

EXECUTIVE

Minutes of the meeting held on 14 October 2015 starting at 7.00 pm

Present

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Robert Evans, Peter Fortune,
Kate Lymer and Peter Morgan

Also Present

Councillor Simon Fawthrop, Councillor Will Harmer and
Councillor Angela Wilkins

272 APOLOGIES FOR ABSENCE

Apologies were submitted on behalf of Cllr Colin Smith.

273 DECLARATIONS OF INTEREST

Councillor Kate Lymer declared a personal interest by virtue of her mother working in Public Health.

As a visiting Member, Councillor Simon Fawthrop (Executive and Resources PDS Chairman) declared a Disclosable Pecuniary Interest at item 13 (Exempt minutes) and item 16 (Award of ICT Contract) of the agenda by virtue of his employment with British Telecom (BT). The Leader agreed to move item 13 to the end of the meeting and accordingly Cllr Fawthrop vacated the Council Chamber prior to consideration of item 16.

274 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 9TH SEPTEMBER 2015 AND 17TH SEPTEMBER 2015

The minutes were confirmed.

275 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

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

276 PUBLIC HEALTH COMMISSIONING INTENTIONS 2016/17

Report CS15925

Report CS15925 outlined the Public Health commissioning intentions for 2016/17 subject to decisions on corporate savings. The Public Health contracts comprised:

- Contract Type A: Standard Contracts;
- Contract Type B: Bromley CCG Community Block Contract with Bromley Healthcare;
- Contract Type C: Sexual Health Clinical Contracts with acute hospital providers; and
- Contract Type D: Service Level Agreements with General Practitioners

The framework approach provided flexibility to commissioners particularly in responding to corporate saving decisions. There was no commitment to call off services from appointed providers, all initial framework contracts being awarded for a one year term. The Framework expired at the end of April 2016 with an option to extend for a further two years, this option being recommended.

For category A, substance misuse contracts at £1.6m accounted for much of the proposed 2016/17 contract spend; a further 21 contracts valued at £502k had been called off from the Council's Public Health Framework (annual value estimated at £800k) in 2015/16.

The category B Community block included the following services managed by the Director of Public Health through a Section 75 agreement with Bromley Clinical Commissioning Group (CCG):

- Contraception and Reproductive Health
- Health Improvement
- Smoking Cessation
- School Nursing
- The National Childhood Measurement Programme
- Child Healthy Weight Programmes
- Health Visiting (from October 2015)

The community block contract had been extended by the CCG with Bromley Healthcare to 31st March 2017 and, subject to corporate savings decisions, it was intended to continue the arrangement until then. A joint procurement exercise with the CCG could potentially be taken forward during 2016/17 for the relevant community services.

A recurrent value of the services would amount to £6.8m per annum reflecting the inclusion of Health Visiting under the Public Health remit from October 2015 (the annual value of Health Visiting being £3.8m).

For category C Sexual Health Clinical Contracts it was necessary by regulation to provide open access Genito-Urinary Medicine (GUM) sexual health services and a collaborative commissioning approach with other London Boroughs had resulted in a reduced 2015/16 GUM Tariff and more advantageous terms.

For category D Service Level Agreements with General Practitioners to support the delivery of Sexual Health Services, Substance Misuse Services and NHS Health Checks, all 45 registered GP Practices in the Borough had agreed to deliver one or more elements of the services during 2015/16. The total value of GP SLAs for 2016/17 was estimated at £539,350.

A proposed exemption from the Council's contract procedure rules would support a continuation of the programmes and enable a new round of SLAs to be established with GP Practices for 2016/17. The substance misuse SLA would however be ceased as the services had been incorporated into a wider substance misuse contract.

Extending the overall Public Health framework for a further two years would not commit L B Bromley to a particular level of expenditure - officers would retain manoeuvrability to adjust expenditure should the need occur.

Members supported the recommendations.

Subject to corporate savings decisions it was RESOLVED that:

- (1) extension of the Public Health Framework for two years until 31st March 2018 be approved;**
- (2) the intention to continue using the commissioning arrangements with Bromley Clinical Commissioning Group (CCG) through section 75 for provision of community services by Bromley Healthcare be noted;**
- (3) following agreement by the Executive in November 2014, the Public Health lead for sexual health had pursued a cross-London solution for the commissioning of Genito-Urinary Medicine (GUM) services;**
- (4) the exemption of acute GUM contracts from tendering in line with CPR 13 be approved; and**
- (5) the continued use of Service Level Agreements for services offered by General Practitioners for 2016/17 be approved by granting an exemption as per sections 3 and 13 of the contract procedure rules.**

277 POST DIAGNOSIS DEMENTIA SUPPORT

Report CS15926

In line with a national programme to increase diagnosis rates for dementia, diagnosis rates in the borough for the last 12 months had risen from 47% to 58% due to work by Oxleas and primary care GP Surgeries. Using funds set aside for dementia within the Better Care Fund, the Council and Bromley Clinical Commissioning Group (CCG) proposed commissioning to improve, and provide post diagnosis support where this was lacking.

Only a small number of dementia support services in the community (excluding care home beds) were delivered under contract to the Council; most services were provided on a need basis rather than as a response to dementia diagnosis. Although church and other groups provided some support and services, those with dementia lacked a clear pathway to receive advice, guidance, and practical support.

To help bridge gaps in provision, it was intended to establish a dementia support hub, providing a co-ordinated framework of community services. The hub would provide a central point of access to work directly with integrated care networks (ICNs), building on the work of dementia-specialist organisations in Bromley. The post-diagnosis services would include: (i) dementia advice during a first point of contact for those newly diagnosed; (ii) an expanded coping with caring project to improve the knowledge, skills and understanding of those caring for a person with dementia; (iii) dementia information co-ordination; and (iv) support group provision. Post-diagnosis support would also include current contracted services i.e. support to care homes, dementia skills training in Extra Care Homes and coping with caring.

The post diagnosis service and associated services would be established through competitive tender, an anticipated timescale being outlined in Report CS15926. It was recommended that existing service contracts due to expire within the timeframe be extended to 30th June 2016 to ensure service continuity and inclusion of those services in new contracts from 1st July 2016.

Support for dementia sufferers was a target of the borough's health and wellbeing strategy; in response to increased diagnosis there was a desire to be more organised in the borough. Tender specifications would also be shared with the Health and Wellbeing Board for scrutiny of the new support.

An estimate of diagnosed dementia in the borough was derived from a national estimate extrapolated to a local level, the diagnosis rate in the borough being expressed as a percentage of the local estimate. The level of residents with diagnosed dementia now stood at 67% of the local estimate.

Members supported the recommendations.

RESOLVED that:

- (1) the proposed service set out at 3.5 of Report CS15926 be approved;**
- (2) the procurement approach set out at 3.6 a) of Report CS15926 be approved; and**
- (3) the extension of contracts set out at 3.6 b) of Report CS15926 be approved.**

278 GATEWAY REPORT: OLDER PERSONS RESPITE CARE

Report CS15922

It was proposed to extend existing contracts for respite care so that a framework of providers could be established via open tender.

The framework providers could be approached directly for specific services or via a mini-tender for larger tranches of service. Flexibility could be provided in the level of individual respite and funding.

Members supported the recommendations.

RESOLVED that the commissioning intentions outlined in paragraph 3.4.1 be agreed along with the extension of the following contracts at a cost of £14k in 2015/16 and £166k in 2016/17:

(a) Bromley and Lewisham Mind contract for respite at home sitting service from 1st April 2016 to 30th September 2016;

(b) Carers Bromley contract for respite at home sitting service from 1st April 2016 to 30th September 2016;

(c) The Heathers contract for residential respite from 1st July 2016 to 30th September 2016; and

(d) BUPA contract for residential respite from 3rd January 2016 to 30th September 2016

279 PROCUREMENT STRATEGY FOR PROVISION OF CARE SERVICES IN EXTRA CARE HOUSING

Report CS15923

Report CS15923 set out options and recommendations for care and support services in extra care housing schemes when current contracts expire.

In line with an earlier decision to market test remaining Direct Care (in-house) Services - including extra care housing - it was proposed to retender care and support at Apsley Court, Durham House, and Norton Court.

For care and support services not provided in-house at Crown Meadow Court, Regency Court, and Sutherland House, initial contracts with Mears Care, Sanctuary Care, and Hanover Housing Association expired in 2016. Although the contracts could be extended, there would be benefits in retendering and reconfiguring the model of care and support. This would also rationalise provision across all the schemes.

It was intended to contract with a minimum of two providers and a maximum of three providers across the six schemes, delivering cost efficiencies on

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management overheads and potentially facilitating some staff movement between schemes. There was also scope to organise joint activities between schemes and co-ordinate activity management. The tender would require providers to bid for a mix of the existing in-house and externally managed schemes.

To facilitate the tendering of an integrated service, it was recommended that the current contract with Hanover Housing Association for Crown Meadow Court be extended by one year from 25th March 2016 until 24th March 2017. Similarly, to manage the procurement exercise, it was recommended that the contract with Mears Care for care services at Crown Meadow Court be extended to 24th March 2017 from 25th March 2016 (maximum period of one year).

Concerning Sutherland House, it was recommended that an early termination of the contract with Hanover Housing Association for housing related support be explored; a new combined care and housing related support service could then be started on 21st August 2016.

A procurement and implementation timetable was outlined and it was recommended that the new contracts be awarded for five years with optional extensions of two years plus a further two years.

Following a question from the Portfolio Holder for Resources it was clarified that access to extra care services in other boroughs such as L B Enfield was via housing needs; however, the route to extra care services at L B Bromley was through care needs.

As there were now voids in extra care housing, the Portfolio Holder enquired whether it was necessary to have a mixed cohort of service users i.e. those derived from care needs and those from housing needs. It was explained that voids would be filled by the end of November 2015 and the void level would be monitored (the level of supply of extra care housing is continually monitored compared to demand).

The Portfolio Holder for Care Services highlighted the second sentence at paragraph 3.6 of Report CS15923 which stated that: *“the recent closure of Lubbock House, which reduced the available units by 30, was designed to improve the void position”*. The Portfolio Holder indicated that this was not an accurate reflection of the position as the decision to close Lubbock House was primarily led by the landlord (the property having been identified by its owner Affinity Sutton as being unviable to maintain long term, the fabric of the building requiring significant investment).

Members supported the recommendations in Report CS15923 and
RESOLVED to agree that:

(1) the contracts for care and support in the L B Bromley’s six extra care housing schemes be tendered;

(2) the contract length comprise a period of five years with the potential to extend for a further two years plus a further two;

(3) to facilitate the tendering of care and support in one contract, the contract with Hanover Housing Association to deliver housing related support at Crown Meadow Court be extended for one year from 25th March 2016 until 24th March 2017; and

(4) to facilitate the bundling of a number of separate contracts, the contract with Mears Care to deliver care at Crown Meadow Court be extended for a maximum period of one year from 25th March 2016 until 24th March 2017.

280 DEPRIVATION OF LIBERTY SAFEGUARDS UPDATE

Report CS15921

Members were updated on service activity and actions following the Supreme Court judgement in March 2014 related to deprivation of liberty for individuals and associated safeguards (DOLS).

Last March the Government allocated a sum of £127k grant funding to L B Bromley to help meet some of the new cost pressures associated with DOLS. The 2015/16 budget for DOLS included this sum and a further sum of £628k approved by Members last February to meet additional cost pressures.

Report CS15921 sought approval to draw-down the £127k grant funding so that the Council could continue to meet its statutory obligations and fund additional costs of £130k as set out in the report.

In discussion it was predicted that the level of activity highlighted at paragraph 4.2 of the report could be expected to increase. A recommendation from the Law Commission to pro-actively identify individuals would further exacerbate pressure on the DOLS service. L B Bromley complies with current DOLS guidance in that requests for DOLS assessments are received from providers.

Concerning a 21 day target for meeting DOLS assessments, the position for L B Bromley would be clarified following the meeting. (*Democratic Services Note: subsequent advice indicated that L B Bromley met the target in most cases – however, there might be some cases e.g. when the court is involved or if the issues are particularly complex, where the process required additional time*).

RESOLVED that:

(1) the allocation of £126,982 additional grant funding by Government be noted; and

(2) the allocation be released from central contingency to the Care Services budget to fund the additional costs of £130k set out in Report CS15921.

281 DRAW-DOWN OF GOVERNMENT GRANT FUNDING TO SUPPORT THE LOCAL AUTHORITY IN IT'S ROLE AS A LONDON REGIONAL LEAD FOR THE IMPLEMENTATION OF THE SPECIAL EDUCATIONAL NEEDS & DISABILITY (SEND) REFORMS FROM APRIL 2015/16

Report ED15100

Approval was sought for the release of Government grant funding for the London Regional SEN and Disability (SEND) programme, L B Bromley with L B Enfield being the SEN and Disability (SEND) Regional Leads for London to build on the Pathfinder Champion work.

Release of the funding would enable L B Bromley's SEND role to continue; it would facilitate a peer SEND learning approach, sharing best practice to support statutory compliance and a London-wide implementation of the Special Educational Needs and Disability Reforms 2015/16.

RESOLVED that £61,924 non-ring fenced funding be released for L B Bromley's continued role in 2015/16 as SEN & Disability (SEND) Regional Lead for London in partnership with L B Enfield.

282 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.

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

284 EXEMPT MINUTES OF THE MEETINGS HELD ON 9TH SEPTEMBER 2015 AND 17TH SEPTEMBER 2015

The minutes were confirmed.

285 ANERLEY TOWN HALL

Report DRR 15/091

As requested at an earlier meeting, further details were provided in relation to Anerley Town Hall to enable a full appraisal of options in relation to the building's future.

286 GRAFFITI REMOVAL CONTRACT EXTENSION 2017-19

Report ES 15071

A decision was sought on whether to re-tender the graffiti removal contract or extend it beyond March 2017 for a two year period.

287 AWARD OF ICT CONTRACT

Report CSD15118

A report on matters related to the future provision of ICT services for the Council was previously considered by the Executive at their special meeting on 17th September 2015. Report CSD15118 included an update on outstanding matters in relation to cost comparisons.

Chairman

The Meeting ended at 7.56 pm

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Appendix A

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

From Mr Bruce Anderson to the Portfolio Holder for Renewal and Recreation

1. Has the Exec's assessment of the claim that additional hours would attract inward investment included:

a) Scrutiny of provisional commitments of additional business, given by companies, as a consequence of the expectation of extended hours

Reply

Both the Council and the GLA have recently been involved in assisting BHAL in pitching for inward investment by a multi-national, blue chip, aircraft maintenance provider to whom airport hours were the number one concern. The Airport's current operating hours ultimately led to a decision on the part of that company to invest elsewhere. The Council is aware of other potential opportunities and must take into account research shared with the Council which shows that airport operating hours are a key driver to attracting inward investment from the business aviation sector in the future. (This research has been shared with the Council on the basis that it is Private and Confidential and Commercially Sensitive).

b) Study of those companies that comprise BHAL's potential market, becoming accessible with the new hours, assessing the level of business that might be attracted?

Reply

The Council received a substantial piece of work commissioned by BHAL from independent market research consultants, Wing X of Switzerland (this research has been shared with the Council on the basis it is Private and Confidential and Commercially Sensitive). It clearly shows airport hours are important if BHAL is to succeed in attracting inward investment in the future. Furthermore, it is very unlikely that any airport owner would wish to be open longer than business demand required because the costs of opening longer must be offset by a business case. If the business case for longer opening hours proves to be invalid, it would follow that BHAL would choose to discontinue that policy and return to shorter hours for purely financial reasons.

Supplementary Question

Mr Anderson suggested that it would be true to say that there are many outsiders (with interest in investment) and he enquired whether the Portfolio Holder was content that those companies and the wider market was not available to Biggin Hill without extra operating hours at the airport.

Reply

The Portfolio Holder indicated that from discussions with companies it would appear they would not come without the extra operating hours and that it was difficult to plan without such hours.

2. Is the Executive able to share with us the Agenda it is pursuing with BHAL on extended hours given that it is unlikely to be a financial one as, by 2030, the rental income to LBB would seem to be equivalent to less than £5 pa, per Bromley household on Council Tax?

Reply

The direct revenues to the Council by way of rent and rates are only part of the Council's considerations and should not be viewed in isolation.

The potential benefits to the local economy and residents of the Borough do not stop at rental and rates income. Airport and Council consultants agree that Gross Value Added to the local economy – that is to say additional spend in the local economy as a result of additional economic activity at the airport - is predicted to amount to some £230 million per annum by 2030. It is estimated that up to 2,300 new jobs and apprenticeships will be created, offering valuable career opportunities to Bromley residents.

Notwithstanding any rent/rates and employment benefits, it should be borne in mind that the Council does not have a “free hand” in determining the application, as the relationship between the Council and BHAL is regulated by the lease. The lease enables the Airport to seek variations or amendments to the Operating Criteria which includes hours of operation, and the Council cannot unreasonably withhold agreement.

3. What happens to BHAL's business if you do not grant the hours (assuming arbitration/courts also turned them down)?

Reply

If the extended operating hours are not approved, it seems likely that BHAL would gradually lose market share in business and general aviation to other airports such as Farnborough, Southend and perhaps even Oxford and Cambridge who would instead benefit from inward investment and cluster effect, leaving Biggin Hill with a shrinking market share and potentially seeking other options in order to survive. Against a backdrop of increasingly congested runway capacity in London, that may ultimately lead to a challenge to re-introduce the types of flight that we have previously deemed unsuitable for the airport and which we continue to believe are unsuitable. Against this backdrop BHAL are seeking our support to enable them to gain a market

share to cement their position as a business aviation airport. It appears from market research reports submitted by the airport to the Council and indeed from the Council's own experience and interaction with potential overseas investors in facilities at Biggin Hill, that airport hours are important to the sustainability of Biggin Hill in the business aviation sector.

Supplementary Question

Mr Anderson referred to the record of entrepreneurial activity by owners of operations at Biggin Hill and he asked whether they had a "Plan B" with additional workplace development. Mr Anderson asked whether there was an understanding of what a "Plan B" might be and whether that had been measured against the feeling of some 100,000 flight path residents, most of whom were against an extension of airport operating hours.

Reply

The Portfolio Holder replied that he was not sure of the detail of any "Plan B" but it was necessary for businesses to thrive and survive. The Portfolio Holder had not had an assessment of a "Plan B" as details were not known. The Portfolio Holder felt that any type of "Plan B" envisaged would be much worse than now and worse for residents.

From David Clapham to the Portfolio Holder for Renewal and Recreation

4. As it seems likely that the application by BHAL for additional hours will be decided before the Draft Local Plan is finalised, can the Executive please confirm that the decision will be made with full obligation to the existing UDP objectives and in particular number 1 and note 12.1.

Reply

The Council is making a decision as landlord not as Planning authority. However, it should be noted that the proposal includes a reduction (50%) to the noise levels currently permitted by the existing Local Plan.

Supplementary Question

Mr Clapham asked when the Council intended to make the forthcoming report (to Council and the Executive) public?

Reply

The Leader indicated that the report (which would be subject to amendment) would be available within the next day or two – possibly on Friday 16th October 2015.

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