

EXECUTIVE

Minutes of the meeting held on 13 January 2016 starting at 7.00 pm

Present

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

Also Present

Councillor Nicholas Bennett J.P., Councillor Simon
Fawthrop and Councillor Angela Wilkins

329 APOLOGIES FOR ABSENCE

There were no Member apologies.

However, apologies were conveyed on behalf of the Director of Regeneration and Transformation who was unable to attend the meeting.

330 DECLARATIONS OF INTEREST

Councillor Morgan declared a personal interest in view of his daughter being a Director of Kier Property Services.

Councillor Kate Lymer also declared a personal interest by virtue of her mother working in Public Health and Councillor Peter Fortune declared a personal interest as a Non-Executive Director of Affinity Sutton.

331 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 25TH NOVEMBER 2015, 2ND DECEMBER 2015 AND 15TH DECEMBER 2015

Minutes of the above meetings were agreed.

A current update would also be provided on any legal advice concerning TfL's notice that it would no longer involve the Council in contractual arrangements for bus stop advertising (and any cost sharing for the advice with other London boroughs).

332 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Six questions were received for oral reply. Details of the questions and replies are at **Appendix A**.

**333 DRAFT 2016/17 BUDGET AND UPDATE ON COUNCIL'S
FINANCIAL STRATEGY 2017/18 TO 2019/20**

Report FSD16001

Approval was sought for the Council's initial draft Budget for 2016/17 including additional savings for 2016/17 and 2017/18 and actions to reduce the Council's medium term "budget gap".

Details were also provided of the provisional four year local government financial settlement and the new social care precept. Changes impacting on L B Bromley from the Spending Review and Autumn Statement 2015 and the Provisional 2016/17 Local Government Financial Settlement were also included in Report FSD16001.

There continued to be outstanding issues and areas of uncertainty. Any further updates would be included in the 2016/17 Council Tax report to the Executive's next meeting.

The Leader highlighted that the administration had formulated a robust response to the Local Government settlement.

Concerning the Better Care Fund and Independent Living Fund, details were awaited of funding for Bromley. The reduction in the Council's Settlement Funding Assessment of 48.5% by 2019/20 was also highlighted, the reduction being the third highest in London.

It was recommended that the initial draft budget be considered by each PDS Committee (the draft budget was considered by Care Services PDS Committee the previous evening) and comments would be considered at the Executive's next meeting when considering the 2016/17 Council Tax report.

The Leader also commended the Director of Finance in compiling the draft budget, Members fully acknowledging the Director's work on the budget.

RESOLVED that:

(1) the initial draft 2016/17 Budget be agreed, including the savings for 2016/17 and 2017/18 detailed at Appendix 6 to Report FSD16001;

(2) the initial draft 2016/17 Budget be referred for each portfolio to the relevant PDS Committees for consideration;

(3) the financial projections for 2017/18 to 2019/20 be noted;

(4) there continue to be areas of financial uncertainty which will impact on the final 2016/17 Budget and future year forecasts;

- (5) the setting of the schools budget, mainly met through Dedicated Schools Grant, be delegated to the Education Portfolio Holder, allowing for consultation with Head Teachers, Governors and the Schools Forum (see section 12.4 of Report FSD16001);**
- (6) the outcome of consultation with PDS Committees be reported to the next meeting of the Executive;**
- (7) the proposed contribution of £320,350 in 2016/17 to the London Boroughs Grant Committee be agreed (see section 11 of Report FSD16001);**
- (8) Where consultation has not already commenced, officers begin the process of consulting on the savings proposals prior to finalising the implementation of the savings at Appendix 6 of Report FSD16001;**
- (9) the outcome of the 2016/17 Provisional Local Government Financial Settlement be noted (see section 4.7 of Report FSD16001);**
- (10) the significant remaining budget gap of an estimated £26.7m per annum by 2019/20 be noted and that any decisions made for the 2016/17 Budget would have an impact on the future years' projections; and**
- (11) any final decision by Executive on recommended Council Tax and Social Care Precept levels to Council would normally be undertaken at the next Executive meeting.**

334 GATEWAY REPORT - TEMPORARY ACCOMMODATION

Report CS16007

In view of procurement costs for temporary accommodation and forecast demand, it was necessary to source an adequate supply of temporary accommodation to meet requirements for the next three to five years.

It was recommended that L B Bromley enter into a new contract with Orchard and Shipman (the current contract expiring April 2016) for management leasing arrangements over a three year period, with an option to extend for two years. It was also proposed that other existing providers for private sector/housing association leased properties continue after their contracts with the Council expire in 2017.

Further units would also be necessary particularly with a declining availability of leased properties, a higher percentage of advance block bookings being preferred to ad-hoc nightly paid arrangements (the risk of over-booking being mitigated by an annual review of requirements).

Work was ongoing across London to drive down rates but given rising rental costs, inner-London boroughs were increasingly forced to place households in outer-London. This resulted in over 50% of L B Bromley temporary accommodation placements being out of borough. Such placements were not

always cheaper and caused difficulties, including a risk of costly legal challenge.

Use of a Dynamic Purchasing System (DPS) would also enable continued access to a range of quality assured providers who had submitted indicative prices. The DPS would be advertised as two lots allowing the Council to call off a range of contracts, including short term nightly arrangements on a block booking and spot-purchase basis, and contracts for long term leasing/private sector units. The London Boroughs of Lewisham, Southwark, Lambeth and Croydon had also indicated an interest in joining with L B Bromley to create a regional DPS.

Further information related to block contracts for nightly paid accommodation and a new contract with Orchard and Shipman was provided under exempt proceedings for the meeting.

The Leader thanked the Assistant Director, Housing Needs for her work in this area.

RESOLVED that:

- (1) the Housing Division continue current arrangements with Housing Associations to access temporary accommodation through formal nomination agreements;**
- (2) the Housing Division continue to pursue cost effective block contracts for temporary accommodation both in private sector leasing and nightly paid accommodation;**
- (3) officers to set up a Dynamic Purchasing System (DPS) from which the Housing Division can procure both private sector leased and nightly paid temporary accommodation - all current providers being expected to sign up as providers on the DPS with the DPS being developed in collaboration with the South East London Housing Sub-region and L B Bromley being lead borough; and**
- (4) a new contract with Orchard and Shipman be entered into for three years from 1st April 2016 to 31st March 2019 with the option to extend for a further two years - Orchard and Shipman being expected to sign up as a provider on the DPS.**

335 CRYSTAL PALACE PARK - REGENERATION PLAN

Report DRR16/009

In progressing work to develop an alternative management option for Crystal Palace Park and further capital improvements in line with the park Masterplan, officers had undertaken a procurement exercise to appoint a multi-disciplinary team to develop and deliver a Regeneration Plan for the park.

The Plan follows the £2.4m Crystal Palace Park Improvement Scheme currently being delivered and was part of the works required to achieve a sustainable future for the park under the management of a Trust or similar body.

Report DRR16/009 outlined the tender process and process of evaluation, tenders having been evaluated on a 60% price and 40% quality weighting criteria.

The Leader was pleased that it was possible to start delivering on improvements.

RESOLVED that details of the tender process undertaken by officers be noted prior to a decision on contract award being considered under exempt proceedings of the meeting.

336 LOCAL GREEN SPACE

Report DRR15/112

Agreement was sought to the process for inviting local communities to nominate sites for assessment as Local Green Space. This included a six week consultation on the draft criteria to assess potential Local Green Space sites and a revised Draft Local Green Space Policy. The suggested approach was triggered by the decision on 15th July 2015 that a petition to designate allotments at Bull Lane, Chislehurst as Local Green Space should be taken into consideration as a formal submission as part of the Local Plan process.

Report DRR15/112 outlined the proposed criteria for assessment which had been considered and endorsed by the Local Development Framework Advisory Panel. The Local Green Space designation would only be appropriate where it added value to existing designations.

Since including Draft Policy 8.21 on Local Green Space in the Draft Policies and Designations Document (2014), work had evidenced that the policy should be amended to more effectively reflect the aims of the designation to protect the “*unique special qualities*” of land designated Local Green Space. The qualities would be set out in a written statement, a “*Statement of Significance*” included as an appendix to the Local Plan.

Report DRR15/112 outlined the former Draft Policy on Local Green Space and the amended draft policy. The report also set out the proposed six week consultation process. The Council’s website would feature a comments form enabling consultees to comment on both the draft policy and the proposed assessment criteria.

Sites submitted for consideration as Local Green Space designation, including Bull Lane allotments, would be assessed against the criteria. Conclusions would be reported to the Development Control Committee and Executive to

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agree sites for inclusion in the Draft Local Plan as proposed Local Green Space.

RESOLVED that the following be agreed:

(1) the Draft Local Green Space policy set out at Appendix 3 to Report DRR15/112;

(2) the proposed criteria for assessment of sites set out at paragraph 2.2 to Report DRR15/112;

(3) the proposed consultation process providing the opportunity -

- **for local communities to comment on the draft Local Green Space policy and the proposed site assessment criteria and**
- **to submit sites for consideration by the Council as Local Green Space, as set out at Section 4 to Report DRR15/112.**

337 REVISIONS TO THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

Report DRR15/109

Approval was sought to publish a revised draft Statement of Community Involvement (SCI) for public consultation, the current statement having been adopted by the Council in 2006. The revised statement remained a legal requirement setting out the Council's approach to consultation under the planning application process and Local Plan process.

The updated statement reflected legislative and regulatory changes since 2006 as well as consultation techniques in the light of technological advances and other changes. The statement also suggested that consultation techniques, such as focus groups and public meetings should be subject to criteria including appropriateness and availability of staffing/ financial resources.

It was planned to consult with the public in early 2016. Officers would also give consideration to a suggestion in discussion related to use of MyBromley.

RESOLVED that Appendix 1 to Report DRR15/109 be agreed as the draft Statement of Community Involvement document for consultation.

338 LOCAL DEVELOPMENT SCHEME 2015-17

Report DRR15/110

The Local Development Scheme (LDS) 2015/17 outlined the revised timescale for preparing the Local Plan.

The LDS included the development plan documents (DPD) subject to independent examination. For L B Bromley this comprised the borough-wide Local Plan and review of the Bromley Town Centre Area Action Plan following adoption of the Local Plan. The LDS also outlined an indicative timescale for preparing a local Community Infrastructure Levy and a new Planning Obligations Supplementary Planning Document (SPD).

When adopted, the Local Plan, along with the London Plan and the Bromley Town Centre Area Action Plan, would form the Development Plan for the Borough, setting out policies against which to consider planning applications.

RESOLVED that the Local Development Scheme for 2015-17 as set out at Appendix 1 to Report DRR15/110 be agreed as the formal management document for production of the Bromley Local Plan.

**339 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.

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

**341 EXEMPT MINUTES OF THE MEETINGS HELD ON
2ND DECEMBER 2015 AND 15TH DECEMBER 2015**

Exempt minutes of the meetings held on 2nd December 2015 and 15th December 2015 were agreed.

342 EXTENSION OF THE EXCHEQUER SERVICES CONTRACT

Report FSD16004

Members approved a two year extension of the Exchequer Services contract with Liberata UK Ltd (April 2018 to March 2020) and agreed the draw-down of funding for the costs of implementing a debt management system.

343 CRYSTAL PALACE PARK - REGENERATION PLAN

Report DRR16/009

Having noted in Part 1 proceedings the tender and evaluation processes for a contract to deliver the Crystal Palace Park Regeneration Plan, Members considered details of the bids received under exempt proceedings and made a decision on award of contract.

344 INVESTMENT PROPERTY REVIEW - ESTATE SHOPS

Report DRR15/108

Report DRR15/108 provided a review of the Council's Estate Shops, Members deciding to retain all shopping parades currently in Council ownership given the income generated rather than dispose of the assets to realise capital receipts.

**345 GATEWAY REPORT - TEMPORARY ACCOMMODATION -
APPENDIX 2**

Report CS16007

A Part 2 appendix to Report CS16007 provided further information related to block contracts for nightly paid accommodation and a new contract with Orchard and Shipman.

Chairman

The Meeting ended at 8.35 pm

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

From Mr David Clapham to the Portfolio Holder for Renewal and Recreation

1. Does the Council have a current list of aircraft based at Biggin Hill? If so can a copy be provided to me in writing.

Reply

No, we don't have a list.

2. In preparation for the call-in for consideration by the Executive and Resources PD&S Committee it was said by a Councillor that there had been no minutes taken for the negotiation meetings between LBB and BHAL. Can the Executive confirm whether or not this is correct? If it is not can the minutes be made public?

Reply

I can confirm that no minutes were taken of these meetings.

Supplementary Question

Mr Clapham enquired how it was possible to have negotiations without them being recorded.

Reply

The Portfolio Holder suggested that minutes would not be taken of a negotiating meeting. Officers would continue to take action (irrespective of whether minutes are produced). If notes were taken they would in no sense be formal minutes.

3. I understand from Cllr Morgan's comments at the Executive and Resources PD&S Committee that one reason the 50,000 cap has been considered no longer necessary was due to leases granted by LBB many years ago to businesses on the airport, which allowed 125,000 movements. Is this correct?

Reply

The reason is indeed because of wording in leases originally granted by the Council.

From Mr Tony Trinick FREng to the Portfolio Holder for Renewal and Recreation

1. Do the Council now intend, as a Judicial Review has been issued, to see good sense and review the BHA extended hours decision before incurring unnecessary legal and other costs, particularly in a period of austerity with Local Authority budget cutbacks?

Reply

We have yet to be served with either the required protocol letter or any proceedings. We will respond appropriately when we are.

Supplementary Question

Mr Trinick indicated that if a Judicial Review had not been served, measures would be taken to serve again. As such Mr Trinick repeated his question.

Reply

The Portfolio Holder indicated that the Executive's decision in regard to operating hours for Biggin Hill airport would not be reviewed (call- in of the decision for Executive review having not been supported by the Executive and Resources PDS Committee at their meeting on 5th January 2016) and the Council would seek to recover costs in dealing with proceedings.

2. Why should we trust the Council to protect Bromley residents' interests and money when it does not understand the importance nor care about scrutinising a decision between the Council and the airport?

Reply

The Council understands the importance of scrutiny and this is evidenced by two special Council and Executive meetings dedicated to considering the merits of the application. The Council has a long and proud record of protecting Bromley residents' interests, and that is precisely what has happened in the case of this application.

Supplementary Question

Mr Trinick enquired whether the Leader would ensure that the Scrutiny Committee properly scrutinises rather than the process be “stage-managed”.

Reply

The Leader confirmed that he and other Executive Members are not involved in the Council’s scrutiny process.

3. Why does the London Borough of Bromley have a constitution that allows Councillors to both make a final decision and then some of those same Councillors scrutinise that same decision?

Reply

It doesn't.

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