspection services for third parties ● Provision of income generating contaminated land services for land searches and estate agents and solicitors ● Provision of contaminated land services to comply with EPA statutes 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Community Safety	<ul style="list-style-type: none"> ● Co-ordination of links between the Council and other statutory organisations ● Investigate complaints relating to anti-social behaviour, and take action where appropriate ● Co-ordinate work of the partnership to increase confidence in Bromley as a safe place (e.g. promote Safer Bromley Partnership Portfolio Holder’s Grant) ● Co-ordination of support for victims of domestic violence ● Provide support for Junior Citizen Programme ● Provide support for Safer Neighbourhood teams 	MOPAC funded

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Trading Standards	<ul style="list-style-type: none"> • Engage with police and other partners (e.g. banks, domiciliary care agencies and adult safeguarding professionals) through training and advice, including the delivery of an award scheme for partners who notify Trading Standards of potential scams and rogue trader activity • Prevent crime through outreach work with vulnerable consumers • Use intelligence to tackle crime • Provide a rapid response service to all Level 1 complaints and seek formal proceedings in appropriate cases, including Proceeds of Crime investigations, where appropriate • Respond to complaints/enquiries from older/vulnerable consumers concerning mass marketing and other scams 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Trading Standards (cont)	<ul style="list-style-type: none"> ● Promote cold calling zones within the community ● Prevention and advice for businesses to encourage compliance (to include provision of Challenge 25 packs to traders identified as lacking in due diligence systems or new licensees) ● Undertake enforcement activities, including test purchasing campaigns and follow-up action ● Contribute to a targeted education activity towards children through Junior Citizen ● Respond to allegations of consumer detriment of a criminal nature ● Advise and intervene in complex civil and second tier civil enquiries or civil complaints where the consumer is vulnerable 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Trading Standards (cont)	<ul style="list-style-type: none"> ● Prepare and deliver intelligence-led enforcement campaigns aimed at protecting consumers and ensuring business compliance in the borough (relating to unfair and unsafe trading) ● Conduct compliance visits to high-risk premises and traders who cause serious consumer detriment to Bromley residents and visitors (excluding under-age sales audits – see above) ● Provide free advice to businesses about their obligations under trading standards law ● Maintain an explosives and poisons register and conduct compliance visits ● Premises maintenance checks/database management/downloading CACS referrals ● Weights & Measures 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Food Safety	<ul style="list-style-type: none"> ● Conduct risk-based food hygiene inspections in accordance with the Food Standards Agency Code of Practice ● Conduct risk based food standards inspections in accordance with the Food Standards Agency Code of Practice ● Undertake re-visits to ensure compliance ● Administer Port Health responsibilities ● Investigate complaints about food and food premises. ● Undertake formal enforcement activities based on inspections, complaints, samples and intelligence (Food Standards and Food Hygiene) ● Administer the Food Hygiene Rating Scheme ● Approve Premises under vertical directives ● Conduct investigations into cases of infectious disease and outbreaks in the borough 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Food Safety (cont)	<ul style="list-style-type: none"> ● Monitor the safety of food prepared, stored and distributed and sold within the Borough through sampling ● Administer the Home Authority scheme to businesses in the Borough. ● Submit returns to FSA and government as required. ● Participate in Liaison arrangements with FSA and other Boroughs, PHE and other partners ● Maintain a register of food businesses ● Appoint Public Analysts ● Provide information, advice and guidance to new and existing food businesses in the borough 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Health & Safety	<ul style="list-style-type: none"> ● Conduct planned investigations of high risk category 'A' premises ● Investigate health and safety complaints in accordance with HSE selection criteria ● Conduct investigations into reported accidents in accordance with HSE selection criteria ● Undertake enforcement action following inspections, complaints or accident investigations ● Participate in liaison arrangements with HSE and other Boroughs ,PHE and other partners ● Undertake enforcement action following inspections, complaints or accident investigations ● Submit returns to HSE and government as required. ● Act as 'Responsible Authority' under the Licensing Act 2003 	

Summary of Service Activities

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Health & Safety (cont)	<ul style="list-style-type: none"> • Respond to requests for Exhumations 	
Internal Health & Safety (with Whole Authority duties)	<ul style="list-style-type: none"> • Provide advice and guidance to managers and staff on all aspects of health and safety • Provide a health and safety service to schools through a trading account • Arrange Corporate and Departmental Safety Committees • Maintain an accident recording system • Submit reportable accidents to HSE (RIDDOR) • Contribute to Corporate Risk Management • Lead or support accident investigations • Provide a statutory Health & Safety service to Maintained schools. • Undertake training and arrange training 	

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Internal Health & Safety (with Whole Authority duties) (cont)	<ul style="list-style-type: none"> • Oversee Educational Visits safety 	
Licensing	<ul style="list-style-type: none"> • Routine administration of public protection licensing, encompassing receipt, process and issue • Administer and investigate licensing complaints • Ensure licence conditions are complied with and take enforcement action including but not limited to reviews, prosecutions and appeals. • Support General Purposes and Licensing Committee, including development of licensing policy/updating on legal requirements or developments; hearings (licensing sub-committee) 	

Appendix 1.

Summary of Service Activities

PUBLIC PROTECTION Total FTE – 67.53 Annual Employee Budget = £2,700,000		
Service	Details	Externally Funded
Licensing (cont)	<ul style="list-style-type: none"> • Prepare and present reports to Licensing Sub Committee on applications for determination • Administer Best Bar None Scheme • Attend meetings with local ‘Pub Watch’ groups (Bromley and Beckenham). • Submit returns to Home Office and others 	

CARBON MANAGEMENT & REDUCTION Total FTE – 1.6 Annual Employee Budget = £67,000	
Service	Details
Carbon Management & Reduction	<ul style="list-style-type: none"> ● Carbon Management Programme ● Carbon Management Fund ● Carbon Reduction Commitment ● Mandatory GHG Emissions Report to DECC ● Environmental Report in LBB Annual report ● CO2 within scope of Local Authority influence ● Renewable Energy Opportunities RE:FIT Activity

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APPENDIX 2

Total FM – Indicative Timetable CDwN	DATE
<p>Ex – Ante</p> <p>Service Review Process and Options Appraisal – 4 Months allowed from August 2014 and includes consideration of tacit Client/Contractor split for possible in-house bid.</p> <p>(Note – Any Staff / Client Consultation must be completed before Notice and Documents are issued/finalised.)</p>	August 14
Investment Requirements / Programme Level VFM Assessment	
Commission any supporting reviews - External Parties	
Commission any internal reviews – Internal Parties	
Position on Risks and Liabilities Investments in Service (i.e. Service Development, Pensions and IT)	
Contract Structure including interface with supply chain and other contracting arrangements	
Options Appraisal	
Service Review	
Client /Contractor Split – Position support arrangements to be retained or placed with others	
Soft market Testing /	
Client and External Resources / Budget	
Stakeholder Consultation Requirements; Impact Assessments Consider Social Value Act Strategy	
Staff Consultation	
Any Further Consultation	
Policy Amendments / Agreement	
Outline Evaluation Process	
Consider Consortium/Sub Contractor position	
Finalise Contract/Tender Documents	
Draft Contract Gate 0 Report - Justification of process to be used	
Meet the Supplier – Warm Up Meeting (s)	
Management Approval	Jan 2015
Consider issue of PIN Notice (Market warm up)	
<p>Total FM – Gateway Report – Procurement Strategy Accepted</p> <p>PF/Executive Approval</p> <p>ERPDS – 2/2/15</p> <p>Executive – 11/2/15</p> <p>(Alternative Dates;</p> <p>ERPDS – 18/3/15</p> <p>Executive – 25/3/15)</p> <p>Call-in – By 19/2/15</p>	Feb 2015
Despatch of OJEU – Publication of UK advertisement. (Check Journal copy deadlines)	March 2015
Publish Relevant Documents	
Finalise Evaluation Arrangements and Task Team Membership	

Deadline for Questions	2 weeks before submission
Return of pre-qualification questionnaire (30 Day Minimum)	May 2015
Client References and any Site Inspections as required – Organisation basis –Capacity and Capability	
Complete review of responses and shortlist bidders to enter the CDwN	June 2015
Set up (and Maintain) Data Room	
Despatch of invitation to Participate in CDwN	July 2015
Bidders Successive Stages (as required)to refine/negotiated proposed solutions (first stage must allow minimum of 30 days for response)	
(Envisage 2-3) Stages	
Clarification and Questions	
Initial Submission	October / November 2015
Head Office and Client visits to Test basis of bid	
Bid Clarification Process/Evaluation /Downsizing of list as necessary	
2 nd Submission – (Repeat steps above)	January 2016
Bid Clarification Process/Evaluation/Downsizing of list as necessary	
Issue BAFO (Final Two – maintain commercial tension where possible))	March 2016
Return of BAFO/ Establish Heads of Terms in detail	May 2016
Final Negotiations /Evaluation/Finalise Contract on all substantive issues	September 2016
Assess Readiness to Award	
Financial Close	
Evaluation Award Report – to Management / ERPDS /Executive	October / November 2016
Award Process – including “Stand still” (10 days)	November / December 2016
Any Residual Due Diligence both parties	
Contract Lead in Arrangements Contractor – Including TUPE	
Contract Lead in Arrangements Council_ Including TUPE	
Contract Mobilisation	
Contract Commencement date (Award Notice must be sent within 30 days of Conclusion)	April 2017

Note: the above timetable is predicated on a number of successive rounds of tendering, it could be that the Council could be dealing with five different providers in the final stage. Conversely, there could be limited interest and fewer rounds of tendering and less complex negotiations – so the timetable will always be indicative. However, it provides a realistic view for a complex mix of services and the Council's capacity to manage the change arrangements that will result.

Report No.
ES14071

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Executive**

Date: **For Pre-Decision Scrutiny by Environment PDS Committee on
23rd September 2014**

Decision Type: Non-Urgent Executive Key

Title: **STREET LIGHTING - INVEST TO SAVE**

Contact Officer: Paul Redman, Highways Asset Manager
Tel: 020 8313 4930 E-mail: Paul.Redman@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Borough Wide

1. Reason for report

The report seeks authority to amend the outputs of the street lighting Invest to Save scheme to provide a greater efficiency saving.

The report also provides an opportunity for the Environment PDS Committee to review the implementation of the street lighting Invest to Save project.

2. **RECOMMENDATION**

2.1 **That the Executive approves the proposed amendment to the street lighting Invest to Save project, to replace fewer lamp columns and instead convert more lanterns as set out in paragraphs 3.18 to 3.20.**

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment; Safer Bromley
-

Financial

1. Cost of proposal: Estimated Cost: £1.2m and additional savings of £46k per annum
 2. Ongoing costs: Additional savings of £46k per annum
 3. Budget head/performance centre: Street Lighting
 4. Total current budget for this head: £8.507m and £4m
 5. Source of funding: Invest to Save fund and existing revenue budget
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents of and visitors to the Borough.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not applicable.
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

- 3.1 The Council, as Highway Authority, has a statutory duty under the Highways Act 1980 to ensure the safety of the highway. This includes any lighting installations on the highway.
- 3.2 Investment in the Council's street lighting stock had not previously allowed for the routine replacement of lamp columns identified as nearing the end of their service life. An estimated 7,902 lamp columns had been identified for replacement. These comprised concrete columns and an estimated number of older steel columns. The Environment PDS Committee, at its meeting held on 18th January 2012, supported the report to the Executive recommending an 'Invest to Save' programme to clear the backlog (Report ES 12015).
- 3.3 A business case for the 'Invest to Save' programme was finalised following the receipt of tenders for the street lighting maintenance and improvement contract. Tender evaluation demonstrated that the 'Invest to Save' proposals were viable, and the recommendation to proceed with the programme was supported by the Environment PDS Committee at its meeting held on 20th November 2012 (Report ES 12114).
- 3.4 Subsequently, the Executive approved a sum of £8.507m from the Invest to Save Fund to meet the costs of the following: -
- The replacement of 7,902 columns (including LED lanterns) that were nearing the end of their service life (£6.987m);
 - The replacement of 4,000 inefficient street lighting lanterns with LED lanterns, (£1.0m); and
 - The implementation of a Central Management System (CMS) that facilitates remote control of lighting levels and reduced night time inspections, at an estimated cost of £520k.
- 3.5 In summary, a total of 7,902 columns and 11,902 lanterns were intended to be replaced together with introduction of CMS.
- 3.6 From the business plan it was expected that the sum of £8.507m plus 3.5% interest would be repaid within 8 years.

Original Project

- 3.7 The investment programme began in June 2013. An LED lantern was selected by the Street Lighting Investment Project Board following trials of alternative equipment.
- 3.8 Orders to the value of £5,259,722 have been issued for the replacement of 5,502 columns, including LED lanterns and 1,297 lantern conversions of older energy inefficient units (where the existing columns are structurally sound steel). The next phase of the original project will see 1,246 of the oldest at risk steel columns replaced (£1,144,812) and the remaining 2,703 lanterns converted (£897,477).
- 3.9 The Central Management System (CMS) is being rolled out alongside the main column and lantern replacement works. Lanterns are CMS-enabled and these are registered on the system via nodes which are placed at intermittent locations in the borough. The CMS operates wirelessly, allowing remote control of lighting levels and management reporting of system data through tablet or pc/laptop.

- 3.10 Given the current rate of progress and available level of resources, it is envisaged the original approved project (to replace all the concrete and older at risk steel columns, 4,000 lantern conversions and implementation of CMS) could be delivered within the agreed budget allocation and by the planned completion date of 31st March 2015. However, structural testing of steel columns has currently identified that a lower number of at risk steel columns require replacement than originally estimated, reducing the projected total column replacement required for the project to 6,748.
- 3.11 The table below summarises the current position with regard to the progress of the replacement of the columns and lanterns (including CMS), in terms of numbers and costs: -

Progress	Replacement Lantern Numbers	Replacement Column Numbers	Cost £'000
Actual completed replacements to date	5,760	4,463	4,354
In progress replacements to date	1,039	1,039	906
Future replacements	3,949	1,246	2,042
	10,748	6,748	7,302

- 3.12 As the number of columns that need to be replaced has been reduced to 6,748 following recent structural testing, this would mean that there would be 1,154 fewer lanterns replaced than originally planned. This would impact on the level of revenue savings that would be achieved and may affect the length of time taken to payback the Invest to Save monies. It is therefore proposed to revise the original scheme, utilising the remaining balance of £1.2m to replace additional lanterns in order to maximise the amount of energy savings that could be achieved.
- 3.13 Energy savings are being monitored and so far the Council has reduced energy consumption by over 480,000 Kwh. If the unit price of energy is assumed to average 10 pence (the current energy contract relies on spot pricing, hence energy purchase rates vary), the current financial saving due to reduced energy consumption would have been over £48k to date.
- 3.14 Where possible, work to the power supply (either disconnections or re-connections) has been undertaken using an independent connection provider (ICP). Where the ICP is unable to work on the electricity supply infrastructure ('uncontestable work'), connections and related work must be undertaken by UK Power Networks (UKPN). UKPN are responsible for undertaking uncontestable work and this has led to delays in completing connections in some areas. This has resulted in increased contact with residents to explain the reasons for delays.
- 3.15 Officers have escalated these issues with UKPN and measures have been put in place by them to clear the backlog. UKPN envisage this should be completed by the end of September 2014
- 3.16 The project communications plan is being implemented. Residents receive a post card approximately six weeks in advance of work beginning on site, with a follow up letter two weeks prior to the start date. There is also a page on the Council's website with FAQs and a schedule of programmed works. Post-completion survey questionnaires are distributed to a sample of residents where lighting has been changed. This is also available online. Returns from mailed customer feedback questionnaires indicate that 60% of respondents think the new lighting is about right, 6% think the new lighting is too bright, and 34% think the new lighting is not bright enough. The Council is taking measures to reduce the impact of trees (both street and private) on lighting by appropriate trimming (enforcement may be needed in the case of some private trees). This will help to reduce the proportion of residents who believe the new lighting is not bright enough. In the spring residents in all roads that had previously received a questionnaire will be resurveyed. This will help to assess customer satisfaction once a full winter has been experienced with the new lighting. Representations from Alexandra Residents Association and

Downe Residents Association for heritage style lighting equipment have been received, and officers are working with these groups to seek to identify a way forward within current Council policy guidelines.

- 3.17 There are currently no equipment supply problems or unresolved issues in respect of power supply connections.

Proposed Amended Project

- 3.18 A proposal was endorsed at the 2nd September 2014 meeting of the Street Lighting Investment Project Board to recommend a change in the outputs of the 'Invest to Save' programme by altering the balance of work performed. The new proposal would limit the total number of replacement columns to 6,748, together with 4,000 lantern replacements with an estimated projected cost to complete these works of £7.3m, allowing the remaining funds of £1.2m to be redirected to lantern conversions.
- 3.19 The proposed amendment would be to use the remaining £1.2m to replace 1,039 lanterns to meet the original planned lantern replacements target of 11,902 (7,902 plus 4,000) and to replace a further 2,475 lanterns. This would increase the number of lantern replacements to 14,377 and provide additional energy savings of £46k per annum.
- 3.20 The above proposal would be undertaken within the agreed investment draw-down budget of £8.507m, but would bring improved benefits to the 'Invest to Save' programme through enhanced reductions in energy usage (and carbon emissions) and associated reduced energy costs. There would be additional energy savings of £46,000 p.a. and carbon allowance savings of £5,000 p.a. Given current progress and the available level of resources it is envisaged the proposed amended project would still be delivered within the original budget allocation, and by the planned completion date of 31st March 2014.

4. POLICY IMPLICATIONS

- 4.1 The Environment Portfolio Plan 2014-17 includes the commitments: "Complete the major 'Invest to Save' project to replace 8,000 lamp columns, and 12,000 street lanterns, in residential roads by April 2015"; and "As part of the 'Invest to Save' project, introduce variable dimming of street lights by means of a Central Management System, facilitating remote monitoring and control of the new units".

5. FINANCIAL IMPLICATIONS

- 5.1 On 28th November 2012, Executive agreed that £8.507m could be drawn down from the Invest to Save Fund. This would allow the replacement of 7,902 lamp columns and 11,902 LED lanterns, including the installation of CMS.
- 5.2 The installation was to be completed within two years and the project was expected to generate savings that would enable the sum of £8.507m plus 3.5% interest, to be repaid over 8 years. In addition, from 2020/21, the project was expected to deliver annual savings of £558k.
- 5.3 This report indicates that the replacement of columns and LED lanterns is on target to be delivered by 31.3.15. £4.354m has been spent to date and a further £2.948m is expected to be spent replacing 10,748 lanterns and 6,748 columns.
- 5.4 Energy savings of approximately £48k have been achieved to date and an amount of £1.717m has been repaid to the Invest To Save Fund, with a further £1.066m projected to be repaid

during the current year. The total amount repaid by the end of 2014/15 is therefore expected to be £2.783m, which is on target.

- 5.5 The estimated savings relating to reduced carbon tax payments due to the expected carbon reductions will no longer be realisable as the Council is below the threshold that requires it to participate in the scheme. This will not affect the payback period of the Invest to Save monies, but will reduce the annual savings by £42k from 2020/21 to £516k.
- 5.6 It should be noted that should the criteria of the Carbon Tax Scheme change in the future, the Council may be required to participate again. The carbon saved from this project would then reduce the amount of tax payable by the Council.
- 5.6 Following the recent structural testing results, it is only necessary to replace 6,748 columns. This means that 1,154 fewer LED lanterns would be replaced than originally expected. Although this would result in the return of £1.2m to the Invest to Save Fund, it would also reduce the level of savings available to repay the £7.3m and it would also reduce the amount of annual savings from 2020/21 by £21k.
- 5.7 This report is therefore proposing to use the remaining £1.2m to replace the 1,154 lanterns, to enable the original target of 11,902 lanterns to be installed and to replace an additional 2,475 lanterns. This would generate a further £46k energy savings per annum which would allow the Invest to Save monies to be repaid earlier and to increase the annual savings from 2020/21 to £562k after allowing for the non-availability of savings from the carbon tax..
- 5.8 After the 'Invest to Save' monies have been paid back, consideration will need to be given to the funding strategy required to replace the next group of lamp columns which will be over 30 years old by that time.

6. LEGAL IMPLICATIONS

- 6.1 The Highways Act 1980 empowers the Council as Highway Authority to provide lighting. The Council has a duty of care to the highway user and must ensure it has systems and programmes of work in place to ensure the adequacy and safety of all highway lighting installations.

7. PERSONNEL IMPLICATIONS

- 7.1 An additional temporary resource has been sourced through the Council's partnership with Adecco to support the management of the project.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	ES 12015 Street Lighting Invest to Save – report to Environment PDS meeting held on 18 th January 2012. ES 12114 Street Lighting Maintenance and Improvements Contract and Street Lighting Invest to Save Initiative - Part 2 report to Executive held on 20 th November 2012.

Report No.
ES14085

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

Date: For Pre-Decision Scrutiny by Environment PDS Committee on
23rd September 2014

Decision Type: Non-Urgent Executive Non-Key

Title: PUBLIC TOILET PROVISION

Contact Officer: Dan Jones, Assistant Director Street Scene and Green Space
Tel: 0208 313 4211 E-mail: Dan.Jones@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Penge and Cator

1. Reason for report

- 1.1 This report outlines a proposal to save up to £21k through the closure of Penge High Street public toilets and introducing the Community Toilet Scheme in three locations

2. **RECOMMENDATIONS**

That the Executive agrees to:

- 2.1 The closure of Penge High Street public toilet from 1 January 2015 and
- 2.2 The introduction of the Community Toilet Scheme (CTS) in Penge town centre.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres
-

Financial

1. Cost of proposal: No Cost: Estimated saving of £4.3k in 2014/15 rising to £17k in 2015/16. An additional saving of £3.7k will be achieved once the building is either sold or demolished.
 2. Ongoing costs: Recurring Cost: Recurring saving
 3. Budget head/performance centre: Public Conveniences
 4. Total current budget for this head: £ 131k
 5. Source of funding: Existing revenue budget for 2014/15
-

Staff

1. Number of staff (current and additional): 1 FTE
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Visitors and businesses in Penge
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Ward Councillors have stated that whilst closing public amenities is not what they want, in this case the closure of the toilet and the introduction of the Community Toilet Scheme will provide the best option for this location.

3. COMMENTARY

Introduction

- 3.1 In May 2008 Members received a report outlining the findings of a review of Public Conveniences. Many of the Council's toilets were identified as in need of substantial maintenance in future years. A feasibility study was then undertaken, examining the potential for introducing a Community Toilet Scheme. Following the feasibility study, the Environment Portfolio Holder agreed in September 2008 that a Community Toilet Scheme (CTS) should be introduced on a trial basis. At the time, Members were informed that, "It is possible to provide facilities of a high standard through community toilets at a much lower cost than for direct provision. Where current public toilets could be closed there is potential for saving on cleaning and service costs and a reduced maintenance liability for the Council. If a closed toilet could be sold, then there would be a capital receipt as well. However these savings or receipts will not be available until at least eighteen months from the commencement of the trial."
- 3.2 Following the announcement of the Comprehensive Spending Review in 2010, the Council has seen a significant reduction in its grant settlement from Central Government.
- 3.3 Given the financial demands upon the Council, it has been necessary to review service provision and identify proposals for savings that assist in meeting the funding gap whilst continuing to maintain statutory functions in the most efficient and effective manner.
- 3.4 At the full Council meeting on the 28 February 2011, a decision was taken to agree to the closure of public toilets as part of the savings proposals presented.
- 3.5 Following a decision by the Portfolio Holder on the 3 April 2011 ([Report No ES11013](#)) 15 public toilets, located on-street and in parks, were closed; with a further 8 park toilets transferred to business/community management or operating with reduced opening times. These proposals realised £223k of savings p.a..
- 3.6 There remain four public toilets managed by LBB situated in the following town centres: Bromley; Beckenham; West Wickham; and Penge. In addition there is a public toilet in Orpington Town Centre managed by the Orpington First BID. The CTS is in operation across the borough – see Appendix A for details of the CTS and a web link to the [current locations](#).

Proposal

- 3.7 This report proposes to save up to £21k per annum through the closure of Penge High Street public toilet, and the introduction of the CTS in 3 Penge town centre locations at nil cost:
- McDonalds
 - Sainsbury's
 - Weatherspoon's
- 3.8 The savings would be made through a reduction in the contracted cost to LBB for the cleansing and the associated running costs of this toilet. The outstanding budget would be used to clean and maintain those toilets remaining open, with a proportion identified for the introduction of the CTS in the three locations above. Negotiations are underway with the contractor (Kier) regarding the reduction in the total tendered sum for the cleansing of the Penge facility. At any time during the term of the contract the Council may decide to implement a variation to the service requirements. Where the total aggregated value of the variation exceeded 10% of original total tendered sum the contractor would be eligible for claiming a compensation event for the change of service. As an act of 'partnership' between the Council and the contractor Kier has confirmed that they will not be making a claim for compensation as a result of this closure.

Any potential one-off compensation fee would be absorbed within the Street Scene and Green Spaces budget.

- 3.9 The remaining three toilets, located in Bromley, Beckenham and West Wickham, will be subject to further review.
- 3.10 The closure and introduction of the CTS would begin as soon as possible following the Executive's decision.
- 3.11 If the Executive agrees to the proposed closure, a report will be submitted to the Resources Portfolio Holder to declare the property surplus to Council requirements and, subject to his agreement, it will be offered for sale. However, there are legal issues relating to the ownership of the land on which part of the toilet building is located, which could give rise to difficulties in achieving a sale. This matter is being investigated further. If a purchaser cannot be found it will be necessary to demolish the toilets. The Head of Strategic Property has advised that, if it proved impossible to sell the facility, the cost of service disconnection, demolition and reinstatement of the sites would be in the region of £15,000. It should be noted that there is no budget available within Property to undertake this work, therefore the costs of demolition would need to be met by the Street Scene and Green Space Division.

4 POLICY IMPLICATIONS

- 4.1 Publicly accessible toilets can play a significant role in supporting the local economy of an area. The provision of accessible and clean toilets can attract visitors, encourage them to stay longer in an area and visit again. Shoppers, particularly elderly and disabled shoppers and parents with young children, can take toilet provision into account when choosing where to shop.
- 4.2 Whilst access to toilets can support the local economy of an area, the nature of the shopping area will determine the type of visitor it receives. Local Neighbourhood Centres and Shopping Parades will predominately be visited by local residents for short periods of time, in these areas public toilets are unlikely to be needed as much as in larger shopping areas where visitors may spend several hours.
- 4.3 Research has shown that some people feel safer using a toilet in a shop or other retail premises rather than in a public convenience. Some older people are apprehensive about being away from home because of the lack of accessible, safe toilet facilities. The Community Toilet Scheme introduced in Bromley has sought to positively address these issues.
- 4.4 The implementation of the scheme has given the Council the opportunity to evaluate its stock of public conveniences. A number of these fall short of public requirements in terms of accessibility, desirability of use, and hence actual utilisation.

5 FINANCIAL IMPLICATIONS

- 5.1 The table below summarises the savings that would result from the proposed closure of Penge High Street toilets from 1st January 2015: -

Analysis of savings over 2014/15 and 2015/16	Part Year	Full Year
	2014/15	2015/16
	£'000	£'000
Cleansing contract	2.9	11.4
Running expenses - energy, water	0.4	1.6
Maintenance	1.0	4.0
Net savings	4.3	17.0

- 5.2 Once the building is either sold or demolished, additional savings of £3.7k per annum will be achieved from no longer having to meet the costs of the business rates.
- 5.3 Demolition costs of up to £15k may be payable during 2015/16 and would have to be met from within the Street Scene and Green Space Divisional budget.
- 5.4 No revenue costs will be incurred for the introduction of the three new Community Toilets in Penge.
- 5.5 As highlighted in 3.8 above, Kier have confirmed that they will not be making a claim for compensation as a result of this closure

6 LEGAL IMPLICATIONS

- 6.1 The provision and maintenance of public toilets in public places is at the discretion of local authorities who have a power under section 87 of the Public Health Act 1936 to provide public conveniences, but no duty to do so. The decision as to whether or not to provide facilities and the extent of the provision provided is determined by each authority and balanced against other local service demands.
- 6.2 The Local Government Act 2000 places a duty on local authorities (through their community strategy) to:

Enhance the quality of life of local communities and contribute to the achievement of sustainable development in the UK through actions to improve the economic, social and environmental well-being of the area and its inhabitants.

The Bromley Community Toilet Scheme intends to achieve this.

- 6.3 Businesses participating in the Community Toilet Scheme are paid up to £1,000 per annum, depending on the facilities available, plus VAT, payable in quarterly instalments, and in return are required to sign a legal agreement setting out their obligations.
- 6.4 The Council shall at its discretion vary the Annual Sum in accordance with any decrease in the number of toilet facilities available at the Toilets. The Council shall suspend payment in the event the facilities are unavailable to the public, such as renovation taking place, damage to the premises.
- 6.5 Members should note that participating businesses continue to have the right to bar admission of any person to their premises including toilet facilities.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Report to ENV PDS 4 April 2011 - ES11013 – Public Toilet Provision Report to Council 28 February 2011 Review of Community Toilets Scheme; Toilet Closures – report to Environment PDS Committee 18 January 2010 Draft 2010/11 Budget – report to Environment PDS Committee 16 th November 2009;

	<p>Review of Public Toilets/Community Toilets Scheme – report to Environment PDS 1st June 2009;</p> <p>Community Toilets Feasibility – report to Environment PDS 8th January 2009;</p> <p>Community Toilets Feasibility Study – report to Environment PDS 22nd September 2008;</p> <p>Review of Public Toilet Provision – report to E&LS PDS 20th May 2008;</p> <p>House of Commons – Communities and Local Government – The Provision of Public Toilets – Twelfth Report of Session 2007-2008.</p>
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Community Toilet Scheme and current/proposed locations

The Community Toilet Scheme is a joint venture between the council and local businesses. Participating businesses like shops, pubs and restaurants, make their toilet facilities available for the public to use free of charge, and without the need to buy goods or services. Signs indicate where the community toilets are located while the participating businesses display special stickers in their windows. Inside the premises, clear internal signs direct the public to the toilet facilities so there is no need to ask for directions.

A pilot London Borough of Bromley Community Toilet Scheme was launched in Hayes from April 2009 and has provided good community toilet coverage in the main footfall area of Hayes. Feedback from the 4 businesses participating was good and there has been no adverse public reaction.

A further report to the Environment PDS in January 2010 resulted in the implementation of a permanent Community Toilet Scheme in Hayes with location-specific consultation involving ward councillors prior to implementation. A second scheme was introduced in Biggin Hill. The Portfolio Holder agreed to Public Toilet closures in Hayes and Biggin Hill.

Community Toilet provision has been further introduced throughout the borough to provide alternative toilet facilities to closed public conveniences.

Comments from businesses involved in the Community Toilet Scheme across the borough have been very positive, with businesses particularly reporting increased footfall.

Details of the current locations of the Community Toilet Scheme can be found on the LBB website. Please click [here](#).

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