

EXECUTIVE

Minutes of the meeting held on 26 November 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 Will Harmer, Councillor William Huntington-
Thresher and Councillor Ian F. Payne

94 APOLOGIES FOR ABSENCE

There were no apologies for absence.

95 DECLARATIONS OF INTEREST

There were no declarations of interest.

96 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 15TH OCTOBER 2014 Report CSD14131

The Executive noted matters arising from previous meetings.

**RESOLVED that the minutes of the meeting held on 15th October 2014
(excluding exempt items) be confirmed.**

97 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Questions had been received from Davina Misroch (for oral reply) and from Councillor Angela Wilkins (for written reply) – these are set out in the appendix to these minutes.

98 CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2014/15 Report RES14075

The report summarised the current position on capital receipts and expenditure following the second quarter of 2014/15, and sought the Executive's approval for a revised Capital Programme. The Resources Portfolio Holder commented that the rollout of Windows 7 had proved more complex than anticipated and extra resources had been committed by the Council. It was clarified that the £70k to be spent at the Star Lane Traveller

site was for a new water pipe, and that the section 106 receipts referred to in paragraph 3.7 of the report did not include future anticipated money.

RESOLVED that

(1) The contents of the report be noted and a revised Capital Programme be agreed.

(2) The following amendments to the Capital Programme be agreed:

(i) Transfer (virement) of £200k from the scheme for the replacement of the storage area network to the scheme for the rollout of Windows 7 (paragraph 3.3.1 in the report);

(ii) Addition of £346k in 2014/15 re additional Transport for London funding for highways schemes (paragraph 3.3.2 in the report);

(iii) Addition of £336k in 2014/15 re additional grant support (£186k) and additional DSG funding (£150k) for education for 2 year olds (paragraph 3.3.3 in the report); and

(iv) Reduction of £249k to the Disabled Facilities Grant-funded scheme to bring the budget in line with the latest grant approvals (paragraph 3.3.4 in the report).

99 BUDGET MONITORING 2014/15
Report FSD14069

The Committee received the third budget monitoring report for 2014/15 based on expenditure and activity levels up to September 2014. The Resources Portfolio Holder drew attention to the £800k of additional income received through changes to the Council's investment strategy and thanked the Director of Finance and his staff for this achievement.

The Leader urged officers to be more proactive in securing Section 106 receipts, to keep budget-keeping and gate-keeping tight and to ensure that the budget came back into line by the end of the financial year.

RESOLVED that

(1) The latest financial position that a projected net overspend on services of £3,180k is forecast based on information as at September 2014 be noted.

(2) The full year cost pressures of £5.9m as detailed in section 3.6 of the report be noted.

(3) The projected reduction to the General Fund balance of £1.9m to £18.1m as detailed in para 3.5 of the report.

(4) The comments from the Director of Education, Care and Health Services and the Director of Transformation and Regeneration as detailed in sections 3.2 and 3.3 in the report be noted.

(5) The additional funding of £680k from Bromley CCG for winter resilience, which will be held in the Central Contingency as detailed in section 3.4 of the report, be noted.

100 COUNCIL TAX SUPPORT/REDUCTION - 2015/16
Report FSD14071

Following public consultation, proposals for a scheme for providing assistance to households in meeting their council tax liability in 2015/16 had been drawn up for approval by full Council.

The proposed changes had been subject to a major public consultation exercise, but Members were disappointed that only 59 responses had been received. It was confirmed that, in addition to the consultation material available from the home page of the Council website, between 4,500 and 5,000 households had received notes on the consultation with their Council Tax bills. It was understood that other Councils were reporting low returns.

The Resources Portfolio Holder requested that statistics be provided by the Director of Finance on the effects of the spare room subsidy and other changes to benefits/welfare system. The Care Services Portfolio Holder reported that one Housing Association was complaining that more tenants were going into arrears with their rent because of the pressure to give priority to their Council Tax – the Council needed to work with the Association on this issue.

The Leader requested a further report on the implications of increasing the percentage of council tax that claimants had to pay themselves from 2016/17 onwards.

RESOLVED that the responses to the public consultation exercise be noted and the proposed scheme be forwarded to full Council for adoption.

101 OLDER PEOPLE DAY OPPORTUNITY SERVICES INVESTMENT
Report CS14112

In February 2013 the Executive had approved a commissioning strategy for older people's day opportunity services which delivered greater choice and control to individuals by making personal budgets/direct payments the mechanism to support eligible individuals. The transitional arrangements for the new arrangements were now entering their final phase and a need to provide further support to assist the providers in developing their services had been identified. It was proposed to establish an innovation and development fund to provide grants which these providers could bid for.

It was noted that fewer older people were choosing to attend day centres, but of those who did there was a higher level of need, particularly around dementia. In this context, providers needed to adapt their services to be more efficient and respond to older people's needs.

RESOLVED that the investment proposal outlined in paragraphs 3.17 to 3.19 of the report be approved.

102 INTEGRATED COMMUNITY EQUIPMENT SERVICES
Report CS14097

It was proposed to extend the current contract with Medequip under the London Consortium Framework for providing the Community Equipment Service for two years, as provided for in the original agreement. Medequip were performing well and had met service requirements.

Remaining with the London Consortium while alternative service provision was sought through a new tendering process would enable the Council to benefit from the combined purchasing and contracting power of twenty London Councils, providing significant economies of scale.

RESOLVED that

(1) An extension to the current contract with Medequip under the London Consortium Framework for a period of two years commencing on 2nd July 2015 as allowed for in the original agreement and in accordance with Contract Procedure Rule 23.7.3 be agreed.

(2) During the period of the extension the Council participates in a joint re-tendering exercise through the London Consortium.

103 PUBLIC HEALTH COMMISSIONING 2015/16
Report CS14101

The Executive received a report setting out Public Health commissioning intentions for 2015/16. The proposals were largely unchanged, although there was a new commissioning responsibility for Health Visiting from October 2015. It was anticipated that a pan-London agreement on commissioning Genito-Urinary Medicine (GUM) services through the North-East London Commissioning Support Unit would be in place in time to implement the new arrangements for April 2015.

RESOLVED that

(1) The intention to continue to use a number of previously approved procurement mechanisms for the delivery of the Public Health Commissioning plan, including individual contracting, use of a framework agreement, service level agreements with local general

practice and partnership arrangements with our local Bromley Clinical Commissioning Group be noted.

(2) It is noted that Public Health take on a new commissioning responsibility for Health Visiting from October 2015 as advocated nationally by the Department of Health - this service, like a number of others, will continue to be provided by Bromley Healthcare, the commissioning arrangements of which have been made through a Section 75 agreement with Bromley Clinical Commissioning Group.

(3) The Public Health Lead for Sexual Health's intention to pursue a cross-London solution for the commissioning of Genito-Urinary Medicine (GUM) services and enter into an arrangement with North East London Commissioning Support Unit which proposes to negotiate the local tariff on behalf of 20 London Boroughs be approved; such arrangement will therefore be exempt from the Council's contract procedure rules.

(4) If a cross-London solution proves not to be viable, the Council continues with its current arrangement of procuring GUM services through Bromley Clinical Commissioning Group using a Section 75 agreement for 2015/16; this arrangement will require a continuation of the existing exemption from the Council's contract procedure rules for the next financial year.

(5) The continued use of Service Level Agreements for services offered by General Practitioners for 2015/16 be approved by granting an exemption as per sections 3 and 13 of the contract procedure rules.

104 FUTURE DELIVERY OF STATUTORY AND DISCRETIONARY SERVICES TO SCHOOLS
Report FSD14070

The Executive considered a report on the future of central support teams in Human Resources (HR), Finance and Audit that provided statutory and discretionary services to schools. As more schools moved to academy status they were likely to seek services more on the basis of cost. The report set out four options – no longer providing these services to schools, providing the services in-house, setting up a wholly-owned company, or outsourcing to Liberata. Transferring these services to Liberata offered the best solution, as it would avoid future redundancy costs, give job security to staff, was in line with Corporate Operating Principles and provided the Council with guaranteed income of £40k pa which in the longer term reduced the risk around loss of income as the market expanded.

RESOLVED that

(1) The transfer of services be agreed and the transfer of the Schools Finance Team, statutory and discretionary, to Liberata as outlined in the report be endorsed.

(2) The transfer of services be agreed and the transfer of the HR Schools Team, statutory and discretionary, to Liberata as outlined in the report be agreed.

(3) The approach that the transfer of the Schools Finance Team takes place on 1st January 2015 be supported.

(4) The approach that the transfer of the HR Schools Team takes place on 1st January 2015 be supported.

(5) The services be outsourced to Liberata for the reasons set out in the report, which will result in additional costs of £102k in a full year; this is on the basis that the income generated from discretionary sold services to schools is not sustainable in the medium to longer term.

(6) It is noted that there will be further cost pressures of £79k p.a. for payroll costs, if the Council ceases providing discretionary services to schools in the future.

105 HEALTH AND SAFETY IN BROMLEY SCHOOLS
Report ED15107

Report Withdrawn.

106 GROWTH FUND UPDATE
Report DRR14/107

Consultants URS and DTZ had been commissioned to provide a critical assessment of the future growth capacities of the Biggin Hill Strategic Outer London Development Centre and the Cray Valley Business Corridor. The report provided a summary of the findings from their studies and sought approval for a programme of action and the allocation of funding to support further investment in growth initiatives.

RESOLVED that

(1) The findings of the Growth Studies be noted and the programme of actions set out in paragraphs 3.6 – 3.7 and 3.13 – 3.15 be approved.

(2) The allocation of £10m from the Economic Development and Investment Fund to be ring fenced for investments which support the growth initiatives in the Biggin Hill Strategic Outer London Development Centre, the Cray Valley Business Corridor and Bromley Town Centre be approved.

107 PLANNED HIGHWAY MAINTENANCE PROGRAMME 2015/16
Report ES14093

The report recommended programmes of planned road and footway maintenance for completion in the period up to the end of 2015/16, and provided schemes of work to be considered for future years. It also included information about the Council's annual bid to Transport for London for bridge assessment and strengthening.

The Leader commented that it was important that works were coordinated with the utility companies; this was very much the case. The Environment Portfolio Holder assured Members that it was heavily used roads in the most densely populated parts of the borough that received the most attention.

RESOLVED that £505k of Department for Transport funding be released from Central Contingency to be allocated planned highway maintenance.

108 PUBLIC TOILET PROVISION
Report ES15002

At its previous meeting the Executive had deferred consideration of a proposal to save £21k pa by closing the Penge High Street public toilets and introducing a community toilet scheme for public consultation. A number of representations from local residents and ward councillors were tabled, along with a petition calling for the toilets to remain open.

The Environment Portfolio Holder stated that community toilet schemes had proved very successful, with very few complaints, and these mainly about signs. He also reported that he had just been contacted by an interested party, Freeway Union, wanting to take over the running of the toilets as a community project. It was noted that if this proceeded the Council would not benefit from a capital receipt; nevertheless, this proposal would be investigated

The Chairman of the Environment PDs Committee reminded Members that his Committee had supported the proposals, but had commented that the building should not be allowed to fall into disrepair.

RESOLVED that the closure of the Penge High Street public toilet from 1st January 2015 and the introduction of a community toilet scheme in Penge High Street be agreed, subject to the Portfolio Holder being authorised to delay the implementation of the closure to allow consideration of the proposal received from Freeway Union if he deems it appropriate.

109 DELEGATIONS OF AUTHORITY
Report ES14098

The Executive considered a report setting out proposed delegations from the Leader relating to the Administration of Scrap Metal Dealers Act 2013 and the

Anti-Social Behaviour, Crime and Policing Act 2014. It also proposed to give authority to the Executive Director of Environment and Community Services to convey the agreement of the Council for the London Councils Transport and Environment Committee (TEC) to continue to provide an appeals service for parking on private land for the British Parking Association, and for a minor change to the Scheme of Delegation to allow officers to remove unauthorised items from all highways (rather than just from maintained highways).

The Director of Corporate Services reported that he needed to clarify with London Councils the retrospective effect of the delegation related to parking appeals service for parking on private land.

RESOLVED that the Leader agrees to

(1) Delegate to the Executive Director of Environment and Community Services functions and powers set out at paragraph 3.4 of the report related to administration of the Scrap Metal Dealers Act 2013;

(2) Delegate to the Chief Executive, Executive Director of Environment and Community Services and the Director of Corporate Services functions related to the Anti-social Behaviour, Crime and Policing Act 2014 as detailed at Appendix 2 to the report;

(3) Delegate to the Executive Director of Environment and Community Services (after consultation with the director of Corporate Services) authority to convey the agreement of the L B Bromley for the London Council's Transport and Environment (TEC) Joint Committee to continue providing an appeals service for parking on private land for the British Parking Association under contract.

(4) Approve the change to Delegation (91) in the Scheme of Delegation as outlined at paragraph 3.21 in the report.

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

At its meeting on 19th November 2014, the Executive and Resources PDS Committee had considered a report on the legal and financial implications around the motion moved at Council on 13th October 2013 by Cllr Ian Dunn requesting the Executive to include a requirement in all future contracts that tenderers should not make use of tax havens and should pay full UK Corporation Tax on profits made on Council contracts.

The Committee had decided that a letter should be sent to the Chancellor of the Exchequer setting out the Council's concerns. A draft letter from the Leader was circulated; Members proposed the following amendments –

- The Chancellor's name should come before his title;

- The letter should not just refer to Corporation Tax, but to all relevant taxes;
- The terms of the motion should be put in an appendix, and it should be clarified that the motion was not actually passed.

RESOLVED that the letter to the Chancellor of the Exchequer be approved, subject to the changes set out above.

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

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

112 EXEMPT MINUTES OF THE MEETING HELD ON 15TH OCTOBER 2014

The exempt minutes of the meeting held on 15th October 2014 were confirmed.

113 BROMLEY TOWN CENTRE DEVELOPMENT STRATEGY

The Executive considered a report on Opportunity Site G and decided to terminate the process with MUSE Developments and consider an alternative development strategy and programme of action to secure the Area Action Plan objectives.

114 THE FUTURE OF ANERLEY TOWN HALL
Report DRR14/094

This report was withdrawn.

115 CAPITAL RECEIPTS

Appendix D to the part one report on the Capital Programme, showing forecast capital receipts, was noted.

The Meeting ended at 8.28 pm

Chairman

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Questions for Oral Reply from Ms Davina Misroch, on Behalf of Friends of Community G

1. What weight, if any, can now be attached to the targets in the AAP for Site G given that the site has been bisected by the Ringers Road development and given that there is no Master Plan which the AAP Inspector decreed should inform the 'location, mix and amount of development'?

Reply:

The Bromley Town Centre Area Action Plan (AAP) 2010 is the adopted plan for the town centre, which sets out the development land use strategy which will be pursued. As such, considerable weight is given by the Council and the Planning Inspectorate to the plans, policies and site allocations set out in the AAP to guide development on individual sites.

2. Does the Council accept that development on Site G should not be coming forward in an unplanned piecemeal way but should be guided by a Master Plan, as recommended by the AAP Inspector? Moreover, that the Master Plan should identify those sites which would benefit from redevelopment and those that should be left alone, as referred to in paras. 6.41 and 6.42 of the Inspector's decision, and does not mean that comprehensive redevelopment should take place?

Reply:

The AAP Planning Inspector acknowledged that there were a range of opportunities for extensive redevelopment to take place on Site G and by committing to a masterplan process the Council would have greater certainty about the form of development which should take place, and whether certain existing buildings need to be included, or excluded, from any redevelopment. The Council has adopted such an approach throughout the recent development procurement exercise. This exercise has illustrated that a retail led development on the scale envisaged in the Site G Policy is not currently viable or achievable. However, this exercise has illustrated what is likely to be viable, achievable and meet the policy requirements of the AAP.

Supplementary Question:

Ms Misroch asked what the Council's attitude was to preparing a masterplan. In response, the Leader stated that he would come on to this later in the questions.

3. Neighbourhood Planning is a Localism success story with 1200 communities across England now taking forward Neighbourhood Plans, many in London Boroughs. What are Bromley Council's views about a potential Neighbourhood Plan for Bromley Town Centre?

Reply:

The Bromley Town Centre Area Action Plan (AAP) 2010 is the adopted plan for the town centre, it is still relevant and current. However, if there is community interest in

complementing these policies with a neighbourhood plan then this is something the Council would give due consideration to.

Supplementary Question:

Ms Misroch suggested that giving consideration was not strong enough and that under the Localism Act the Council had a duty to assist with a neighbourhood plan. The Leader responded that he would ask for legal advice on this, but he accepted that the Council had to work with residents to achieve a satisfactory development.

4. What are the Council's plans for Opportunity Site G?

Reply:

The appraisal work carried out in respect of the MUSE Masterplan confirmed that the ability to deliver a comprehensive redevelopment across the whole of Site G has been negated by the commencement of the Crest Nicolson residential development in Ringers Road. It is therefore highly unlikely that a comprehensive redevelopment proposal will be forthcoming in the period of the AAP. However, while market testing of a retail led scheme on Site G has proven negative, the appraisal work did illustrate the strength of the site to deliver a potential residential/mixed use redevelopment. The AAP planning policy for Site G, which remains the adopted planning policy, sees the site making a significant contribution to the AAP total of 1,820 residential units as well as supporting new restaurants, community facilities and public realm improvements.

The Council's development advisors have recommended that development work on Site G should be refocused to promote a first phase residential/mixed use development option which could be limited to properties north of Ethelbert Road, including the residential properties of Ethelbert Close and the Town Church. It is proposed to retain the majority of commercial frontages to the High Street, except the two units closest to the Central Library which will be incorporated into a widened entrance. This first phase development has the benefit of clearly setting out for the first time which residential and commercial properties will be impacted and will be required to be purchased to bring forward this development option. This approach will provide greater certainty to the owners and occupiers of properties inside and outside of the proposed first phase development site.

Supplementary Question:

Ms Misroch commented that the community wanted to be involved from the inception of any new proposals and that what was being suggested sounded too ambitious for Site G. The Leader responded that the Council could not take on the risk of acting as an independent developer. Vision was needed for the site, involving local people at the earliest point.

5. Should the Council propose to go forward with an alternative scheme, will the Council undertake to invite and incorporate the community's input from the very beginning, including full consultation at the design stage?

Reply:

Subject to Executive approval, it is proposed to undertake initial design work on the first phase development site which will be used to inform a public consultation on the

potential site, phasing, massing, mix and layout of any potential scheme. It is proposed to write to all residents and stakeholders informing them of the Council's decisions regarding the development of Opportunity Site G. This letter will invite all residents and stakeholders to a public meeting in the New Year to discuss the future development option. This will also be an opportunity for officers to consult stakeholders on a range of community infrastructure improvements that they would like to see delivered as part of the overall town development programme.

Supplementary Question:

Ms Misroch welcomed these last comments and that it was on record that the Council would consult residents from the beginning.

6. Residents on Site G are concerned that their properties remain blighted. What is the future of residents' properties in what was formerly known as Site G?

Reply:

The Council is committed to undertaking public consultation on the revised development programme, which will also clarify the approach to bringing forward development on the remainder of Site G.

The Leader asked officers to elaborate further on the proposals, picking up some of the issues that had been raised. Subject to the decisions made by the Executive, the Council could consider purchasing at market value those properties within the "red line" i.e. those within the development property site. Properties outside the red line could also be considered for purchase, but the Council would have to consider the merits of hardship claims. It was confirmed that Neighbourhood Plans had to be properly constituted and to complement national and local policies. The Council was committed to a masterplan process, and this would need to be informed by proposals from a development partner. At present the Council did not have a viable scheme, so the issue was to consider what alternative schemes could be compatible. The Council was committed to consulting with the public, other stakeholders and Ward Councillors.

Ms Misroch commented that many of the people most directly affected were not familiar with the technical language being used and that she hoped that the Neighbourhood Forum was a good way forward that the Council would approach positively. The Leader responded that the Council wanted to be clear and helpful and would be as adaptable as possible.

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Question for written reply from Councillor Angela Wilkins

During a recent conversation with a council officer, it was implied that the Council has adopted and implements a policy of not maintaining buildings and properties which it owns.

For clarity, please could you therefore give me details of the Council's policy on maintaining those buildings which it owns, particularly those that are used as a public amenity, when was this policy approved by Council and when is it due for review?

Reply

Maintenance of the Council's owned properties is undertaken in three ways: the Planned Programme for Major Works; Reactive Maintenance on Minor Repairs; and Cyclical Maintenance on Statutory Servicing. A brief overview of these processes follows below:

Planned Programme

- The Council operates an Asset Management Programme which is a database of the Council's owned property;
- Each property is broken down in the database to its constitute elements;
- Each element then has a condition, remaining life, and cost associated for its replacement;
- Details are updated through the provision of Condition Surveys, in addition to specific calls to sites on specific matters;
- Each year this is the system which then generates a listing of the most urgent works by condition;
- These are evaluated against the available budget which then informs the annual report to Members on a proposed programme of major maintenance project works;
- This would include re-roofing works, replacement window and door programmes, replacement heating boilers /systems and electrical re-wiring lighting schemes; and
- These projects are then competitively tendered to LBB approved construction line contractors.

Reactive Maintenance

Daily requests for responsive or day to day minor repairs are processed by the Property Helpdesk. These are delivered by means of a suite of

Maintenance Term Contractors, which include Roofers, General Builders, Heating Engineers, Electricians, Plumbers and Drain Specialists.

Cyclical Maintenance

Statutory inspection and testing is undertaken to mandatory schedules, as deemed by statute, on a range of areas which include Asbestos Management, Electrical Wiring, Gas Appliances and Pipework, Water Hygiene, Air Conditioning Systems, Fire Alarm Installations and Emergency Lighting. These services are delivered by a suite of Specialist Term Contractors.