



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 7 October 2016

To: Members of the
EXECUTIVE

Councillor Stephen Carr (Chairman)

Councillors Graham Arthur, Robert Evans, Peter Fortune, Kate Lymer, Peter Morgan and Colin Smith

A meeting of the Executive will be held at Bromley Civic Centre on **TUESDAY**
18 OCTOBER 2016 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE**
- 2 **DECLARATIONS OF INTEREST**
- 3 **TO CONFIRM THE MINUTES OF THE MEETING HELD ON 2ND SEPTEMBER 2016, THE ADJOURNED MEETING HELD ON 14TH SEPTEMBER 2016 AND THE RECONVENED MEETING HELD ON 30TH SEPTEMBER 2016 (Pages 5 - 30)**
- 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 Wednesday 12th October 2016.
- 5 **PUBLIC HEALTH COMMISSIONING INTENTIONS 2017/18 (Pages 31 - 42)**
- 6 **2017/18 INTENTIONS FOR PROVISION OF GENITO-URINARY MEDICINE (GUM) SERVICE (Pages 43 - 52)**
- 7 **BROMLEY CCG AND OXLEAS RELOCATION OF LD SERVICES**
Report to follow

- 8 **ADVOCACY GATEWAY REVIEW** (Pages 53 - 64)
- 9 **GATE REPORT FOR THE PROVISION OF STATUTORY HOMELESSNESS REVIEWS** (Pages 65 - 72)
- 10 **DRAWDOWN OF GOVERNMENT GRANT FUNDING TO SUPPORT THE LOCAL AUTHORITY IN THEIR CONTINUED ROLE AS A LONDON REGIONAL LEAD OF THE SPECIAL EDUCATIONAL NEEDS & DISABILITY (SEND) REFORMS FROM APRIL 2016 TO MARCH 17** (Pages 73 - 82)
- 11 **COMMUNITY MANAGEMENT AT COMMUNITY LIBRARIES: OUTCOME OF TENDER** (Pages 83 - 98)
- 12 **BECKENHAM PUBLIC REALM IMPROVEMENTS DESIGN AND BUDGET SIGN OFF** (Pages 99 - 114)
- 13 **CHIPPERFIELD ROAD ST PAUL'S CRAY - DEVELOPMENT PROPOSALS** (Pages 115 - 124)
- 14 **HIGHWAYS INVESTMENT** (Pages 125 - 130)
- 15 **ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER** (Pages 131 - 138)
- 16 **CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**
- 17 **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

- | | |
|---|--|
| <ol style="list-style-type: none"> 18 EXEMPT MINUTES OF THE ADJOURNED MEETING HELD ON 14TH SEPTEMBER 2016 (Pages 139 - 144) | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> |
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- 19 UPDATE ON PROCUREMENT STRATEGY FOR DOMICILIARY CARE SERVICES**
(Pages 145 - 150)
- Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- 20 PROCUREMENT STRATEGY - ARBORICULTURAL SERVICES 2017-2019**
(Pages 151 - 160)
- 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 2 September 2016 starting at 8.30 am

Present:

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

Also Present:

Councillor Eric Bosshard, Councillor Kim Botting FRSA
and Councillor Angela Wilkins

66 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Lymer.

67 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

68 LAND ACQUISITION - CORNWALL DRIVE, ST. PAUL'S CRAY Report ES16041

The Executive considered a report seeking approval to acquire land at the end of Cornwall Drive, St Paul's Cray. The land had previously been used as a waste transfer station and currently had significant quantities of illegally deposited waste. Funds had been provided through the Environment Agency (EA) to purchase and clear the site, which could then be used for the benefit of the local community.

The land at the end of Cornwall Drive had been used as a waste transfer station for approximately 15 years. It was originally given planning permission following an appeal despite objections from Bromley Council and the land being designated as green belt. The site had been operated as a well-run licensed waste operation after permission was granted, with a minimal impact on local residents and few complaints being received. However, in 2011 a lease was granted to Sitec Limited (subsequently assigned to Waste 4 Fuel Ltd) to manage the waste on the site. The permitted tonnage was quickly exceeded and approximately 20,000 tonnes of waste was deposited on the site. The EA as the regulatory body attempted to take formal action, including at the High Court, but with no success. Sitec Ltd was wound up and Waste 4

Fuel Limited ceased trading. It was likely that Waste 4 Fuel Ltd would be struck off the register in the near future. The waste remained on the site, having a significant impact on the local area, including smell, dust, rats and periodic fires, in addition to the obvious visual impact. The EA removed 2,000 tonnes in order to manage the fires meaning the total current tonnage in situ was approximately 18,000 tonnes.

In the circumstances the landowner agreed to sell the land and associated access road to the Council for £120,000 following an independent valuation of the land based on retaining the green belt status. The land could provide an ideal access for the adjoining lake complex. The land would be transferred with the liability of the deposited waste which would need to be removed. The total cost of land acquisition and land clearance was therefore up to £2.709m. The Council currently had £1.8m deposited in accounts through a transfer from the EA and the EA had given written confirmation that a further £609,000 would also be released so a total of £2.409m was available to meet 89% of the total costs. There was an expectation that the Council make a contribution of £300,000. The costs were based on 18,000 tonnes and the absence of any hazardous waste, and should only be exceeded if the waste composition or tonnage was not as expected. Officers were negotiating with Veolia to reduce the cost of clearance and any savings would be shared proportionately with the EA. Equally any unforeseen costs would also be shared on the same basis.

Introducing the report, the Portfolio Holder for the Environment briefly outlined the background to the proposals before Members, complementing the Chief Executive and Executive Director of Environmental and Community Services for their efforts in getting the Council to the point where Members could consider the proposals before them. The report before the Executive represented the outcome of a funding agreement between the EA and the London Borough of Bromley (LBB). LBB had been clear throughout that removal of the illegal waste on the site was the responsibility of the EA following the failure of that agency to adequately monitor the situation. The Portfolio Holder reported that once the waste had been removed the site would be returned to a field with the property forming part of the Council's property portfolio. The Portfolio Holder for the Environment reported that in the longer term he hoped that the site could be developed into a community facility with a park and learning resource centre for local residents. The Portfolio Holder noted that local residents had been "remarkable", standing by the Council through what had undoubtedly been a difficult period of time for local residents. In response to a question, the Portfolio Holder for the Environment reported that the local Resident's Associations were thrilled with the proposals that were being put forward, although some residents were apprehensive that there could be further delays in the process. The Portfolio Holder commended the Chairman of the local Resident's Association who had provided valuable support throughout the process.

Members of the Executive thanked the Portfolio Holder for the Environment, the Chief Executive and the Executive Director for Environmental and Community Services for their great efforts in securing a viable resolution for

the site. Members sought assurances that any further costs that may be incurred would be shared with the EA. The Chief Executive confirmed that he had been given assurance by the Deputy Chief Executive of the EA that costs would be shared on a pro-rata basis. The Chief Executive confirmed that the EA had done a number of investigations and were confident that the figures that had been provided were accurate and it was unlikely that there would be any unforeseen costs. However, in the unlikely event that such costs were incurred they would be shared on a pro-rata basis. Equally, the EA had been clear that they expected to receive a share of any underspend on a pro-rata basis. The Portfolio Holder for the Environment confirmed that his understanding was that, during investigations that had already taken place, nothing had been found to indicate that the Council was likely to face further costs. The Portfolio Holder confirmed that he believed that in pure financial terms risks had been strictly contained. The Executive Director for Environmental and Community Services confirmed that a level of contingency had been built into the price that the owner of the site had given the Council.

Members noted that if the proposals were approved by the Executive, the Council would be acquiring an asset which could facilitate the development of a community facility.

Members further noted whilst Cornwall Drive was an unadopted road, the houses situated along the road had rights of way with no requirement to contribute to any maintenance costs. If the proposals were agreed by Members, as the owner of the land, the Council would be responsible for maintenance in the future.

The Chairman noted that he was happy to support the proposals before the Executive but suggested that Members should formally record that the Council reserved the right to terminate any agreement should any significant unforeseen costs arise.

In relation to the request to waiver Contract Procedure Rules, the Director of Corporate Services confirmed that the 2015 Regulations provided the Council with the flexibility to wave the procedures and that the proposals before Members fell within the law. The Director of Corporate Services also confirmed that, subject to agreement of some minor matters by the vendor's legal advisors, contracts were now ready to exchange.

RESOLVED: That

- 1. The Director of Corporate Services be authorised to purchase land at the end of Cornwall Drive, St Paul's Cray and associated access road at a cost of £120,000;**
- 2. The release of funding in the sum of £2.409m be authorised to purchase the land and to secure clearance. The Executive Director of Environment and Community Services be authorised, with the**

Executive
2 September 2016

agreement of the Director of Finance, to apply any further sums received from the Environment Agency to site clearance works;

- 3. The Council's Contract Procedure Rules be waived to allow the contract to be directly awarded to Veolia;**
- 4. The Council's contribution of £300,000 be allocated from the 2016/17 Central Contingency sum.**

Chairman

The Meeting ended at 8.52 am

EXECUTIVE

Minutes of the meeting held on 14 September 2016 starting at 7.00 pm

(The meeting was adjourned at 10.12pm so that further consideration could be given to item 8 of the agenda, *Commissioning Strategy for Primary and Secondary Intervention Services*)

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 Diane Smith

69 APOLOGIES FOR ABSENCE

There were no apologies.

70 DECLARATIONS OF INTEREST

The Director of Corporate Services declared an interest in items 7 and 17 (Part 1 and Part 2 reports – ‘*Coppice/Spinney and The Glade – Contract Award*’) by virtue of his wife being employed by one of the companies referred to in the Part 2 report. Accordingly, the Director left the meeting during discussion of the Part 1 and Part 2 items.

71 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 20TH AND 29TH JULY 2016 (EXCLUDING EXEMPT INFORMATION)

Minutes of both meetings were agreed.

Concerning Minute 42 of the Minutes of the 20th July meeting, the Director of Corporate Services confirmed to the Portfolio Holder for Care Services that should the cap of 50,000 aircraft movements be breached by Biggin Hill Airport, the Council can then suspend the Airport’s new operating hours (whilst a noise action plan review takes place).

72 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

One question had been received for oral reply. Details of the question, supplementary question, and replies are attached.

73 OFSTED INSPECTION OF CHILDREN'S SERVICES

Report CS17036

Ofsted inspected the Council's services for children in need of help and protection and children looked after between 11th April and 5th May 2016. A linked inspection of the Bromley Safeguarding Children's Board (BSCB) also took place at the same time. The full Ofsted inspection report, published on 27th June 2016, was appended to Report CS17036. Although the Inspection had identified some strengths across Children's Services, the Local Authority had received an overall judgement of 'Inadequate' and the BSCB was rated with a judgement of 'Requires Improvement'.

Report CS17036 summarised the inspection findings, immediate actions taken to respond to the findings, and the Council's plans for further improvement as set out in a draft improvement action plan for submission by 26th September 2016 (also appended to the report). The report further outlined potential funding requirements resulting from the draft improvement action plan and sought relevant approvals.

At the request of the Chairman of the Care Services PDS Committee an additional column, "*Action Plan ID*", was added to the table at Paragraph 6.3 of Report CS17036 to cross refer expenditure to the relevant issue/area in the Draft Improvement Action Plan. The replacement table was available for Members at the meeting and previously circulated.

Following publication of the inspection report, the Secretary of State for Education appointed a Commissioner for Children's Services in Bromley who was expected to:

- make recommendations for the immediate improvement of children's social care and to recommend any additional support required to deliver improvement;
- review the Council's leadership and management capacity and capability to drive forward changes necessary to achieve the required standard; and
- make a recommendation to the Secretary of State as to whether alternative delivery arrangements are the most effective way of securing and sustaining improvement and if so, to recommend the form the alternative delivery arrangements should take.

The Commissioner would provide her report to the Secretary of State by 30th September 2016.

Report CS17036 and its appendices had been previously considered by the Care Services PDS Committee at its meeting on 13th September 2016. Draft minutes of the Committee's consideration of the item were also tabled for the Executive's information.

In discussion the Leader thanked Members present at the Care Services PDS meeting the previous evening for their comments on the item and prior scrutiny. The Leader summarised points raised, linked to areas of improvement needed. The draft Improvement Plan had been endorsed by the Children's Service Improvement Governance (CSIG) Board and the Leader recommended its acceptance. It was necessary to implement the Plan and monitor improvement. Professional officers needed to be fully skilled as soon as possible and there was also a need for improved scrutiny. A Member suggested that external auditors could assist on scrutiny.

Significant work had already taken place on implementing and completing actions from the Improvement Plan. An initial action plan to safeguard children had also been implemented with details outlined to Members including: a review of children and risk; an escalation of cases to care; an increase in the number of children becoming protected and looked after (including increased court work); and a general increase in the level of escalations. There were also legal service improvements. Additionally, caseloads were being brought to recommended levels. Quality from the service would increase over the next couple of years along with a rise in the level of case audits month by month.

On improving scrutiny, it was suggested that the Corporate Parenting role of Members be emphasised. It was also suggested that scrutiny training (highlighted in the Improvement Plan at ID 1.6 under *Leadership and Governance*) might be an area for consideration as part of a PDS meeting. There would also be training for new Members in 2018 following the local election. Refresher training on scrutiny practice might be appropriate for PDS Committees. Scrutiny training could also be discussed within the Groups. In view of Care Services PDS having a key scrutiny role for Children's Services, a Member suggested that the Committee effectively be re-constituted as two committees – one for Children's Services and one for Adult Services. In this regard, the Leader highlighted the role of the CSIG Board.

On the need to work better with partners, the Portfolio Holder for Public Protection and Safety outlined co-operation with the Metropolitan Police including representation by the Deputy Borough Commander and his role in heading a Sub-Group to help address Ofsted's Recommendation 7, particularly in regard to eliminating gangs.

Concluding debate, the Leader highlighted his commitment to finding resources for the Improvement Plan along with a process of scrutiny and consultation with the new Director.

RESOLVED that:

(1) the actions set out in the draft Children's Services Improvement Plan to be submitted to Ofsted be agreed;

(2) the Constitution Improvement Working Group be requested to support the Director of Corporate Services in developing and delivering

any necessary constitutional changes required by the Improvement action plan;

(3) Council be recommended to approve funding for the posts included in Phase One and Phase Two which have already been committed totalling £949k in 2016/17 with a full year effect of £1,471k as set out at paragraph 6.3 of Report CS17036; and

(4) Council agree to release up to a further £141k in 2016/17 and a further £795k in a full year for Phase Three, with any utilisation of the monies being subject to approval by the Executive following an appropriate level of scrutiny.

74 INTERMEDIATE CARE GATEWAY REVIEW

Report CS17027

Current contract arrangements with Bromley Healthcare for Intermediate Care expire on 30th September 2017. The contract is held by Bromley Clinical Commissioning Group (BCCG), with the Council contributing funding through an agreement with BCCG under Section 75 of the NHS Act 2006.

The Council's financial contribution to Intermediate Care had been approved until 31st March 2017 and agreement was sought to extend the current funding arrangements until 30th September 2017. It was then proposed to jointly commission the service again with the CCG, including additional elements related to reablement services.

L B Bromley would make a financial contribution of up to £1,259k per annum under the new contract through an agreement with BCCG under section 75 of the NHS Act 2006. The CCG would lead on procuring the contract as one lot within tendering of the CCG's Community Health Contract. L B Bromley officers would jointly develop the service specification and participate in the tender evaluation. A contract period of five years was proposed with an option to extend for a further two years.

The contract would be managed by the CCG with monitoring requirements linked to outcome measures in the service specification. There would also be a reporting line into Council commissioners.

RESOLVED that:

(1) continuation of L B Bromley's current funding arrangements for the intermediate care contract from 1st April to 30th September 2017 (six month pro-rata amounts) be agreed at a cost of £535,500 in 2017/18 of which £150k would be recharged to the Better Care Fund;

(2) the intermediate care service be jointly tendered with the CCG with a new contract commencing on 1st October 2017; and

(3) a maximum of £1,071k per annum (of which £150k p.a. would be recharged to the Better Care Fund), plus the cost of six FTE care worker posts (£188k p.a.), be contributed to the intermediate care service from October 2017.

75 COPPICE/SPINNEY & THE GLADE - CONTRACT AWARD

Report CS17030a

A Gateway Report was considered by the Executive on 2nd December 2015 outlining the current provision of supported living services for eleven people with significant disabilities living in two properties. The services were projected to be required for future service users to prevent a move to expensive residential care.

Report CS17030a outlined the process of tendering for the learning disability supported living schemes at the Coppice/Spinney and The Glade, the tender submissions being evaluated on a 60% price/ 40% quality split.

Report CS17030b considered under Part 2 proceedings of the meeting outlined the result of the evaluation process.

RESOLVED that the summary be noted.

76 COMMISSIONING STRATEGY FOR PRIMARY AND SECONDARY INTERVENTION SERVICES

Report CS17033

Commissioners at L B Bromley and Bromley Clinical Commissioning Group (BCCG) had jointly worked on a commissioning strategy for the future provision of Primary and Secondary Intervention Services, setting out a framework for designing a set of Third Sector services to support people maintain independence and delay/prevent the need for high cost care and early admission to care homes and/or hospital.

Approval was sought to develop a Primary and Secondary Intervention Fund work-stream within the Better Care Fund and existing strategic partner funding, and to procure services (including carer support services) against eight categories outlined in Report CS17033, using a new model from April 2017.

Having looked at the proposals, Members preferred to have more time to consider the report.

RESOLVED that the item be considered further at a later date.

**77 FIRST REPORT OF THE EDUCATION SELECT COMMITTEE
2016/17 - THE EDUCATION LANDSCAPE IN BROMLEY**

Report CSD16123

Members considered recommendations from the Education Select Committee's inquiry into "*The Education Landscape in Bromley*" and the Council's future education role upon all maintained schools becoming academies.

Report CSD16123 also outlined responses to the recommendations from the Education Portfolio Holder and Director.

Concerning Recommendation 2.1 (*'That the leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing'*), the Leader reported that he had discussed the matter with the Chief Executive and would consult with the new Director.

Given pupil numbers coming through Primary Schools in the borough, Cllr Bennett (Chairman of the Education Select Committee) highlighted a need for sufficient secondary school capacity in the Draft Local Plan. Although relevant land could be released if needed, a considerable length of time remained before any new school could be established. Supporting Cllr Bennett's concern, the Deputy Leader suggested that before looking to build a new school(s), the size of existing schools might need to be reviewed for any potential to expand; if necessary, the Deputy Leader would support an existing secondary school being expanded on Green Belt land.

RESOLVED that the relevant recommendations in the Select Committee's report be noted.

**78 GATEWAY REVIEW REPORT - DOMESTIC VIOLENCE
AGAINST WOMEN AND GIRLS SERVICES**

Report CS 17029r

Current contracts for services to reduce Domestic Violence (DV) and Violence Against Women and Girls (VAWG) in L B Bromley expire on 31st March 2017. Report CS 17029r outlined proposed commissioning arrangements and aims for future provision of the services which are dependent upon the success of bids to The Mayor's Office for Policing And Crime (MOPAC).

A VAWG Strategy 2016-2019 had been prepared for ratification by the Safer Bromley Partnership Strategic Group. L B Bromley had a long history of commitment to tackling domestic abuse recently agreeing domestic violence/abuse as one of four key priority areas in the Safer Bromley Partnership Strategic Assessment Report 2016-2019.

As a contracted service for 2017-20 was dependent upon annual MOPAC funding, a 1 year +1+1 contract was proposed over a 3 year period. Such break clauses would provide flexibility to procure the service differently in future as necessary and the level of service could match funding received.

Procuring one organisation to provide the total service (by either forming a consortium with other providers or undertaking delivery of all services) meant the service provider taking responsibility for all data collection. Contract and performance monitoring of consortium providers would also be streamlined; currently the Council had five separate contracts from three service providers.

It was intended to apply for MOPAC funding in September/October 2016 with funding decisions expected between December 2016 and March 2017. A contract would not be awarded until funding had been confirmed.

Supporting the report's recommendations, the Portfolio Holder for Public Protection and Safety highlighted the proposed single contract and streamlining of services. Following a recent London Councils meeting, there was confidence of funding for L B Bromley similar to the previous level with award confirmation expected earlier in October 2016.

Members supported the service and educating children earlier on the need to respect others was suggested. Members were advised that young people were taught about healthy relationships so that abusive relationships can be prevented early so providing a number of benefits. A co-ordinated approach was taken in looking to protect children at risk from domestic violence - intervention having been developed on front line support involving a multi-agency hub. It was proposed to continue support for front line work and to work with children's services.

RESOLVED that:

(1) officers market test the Domestic Violence and Violence Against Women and Girls Services, beginning a formal procurement process offering the service as a single contract from 1st April 2017, for an estimated total value of £220k per annum to March 2020; and

(2) officers submit an application to MOPAC for funding the service covering the period April 2017 to March 2020.

79 GOVERNMENT'S FOUR YEAR FUNDING OFFER

Report FSD16061

Approval was sought to accept the '*Four year funding offer*' announced by the Secretary of State for Communities and Local Government as part of the Local Government Finance Settlement 2016.

Although the offer provided a minimum funding level it did offer more certainty on future resources. Nevertheless, the Council would continue to lobby for a fairer funding level for L B Bromley and its residents.

In accepting the offer, an Efficiency Plan needed to be published by 14th October 2016. For the Efficiency Plan submission it was proposed to include Report FSD16061 with links to the Medium Term Financial Strategy reports.

RESOLVED that Council be recommended to:

(1) accept the four year funding offer for the period 2016/17 to 2019/20; and

(2) subject to approval of (1) above, agree that if further changes are required to the Efficiency Plan (see paragraph 3.4.5 of Report FSD16061), the amendments will be undertaken by the Director of Finance with the agreement of the Leader of the Council and the Resources Portfolio Holder.

80 GATEWAY REPORT ON THE AGENCY STAFF CONTRACT AND REVIEW OF FUTURE OPTIONS

Report CEO1626

Members considered a Gateway Review on Agency Staff Provision and options available for a future contract, the current contract with Adecco - the Council's Managed Service Provider - expiring on 23rd April 2017. The current contract was secured through a Framework (EPSO) providing best value for money.

A single provider managing the service meant that L B Bromley had a clear picture of its establishment, the agencies in use, and costs involved. The ESPO Framework also provided more favourable rates compared with other frameworks; joining other London boroughs increased volumes through a contract so making it more attractive to suppliers.

The ESPO arrangement was considered to be the best in class solution for such services and was supported by the Society of London Treasurers and the London Heads of Procurement and HR.

Cllr Simon Fawthrop (Chairman of the Executive and Resources PDS Committee) asked to see information on estimated savings from the existing contract. (Democratic Services Note: information was circulated to Executive Members on 15th September 2016, and copied to Cllr Fawthrop, covering: the number of active agency assignments by job types; agency spend 2015/16 compared to other London Boroughs; and agency costs from 2013/14).

It was difficult to quantify savings given a number of variables but best efforts were made to drive down prices and some agency 'mark-up' rates had

reduced. The Leader highlighted the need for permanent staff employment particularly in social services.

It was understood that agency care workers are paid at or above the minimum wage in accordance with Agency Worker Regulations. Although the Council's use of agency staff had increased, L B Bromley spent relatively low amounts on agency staff compared to a number of other London Boroughs. There were currently some 444 agency workers employed across Council Departments with about 85 employed on administrative/clerical duties and about 65 in social care.

Given costs applied to the Council for using agency workers, it was suggested that young people in the borough might value the opportunity of working for the Council on short term contracts e.g. 12 months. Consideration was also suggested on whether the Council might establish its own 'arm's length' employment agency.

Although there was a commitment to employ young people in the borough, and Managers were encouraged to employ directly, there were however employment rights and TUPE related liabilities on direct employment, irrespective of the length of employment particularly in respect of TUPE. By using agency staff in certain situations the employment related risks were borne by the agency and not the Council thereby minimising risk to the Council. Depending on length of assignment and other factors, it was acknowledged that the use of Adecco to supply administrative staff could be a reduced cost option; however, with the labour market determining pay rates, certain categories of professional agency staff such as social workers came with a premium.

In regard to apprenticeships, the 2017 Public Sector Apprenticeship scheme would apply next year and the Council would need to set aside resources for this. Apprentices also had employment rights, including the right of not being made redundant so they could complete their training programme.

RESOLVED that:

(1) L B Bromley continue to use the London-wide Framework for the future provision of agency staff; and

(2) Option 1 (Lot 2 Managed Service Provider for which Adecco is the preferred supplier) be agreed.

81 UPGRADE OF WEBSITE

Report CSD16111

In February 2016 Executive approved a capital budget of £100k to review and scope long term requirements of the Web and Customer Relationship Management (CRM) systems.

Options had been reviewed and further work was necessary to review longer term requirements and alternatives for the CRM system. From the original capital budget, £50k had been set aside for this work and a further report would be brought to Members on conclusion of the work.

In the meantime, upgrading the Web content management system as quickly as possible to Jadu Continuum was now the preferred solution. It was also recommended that Liberata be commissioned to upgrade components to the MyBromley Account web portal and to provide staff resource to transition to the new Web system so avoiding service interruption. This would be additional work under Liberata's existing contract and scoping/design work, project management, and alterations to the MyBromley Account were estimated to cost £116k.

Jadu held a strong market position as providers of web systems and appeared significantly cheaper than alternative products. Moving to a different web system provider would significantly increase costs, particularly around the MyBromley account integrations. Transition was anticipated to take a minimum of eighteen months, with no impact on service delivery through the current web customer interface. This was an upgrade to an existing licence which only Jadu could perform. As such, it was recommended that Jadu be commissioned to upgrade the web content management system as a negotiated single tender, at an estimated cost of £53k.

At an estimated cost of £20K, and as a further negotiated single tender, it was recommended that Blue Sky be commissioned to set up and host a temporary pre-production environment, and to carry out essential security testing on the new system to ensure compliance with data security before moving to a live environment. Blue Sky provided hosting services for the current website for which the temporary environment would be a separate extension. As such the work could only be provided by Blue Sky.

Additionally, a sum of £37k had been set aside as a contingency budget for unforeseen costs that might arise from the one-off capital costs.

RESOLVED that:

(1) a sum of £176K be included in the latest Capital Programme for the upgrade of the Web content management system, as set out at section 3 of Report CSD16111, to be funded from capital receipts;

(2) officers proceed to commission Jadu Ltd to upgrade the Web content management system as a negotiated single tender at an estimated cost of £53k;

(3) as additional work associated with their existing contract, and at an estimated cost of £116k, Liberata be commissioned to upgrade the components of the MyBromley Account web portal and to provide staff resource to transition to the new system so avoiding service interruption; and

(4) as a negotiated single tender at an estimated cost of £20k, Blue Sky be commissioned to provide a temporary environment to enable the upgrade process.

82 BETTS PARK CANAL BANK STABILISATION PROJECT

Report ES16053

This item was added to the agenda of the meeting on grounds of urgency so that works can be undertaken as soon as possible to stabilise the bank of the Betts Park Canal.

The bank (approx. 160 feet) in the north eastern section of the canal had moved significantly in the last six months and residents neighbouring the bank had recently experienced problems with movement in gardens and in one case movement within a property.

A schedule of works with indicative costs was provided to repair the failed retaining wall and reduce the risk of the bank moving further. The project was to be procured and delivered using highway contract rates from the current highway maintenance provider, FM Conway Ltd. The cost of repair work was estimated at £136k to be funded from capital receipts.

RESOLVED that the Betts Park Canal bank be stabilised at a cost of £136k, funded from capital receipts, and the scheme be added to the capital programme.

83 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.

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

85 EXEMPT MINUTES OF THE MEETINGS HELD ON 20TH AND 29TH JULY 2016

The exempt minutes for both meetings were agreed.

86 COPPICE/SPINNEY & THE GLADE - CONTRACT AWARD

Report CS17030b

Further to Report CS17030a in Part 1 of the agenda, Members considered Report CS17030b in Part 2 proceedings and made a decision on award of contract for the provision of Supported Living Services at the Coppice/Spinney and the Glade.

87 REABLEMENT GATEWAY REVIEW

Report CS17032

Report CS17032 proposed a way forward for tendering the in-house reablement service, reablement being considered a key service to help reduce pressures on the social care service.

88 EXTRA CARE HOUSING TENDERING UPDATE

Report CS17031

Members were updated on the tendering process for the in-house Extra Care Housing service with recommendations for the way forward.

89 AWARD OF CONTRACT FOR CAPITAL WORKS AT STEWART FLEMING PRIMARY SCHOOL

Report ED17006

A decision was taken on contract award for the main contract (Phase 1) of the capital scheme at Stewart Fleming Primary School.

Chairman

The Meeting was adjourned at 10.12 pm

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

From Mr Richard Thompson to the Portfolio Holder for Care Services

Many of us in Bromley see a stark moral obligation for our community to take in Syrian refugees. How and when will the Council move from doing nothing to mobilising community groups and its own resources, so that Bromley does play a full part in the government's refugee resettlement scheme?

Reply

A general letter to all Councils last year requested assistance on a voluntary basis. Given our own local pressures - number of homeless family units, the majority of them with children, approaching 1300, and an increasing number of Looked After Children (c290) - we were not, and are not, in a position to voluntarily offer accommodation to children in the mentioned camp.

However, Bromley is a member of the London wide arrangement which takes unaccompanied asylum seeking children on a regular basis. This is currently around 2/3 children/young people per month. On average we have 17/20 children/young people at any one time. This number is likely to increase to around 50 as Government has now introduced a national dispersal system which will subsume the London scheme mentioned earlier.

We all, I am sure, sympathise with the plight of the youngsters mentioned in the question but because of a lack of resources must look to national governments to effect a solution.

I am sure that any individual sufficiently motivated to help can do so via the relevant charities.

Supplementary Question

Mr Thompson indicated that he was aware of the arrangement for taking unaccompanied asylum seeking children. However, his question related to whether L B Bromley would accept children from refugee camps in Syria and he understood that Councils were to be involved in this.

Reply

The Porfolio Holder indicated that as part of the national dispersal scheme, L B Bromley would be part of (the response effort) and would take some 50 young people as indicated in his reply (above).

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EXECUTIVE

Minutes of the meeting held on 30 September 2016 starting at 8.30 am

(The meeting continued the Executive's adjourned meeting on 14th September 2016 in order to give further consideration to the item, *Commissioning Strategy for Primary and Secondary Intervention Services*)

Present

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

90 APOLOGIES FOR ABSENCE

Apologies were received from Cllr Graham Arthur.

91 DECLARATIONS OF INTEREST

Although any interest declared at an adjourned meeting continues for a re-convened meeting, the interest declared on 14th September 2016 related to items 7 and 17 of the agenda and not to the item under discussion at item 3 of the reconvened meeting.

92 COMMISSIONING STRATEGY FOR PRIMARY AND SECONDARY INTERVENTION SERVICES

Report CS17033

A commissioning strategy with Bromley Clinical Commissioning Group (BCCG) was presented for Primary and Secondary Intervention Services providing Third Sector help to residents in maintaining independence (L B Bromley would lead on procurement with BCCG support). The services would target support to vulnerable residents prior to a need for full social care assessment, helping to avoid early admission to care homes and/or hospital.

L B Bromley currently holds 12 active contracts with six suppliers. Annual spend amounts to £1,595,835, with long standing contributions from BCCG. The contracts are due to expire on 31st March 2017 and a proposed new contract would start from April 2017.

It was intended to seek a preferred provider for a negotiated procurement process. The proposals would maintain current levels of joint L B Bromley and BCCG funding and utilise new funds available through the Better Care Fund (BCF). The funds would collectively create a pooled Primary and Secondary Intervention Fund, with the pool apportioned against eight categories of service namely:

- Carers Support Services
- Dementia Support Services (already tendered)
- Services to Elderly Frail
- Services to residents with Long Term Health Conditions
- Learning and Physical Disability
- Mental Health support services
- Single point of access to Primary and Secondary Intervention services
- Support to the 3rd sector to sustain and grow capacity

Detailed specifications would be developed with the preferred partner focusing on outcome and overarching objectives. It was intended to support the sector build capacity beyond available core BCF funding. The impact of preventative services would be measured by tracking referrals using the NHS number. The preferred partner would also need to demonstrate reach into the local Third Sector market, build sustainability for community services, and reduce pressure on existing social care and clinical health services.

Bids would be negotiated to determine final apportionment. A draft indicative budget indicated a total level of available funding at £3,262k comprising £851k from L B Bromley, £249k from BCCG and £2,162k from BCF. A contract for the eight categories of service would cover a period of up to three years with an option to extend for a period of two years (subject to agreed funding) at an estimated total value of £3.2m per annum. BCCG Clinical Executive supported the proposals and both BCCG Board and L B Bromley would be required to agree any recommendation to award the contract.

Since the adjourned meeting on 14th September 2016, supplementary information had been published for the item.

The Portfolio Holder for Care Services commended the proposed strategy referring to similar arrangements for the Dementia Hub, agreed by the Executive at a previous meeting. The Council would have financial control and the strategy was a positive step forward.

Members considered consequences should Government withdraw BCF arrangements in future and it was confirmed that the strategy would be subject to the continued availability of BCF funding. Although L B Bromley/BCCG funding levels would be maintained for the present, they were expected to reduce in future with increased reliance placed upon BCF funding. Unless L B Bromley and BCCG were prepared to contribute following any BCF withdrawal, the service would cease.

Members were advised that, as with most Council contracts, wording would be incorporated into the contract giving the Council authority to terminate in the event of any funding being withdrawn. Such clause(s) were particularly appropriate where there might be uncertainty on the continued provision of funding streams. It was additionally indicated that it could be unfavourable to include termination wording specifically for any BCF withdrawal - such

wording could then preclude any Government replacement arrangement which might be adequate; sometimes Government can replace one initiative with another favourable initiative.

The new contract was expected to target voluntary services for those whose condition might worsen or where there might be difficulty managing in current circumstances. Services would be developed to enable residents to self-manage conditions as much as possible and to explore what the community might do to assist further. The strategy would enable tracking of Third Sector services so that the cause and effect of voluntary interventions and their implications can be considered; there would be more likelihood of residents with long term conditions being identified and supported as a result of the new contract.

Following discussion, Members supported the recommendation(s) in Report CS17033 and it was **RESOLVED that a Primary and Secondary Intervention Fund be developed within the Better Care fund, jointly managed with Bromley Clinical Commissioning Group, and the services be procured against the eight categories outlined in Report CS17033, including carers support services, using a new model from April 2017.**

Chairman

The Meeting ended at 8.52 am

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Decision Maker: Executive

Date: 18th October 2016

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**

2.1 **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: £335,590
 5. Source of funding: 2016/17 Revenue Budget
-

Staff

1. Number of staff (current and additional): 8 posts (7.27fte)
 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> |
|--|--|--|--|------------------------|
| 23rd March 2016 | | | | |
| 389/1 Site G: Revised Development Boundary and Procurement | (3) quarterly updating reports be submitted to the Executive; and (4) officers report back outcome details of the tender exercise for Executive approval. | Report expected early in the New Year subject to procurement outcome. | Chief Planner/Head of Renewal | Please see opposite |
| 14th September 2016 | | | | |
| 88/1 Extra Care Housing Tendering Update | (3) a further report on the outcome of the tendering process and recommendations for the way forward be submitted to Executive in October 2016. | It is intended to provide the further report to the Executive's meeting on 30 th November 2016. | Director of Health Integration Programme | Please see opposite |

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Report No.
CS17046

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Executive

For Pre-Decision Scrutiny by Care Services PDS Committee on:

Date: 13th October 2016

Decision Type: Non-Urgent Executive Key

Title: PUBLIC HEALTH COMMISSIONING INTENTIONS 2017/18

Contact Officer: Mimi Morris-Cotterill, Assistant Director
Tel: 020 8461 7779 E-mail: mimi.morris-cotterill@bromley.gov.uk

Chief Officer: Dr Nada Lemic, Director of Public Health

Ward: Boroughwide

1. **Reason for report**

1.1 This report sets out the Public Health commissioning intentions for 2017/18.

2. **RECOMMENDATIONS**

2.1 The Care Services PDS Committee is asked to note and comment on the contents of this report.

2.2 Subject to corporate saving decisions, the Council's Executive is asked to:

- i) Note the intention to extend the current contract for Adults and Young People Substance Misuse Services for one year to 30 November 2018 and that approval for this extension has been delegated to, and is to be agreed by, the Director of Public Health in consultation with the Portfolio Holder;
- ii) Approve one-year call-off contracts (1/4/17 to 31/3/18) currently under the Public Health Framework Agreement for:
 - Community Pharmacy Services for Substance Misuse; and,
 - Alere (Point of Care Testing) for NHS Health Checks.
- iii) Approve six month call-off contracts (1/4/17 to 30/9/17) currently under the Public Health Framework Agreement for:
 - Community Pharmacy for Sexual Health Service; and,
 - TDL (The Doctor Laboratory) for Sexual Health testing and diagnostic service.So they align with the new Services currently tendered to start on 1 October 2017;

- iv) Approve the continued use of Service Level Agreements for NHS Health Checks and Sexual Health Services offered by General Practitioners for a further year by granting an exemption as per sections 3 and 13 of the Council's contractual procedure rules;**
- v) Note the intention to continue to use the commissioning arrangements with Bromley Clinical Commissioning Group (CCG) through section 75 for provision of community services by Bromley Healthcare until 30 September 2017 when the contract will expire.**

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Children and Young People. Excellent Council Supporting Independence
-

Financial

1. Cost of proposal: Estimated cost £2,124k p.a.
 2. Ongoing costs: Recurring cost. £2,124kp.a.
 3. Budget head/performance centre: Director of Public Health
 4. Total current budget for this head: £15.5 million (2016/17)
 5. Source of funding: Public Health Grant
-

Staff

1. Number of staff (current and additional): 19 FTE
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory requirement. Non-statutory - Government Guidance
 2. Call-in: Call-in is applicable
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Current Contract Value

| | |
|---|---------|
| Substance Misuse | £1,426k |
| NHS Health Checks | £ 100k |
| Community Sexual Health Services | £ 97k |
| General Practice Service Level Agreements | £ 550k |

Total contract sum p.a. **£2,173k**

Estimated New Contract Value

| | |
|---|---------|
| Substance Misuse | £1,426k |
| NHS Health Checks | £ 100k |
| Community Sexual Health Services (6 months) | £ 48k |
| General Practice Service Level Agreements | £ 550k |

Total contract sum p.a. **£2,124k**

Proposed Contract Period (including extension options)

- One year extension for Substance Misuse and NHS Health Checks contracts
- Six month extension for Community Sexual Health Services contracts to align with the new Sexual Health Early Intervention Services currently being tendered to start on 1.10.17
- One year GP Service Level Agreement for NHS Health Checks and Sexual Health Services

Context

- 3.1 Different contractual arrangements are used to commission third party organisations to deliver public health programmes. This paper sets out, for Members' approval, the commissioning intentions and contractual arrangements for Substance Misuse, NHS Health Checks and Community Sexual Health Services for 2017/18.
- 3.2 For these services, there are currently two standard contracts, eleven called off contracts from the Public Health Framework Agreement which was put in place since 2014, and 45 service level agreements (SLA) with General Practices (GPs). Details of these are set out in Appendix 1.
- 3.3 It is recognised that the proposed contractual arrangements discussed in this paper will depend on the corporate saving decisions. Members' approval at this stage merely provides public health commissioners the ability to respond flexibly according to those saving decisions.
- 3.4 Services outside the scope of this paper are Community Sexual Health Services, Health Visiting Service and National Child Measurement Programmes (NCMP). Commissioning intentions of these services received Executive approval (CS17018, CS17019, CS17021) and commissioners will undertake a full re-procurement to replace the existing block contract with Bromley Healthcare (BHC) which expires in October 2017. The procurement process is underway for these programmes and Members will be asked to approve contract awards in due course under separate reports.

- 3.5 However, Members are asked to note the intention to continue to use the commissioning arrangements with Bromley Clinical Commissioning Group (CCG) through section 75 for provision of community services by Bromley Healthcare until 30 September 2017 when the contract will expire
- 3.6 The 2017/18 commissioning intentions for Genito-urinary Medicine (GUM) Services will be submitted under a separate report for Members' approval.

Proposed Commissioning Arrangements

Substance Misuse

- 3.7 Substance Misuse Service are made up of several components - Adults and Young People Substance Misuse Services; Supervised Administration of Methadone (SAM); Needle Exchange; Dual Diagnosis; Detoxification and Rehabilitation Placements.
- 3.8 The latter two components are excluded from this paper as the contractual arrangement for Dual Diagnosis is not due for renewal in 2017/18 and the placements for detoxification and rehabilitation are procured on a spot basis.
- 3.9 The Adults and Young People Substance Misuse Services were subject to a tendering process in 2015. New contracts worth £1.4m per annum were awarded to Change Grow Live (CGL) for a period of two years from 1 December 2015 to 30 November 2017 with a possible one year extension. The new services amalgamated a number of substance misuse services thereby making considerable efficiencies.
- 3.10 As the provider, CGL, continues to meet performance requirements and delivers efficiencies, it is proposed to extend the contract for a further year to 30 November 2018. Executive are asked to note the approval for this extension has been delegated to, and is to be agreed by, the Director of Public Health in consultation with the Portfolio Holder.
- 3.11 Both SAM and Needle Exchange Services are procured through the PH Framework Agreement and are provided by Community Pharmacies at locations which are easily accessible in the community and where services can be offered safely and securely with the opportunity to promote healthy living and well being. There are no other clinical providers that can cover such a wide geographical distance in Bromley.
- 3.12 The proposal is to continue with these arrangements and approval is sought from the Executive to extend the Community Pharmacy call off contracts for SAM and Needle Exchange services for a further year to 31 March 2018. The annual contract value is £29k for SAM and £15k for Needle Exchange.

NHS Health Checks

- 3.13 The NHS Health Checks Programme is a mandated Public Health Programme with the aim to prevent vascular diseases including heart disease, stroke, diabetes and kidney disease, and raise awareness of dementia. Various tests (blood pressure, cholesterol, body mass index) are used to assess individual's risk of developing heart disease and stroke.
- 3.14 Eligible patients are identified through GP registers which includes clinical information held by practices that is not available anywhere else. GP practices are therefore the main provider of NHS Health Checks.
- 3.15 The model of delivery in Bromley is a 'one stop shop' with Point of Care Testing (POCT) used for the cholesterol blood test which is an important part of the programme. POCT is a

diagnostic testing that is performed near to or at the site of the patient care. It involves taking a blood sample by pricking the patient's finger and is usually performed by appropriately trained non-laboratory staff. Using POCT ensures that the patient receives a complete check, and their level of heart disease and stroke risk and how to reduce it can be communicated face to face at the time of the assessment.

- 3.16 The provision of POCT in general practice has the potential to increase feasibility, acceptability and convenience of NHS Health Checks by reducing the need for multiple visits or repeat appointments, thereby reducing costs.
- 3.17 Alere is commissioned through the PH Framework Agreement to provide the equipment, consumables and training of POCT. They also provide a quality management service to ensure the accuracy of results. There are a very limited number of Providers of POCT. Alere is the only provider who applied to be appointed to the Public Health Services Framework. They have continued to make improvements to maintain their service quality in particular the quality management service which serves as a quality assurance needed by commissioner.
- 3.18 It is proposed to continue with these arrangements and approval is sought from the Executive to call off the Alere contract for a further 12 months to 31 March 2018 (annual contract value of £100k) and to continue the use of GP Service Level Agreements, see 3.25-3.28 below.

Community Sexual Health Services

- 3.19 Apart from Bromley Healthcare, other providers are commissioned to deliver sexual health services in the community - Community Pharmacies to deliver some sexual health programmes and the Doctor Laboratory (TDL) to provide a laboratory testing and diagnostic service.

Community Pharmacies

- 3.20 A number of Community Pharmacies are commissioned from the PH Framework Agreement to offer Chlamydia screening and treatment and Emergency Hormonal Contraception (EHC) for young people. These are vital programmes that aim to control STIs, prevent transmission and reduce teenage pregnancies.
- 3.21 Community Pharmacies operate from accessible locations where these services can be offered with the opportunity to deliver safe sex messages in a discreet and confidential manner. There are no other clinical providers that can cover such a wide geographical distance in Bromley.

Laboratory Service

- 3.22 The Doctors Laboratory (TDL) is commissioned through the PH Framework Agreement, to provides a free self-sampling postal laboratory service that links directly with an internet ordering facility. Postal tests are dispatched directly to people's homes, therefore maximising opportunities for Bromley residents to access chlamydia and other STI screening. Tests are processed within set timescales and facilitate a pathway to inform service users about how to access treatment if needed.
- 3.23 TDL continues to provide a high quality laboratory testing service and value for money by offering the dual testing of chlamydia and gonorrhoea at no extra cost and without any price increase since the start of the contract. The price remains at £13.50 per test which is similar to prices paid by other London Boroughs.

3.24 These services will be re-procured as part of the Sexual Health Early Intervention Services following Executive approval on 20 July 2016 (CS17018). To align with the new Services currently tendered to start on 1 October 2017, approvals are sought to call off the Community Pharmacy and the TDL contracts for Sexual Health service for a further six months to 30 September 2017. The total contract value of these services for six months is £48k (£13k for Community Pharmacies and £35k for TDL).

General Practice Service Level Agreements

3.25 In 2015 Executive approved an exemption of the contract procedure rules in order that the Council could enter into one year Service Level Agreements (SLAs) with GPs to support the delivery of NHS Health Checks and Sexual Health Services.

NHS Health Checks

3.26 As statutorily required, NHS Health Checks are offered to all those who are eligible once every 5 years. Eligible patients can only be identified through GP registers which includes clinical information held by practices that is not available anywhere else. Once eligible patients are identified, GP practices are required to manage the invitations and to update the register. For this process, practices are paid an administration fee of £6 per check regardless of providers. The actual checks itself can be carried out by other providers.

3.27 Other providers including a number of Community Pharmacies and an outreach service were procured in the past through the PH Framework to ensure accessibility. However, their inability to meet the statutory requirement of ensuring test results are transferred back to the patient’s clinical record held by GP practices had been an ongoing issue. This had also been identified by internal audit as an area of risk.

3.28 As a result of these and budget reductions, these providers have been decommissioned and GP practices remain the main provider of NHS Health Checks. GP practices continue to achieve significantly more checks than any other previous providers and offer value for money. Both their price and cost of provision (with administration fee added) are lower when compared to other providers (table 1):

Table1: No. of Checks Carried out by Provider and Costs during 2015/16

| Provider | Checks carried out | Price per Check | Total Cost per Check (Includes £6 admin fee to GPs)* |
|--|--------------------|-----------------|--|
| <i>Checks carried out by Providers</i> | | | |
| GP Practices | 5994 | £16.00 | £22.00 |
| ToHealth | 1851 | £39.92 | £45.92 |
| Community Pharmacies | 274 | £28.02 | £34.02 |
| <i>Total Checks</i> | 8119 | | |

** Administration fee for all checks are payable to GP practices regardless of providers. The fee covers the management of invitations, NHS Health Check register, data entry including data transfer from other providers and necessary follow ups as a result of the check.*

Sexual Health Services

3.29 General practitioners in Bromley are commissioned to offer opportunistic STI screening to their patients who do not have symptoms but are at risk of an infection and to offer HIV testing to new patients at registration. Regular testing for at risk population is recommended

by the National Institute of Health and Care Excellence (NICE) and helps to control and avoid transmission of STIs.

- 3.30 Practices are also commissioned to increase the uptake of Long Acting Reversible Contraception (LARC). LARC is a more cost effective, non-user dependent method. It is recommended by NICE as an effective method to prevent unplanned pregnancies, including teenage conceptions. Bromley's rate of LARC insertion by GPs, which is ranked the second highest in London, plays an important role in the continued reduction of teenage conception rates in the borough.
- 3.31 The implementation of these SLAs has streamlined the commissioning activity of these services as well as improving the contract and budget monitoring processes and payment arrangements. All 45 GP practices in the Borough have signed up to deliver one or both elements of these services during 2016/17 which have an estimated total value of £550k.
- 3.32 GP participation in these Public Health Programmes remains vital as GP Practices hold patient list covering the local population and have direct access to those patients that Public Health programmes seek to target. Participation also supports the Local Authorities obligations of Wellbeing under the wider Health and Social agenda and is supported by the CCG.
- 3.33 This paper proposes that a continuing exemption from the Council's contract procedure rules for one year be granted to support the continuation of these programmes. No significant changes to these programmes are planned and the total value will remain at £550k.

Framework Agreement

- 3.34 The Public Health Framework was put in place in April 2014 with an estimated annual value of £800,000. A two year extension to the Framework to 2nd March 2018 was approved by the Executive (CS15925).
- 3.35 As commissioning intentions are subject to corporate saving decisions, the framework approach gives flexibility to commissioners as there is no commitment to call off any services from the appointed providers.
- 3.36 However, both the number of services called off from the Framework and their values have reduced significantly since 2014. The number of contracts called off from the Framework in 2016/17 has reduced to eleven with an estimated spend of £242k.
- 3.37 Commissioners will review the Framework Agreement, which is due to end on 2nd March 2018 and make recommendations for commissioning services which are currently still actively called-off from the Framework.

4. PROCUREMENT

- 4.1 This report is in relation to the business processes that will be established or maintained to administer existing contracted services. Authorisation to commission these services remains with Members working within the stipulations and statutory responsibilities laid out in the Public Health grant. The work is in accordance with the Health and Social Care Act 2012 and The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012.

5. MARKET CONSIDERATION

- 5.1 The market for these services was tested in 2014 using the Public Health Service Framework and again in 2015 with the tendering of Adults and Young People Substance Misuse Services. It is intended to consider the market when commissioners review the Framework Agreement and other contractual arrangements prior to their expiry dates.
- 5.2 With regard to GP Service Level Agreements, commissioners will review the current arrangement and explore the potential of GP Alliance as a new entrant in the provider market. Recommendations, which will be incorporated in the 2018/19 public health commissioning intentions, will be made for Members' consideration.

6. LOCAL POPULATION PROFILE

- 6.1 The range of public health programmes and services are delivered to specific populations and eligible patients in the borough according to service specific criteria.

7. STAKEHOLDER CONSULTATION

- 7.1 None carried out as no significant changes are proposed in this paper.

8. SUSTAINABILITY / IMPACT ASSESSMENTS

- 8.1 None carried out as no significant changes are proposed in this paper.

9. POLICY IMPLICATIONS

- 9.1 The proposals set out in this report are consistent with current policy and is in line with the proposal for the Council's Public Health Budget 2016/17 and 2017/18.
- 9.2 The Council's Contract Procedure Rules (CPR 5.3) require that "Where the value of the intended arrangement is £1,000,000 or more the Executive will be *Formally Consulted* on the intended action and contracting arrangements."

10. FINANCIAL IMPLICATIONS

- 10.1 Public Health commissioners continue to work within the budget allocated for public health services. The Public Health Grant has been set by the Department of Health using estimates of public health baseline spending in 2011, along with a fair shares formula based on the recommendations of the Advisory Committee for Resource Allocation.
- 10.2 The Public Health Grant is a central government grant which is ring-fenced. The Department of Health grant allocation for Bromley was £15,478k in 2016/17. However, there will be a reduction in the Grant in 2017/18 to £15,096k. Work has been conducted by the Public Health team on identifying the savings towards these reductions.
- 10.3 The table below outlines the financial impact of the decisions on the 2017/18 financial year. Funding is currently available for these extensions/exemptions.

| | 2017/18 |
|--|----------------|
| | £000 |
| Substance misuse - Extension of contracts for one year | 1,426 |
| NHS point of care testing - Extension of contracts for one year | 100 |
| Sexual Health Community Pharmacy - Extension of contracts for six months | 13 |
| Sexual Health - Laboratory testing service Extension of contracts for six months | 35 |
| Continued use of SLA agreement for NHS health checks and sexual health services | 550 |
| | 2,124 |

- 10.4 There are no savings arising from these decisions. However there is predicted to be savings arising from the re-procurement of the sexual health early intervention services and this has been reported previously to the Executive.
- 10.5 The grant conditions require quarterly financial reporting to the Department of Health against a set of standardised budget reporting lines and the expenditure must be explicitly linked to the Health and Wellbeing Strategy, Public Health Outcomes Framework and the Joint Strategic Needs Assessment. The Council will need to show that it spends the Grant on Public Health related expenditure. The reporting categories are sufficiently flexible to allow local decisions about what services are commissioned to be reflected sensibly. The Grant can be used for both revenue and capital purposes.
- 10.6 The expectation is that funds will be utilised in-year, but if at the end of the financial year there is any under spend this can be carried over, as part of a Public Health Reserve, into the next financial year. In utilising those funds the next year, the grant conditions will still need to be complied with.
- 10.7 There is also a statement of assurance that needs to be completed and signed off by the Chief Finance Officer and Director for Public Health at year end. The expenditure for Public Health services will be included within the overall audit of the council's statement of accounts and the Council needs to evidence that it spends the Grant on public health activities across the Council.
- 10.8 2016/17 spending decisions are subject to Member approval as part of the Medium Term Financial Strategy/budget setting process. Therefore the 2016/17 budgets for these contracts are indicative until that time.

11. LEGAL IMPLICATIONS

- 11.1 This report uses existing legal frameworks, such as the scheme of delegation, to manage and administer the responsibilities placed on the Council.
- 11.2 The need to follow the guidance in paragraph 13 of the Ring Fenced Public Health Grant letter is key:

“13. In giving funding for public health to local authorities, it remains important that funds are only spent on activities whose main or primary purpose is to improve the health and wellbeing of local populations (including restoring or protecting their health where appropriate) and reducing health inequalities.”

- 11.3 As is condition 3 of the Grant Conditions:

“the grant must be used only for meeting eligible expenditure incurred or to be incurred by local authorities for the purposes of their public health functions as specified in Section 73B(2)

of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) (“the 2006 Act”).”

- 11.4 There is independent audit and provision for claw back if the money is not spent appropriately.
- 11.5 Education, care and health services are subject to the application of the “light touch” regime under the Public Contracts Regulations 2015.

| | |
|---|--|
| Non-Applicable Sections: | Personnel Implications |
| Background Documents: (Access via Contact Officer) | <p>Report CS14018 – Appointments to the Framework for Various Public Health Services, February 2014</p> <p>Report CS14134 – Gateway review of Substance Misuse Services, May 2015</p> <p>CS15925 Public Health Commissioning Intentions 2016/17, Oct 2015</p> <p>CS16025 – Gateway Review of Health Visiting and National Child Measurement Programme, March 2016</p> <p>CS16008 Gateway Review of Sexual Health Services, March 2016</p> <p>CS17018 Gateway Review-Procurement for a Sexual Health Early Intervention Service, July 2016</p> <p>CS17019 Commissioning Strategy – Health Visiting and Family Nurse Partnership, July 2016</p> <p>CS17021 – Procurement Strategy – National Child Measurement Programme, July 2016</p> <p>Bromley Local Authority HIV, sexual and reproductive health epidemiology report (LASER): 2014</p> <p>A Framework for Sexual Health Improvement in England, Department of Health, March 2013</p> |

| Contracts seeking One Year Extension | | | | | |
|--|---------------------------------------|-----------------------|-------------------|------------------|------------------------------|
| Contract Type | Service | Provider | Contract End Date | Extension Sought | Estimated Annual Value £'000 |
| Substance Misuse | | | | | |
| Standard | Adult Service | Change Grow Live | 30-Nov-17 | 12 months | 1,382 |
| Standard | Young People's Service | | | | |
| Framework | Supervised Administration of Medicine | Boots | 31-Mar-17 | 12 months | 1 |
| Framework | Supervised Administration of Medicine | Paydens | 31-Mar-17 | 12 months | 5 |
| Framework | Supervised Administration of Medicine | PharmaBBG | 31-Mar-17 | 12 months | 23 |
| Framework | Needle Exchange | Boots | 31-Mar-17 | 12 months | 1 |
| Framework | Needle Exchange | Paydens | 31-Mar-17 | 12 months | 2 |
| Framework | Needle Exchange | PharmaBBG | 31-Mar-17 | 12 months | 12 |
| | | | | | 1,426 |
| NHS Health Checks | | | | | |
| Framework | Point of Care Testing | Alere | 31-Mar-17 | 12 months | 100 |
| Contracts seeking Six Month Extension | | | | | |
| Contract Type | Service | Provider | Contract End Date | Extension Sought | Estimated 6 month value £ |
| Sexual Health | | | | | |
| Framework | Laboratory Testing Service | The Doctor Laboratory | 31 Mar 17 | 6 months | 35 |
| Framework | Sexual Health | Boots | 31-Mar-17 | 6 months | 4 |
| Framework | Sexual Health | Paydens | 31-Mar-17 | 6 months | 2 |
| Framework | Sexual Health | PharmaBBG | 31-Mar-17 | 6 months | 7 |
| | | | | | 48 |

| GP Service Level Agreements seeking Three Year Extensions | | | | | |
|--|-------------------|----------------------|-------------------|------------------|--------------------------|
| Contract Type | Service | Provider | Contract End Date | Extension Sought | Estimated Annual Value £ |
| SLA | NHS Health Checks | 44 General Practices | 31-Mar-17 | 36 months | 550 |
| SLA | Sexual Health | 45 General Practices | | | |
| | | | | | |
| | | | | Total | 2,124 |

Report No.
CS17051

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Executive

For Pre-Decision Scrutiny by the Care Services PDS Committee on:

Date: 13th October 2016

Decision Type: Non-Urgent Executive Non-Key

Title: 2017/18 INTENTIONS FOR PROVISION OF GENITO-URINARY MEDICINE (GUM) SERVICE

Contact Officer: Mimi Morris-Cotterill, Assistant Director, Public Health
Tel: 020 8461 7779 E-mail: mimi.morris-cotterill@bromley.gov.uk

Chief Officer: Dr Nada Lemic, Director Public Health

Ward: All Wards

1. Reason for report

- 1.1 This report sets out the Public Health intentions for the provision of Genito-urinary Medicine (GUM) Service for 2017/18.
-

2. RECOMMENDATIONS

- 2.1 The Care Services PDS Committee is asked to note and comment on the contents of this report.
- 2.2 The Council's Executive is asked to:
- i) Note the benefits of the London wide Collaborative arrangement and approve the continuation of this arrangement to provide open access GUM service in London for Bromley residents, estimated at £1,609k per year.
 - ii) Approve the phased approach to implement the London Sexual Health Integrated Tariffs starting from 2017/18;
 - iii) Approve the South East London (SEL) arrangement to secure the provisions of new GUM services from Kings College Hospital NHS Foundation Trust (KCH) and Guys and St. Thomas NHS Foundation Trust (GSST) for Bromley residents from April 2017 and to authorise the sexual health commissioner to enter into a Memorandum of Understanding (MoU) with the London Borough of Lambeth to enable the London Borough of Bromley to access the arrangement.

Corporate Policy

1. Policy Status: Existing policy. Existing Policy Context/Statements
 2. BBB Priority: Children and Young People. Excellent Council Supporting Independence
-

Financial

1. Cost of proposal: Estimated cost £1,609k p.a.
 2. Ongoing costs: Recurring cost. £1,609k p.a.
 3. Budget head/performance centre: Director Public Health
 4. Total current budget for this head: £15.5 million (2016/17)
 5. Source of funding: Department of Health, Public Health Grant
-

Staff

1. Number of staff (current and additional): 19 FTE
 2. If from existing staff resources, number of staff hours:
-

Legal

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

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

The Council spends broadly £1,609k p.a. on open access GUM service for Bromley residents, based on actual spend. A breakdown of this spend is shown below.

London wide open access GUM service:

| | | |
|---|--------------|----------------|
| - SE London: King's College Hospital NHS Foundation Trust (KCH) | £932k | |
| - SE London: Guy's and St. Thomas' NHS Foundation Trust (GSST) | £138k | |
| - Other London Hospital Provider Trusts | <u>£454k</u> | £1,524k |
| Out of London Open Access GUM Service | | <u>£85k</u> |
| | | <u>£1,609k</u> |

Context

London wide Collaborative Arrangement - £1,524k p.a. on open access London GUM Service

- 3.1 Under 'The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012', the Council has a duty to provide open access sexual health services. The term 'open access' refers to the fact that such services are available to anyone requiring treatment, irrespective of their personal characteristics, place of residence or GP registration, without referral. These services are known as Genito-Urinary Medicine (GUM) Services. This accessibility requirement impacts on the ability of all Councils to predict service demand and manage the budget effectively.
- 3.2 In response to this and following Members' approval on 26 November 2014 (Report CS14101) and October 2015 (Report CS15925), the Sexual Health commissioner continues to pursue a collaborative commissioning approach with other London Boroughs in contract negotiations with all London GUM providers to achieve lower unit prices (first and follow up attendances) and marginal rates.
- 3.3 This arrangement is supported by the Collaboration Agreement between various London authorities to provide GUM services. It sets out clearly the roles and responsibilities of each borough, in particular financial obligations, and is signed by all participant Boroughs. Under the Collaboration Agreement Lead Boroughs are nominated in different regions to enter into contracts with providers to provide services to all participating authorities within the region. Annual contracts are held by the Lead local authority on behalf of all participating boroughs who are named in the contract.
- 3.4 In 2015/16, the opening offer of these terms include tariff at £131 for first attendance and £80.77 for follow up attendance compared with the NHS published GUM tariff of £131 for first and £103 for follow-ups. No inflation (NHS recommended inflation of 1.93%), efficiency of 5%, marginal rates for growth (growth of 0-5% at 60% of full price and growth of 5-10% at 40%), replace Market Forces Factor (an allowance imposed on the published NHS national tariff to reflect geographical differences which for some inner London provider could be as high as 29.39%) with a lower geographical allowance of 20% for inner London and 17% for outer London.
- 3.5 Following negotiations, lower unit prices were achieved with an average (including geographical allowance) of £158 for first and £98 for follow up attendances. These compare with the average of £165 for first and £124 for follow up attendances in 2014/15.

- 3.6 As a result, Bromley's actual spend in 2015/16 on GUM at tariffs negotiated by the London Collaborative was £1,524k in London with a total spend of £1,578k which includes services outside of London. This reflects a saving of over £60k compared to spend in 2014/15 (£1,639k), despite an overall 4.5% growth in activities between 2014/15 and 2015/16 with a total attendances of 10,916 and 11,424 respectively.
- 3.7 The growth was seen in most inner London Hospital Trust providers, especially in Chelsea and Westminster Hospital NHS Foundation Trust with activity grew by over 8% from previous year with costs increased from £190k to £228k. The final cost was reduced by £20k as a result of the marginal rate negotiated by the Collaborative which continues to achieve reduction in the published GUM Tariff and sustains more advantageous terms than those that could have been negotiated by individual commissioning authorities.
- 3.8 The continued growth of activities has led to further collaboration amongst London commissioners to manage growth and contain escalating costs. The London Sexual Health Transformation Programme (LSHTP) was set up with the specific aim to reduce costs for sexual health care across the capital, specifically GUM services through innovation, service redesign, demand management and pricing strategy.
- 3.9 To this end, LSHTP has been exploring alternative provisions to the traditional service models of GUM, directing patients with no symptoms away from the costly clinical environment to lower cost service options. The business case for developing an on-line sexual health service that supports signposting and self-testing of STIs has been agreed by participating boroughs and a London wide procurement is being undertaken by LSHTP. Members are asked to note that while Bromley is not participating in the London online service procurement at this stage for reasons set out below (3.18), it is a named authority on the tender documents in order to retain the right to purchase the service should Bromley wish to do so in future.
- 3.10 In addition, the LSHTP has been working on a new set of prices for London known as the London Integrated Sexual Health Tariffs (ISHT) that reflects more accurately the interventions provided by GUM and Contraceptive Services than the current attendance based tariffs. A rigorous due diligence process confirmed that significant savings can be achieved across London through implementation of ISHT.
- 3.11 Further audit has been carried out to try and ensure that the financial risk to commissioners is minimal. There is now broad agreement across London that ISHT will be the payment mechanism for sexual health services from 1 April 2017.
- 3.12 Locally, arrangements are in place to shadow ISHT during 16/17 to understand the direct impact of implementation and extent of savings that can realistically be achieved. Further discussions with commissioners are required to determine how implementation can effectively take place due to the different contractual arrangements both within the region and across London. Given this position, it is proposed to implement ISHT on a phased approach starting from 2017/2018. The Executive is asked to approve this approach.

South East London Sub-Regional Plan – Of the £1,524k p.a., the Council spends £932k p.a. on KCH and £138k p.a. on GSST

- 3.13 Given the need for continued collaboration cross London and the level of change required, it was agreed by the LSHTP that implementation of transformation will be more effective and responsive at sub-regional level than at London level.
- 3.14 Lambeth is the Lead authority for this region and have negotiated tariffs and entered into contracts with SE London providers of King's College Hospital NHS Foundation Trust (KCH)

and Guy's and St. Thomas' NHS Foundation Trust under the London collaborative arrangement.

- 3.15 Bromley is a part of the South East London (SEL) region and shares the same GUM providers in the region with London Boroughs of Lewisham, Southwark and Lambeth (LSL).
- 3.16 Bromley is therefore participating in the sub-regional arrangements working with LSL, Greenwich and Bexley redesigning GUM services. Bromley's participation will ensure local commissioning arrangement aligns with those in SEL and is consistent with the goals of the London-wide transformation project.
- 3.17 An effective way to prevent sexually transmitted infections (STIs) and their onward transmission as recommended by the National Institute for Health and Care Excellence (NICE) is early detection through regular testing.
- 3.18 Significant innovation has already taken place in SEL over recent years with a major drive of clinical and cost effective interventions that promote self-management including on-line provision of sexual health services, much more so than in any other London regions. The plan for the region is to upscale online self-sampling (testing) service for STIs which continue to rise and disproportionately affect young people, black minority ethnic (BME) groups and men having sex with men (MSM).
- 3.19 Using on-line testing as a key enabler to achieve efficiencies and better value for money, the new model in GUM clinics is to divert testing of STIs for those patients showing no symptoms of infections away from the more expensive GUM clinics to lower cost access points in the community.
- 3.20 The SEL regional plan not only dovetails the pan-London work streams but also Bromley's local plan of developing an online home sampling service outside GUM setting (Executive approval on 13 July 2016 CS17018).
- 3.21 This new model is being piloted in KCH and GSST with an online service triaging patients and providing asymptomatic testing as part of the clinic offer at the door of the clinic. The aim is to have the new model in place by April 2017 with the current pilot informing the detail of the final model which will form the basis for securing local GUM services from these two providers for the boroughs of Lambeth, Lewisham, Southwark (LSL) and Bromley.
- 3.22 A unified approach for LSL and Bromley is necessary to establish the new service model in order to deliver the required transformation and to address growing demand. Given the market considerations below (6), the best options available is for commissioners of LSL and Bromley to enter into a SEL arrangement for securing new GUM provisions from the current providers of KCH and GSST from April 2017.
- 3.23 In this arrangement, Lambeth as the Lead authority for SE London sub-region, will negotiate with direct involvement of all four boroughs and enter into contracts with KCH and GSST. A Memorandum of Understanding (MoU) to support the collaborative management of these contracts will be established between Lambeth and Bromley. As Southwark and Lewisham have long standing agreement for joint commissioning arrangement with Lambeth, they will not be party to this MoU.
- 3.24 Members are asked to approve the SEL arrangement for securing the provisions of new GUM services from KCH and GSST for Bromley residents from April 2017 and to authorise sexual health commissioner to enter into a MoU with the London Borough of Lambeth that supports the arrangement.

Out of London Open Access GUM Service - £85k p.a.

- 3.25 It would not be feasible or cost effective to procure an out of London open access GUM service with the small amount of spends on each provider outside London. It is therefore proposed that for any out of London GUM service provision, payable by the Council as Non-Contractual Activity, the Council continues to take the position of paying rates no higher than those already negotiated by the provider's Lead Local Authority commissioner in that area.

4. CONTRACTUAL PROPOSAL

- 4.1 At this stage, it is proposed that Lambeth will issue a three year contract to KCH and GSTT as host commissioners, through a waiver to their standing orders that require competitive tendering. These contracts will cover the delivery of new GUM provisions that include triaging asymptomatic Bromley patients to an online testing service at the front of the GUM clinics.
- 4.2 The contracts with KCH and GSST will be held by Lambeth and the precise terms of the contract will be negotiated with direct Bromley involvement. This arrangement will require a Memorandum of Understanding (MoU) between Bromley and Lambeth to be drawn up. The MoU will describe the arrangement including the re-charge mechanism, setting out clear roles and responsibilities of each party along with their obligations.

5. PROCUREMENT IMPLICATIONS

- 5.1 As GUM services are 'open access' and available to anyone requiring treatment, irrespective of their personal characteristics, place of residence or GP registration, without referral, and based totally on patient choice, they cannot be 'procured'. Instead, they are provided and subsequently paid for by the relevant borough based on the residency of the patient by a system of recharging.
- 5.2 This arrangement is supported by the Collaboration Agreement between various London boroughs to provide GUM services. It sets out the roles and responsibilities of each borough, in particular financial obligations, and is signed by all participant boroughs. Under the Collaboration Agreement, Lead Boroughs are nominated in different regions to enter into contracts with providers to provide services to all participating authorities within the region. Annual contracts are held by the Lead Borough on behalf of all participating boroughs who are named in the contract.
- 5.3 In Bromley's case, the Lead Borough for the sub-region is the London Borough of Lambeth, who will hold the contracts with KCH and GSST (as host borough) and the precise terms of the contract will be negotiated with direct Bromley involvement. This arrangement will require a Memorandum of Understanding (MoU) between Bromley and Lambeth to be drawn up, which will describe the arrangement including the re-charge mechanism, setting out clear roles and responsibilities of each party along with their obligations.
- 5.4 In accordance with CPR 3.6.1 consultation has taken place with Director of Finance and Director of Corporate Services.
- 5.5 CPR 5.3 requires that where the estimated value of the intended arrangement is £500k or more the relevant Portfolio Holder will be *Formally Consulted* on the intended action and contracting arrangements.
- 5.6 CPR 5.4 requires that "Where the value of the intended arrangement is £1,000,000 or more the Executive will be *Formally Consulted* on the intended action and contracting arrangements."

- 5.7 CPR 5.5 requires “Where the estimated value of the intended arrangement is £500k and above the Council’s Commissioning Board shall receive a copy of the draft Gate Report, prior to its submission to the relevant Portfolio Holder or Executive as required by CPR 5.3

6. MARKET CONSIDERATIONS

- 6.1 Since GUM is a statutory service with provision to be open access, there is not really a market in the commercial sense.
- 6.2 The market is limited by the fact that there are no other accredited providers. This is a clinical service for communicable diseases and as such is subjected to numerous regulations and requirements of both clinical and professional standards. Acute hospital providers are the only bidders that participate in the GUM procurements that are going on in London at the moment.
- 6.3 Any providers wishing to enter will not have immediate access to estates and resources (eg clinical facilities/equipment). When approached to discuss their involvement in any future procurement, possible private sector providers have signalled that they would expect Local Authorities to guarantee provision of estates as part of the tender. There are limited estates available suitable for delivering complex sexual health services in south east London. Sites would best be secured in Bromley but the costs of securing such sites, and the timeframe for doing so, are unclear.
- 6.4 Where attempts have been made to test the market, Boroughs are working on a sub-regional level and are limiting to local GUM provisions. Those boroughs who had been through their tender process have experienced issues that range from bidders challenging tender requirements and pricing to no bidders except the incumbent provider.
- 6.5 In line with arrangements of the London SH Transformation Programme, the six boroughs in south east London have collaborated as a sub-region on redesigning service model at pace with significant clinical commitment to shift demand in GUM clinic to online services.
- 6.6 Bromley does not have a local GUM provider. The clinic at Beckenham is part of KCH and is covered by the current overall KCH contract held by Lambeth as the Lead Commissioner on behalf of the London Collaborative. Lambeth, Southwark and Lewisham, who shares the same south east London providers of KCH and GSTT with Bromley, have decided not to tender GUM services in the foreseeable future.
- 6.7 Beckenham Clinic shares staff and support with the Camberwell Clinic at Denmark Hill. It makes no sense to seek to have that clinic separated off and re-tendered separately as all economies of scale will be lost and it may not be viable or competitive as a standalone service.

7. LOCAL POPULATION PROFILE

- 7.1 The nature of open access means this is a universal service that is available to all Bromley resident patients with or without symptoms who seek care from GUM clinics. However, commissioning intention is to target those groups of resident populations who are at risk of being affected by STIs, specifically young people, MSM and BME groups.
- 7.2 Of particular concern is the continuing and rapid rise in syphilis and gonorrhoea (a marker of high levels of risky behaviour) especially among MSM. In 2015, Bromley is ranked 53 out 326 local authorities for the rate of Gonorrhoea and 43 for Syphilis (first in the rank have highest rates). Reversing this trend is a priority given the spread of resistance to frontline antimicrobials used for treating gonorrhoea and the depletion of effective treatment options.

8. STAKEHOLDER CONSULTATION

8.1 As part of the London Sexual Health Transformation Programme a number of consultation and engagement exercises have been undertaken. These include:

- A clinic user survey across 12 London GUM clinics including the central London clinics most frequently used by Bromley residents (Feb 2015).
- Sexual Health clinician engagement events to inform the model of service provision
- A Clinical steering group to inform the development of the service specification, which includes expert clinical input from sexual health professional bodies.

8.2 There has been some local engagement on current and future service models including survey of South East London and Beckenham sexual health clinic users (Aug 2014 and Feb 2016).

9. SUSTAINABILITY / IMPACT ASSESSMENTS

9.1 It is expected to conduct impact assessments as an integral part of the procurement process at a later stage.

10. POLICY IMPLICATIONS

10.1 The proposals set out in this report are consistent with current policy and is in line with the proposal for the Council's Public Health Budget 2016/17 and 2017/18.

11. FINANCIAL IMPLICATIONS

11.1 Public Health commissioners continue to work within the budget allocated for public health services. The Public Health Grant has been set by the Department of Health using estimates of public health baseline spending in 2011, along with a fair shares formula based on the recommendations of the Advisory Committee for Resource Allocation.

11.2 The Public Health Grant is a central government grant which is ring-fenced. The Department of Health grant allocation for Bromley was £15,478k in 2016/17. However, there will be a reduction in the Grant in 2017/18 to £15,096k. Work has been conducted by the Public Health team on identifying the savings towards these reductions.

11.3 The table below outlines the indicative budgets for the 2017/18 financial year for these services.

| Gum Providers | <u>17/18</u> <u>Budget</u> <u>£000</u> |
|---|---|
| Kings Healthcare Partnership | 932 |
| Guys and St Thomas NHS Foundation Trust | 138 |
| Other London providers | 454 |
| Other (out of area) providers | 85 |
| | <hr/> |
| | 1,609 |

11.4 There are potential savings arising from the proposed new arrangements of this service, however at this stage these are unquantifiable.

- 11.5 The grant conditions require quarterly financial reporting to the Department of Health against a set of standardised budget reporting lines and the expenditure must be explicitly linked to the Health and Wellbeing Strategy, Public Health Outcomes Framework and the Joint Strategic Needs Assessment. The Council will need to show that it spends the Grant on Public Health related expenditure. The reporting categories are sufficiently flexible to allow local decisions about what services are commissioned to be reflected sensibly. The Grant can be used for both revenue and capital purposes.
- 11.6 The expectation is that funds will be utilised in-year, but if at the end of the financial year there is any under spend this can be carried over, as part of a Public Health Reserve, into the next financial year. In utilising those funds the next year, the grant conditions will still need to be complied with.
- 11.7 There is also a statement of assurance that needs to be completed and signed off by the Chief Finance Officer and Director for Public Health at year end. The expenditure for Public Health services will be included within the overall audit of the council's statement of accounts and the Council needs to evidence that it spends the Grant on public health activities across the Council.
- 11.8 2017/18 spending decisions are subject to Member approval as part of the Medium Term Financial Strategy/budget setting process. Therefore the 2017/18 budgets for these contracts are indicative until that time.

12. LEGAL IMPLICATIONS

- 12.1 Under Regulation 38 of the Public Contracts Regulations 2015, joint procurements may be carried out by contracting authorities on behalf of other contracting authorities. Participation in the Collaborative procurement arrangement as set out in this report would be a joint procurement arrangement and this authority would be compliant with the Regulations to the extent that the Lead Authority has complied with the Regulations.”

| | |
|---|--|
| Non-Applicable Sections: | Personnel Implications |
| Background Documents: (Access via Contact Officer) | Report CS14101 – Public Health Commissioning 2015/16, Nov 2014 CS15925 Public Health Commissioning Intentions 2016/17, Oct 2015 CS16008 Gateway Review of Sexual Health Services, Mar 2016 CS17018 Gateway Review – Procurement for a Sexual Health Early Intervention Service, July 2016 Bromley Local Authority HIV, sexual and reproductive health epidemiology report (LASER): 2014 Sexual and Reproductive Health and HIV: Strategic action plan, PH England, December 2015 A Framework for Sexual Health Improvement in England, Department of Health, March 2013 NICE Guidance – HIV Testing: increasing uptake in Black Africans (PH Guideline PH33), March 2011 NICE Guidance – HIV Testing: increasing uptake in men who have sex with men (PH Guideline PH34), March 2011 |

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Report No.
CS17040

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Executive

For Pre-Decision Scrutiny by the Care Services PDS Committee on:

Date: 13th October 2016

Decision Type: Non-Urgent Executive Non-Key

Title: **ADVOCACY GATEWAY REVIEW**

Contact Officer: Sarah Wemborne, Commissioning Development Officer
Tel: 020 8313 4548 E-mail: sarah.wemborne@bromley.gov.uk

Chief Officer: Lorna Blackwood, Director, Health Integration Programme, Tel: 020 8313 4799, Email: lorna.blackwood@bromley.gov.uk

Ward: All

1. Reason for report

- 1.1 This report reviews the current provision of Advocacy services and recommends a future procurement strategy.
 - 1.2 The report requests approval to extend and align contracts of Advocacy services to March 2018 to facilitate the recommended procurement strategy: Advocacy services through one provider.
-

1. **RECOMMENDATIONS**

2.1 **The Care Services Policy Development and Scrutiny Committee is asked to**

- i) **Support the recommendation to extend the existing Advocacy contracts to 31st March 2018 which includes Mental Health, Children's, Learning Disability and NHS Complaints Advocacy as set out in para 3.8; and,**
- ii) **Support that Commissioners undertake a procurement exercise to tender all Advocacy provision through one provider with a view to the new contract for a period of 3 years starting 1st April 2018 with the option of 1 year + 1 year extensions.**

2.2 **The Council's Executive is asked to agree:**

- i) **The extension of the existing Advocacy contracts to 31st March 2018 which includes Mental Health, Children's, Learning Disability and NHS Complaints Advocacy as set out in para 3.8; and,**
- ii) **That Commissioners undertake a procurement exercise to commission all Advocacy provision through one provider with a contract term of 3 years starting 1st April 2018 with the option of 1 year + 1 year extensions.**

Corporate Policy

1. Policy Status: Existing policy. Existing Policy Context/Statements
 2. BBB Priority: Supporting Independence.
-

Financial

1. Cost of proposal: Estimated cost £308,645
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Various
 4. Total current budget for this head: ££308,645
 5. Source of funding: ECHS Core Budget
-

Staff

1. Number of staff (current and additional): No Bromley Staff affected
 2. If from existing staff resources, number of staff hours: No Bromley Staff affected
-

Legal

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

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

Statutory Duties:

- 3.1 The Council is obligated to fulfil its statutory requirements in regards to Advocacy provision in line with relevant legislation:
- The Care Act 2014 (Section 67)
 - Mental Health Act 1983 (Section 2 and 3)
 - Mental Health Act 2007 (Section 30)
 - The Mental Capacity Act 2005 (Section 35)
 - The Children's Act 1989 (Section 26A)
 - The Childrens Act 2004 (Section 53)
- 3.2 The Council is obligated to fulfil its statutory duties within its procurement and contract procedures in line with the Public Procurement Regulations 2015
- 3.3 The impact of not providing Advocacy services would leave service users who are vulnerable and unable to self-advocate at a disadvantage without support to identify and apply their own rights to their daily lives. This could leave individuals at risk of potential abuse, harm or neglect. Advocacy is a necessary form of safeguarding adults and children.
- 3.4 The Council would be at risk of a breach of legal jurisdiction by not carrying out its legal duties. The consequences of which could be judicial review and potentially adverse Ombudsman review that would arise from an organisation not following their policies or procedures. The overall impact is that there would be disadvantages to service users which could result in financial penalties to the Council.

Background:

- 3.5 Advocacy provides support to improve a person's ability to express their own views and wishes or for their interests to be represented in a variety of contexts. In addition to this they help enhance individuals' social inclusion and independence through peer groups, meetings and workshops. Support is provided for people to enable them to self-advocate, meaning to be able to represent themselves.
- 3.6 There have been reductions and savings made to the amount of Advocacy support directly commissioned by the Council over recent years. However, there still remain eight active contracts with four suppliers. The total annual spend on Advocacy provision stands at £308,645. The current providers are Advocacy For All, Baker and Joy, Rethink Mental Illness and Voiceability Advocacy.
- 3.7 Historically Advocacy services have been commissioned separately for specific client groups. These arrangements have developed over time and many of the contracts have been subject to individual annual extensions and waivers. This approach has caused duplication. This could also cause disenfranchisement and confusion for service users who require more than one type of Advocacy which could affect access to services. Bromley supplies Advocacy services in the sub categories of:
- Mental Health
 - Learning Disabilities
 - General Advocacy
 - Children's Advocacy

Current Contracts:

3.8 The below Table lists the details of all active Advocacy Contracts that the Council currently commissions:

| Provider | Annual Cost | Start Date of Contract and Original Contract and Extensions Taken | Client Group | Current Procurement and Expiry |
|-------------------------------|-------------|--|--|--|
| Advocacy For All | £20,000 | 01.04.16 Original contract: 12 months no extensions available | Children's SEND (Special Educational Needs and Disability) | Procured in conjunction with wider SEN Pathfinder Waiver approved for 1-year contract to 31 March 2017. This contract is reliant on grant money to carry out particular SEND reforms. This may be approved until 2018 but will not be known until Feb/March 2017. May exist in a different contract by 2018. |
| Advocacy For All | £20,246 | 01.04.16 Original contract: 1 year no extensions available | Bromley Speaking Up-Learning Disabilities (Supported Living) | Waiver approved for 1-year contract to 31 March 2017. |
| Advocacy For All | £20,000 | 01.04.16 Original contract: 1 year no extensions available | Bromley Sparks-Learning Disabilities | Waiver approved for 1-year contract to 31 March 2017. |
| Advocacy For All | £21,651 | 01.04.15 Original contract: 2 years with option for 2 years extension-no extensions taken | Mental Health – Independent Mental Capacity Advocacy | Procured in partnership with 3 other London Boroughs Will run to 30 April 2017 – contract provides for extensions up to 2 years. |
| Baker and Joy | £14,063 | 02.02.15 Original contract: 3 years no extensions available | Children and Young People | Current contract runs until February 2018 |
| Rethink Mental Illness | £123,000 | 01.04.15 Original contract: 3 years plus option for 2 years extension-no extensions taken | Mental Health | Two part contract - General Advocacy under the Care Act for MH and Independent Mental Health Advocacy Services (IMHA) Contract expires March 2018. No extension required. |
| Rethink | £52,000 | 01.10.15 | Older People, | Care Act advocacy support |

| | | | | |
|---|-------------------|---|--|--|
| Mental Illness | | Original contract: 3 years plus option for 2 years extension- no extensions taken | Physical and learning disability | for these client groups. Contract expires September 2018. |
| Voiceability Advocacy | £37,685 | 01.04.13 Original contract: 2 years Extensions taken: 2 years to March 2017 | Adults - Independent NHS Complaints Advocacy Service | Procured through a pan London contract under an allocated grant. Contract extended to 31 March 2017. A new contract for 2017 onwards will be joined with the condition included in the framework agreement to terminate with 6 months notice. This notice will be given 6 months prior to award in April 2018. |
| | £308,645 | | | |
| Total for proposed 3 year = 1 year + 1 year extensions | £1,543,225 | | | |

Timescale for new procurement:

- 3.9 The proposal is for current Advocacy contracts to be extended to a joint expiry of 31 March 2018 in order to allow for the procurement of a single provider for Advocacy services in time for April 2018. The indicative timescale for the new Advocacy tender subject to member approval is detailed below:

| | |
|-------------------------|--|
| March 2017 | Public Engagement |
| April 2017 | Market Engagement |
| May 2017 | Finalise Requirement and Documentation |
| June 2017 | Start of Procurement |
| July 2017 | Evaluation |
| September 2017 | Contract Award |
| October 2017-March 2018 | Mobilisation |

4. SERVICE PROFILE / DATA ANALYSIS

- 4.1 Please refer to the Commentary section 3 and Market Considerations section 6 of this report for this profile and analysis.

5 CUSTOMER PROFILE

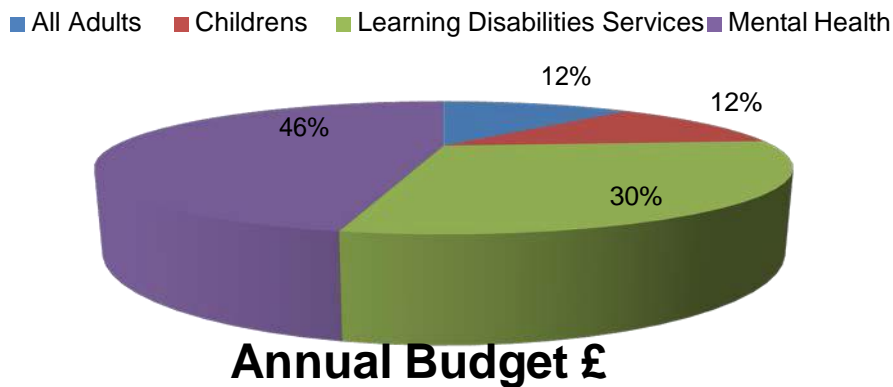
- 5.1 Monitoring reports indicate the number of people accessing Advocacy services in the Council. The figures below are indicative of the capacity and the spend with these providers as opposed to the funding following the demand.

- Advocacy For All Speaking up Group as of March of this year had a Membership of 48. Advocacy For All Sparks Group has a membership as of December of 102.
- Rethink Mental Illness Advocacy had 274 referrals
- Voiceability Advocacy had 38 referrals.
- Baker and Joy had a total of 115 referrals over the four quarters.

6. MARKET CONSIDERATIONS

6.1 Advocacy contracts deliver a number of services and for each contract there are KPI's and outcomes to be met. Statistical returns and outcomes reports are provided on a quarterly basis and this data is reviewed against the contract. Service Providers are met with formally at least annually and more frequently if there are issues to be addressed. The quarterly monitoring returns of existing contracts indicate that Advocacy services are performing their contractual requirements. Some services, such as Both the Baker & Joy (children's advocacy), have seen increasing demand that is in excess of the numbers anticipated in the specification.

6.2 The below chart displays the distribution of Third Sector Advocacy Total Annual Spend by Recipient Type



6.3 The total annual budget of Advocacy is fairly well distributed amongst target groups. However Children's Advocacy as well as General Advocacy both hold only a 12% share of the total Annual spend with Third Sector Advocacy. The distribution of funds for these historical contracts were initially not based on demand as there was no data to support such allocation. However with a single consistent provider who will have this data, experience and knowledge to allocate spend in this way to these client groups, the outlay of Third Sector Advocacy Total Annual Spend may look considerably different and will have the assurance of equal and fair distribution to service user groups.

Best Practice:

6.4 Commissioners have explored how Advocacy is commissioned and procured across a number of different councils to investigate alternative options and take a holistic approach to how Advocacy is delivered in Bromley Council.

- 6.5 The London Borough of Ealing is establishing a DPS (Dynamic Purchasing System) for its provision of Advocacy. They will cover a number of core categories including Independent Mental Capacity Advocacy, Independent Mental Health Advocacy, Domestic Violence Advocacy, Children's Advocacy and Young Carers' Advocacy.
- 6.6 Bracknell Forest Council has formed a Commissioning Advocacy strategy for 2012-2015. This strategy groups its priorities for Advocacy around the Adult Social Care Outcome Framework as enhancing quality of life, delaying and reducing the need for care and support, positive experience of care and support and protection from avoidable harm. They state a number of measures to achieve these priorities as well as means of monitoring their success, which can be incorporated into Bromley's monitoring.
- 6.7 Surrey County Council and NHS Surrey's Joint Strategy for Advocacy 2012-2016 sets out a strategy for Independent Mental Health Advocacy, Independent Mental Capacity Advocacy as well as General Mental Health, Older People, Carers, Learning Disabilities and Physical, sensory and cognitive impairment Advocacy. It illustrates how some councils are already jointly commissioning their Advocacy services with health.
- 6.8 The predominating feedback that Surrey received regarding options for Advocacy provision, pointed towards having one county wide independent Advocacy provider to arrange access to suitable Advocacy services. This would involve a lead provider which would have arrangements with expert second tier providers. As a result of their findings and consequent strategy for all forms of Advocacy, Surrey have approached the market for all Advocacy services with a few exceptions. These exceptions included Carers Advocacy as well as IMCA and IMHA services and for those using mental health recovery centres, all of which stayed with their current provision.
- 6.9 Officers have considered all options and recommend that a tender for one provider to deliver Advocacy services be implemented. The alternative option of an Advocacy Framework could entail complexities and significant resources to administer and to administrate. Furthermore it is not felt that the additional set-up costs of establishing the DPS (such as Ealing has done) and its ongoing administration in this case would provide sufficient benefits. It is expected that the single provider will be able to allocate funds to different client groups depending on complexity of need and demand. The benefit of one provider will be in the service will be greater efficiencies.
- 6.10 It is requested that the necessary steps to attaining a tender are implemented. These include the extensions that are specified in the Table 8.1 so alignment to 2018 takes place

7. STAKEHOLDER ENGAGEMENT

- 7.1 Engagement has been undertaken with several other local authorities regarding their Advocacy commissioning and provision.
- 7.2 It is also proposed to engage with existing and potential providers by holding a supplier open day to discuss service requirements and tender packaging, to ensure a full understanding of the market in Bromley.

8. SUSTAINABILITY / IMPACT ASSESSMENTS

- 8.1 Considering the financial pressures that the Council continues to face, it is important that services are sustainable at the same time as reducing pressures on contract monitoring. It is expected that one provider will reduce these pressures and attain this sustainability.

9. OUTLINE PROCUREMENT STRATEGY & CONTRACTING PROPOSALS

9.1 A number of Advocacy contracts come to their contractual end in 2017. It is proposed that these contracts are aligned to end on 31 March 2018 as detailed in the following table

| Contract number | Service Title | Provider | Annual Cost | Cumulative Spend with same provider on this service | Recommendation |
|--|--|------------------------|-------------|---|---|
| ecm_38930 | Young Advisor Support to the SEND Pathfinder and Short Breaks Review | Advocacy For All | £20,000 | £123,960 | A single extension of the contract of 1 year to 31 March 2018 <i>(under CPR 23.7.3)</i> |
| ecm_38945 | Speaking Up Advocacy Service | Advocacy For All | £20,246 | £232,672 | A single extension of the contract of 1 year to 31 March 2018 <i>(under CPR 23.7.3)</i> |
| ecm_38946 | Bromley Sparks Advocacy Service | Advocacy For All | £20,000 | £200,000 | A single extension of the contract of 1 year to 31 March 2018 <i>(under CPR 23.7.3)</i> |
| ecm_3398 | Independent Mental Capacity Advocacy | Advocacy For All | £21,651 | £43,302 | Extension of 11-months (as provided under the terms of the contract) to 31 March 2018 <i>(under CPR 23.7.3)</i> |
| ecm_3444 | Advocacy for Children & Young People | Baker and Joy | £14,063 | £44,147 | A single extension of the contract of 2 months to 31 March 2018 <i>(under CPR 23.7.3)</i> |
| ecm_3475 | General Advocacy and Independent Mental Health Advocacy Services (IMHA) | Rethink Mental Illness | £123,000 | £266,760 | No extension (original contract term ends 31 March 2018) |
| ecm_21953 | Independent Advocacy Service for older people and those with a learning and/or physical disability | Rethink Mental Illness | £52,000 | £133,440 | Early termination of contract 31 March 2018 |
| ecm_3361 | Independent NHS Complaints Advocacy Service | Voiceability Advocacy | £37,685 | £152,237 | Tender via consortium from 1 April 2017 to join for 1 year. Not exemption as tender via consortium |
| Total | | | £308,645 | | |
| Total for proposed 3 year = 1 + 1 year extensions | £1,543,225 | | | | |

- 9.2 From 2018 it is proposed that a single provider delivers a managed Advocacy services. This will be for a three year contract with the option of 1 year + 1 year extensions available. This will allow for a joined up, cohesive delivery through one provider that can holistically assess the relative demand for each client group and allocate spend from available funds appropriately according to this demand. The use of subcontractors will also be an option for delivery and would actively be encouraged by the Council.
- 9.3 A single provider could help improve accessibility, improving quality by eliminating the duplication expected historically to have arisen with eight contracts. On a service level, there will be a single point of access for service users and individuals will not be expected to repeat their story or be referred elsewhere.
- 9.4 It is intended that an award of this tender be finalised and shared around February 2017 and will be in line with the Councils standard procedures and arrangements as appropriate.

Outcomes:

- 9.5 Outcomes of the service will encompass all client groups with some specific to particular client groups. Outcomes will include for service users to be
- Empowered by being given a voice and to not struggle to be heard.
 - Equipped with the support they need to voice their concerns and to be able to self-advocate where possible.
 - Empowered to make informed decisions regarding the reasons they sought advocacy support for.
 - Aware of their rights to make a complaint and how to do this
- 9.6. For Advocacy services for Learning Disabilities client groups, the outcomes will encompass the following
- To increase the number of people with learning disabilities who are able to self-advocate, reducing social isolation, increasing independence as well as their ability to express their views on how they receive services and to ensure that service users are confident to remain in community services.
- 9.7. For Children's Advocacy services, outcomes will specifically state the following
- Service users voices will be heard during meetings and in any process that involves decisions about them
- 9.8. Measuring such outcomes for service users can be difficult as Advocacy is a preventative service. As part of contract monitoring Key Performance Indicators can include the number of complaints and compliments received by the service, statements and satisfaction surveys from service users as well as an analysis of trends and figures accessing the services.
- 9.9. There will be no changes in the intended service delivery. The purpose of a single provider will be for efficiencies in contract monitoring for the Council as well as the provider experiencing economies of scale with only one set of head office costs.

10. POLICY CONSIDERATIONS

- 10.1 Bromley policy stipulates the eligibility criteria for those accessing Adult Advocacy services in Bromley. Qualifying patients are those who are

- Eligible under the Care Act 2014
- experiencing a level of disability which impairs their ability to advocate on their own behalf
- experiencing complex needs and are experiencing situations which they are unable to cope with without appropriate support and/or:
- in the situation of having no known relatives or friends able to speak for them or when relatives views are in conflict with the service user views

10.2 Moreover the policy states that those accessing IMHA services will qualify through the following conditions

- detained under provisions (other than emergency provisions) of the Mental Health Act 1983 (even if they are currently on leave of absence from hospitals)
- conditionally discharged restricted patients
- subject to Guardianship under the Act or on supervised community treatment

10.3 Policy development is required as to those accessing Children’s Advocacy services.

11. COMMISSIONING & PROCUREMENT CONSIDERATIONS

11.1 Please refer to Outline Procurement Strategy and Contracting Proposals Section 9.

11.2 There will be further reporting on procurement strategy in the report intended for February 2017.

12. FINANCIAL CONSIDERATIONS

12.1 Current expenditure on Advocacy type arrangements is budgeted at £309k in 2016/17. The table below shows the breakdown

| SERVICE | PROVIDER | BUDGET 2016/17 £000 |
|--|------------------------|---------------------------|
| Young Advisor | Advocacy For All | 20 |
| Speaking Up Advocacy Service | Advocacy For All | 20 |
| Bromley Sparks Advocacy Service | Advocacy For All | 20 |
| Independent Mental Capacity Advocacy | Advocacy For All | 22 |
| Advocacy for Children & Young People | Baker and Joy | 14 |
| General Advocacy and Independent Mental Health Advocacy Services (IMHA) | Rethink Mental Illness | 123 |
| Independent Advocacy Service for older people and those with a learning and/or physical disability | Rethink Mental Illness | 52 |
| Independent NHS Complaints Advocacy Service | Voiceability Advocacy | 38 |
| | | 309 |

- 12.2 By undertaking an exercise to commission these strands of advocacy together, greater synergies may be obtained, resulting in a more efficient service delivery.
- 12.3 Any savings that may result would be offset against targets set as part of the medium term financial strategy plan of the Council.

13. PERSONNEL CONSIDERATIONS

- 13.1 No Council Staff are affected - all existing provision is outsourced to the Third

14. LEGAL CONSIDERTAIONS

- 14.1 With regards to the recommendation to extend the existing advocacy contracts, individually the value of each contract is below the EU threshold and exemption from tendering may be granted by the Executive under the Council’s Contract Procedure Rules (CPR 13). With regards to the proposal to re-tender the advocacy contract as a single contract, the value of the single contract will be above the EU threshold level applicable to these services which is currently £589,148 and as such will need to be procured in compliance with the Public Contracts Regulations 2015.

15. IMPACT ON VULNERABLE PEOPLE AND CHILDREN

- 15.1 Vulnerable members of the community such as those with learning disabilities and mental health conditions will be provided Advocacy by a holistic and cohesive service. In addition this will mean that those needing more than one type of Advocacy will have a single point of access and a better experience of engaging with such services.

| | |
|---|------------------------------|
| Non-Applicable Sections: | None. |
| Background Documents: (Access via Contact Officer) | [Title of document and date] |
| | |

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Report No.
CS17045

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

For Pre-Decision Scrutiny by the Care Services PDS Committee on:

Date: 13th October 2016

Decision Type: Non-Urgent Executive Non-Key

Title: **GATE REPORT FOR THE PROVISION OF STATUTORY HOMELESSNESS REVIEWS**

Contact Officer: Tracey Wilson, Compliance & Development Manager
Tel: 020 8313 4098 E-mail: tracey.wilson@bromley.gov.uk

Chief Officer: Sara Bowrey, Assistant Director: Housing (ECHS)

Ward: Borough-wide

1. Reason for report

- 1.1 Homeless Households have a statutory right to a review of decisions made by the Council in respect of applications for accommodation and accommodation offered under the provisions of part VII of the Housing Act 2004 (as amended by the Homelessness Act 2002). The process for conducting such reviews is set out in the legislation under s202, part VII of the Housing Act 2004 and requires that reviews are conducted by someone independent of the original decision and sufficiently senior to the person making the original decision.
- 1.2 Legal Advice confirms that the decision to contract out the statutory homelessness reviews function must be agreed by Executive in order to comply with the Homelessness legislation and accompanying statutory order in relation to the reviews function.
-

2. **RECOMMENDATIONS**

- 2.1 **Subject to the views of the Care Service and Executive & Resources Policy Development and Scrutiny Committees, the Council's Executive is asked to agree to:**
- i) **Confirm the current arrangements for contracting out homelessness reviews until the new contract begins;**
 - ii) **To contract out the statutory reviews function under the terms set out in this report;**
 - iii) **To tender the external homelessness reviews contract for a period of 3 years with an option to extend for a further 2 year period; and,**
 - iv) **To delegate agreement to extend the current contract, if required, to the Care Services Portfolio holder for a period of up 3 months until the new contract begins to enable handover and completion of any existing reviews under the current contract.**

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: £12,000 per annum
 2. Ongoing costs £12,000
 3. Budget head/performance centre: 746000
 4. Total current budget for this head: £16,000
 5. Source of funding: Core 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
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Bromley currently receives approximately 1200 applications per year from people seeking assistance under the homelessness legislation. In all cases applicants have a right to request a statutory review of any decision made in respect of their homelessness application. Bromley currently receives on average 130 homelessness reviews per year across all types of decisions. The number of homeless approaches is starting to rise and is likely to increase further once the proposals in the current Homeless Reduction Bill come into force.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The duties of local housing authorities to persons who apply as homeless is governed by Part VII, Housing Act 1996, as amended by the Homelessness Act 2002. The authority must make such enquiries as are necessary to satisfy themselves whether the applicant is eligible for assistance and what, if any, duty is owed to them. The applicant has a right to request a review of any such decision and decisions relating to the suitability of accommodation offered to them in discharge of the duty owed. If the applicant is dissatisfied with the decision on review, they may then appeal to the county court on a point of law. The review of the decision must be conducted by someone who is independent of the original decision and senior in terms of rank or grade to the officer making and authorising the original decision and must be completed within set timeframes, usually 56 working days from receipt of the request for a review..
- 3.2 Since 2011 a proportion of review investigations have been undertaken by external independent reviewers in order to provide sufficient capacity to undertake the volume of reviews being received. The current provider was identified after price and quality comparison with other possible providers and in discussion with other local authorities.
- 3.3 As recent case law, in particular pertaining to the assessment of vulnerability (*Hotak v LB Southwark*) and suitability of accommodation (*Nzolameso v Westminster*) have increased the volume of reviews, the Council has had to rely more heavily on the current provider for investigation in order to meet statutory timeframes.
- 3.4 This arrangement was approved by the then Assistant Director in 2010/11 on behalf of the Council, with the independent reviewer being used on an ad hoc basis to provide reviews investigations with the decision to refer being taken under officer delegated authority.
- 3.5 Where the service is fully contracted out to enable the independent reviewer to investigate and also issue a s202 homelessness review decision this decision requires formal approval by the Executive.
- 3.6 As it would not be practicable to have a break in service or hand over reviews in progress from one external reviewer to another. A short extension may be required on the existing contract to enable current reviews already referred across at this stage to be concluded.

Service delivery options considered:

- i) The only alternative to contracting out the statutory review function is for the Council to employ a specialist housing review officer/s on a senior grade. Many local authorities keep an in-house service for the majority of reviews. However, given the number of reviews, this is not considered to be the best options in terms of value for money, neither is it responsive to the peaks and troughs in the workload.
- ii) Contracting out the reviews enables the Council to pay solely for the work done. Payment is made on receipt of the reviews and these must be completed within a set time according to legislative and contractual arrangements. The contracted service is estimated to provide significant savings compared to an equivalent in-house service. Based upon comparisons with the current arrangements and other local authorities the estimated cost of carrying out this function via independent reviewers is approximately £12,000 per annum based upon current volumes. A specialist in-house officer would cost in the region of £40,000 per annum.

4. SERVICE PROFILE/DATA ANALYSIS

- 4.1 The number of homeless applications to the service remained fairly steady since the earlier increases in 2011 and this can be attributed to the emphasis on homeless prevention. Whilst

the numbers have remained static the profile of cases has changed quite dramatically as a result of welfare reform and the single highest reason for homeless is now eviction from the private sector.

- 4.2 Recent legislation and case law findings have lead to a significant increase on the current number of reviews having to be undertaken and there is not sufficient capacity in-house to meet the current level of statutory review investigations. As such, there has been an increased reliance on independent reviews to provide sufficient capacity to fulfil the Council’s statutory review obligations.

Figure 1 shows the number of reviews received in 2015/16

| | | |
|--|---|-------------------------|
| S202 – review of homelessness application decision | S202 review of suitability of accommodation offered | Housing Register Review |
| 68 | 49 | 70 |

Figure 2 shows the number of reviews during 2015/16

| No. of Reviews 2015/16 | | | |
|-------------------------------------|--|---|-------------------------|
| | S202 – review of homeless application decision | S202 review of Suitability of accommodation offered | Housing Register Review |
| No. responded to within our service | 15 | 50 | 301 |
| No. requiring independent reviewer | 66 | 12 | 0 |
| Total | 81 | 72 | 301 |

- 4.3 A new Homeless Reduction Bill was published on 29th June proposing roll out of the changes recently implemented in Wales to be extended to all English local authorities. Early profiling of the impact of the Bill suggests a significant rise in the number of homeless applications and subsequent statutory reviews that the Council will have to consider. Based upon the experience in Wales this has seen approximately a 63% increase in homelessness presentations. If this follows through into reviews in this area it would equate to an increase of 41 reviews at an annual cost of approximately £6,237.

5. CUSTOMER PROFILE

- 5.1 Those who approach the Council for assistance under the provisions of the homelessness legislation are some of the most vulnerable members of the community with high representation from certain equality groups; in particular vulnerable due to disability, mental health, pregnancy or young children and people.
- 5.2 The use of independent reviews ensures that there is sufficient capacity to fulfil the Council’s statutory reviews function within the prescribed timeframe of 56 working days. This helps to reduce the length of time households are waiting for a decision.

6. MARKET CONSIDERATIONS:

- 6.1 This is a specialist area of work and as such there are only a very small number of organisations providing this service, in the main these are officers who were formerly local authority reviews officers who have set up small limited companies or consultancy arrangements to undertake reviews on behalf of local authorities. A small number of solicitors will also consider undertaking reviews to assist local authorities, usually on an ad hoc basis, but this model tends to be more expensive charged at a standard daily rate for the solicitor appointed.
- 6.2 In discussions with other boroughs operating a similar arrangement to the one proposed, the majority report that providers tend to focus on building relationships with the local authorities they work with as this ensures a full understanding of local priorities and procedures in order to ensure that decisions are robust and able to defend legal challenge in the local context.
- 6.3 Recent tenders by other local authorities have tended to only attract one bid, usually from the existing provider and there have been a small number receiving zero bids. As this is a very limited market and providers tend to be small with limited capacity in terms of the number of local authorities they are able to provide a reviews service for at any one time, providers are highly sought after. Consultants with plenty of work are unlikely to tender as there is little incentive to bid given the intense competition for the scarce resources available to undertake this specialist area of work. Current procurement experience in similar tenders has shown that professional individuals are unlikely to register with an e-procurement system to submit a bid especially where they are offered work by other Local Authorities who have not required a tender submission.
- 6.4 Market testing has confirmed the current provider in Bromley demonstrates VFM against as set out in appendix 1 which confirms a lower pricing structure for reviews and follows up work reducing the overall cost.

7. STAKEHOLDER CONSULTATION

- 7.1 Commissioners are consulting with the current provider as well as other Local Authorities operating similar schemes to ensure that as many providers as possible are aware of the Council's intentions.

8. SUSTAINABILITY/IMPACT ASSESSMENT

- 8.1 The potential risk to the Council for not taking this course of action include the potential reputational and compliance risk that the Council has as a statutory obligation to complete s202 reviews with 56 working days. If this is not done and decisions are issued late, there are risks of judicial review actions which if successful, are very likely to result in considerable financial risk to the Council as well as causing reputational damage.
- 8.2 External providers do however charge on a per case basis, and caseloads have been increasing each year. There is a risk that if caseloads continue to increase, there may be a time when it is a better value for money to revert to internal provision of this function.
- 8.3 Not all reviews need to be referred to the contractor and the Council retains the right to carry out reviews. The Council also retains the right to revoke the authorisation to an independent reviewer at any time during the contract.
- 8.4 Sufficient contingency has been built into the budget to cover any sudden fluctuations in demand arising from legislative and case law changes.

9. OUTLINE PROCUREMENT STRATEGY AND CONTRACTING PROPOSALS

- 9.1 Officers will send out a Request for Quotes in line with CPR 8.1.1 for a contract period of 3 years plus a 2 year extension option using the Council's e-procurement system and following the timetable below:

| | |
|------------------------|-------------------|
| Publish tender | Mid October 2016 |
| Tender submissions due | Mid November 2016 |
| Evaluation of tender | End November 2016 |
| Contract award (Exec) | 11 January 2017 |
| Contract start date | 1 March 2017 |

- 9.2 **Estimated Contract Value:** £60,000 (5 years)

- 9.3 **Proposed Contract Period:** 3 years plus the options to extend for a further 2 years.

This will not be a fixed price contract. The price will depend on:-

- The number of reviews in a year
- the complexity of the cases
- The number of oral hearings and court appearances required

- 9.4 We would also propose to ask contractors to quote prices for training and audit report feedback, to ensure that learning from reviews continues to be fully embedded into the service. Some further allowance also needs to be included to allow for increased reviews, particularly in light of increased homeless presentations and the impact of the new Homelessness Reduction Bill. The budget does have a level of contingency built in to cover peaks in review applications.

- 9.5 **Proposed Evaluation Methodology:** Evaluation will be based on the methodology recommended by the Chartered Institute of Public Finance & Accountancy (CPFA). Tenders will be evaluated based on 60% Price and 40% quality. The overall weightings for this contract evaluation have been set to identify the most economically advantageous tender (MEAT) and deliver best possible combination of whole life cost and quality to meet the Council's requirements. Evaluation of the following proposed evaluation criteria will be undertaken by Members of the Housing Team responsible for the contract and a representative from the leaving Care Team responsible for the setting up home fund. The procurement officer will manage and oversee the process, with Finance scrutinising the financial aspects of the bid. All areas will be weighted equally.

| | |
|--------------------------|-------|
| Service Delivery | (20%) |
| Quality Assurance | (20%) |
| Service Consistency | (20%) |
| Legislative Compliance | (20%) |
| Financial Sustainability | (20%) |

- 9.6 **Service Review:** The current provider has assisted in more than 350 review investigations and has performed well. They have continued to meet agreed timescales and costs during this period. The process has continued to fulfil requirements providing a balanced set of outcomes with thorough investigations and robust decision recommendations which have enable the Council to successfully defend all legal challenge which can be very costly and would normally exceed £10,000 even for a very basic county court review.

9.7 As set out in paragraph 6.4 above, market testing has confirmed that prices between providers are very similar and the current provider in Bromley demonstrates VFM against the small number of alternative providers currently operating within this field.

9.8 The contract will be managed by the Housing Compliance and Development Manager.

10. POLICY IMPLICATIONS

10.1 The current procedures comply with the legislative framework for statutory reviews and set out that that reviews will normally be referred to the independent reviewer with the Council retaining the option of undertaking the review itself. As such there would be no changes to the current arrangements and information given to applicants.

10.2 There are no equalities implications

10.3 There are no children and vulnerable people impacts. An external reviews offers an impartial oversight of cases decisions and has access to advocates, translations services it e same way as service.

11. COMMISSIONING & PROCUREMENT CONSIDERATIONS

11.1 Procurement options considered:

- 1) Single Tender Waiver: Given the limited market for this service, request an exemption from tendering in line with CPRs 3.1 and 13 to award a contract to the current provider for a period of one year with the option to extend for a further year. This option is supported by recent Current procurement experiences in other tenders. However, this option does not enable Best Value to be established and does not give longer term assurance to the provider.
- 2) Approach the market ensuring that all likely providers are aware of the opportunity and are provided maximum support to complete bids. The complexity of the paperwork requirements will reflect existing knowledge of provider behaviour.

11.2 Having considered both options, the recommended option to proceed to tender in order to meet financial regulations and ensure best value is achieved with a secured price contract.

12. FINANCIAL IMPLICATIONS

12.1 The expenditure on this area is set out in the table below:

| | <u>2013/14</u> | <u>2014/15</u> | <u>2015/16</u> | <u>2016/17</u> |
|------------------------|----------------|----------------|----------------|----------------|
| | <u>£000</u> | <u>£000</u> | <u>£000</u> | <u>£000</u> |
| BUDGET | 16 | 16 | 16 | 16 |
| EXPENDITURE ON REVIEWS | 12 | 11 | 8 | |

NB: 2013/14 and 2014/15 also includes spend on the provision of specialist on case law and legislative changes in addition to review investigations.

12.2 There is financial provision for the cost of housing reviews within the operational housing budget. Based on current volumes this is estimated to be £12k p.a. However this is dependent on volumes of reviews and is liable to fluctuate.

12.3 The delivery of good quality reviews for the Council will save significant sums that may otherwise get awarded against the Council in Judicial review cases.

13. LEGAL IMPLICATIONS

13.1 The Local Authorities (contracting out of allocation of housing and homelessness functions) Order 1996 enables local authorities to contract its statutory reviews function. Section 3 of the same confirms that any decision to do so would requires approval of the Council. As an executive function, this requires executive approval to contract out the statutory reviews

13.2 The authorisation to contract out this function will ensure that when review decisions are made by the independent reviewer this cannot be challenged as being ultra vires.

13.3 The above regulation order also requires that:

- The contract must be for a defined period of no longer than 10 years – in this case it will be for a defined period of up to 5 years.
- That the contract can be revoked and the function exercised by the Council – this clause has been built into the contract.

13.4 The estimated contract value is below the EU threshold for services and as such is not subject to the application of the Public Contract Regulations 2015.

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

Report No.
ED17018

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

Date: 18th October 2016

Decision Type: Non-Urgent Executive Non-Key

Title: **DRAWDOWN OF GOVERNMENT GRANT FUNDING TO SUPPORT THE LOCAL AUTHORITY IN THEIR CONTINUED ROLE AS A LONDON REGIONAL LEAD OF THE SPECIAL EDUCATIONAL NEEDS & DISABILITY (SEND) REFORMS FROM APRIL 2016 TO MARCH 17**

Contact Officer: Mary Cava, SEND Implementation Lead
Tel: 020 8461 7633 E-mail: mary.cava@bromley.gov.uk

Helen Norris, Head of Specialist Support & Disability Service
Tel: 0208 315 4740 E-mail: Helen.norris@phoenixsch.org.uk

Chief Officer: Director: Education (ECHS)

Ward: (All Wards);

1.0 REASON FOR REPORT

1.1 This report is seeking approval for the release of grant funds, held in the 2016/17 central contingency, of £27,521.93 allocated by the DfE for the London Regional SEND programme. The funding is allocated to the London Borough of Bromley to continue work in partnership with the London Borough of Enfield to coordinate the programme across 33 London boroughs. This has been made up of £16,666.67 base funding with a top-up amount based on the number of authorities in the London region of £10,855.26, making £27,521.93.

1.2 Bromley, in partnership with Enfield, has been a Regional Lead since April 2015. This has facilitated a peer SEND learning approach, to share best practice to support statutory compliance and the London-wide implementation of the Special Educational Needs & Disability reforms 2015/16.

1.3 At the end of March 2016, further funding was granted by the DfE to continue the London Regional Lead work. This is a reduced rate to last year in order to build sustainability of the programme and workforce development on key issues.

2. RECOMMENDATION(S)

2.1 The Executive is asked to:

(i) consider the contents of the report;

(ii) approve the release of £27,521.93 of non-ring fenced funding for the continued role of the London Borough of Bromley as SEN & Disability (SEND) Regional Lead for London in partnership with London Borough of Enfield 16/17.

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost: £27,521.93
 2. Ongoing costs: Not Applicable: Payment will be made in two instalments on the last Fridays in May 2016 and November 2016
 3. Budget head/performance centre: 136355
 4. Total current budget for this head: £27,521.93
 5. Source of funding: DfE Grants
-

Staff

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement: The Children and Families Act 2014
 2. Call-in: Applicable:
-

Customer Impact

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

Children and young people with SEN & disabilities and their families across 33 London boroughs, including 2,000 children and young people together with their parents/carers in Bromley.
-

Ward Councillor Views

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

3.0 COMMENTARY

3.1 2015/16 SEND Regional Lead for London Programme

During the 2015/16 Programme 18 London-wide events were held for the 33 London boroughs also supporting Bromley colleagues across Education, Care and Health and parent carer forums who have greatly benefited from this training. Regional events were well attended and highly evaluated. Key national partners supported these events to ensure implementation of the new reforms and statutory compliance to the new SEN Code of Practice. These events have supported workforce development in Bromley, funded through the London regional grant programme. Please see Appendix 1 for the list of events. Further events are planned

4.0 POLICY IMPLICATIONS

Not applicable.

5.0 FINANCIAL IMPLICATIONS

It is anticipated that the funding 16/17 is used to further support the development of integrated services in line with the SEN Code of Practice and will include key staff integrated services from Bromley with a number of planned events 16/17 including a specific focus for health and care working with key delivery partners.

The funding allocation from the Department for Education for the London Region for 2016/17 is £27,521.93. This amount is to be shared with our partner Enfield. The activities to be funded by this amount include:

Proposed and planned events 16/17:

| | ACTIVITY | COST |
|----|---|-------------|
| 1. | SEN Support Events x 2 – autumn 2016 and spring 2017 <i>Including venues, refreshments, Enfield and Bromley regional time and administrative support</i> | £5,000 |
| 2. | Accountability and addressing the requirements of the Local Area Inspection process including education, health and care, particularly the Self Evaluation Form <i>Including venue, refreshments, Enfield and Bromley regional time and administrative support</i> | £2,500 |
| 3. | Developing an Early Years Network across London <i>Including venue, refreshments, Enfield and Bromley regional time, speaker / facilitator and administrative support</i> | £2,500 |
| 4. | Improving the quality, accessibility and effectiveness of an integrated Local Offer – Peer moderation <i>Including venue, refreshments, Enfield and Bromley regional time and administrative support</i> | £2,500 |
| 5. | Further targeted support for EHC Plan writers – in conjunction with Preparing for Adulthood <i>Including venues, refreshments, Enfield and Bromley regional time and administrative support</i> | £2,000 |
| 6. | Joint Commissioning and Social Care (1 or 2 events) | £1,000 |

| | | |
|-----|---|-----------------|
| | <i>Including venues, refreshments, Enfield and Bromley regional time and administrative support</i> | |
| 7. | A practical approach to developing and agreeing statutory compliant, person centred and outcome focused plans across education, health and care <i>Including venues, refreshments, Enfield and Bromley regional time and administrative support</i> | £2,500 |
| 8. | SEND Update Briefing to the Association of London Directors of Children's Services (ALDCS) <i>Including refreshments, Enfield and Bromley regional time and administrative support</i> | £500 |
| 9. | Termly meetings for Principal Educational Psychologists – 3 x one day meetings / Support to the London Strategic Manager's Network and aligned delivery partner activity | £2,000 |
| 10. | Regional co-ordination / administration / evaluation and preparation of events The main administration for the SEND London Regional Lead Programme to sit with Bromley | £3,500 |
| 11. | Contingency of c.15% of regional funding to be agreed for the development of key SEND themes following evaluation and development of new SEND policy initiatives | £3,521 |
| | TOTAL | £27,521* |
| | *£6k to reflect Enfield's share of the organisation, presentations, leading and delivery of events. | |

The above table includes Bromley staff time, in respect of Head of Specialist Support & Disability Services, Parent Participation Officer, Officer and administrative support to deliver and coordinate the London Regional SEND Programme grant activity across London. This will ensure that all Bromley staff supporting the Programme are funded through the grant. £6,000 will be allocated to Enfield for staffing and support towards the 2016/17 programme. The sum also reflects some venue hire and expenses to deliver activity across London.

6.0 LEGAL IMPLICATIONS

Compliance with the Children & Families Act 2014.

7.0 PERSONNEL IMPLICATIONS

Not applicable.

| | |
|---|---|
| Non-Applicable Sections: | 4.0 Policy Implications 7.0 Personnel Implications |
| Background Documents: (Access via Contact Officer) | Appendix 1 List of SEND Regional Lead for London events held 2015-16 Appendix 2 Letter on behalf of Secretary of State for Education dated 6 th May 2016. |

List of SEND Regional Lead for London events held 2015-16

- Ofsted Framework Workshops x 2 7th July 2015 - am
- pm
- Social Care Workshop “Training the Trainers” 10th July 2015
- London Regional Transitional Workshop 4th September 2015
- High Quality EHC Plans and Processes within Statutory Timelines, Lessons Learnt and Defining Quality Workshop 30th September 2015
- Health & Local Authority Commissioning and Advice Workshop 6th November 2015
- Social Care Workshop “Training the Trainers” (2nd workshop) 13th November 2015
- A Practical Approach to Personalisation and Personal Budgets 7th December 2015
- EHC Plan Writers Focus Group 22nd January 2016
- Accountability / Ofsted/CQC Framework Workshop x 2 29th January 2016
- am
- pm
- Sustaining Children, Young People and Parental engagement beyond March 2016 5th February 2016
- Health and Local Authority Commissioning and Advice Workshop 12th February 2016
- Early Years Conference 1st March 2016
- 2nd Quality, Statutory and Compliant EHC Plans 4th March 2016
- Local Offer Peer Review Workshop 7th March 2016
- Social Care & Safeguarding in the EHC Planning Process 11th March 2016
- SEND Briefing to the Association of London Directors of Children’s Services 14th March 2016



Helen Norris
Head of Specialist Support & Disability Services
Pathfinder Champion Lead for London Region 1 (Bromley)
London Borough of Bromley
c/o The Phoenix Children's Resource Centre
40 Masons Hill
Bromley
BR2 9JG

6 May 2016

Dear Helen

Grant to act as Regional Lead in the London region for implementation of the Special Educational Needs and Disability reforms.

During 2015-16, the London Borough of Bromley acted as the Regional Lead for implementation of the Special Educational Needs and Disability reforms in London (working in partnership with the London Borough of Enfield).

I am writing to let you know that I, as authorised by the Secretary of State, would like you to continue in this role during 2016-17.

A copy of the Grant Determination Letter is attached. Any queries which you have about the Determination should be sent to me at the following address:

angela.overington@education.gsi.gov.uk:

The Department for Education
0-25 SEN and Disability Unit
1st Floor, Sanctuary Buildings
Great Smith Street, London SW1P 3BT

A colleague from Mott MacDonald will be in contact shortly on behalf of the Delivery Support consortium to offer their support in developing your work plan.

Yours sincerely,

ANGELA OVERINGTON
For the Secretary of State for Education

S31 Grant Determination Letter for the Role of Regional Lead for the Special Educational Needs and Disability Reforms in 2016-17: [DfE ref CSEC4/2016] [DCLG ref 31/2780].

This Determination is made between:

(1) **The Secretary of State for Education** and

(2) The London Borough of Bromley of Stockwell Close, BROMLEY, Kent
BR1 3UH.

Purpose of this grant

Local authorities can use this grant funding to support them in their role as regional lead for the implementation of the Special Educational Needs reforms from April 2016. They may, however, choose how to spend the money in order to best meet local need.

The aspiration of the Department for Education, in agreement with the Local Government Association and the Association of Directors of Children's Services, is that Regional Leads should use the funding provided to:

- develop a clear and sustainable strategy for partnership working with local authorities and with the main stakeholder groups across the region; including education settings for ages 0-25; health services; parent carers; Parent Carer Forums and children and young people across the 0-25 age range;
- share good practice and offer targeted support on specific reform themes, according to regional needs; and
- co-ordinate peer support activities which might include action learning sets, workshops, regional events and local working groups.

Some success measures which Regional Leads may wish to employ are provided at Annex A.

Grant allocations

Total funding of £200,000 is available for this programme in 2016-17, with funding to be split between the Regional Leads.

Funds will be made available in the form of an unringfenced grant. Details of allocations to be made to each Regional Lead are set out in Annex B.

Payment arrangements

Payment will be made in two instalments on the last Fridays in May 2016 and November 2016.

Arrangements for keeping in touch with the Department for Education and the Delivery Support Contractor.

Formal reporting to the Department for Education on progress is not a condition of this grant. However, successful applicants for this award in 2015-16 described in their original expressions of interest how they intended to use the funds to drive improvement in their region and they are invited to continue working with the Delivery Support Contractor on a voluntary basis on delivery planning and systems for measuring and sharing progress. The Department for Education would also be happy to continue receiving any information about effective practice that is gathered by the Regional

Leads during 2016-17.

This letter will be copied for information to the Chief Finance Officer and Director of Children's Services for the London Borough of Bromley and to Her Majesty's Treasury and the Department for Communities and Local Government.

If you have any questions about the contents of this letter, please contact the SEN and Disability implementation mailbox at SEN.IMPLEMENTATION@education.gsi.gov.uk.

Yours sincerely,

A handwritten signature in black ink that reads "Anne Gross". The signature is written in a cursive style with a small flourish at the end.

Director of Special Needs, Children in Care and Adoption
Department for Education

REGIONAL LEAD FOR THE SPECIAL EDUCATIONAL NEEDS AND DISABILITY REFORMS: GRANT DETERMINATION 2016-17: [DfE ref CSEC4/2016] [DCLG ref 31/2780]

The Minister of State for Education (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the Regional Lead for the Special Educational Needs and Disability Reforms Determination 2016-2017 [DfE ref CSEC4/2016] [DCLG ref 31/2780].

Purpose of the grant

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

Determination

3) The Minister of State determines the authorities to which grant is to be paid and the amount of grant to be paid; these are set out in Annex B.

Treasury consent

4) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed on behalf of the Minister of State for Education by Ann Gross,

A handwritten signature in black ink that reads "Ann Gross". The signature is written in a cursive style with a small horizontal line underneath the name.

Director of Special Needs, Children in Care and Adoption
Department for Education

ANNEX A: SUCCESS MEASURES

Funding under Section 31 Grant reference [DfE ref CSEC4/2016] [DCLG ref 31/2780] is intended to facilitate a peer learning approach to support implementation of the Special Educational Needs reforms during 2016-17. Local authorities may, however, choose how to spend the money in order to best meet local need.

Success measures which Regional Leads may wish to employ when assessing the impact of this grant might include:

- evidence of progress across key areas of the SEN and disability reforms such as:
 - the transition from statements of SEN and Learning Difficulty Assessments to Education, Healthy and Care plans,
 - the quality and accessibility of the Local Offer,
 - awareness of personal budgets,
 - development multi-agency working and joint commissioning,
 - preparing for adulthood,
 - participation of children, young people and parent carers,
 - organisational change, and
 - workforce development;
- a clear and sustainable strategy for partnership working with local authorities across the region;
- development of a clear and achievable delivery plan for regional activities and peer support in 2016-17;
- a strategy for assessing the impact their work has had in the region;
- evidence of effective partnership working with the main stakeholder groups in the region to shape approaches;
- a strong working partnership with their own local parent carer forum that can help to influence and encourage participation and co-production within the region;
- evidence of effective partnership working with national partners and support agencies to meet regional needs and share information;
- a strategy for sharing of effective approaches from the region, including with neighbouring areas; and
- evidence of an improved experience for children and young people and their families.

Report No.
DRR16/069

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Executive**

**For Pre-Decision Scrutiny by the Renewal and Recreation PDS
Committee on:**

Date: **20th September 2016**

Decision Type: Non-Urgent Executive Non-Key

Title: **COMMUNITY MANAGEMENT AT COMMUNITY LIBRARIES:
OUTCOME OF TENDER**

Contact Officer: Colin Brand, Assistant Director Leisure and Culture
Tel: 0208 313 4107 E-mail: colin.brand@bromley.gov.uk

Hannah Jackson, Project Manager: Change & Regeneration
Tel: 0208 461 7960 E-mail: hannah.jackson@bromley.gov.uk

Chief Officer: Executive Director of Environment & Community Services

Ward: Bickley; Bromley Common and Keston; Cray Valley West; Hayes and Coney
Hall; Mottingham and Chislehurst North; Plaistow and Sundridge; Shortlands;

1. Reason for report

- 1.1 Following pre-decision scrutiny at the meeting of the Renewal & Recreation Policy Development & Scrutiny Committee on 18th March 2015, the Portfolio Holder decided to implement a new approach to the delivery of library services in difficult financial circumstances. This included agreeing to start a procurement process to identify suitable community management options for the borough's six community libraries.
- 1.2 Members were provided with an update on the tender process in November 2015. In January 2016, following the evaluation of initial business plans and negotiations with tenderers, the Renewal & Recreation Portfolio Holder awarded preferred bidder status to Community Links Bromley to enable them to work up the detail needed to finalise its business plan for community management at all six community libraries.
- 1.3 Final business plans were submitted, clarified and evaluated, however following this process. Community Links Bromley decided to withdraw their tender. As a result, there are no proposals for community management at community libraries to be considered.
- 1.4 In light of this, this report recommends that the Council pursue the alternative option that was presented to them in the update report in November 2015 which recommended that should no suitable community management arrangements be found, community libraries should be included in the commissioning of the core Library Service. The Council is currently engaged in

a joint tender for core library services with the London Borough of Bexley, an update of which is provided in this report.

2. RECOMMENDATION(S)

2.1 The Renewal & Recreation Policy Development & Scrutiny Committee is asked to review this report and provide its comments to the Executive for consideration.

2.2 The Executive is asked to:

- **Note the outcome of the tender seeking community management at community libraries and that no tenders remain.**
- **Agree to draw down the £250k saving built into the budget from the Central Contingency for 2016/17, as the assumed savings will not be achieved this financial year**
- **Agree to include community libraries for direct management as part of the joint tender with the London Borough of Bexley for library services in both boroughs.**

Corporate Policy

1. Policy Status: Existing Policy: Library Service Strategy
 2. BBB Priority: Children and Young People Excellent Council Safer Bromley Supporting Independence Vibrant, Thriving Town Centres
-

Financial

1. Cost of proposal: The savings of £250k will not be achieved
 2. Ongoing costs: There is a potential for these savings to be achieved through the joint tender process of the core library service
 3. Budget head/performance centre: Libraries
 4. Total current budget for this head: £4.5m
 5. Source of funding: Existing revenue budget for 2016/17
-

Staff

1. Number of staff (current and additional): 104.4FTE
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): In 2015/16, Bromley's library service recorded 45,578 active users across the whole network of libraries (and active user is defined as an individual who has had a transaction on their library account in the last year). This represented a decrease of 12.5% on the number of active users recorded in 2014/15. The Library Service has a statutory duty to be available and accessible to all those who live, work and study in the borough. The 2011 census identified that 309,392 people live in the London Borough of Bromley. In 2015/16, community libraries received the following number of visits and issues:

| Library | Number of Visits | Number of Issues |
|------------------------|-------------------------|-------------------------|
| Burnt Ash Library | 21,142 | 13,116 |
| Hayes Library | 18,493 | 21,987 |
| Mottingham Library | 20,559 | 19,280 |
| Shortlands Library | 19,582 | 26,124 |
| Southborough Library | 26,849 | 39,572 |
| St Paul's Cray Library | 20,329 | 20,604 |

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: A summary of Ward Councillor comments will be provided at the committee meetings.

3. COMMENTARY

Decision to seek community management

3.1 On 18th March 2015, the Renewal & Recreation Policy Development & Scrutiny Committee and Portfolio Holder agreed that officers should commence a procurement exercise to identify suitable community management arrangements for the borough's six community libraries:

- Burnt Ash Library
- Hayes Library
- Mottingham Library
- Shortlands Library
- Southborough Library
- St Paul's Cray Library

3.2 Community management was considered desirable for these libraries because it had the potential to retain library services at community locations as part of the Council's statutory provision, whilst significantly reducing operating costs to avoid making closures. As community libraries are the smallest in the borough, make the lowest number of issues and receive the lowest number of visits, it was agreed that community management could have made these libraries work more effectively for the very communities they serve.

3.3 The decision to seek community management arrangements that kept community libraries part of the Council's statutory service was made on the basis that:

- To remove all community libraries from the Council's statutory service may leave the Council falling short of its statutory duty to provide a comprehensive and efficient library service.
- The impact of community management on service users would be reduced as customers would continue to enjoy access to Council book stock and the existing opening hours would have to be sustained.

3.4 However, the requirements for the library service under community management were less stringent than those which the Council directly deliver. The wider range of services to be offered could be different: for example, the specification was not prescriptive about how internet access was provided or how the libraries were staffed.

Initial Tender Stages

3.5 The procurement process for this tender was designed to accommodate tenders from community groups or organisations, or local businesses. A negotiated process was chosen so that the Council could work with tenderers to refine requirements and proposals to try and find a workable solution that delivered value for money.

3.6 The opportunity was advertised widely between 12th May 2015 and 26th June 2015 in accordance with a communications plan which targeted residents, library users, local businesses and community and voluntary sector organisations. A detailed pack gave prospective bidders information about what would be required from any successful community

management arrangements and officers held an information day where interested parties could talk to officers about community management and their proposals.

- 3.7 The deadline for receipt of expressions of interest was 5pm on 26th June 2015. An application form was submitted which gave a high level overview of the tenderers' vision for community management. Expressions of interest were received from five organisations, and there were at least three expressions of interest for each library.
- 3.8 Four organisations were shortlisted and three of those organisations were invited to submit an initial business plan for each library. Officers met with the shortlisted applicants to feedback on their expression of interest and to guide them in the next stage of the process.
- 3.9 Initial business plans were submitted on 9th October 2015. In accordance with the guidance provided in the information pack, business plans provided detailed information about the shortlisted organisations' plans for community management at community libraries. Plans needed to show that tenderers had adequately planned for the responsibilities of community management and that their proposals could be sustainable.
- 3.10 Before the submission of initial business plans, one tenderer withdrew from the procurement process. Additionally, one tenderer invited to submit initial business plans for five libraries decided that they would only apply to community manage one.
- 3.11 Business plans and proposals were evaluated by an officer panel which included representatives from Bromley's Library Service, the Head of Procurement, Divisional Head of Finance and the Assistant Director for Culture, Libraries & Leisure. Legal and HR advice was also sought.
- 3.12 Following their evaluation, the panel members decided that two tenderers should not be invited to participate in the tender process any further. This was because their submissions did not demonstrate that they had the potential to be sustainable and the financial models which attracted a high level of risk.
- 3.13 The evaluation panel evaluated Community Links Bromley's proposals for community management at all six community libraries and met with them on 9th November 2015 to provide feedback and negotiate the detail of their initial proposal. At this initial stage, the panel agreed that their proposals had potential but highlighted a number of issues that would need to be addressed in their final business plan. In order to address some of the issues, the Renewal & Recreation Portfolio Holder agreed to award preferred bidder status to Community Links Bromley. Preferred bidder status did not award a contract but it did allow Community Links Bromley the time and transparency to develop the detail in order to de-risk its final business plan.

Final Tenders

- 3.14 Following a short delay, Community Links Bromley was invited to submit its final tenders on 14th April 2016. After having requested an extension to the deadline which was granted, Community Links Bromley submitted their final business plan on 24th June 2016. The evaluation panel evaluated the proposals against the agreed criteria set out in the procurement documents and included at **Appendix 1**. They were evaluated against:
 - Price (50% weighting)
 - Quality (50% weighting)

3.15 The final business plan and proposals were initially evaluated at the end of June and beginning of July 2016. Officers wrote to Community Links seeking clarification on a number of points relating to their business plan.

Outcome of tender process

3.16 Following the evaluation of the clarified final business plan and proposals, and the tendered price, there were a number of issues that remained:

- The level of saving anticipated in the initial business plan has not been realised in the final proposals and the net saving to the Council is significantly reduced.
- The viability of the financial model remained high risk and the final business plan did not address all of the concerns fed back at and following negotiation, particularly in relation to income assumptions.
- The risks associated with the staffing and management model were not addressed adequately in the final business plan and proposals
- Transition costs were not quantified
- An equalities impact assessment demonstrated that, on the basis of Community Links Bromley's final tender, community management at community libraries would have an adverse impact on people with protected characteristics.

3.17 In response, Community Links Bromley wrote to the Council on 2nd September 2016 to withdraw their tender. As a consequence, there are no remaining tenders offering community management at community libraries.

3.18 Community management arrangements at libraries have been successful for other local authorities, and officers have spent some time learning from neighbouring boroughs to inform the approach adopted in Bromley. However, there were a number of circumstances that may have affected why this tender process has not identified suitable community management arrangements in Bromley:

- Other local authorities have advertised community management opportunities as a last attempt to keep libraries open and have been unambiguous about the intention to close libraries, should no community management arrangements be found. This Council has been committed to keeping libraries open and had not threatened closure. Rather, the Council has been improving services, opening three refurbished libraries in the last six years.
- The Council's requirements for community managed libraries were more demanding than some other authorities in order that the libraries continued to be part of the Council's statutory provision. Whilst community management arrangements have been secured in similar circumstances elsewhere, these demands do narrow the market.
- The Council has already made significant savings in relation to its library service. Market testing has demonstrated that it is difficult for community organisations to make significant savings on the current budgets for community libraries whilst retaining core services without relying heavily on high-risk financial models.

Recommended next steps

3.19 In the update report scrutinised by Members on 27th October and 9th November 2015, officers explained that there was an alternative option for community libraries should it not be possible to identify community management arrangements.

- 3.20 This other option was identified during the course of soft market testing the core library service in preparation for a joint tender with the London Borough of Bexley (which is now underway). Some respondents suggested that they could deliver direct management of community libraries to the same specification required for the core libraries and achieve the £250k per annum projected level of saving identified at the commencement of the tender for community management. This Council consulted service users and residents on this option, the outcome of which was reported to Members in report **DRR15/089**.
- 3.21 This report recommends that community libraries are considered for inclusion in the tender for the core library service. This joint tender with the London Borough of Bexley commenced at the beginning of the year. As a contingency, the Council had requested that tenderers for that process supplied a price for direct management at community libraries in a schedule to the pricing document on the understanding that those prices may be accepted should no suitable community management arrangements be found or in the case that community management arrangements at community libraries failed during the course of the contract. Additionally, as that process is a negotiated tender process, officers have the opportunity to discuss the inclusion of these libraries further with tenderers to increase the likelihood of achieving the level of savings requested by Members.
- 3.22 Initial tenders for this process have now been received and an overview of the programme for the remaining part of the process is summarised below:

| | |
|--|-------------------------------|
| Evaluation of initial tenders | July – August 2016 |
| Staff engagement throughout the process | Ongoing |
| Negotiation on initial tenders | August – September 2016 |
| Allowance for reiterative process requesting and evaluating a second round of initial tenders | September – November 2016 |
| Invitation to submit final tenders | November – December 2016 |
| Evaluation of final tenders | December 2016 – January 2017 |
| Formal consultation with staff, trade unions and Departmental Representatives on the proposals | January 2017 – September 2017 |
| Decision-making on contract award | February – March 2017 |
| Contract commencement | September 2017 |

4. POLICY IMPLICATIONS

- 4.1 The Renewal & Recreation Portfolio Holder approved a new approach to the delivery of library services following pre-decision scrutiny at the Renewal & Recreation Policy Development & Scrutiny Committee on 18th March 2015.
- 4.2 The approach is consistent with the Council's stated ambitions around vibrant, thriving town centres, supporting independence, children & young people, and an excellent Council under its vision for Building a Better Bromley.
- 4.3 The Council's Corporate Operating Principles include a commitment that services will be provided by whoever offers customers and council tax payers excellent value for money.

5. FINANCIAL IMPLICATIONS

- 5.1 A sum of £250k was built into the 2016/17 budget as provisional savings expected from the procurement of a community library service for the libraries listed in 3.1. In January 2016, officers reported that the savings were unlikely to be achieved in this financial year, given the latest timetable and the potential lead in time requested by the tenderer for contract mobilisation.
- 5.2 Following the final evaluation of the clarified business plan, Community Links Bromley decided to withdraw their tender. The savings will therefore not be achieved this year and the £250k will be met from the Central Contingency.
- 5.3 It should be noted that there is a possibility that this level of saving may be realised through the market testing of the core library service which includes the option to directly manage community libraries. The outcome of the evaluation of the final tenders for the core library service is expected to be reported to Members before the end of March 2017.

6. LEGAL IMPLICATIONS

- 6.1 This report to the Executive seeks approval for the management of community libraries to be added to the joint tender with the London Borough of Bexley for library services.
- 6.2 Under section 7 of the Public Libraries and Museums Act 1964 the Council has an obligation to provide a comprehensive and efficient library service for people who live or work in the area. The service must be 'accessible to all residents using reasonable means' taking into account stock, transport to and from the library and opening hours.
- 6.3 As mentioned in paragraph 3.24 of this report, the tender for the core library service is still in progress and the community library service may be added to the specification for the core library service.
- 6.4 Under the Equality Act 2010 section 149 the Council has a duty to have regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Paragraph 3.16 of this report shows that the Council has carried out an Equality Impact Assessment and has had regard to its duty.

7. PERSONNEL IMPLICATIONS

- 7.1 The Assistant Director for Culture, Libraries & Leisure led on staff engagement during the tender process and staff received communications about the tender process on a regular (approximately bi-monthly) basis. Engagement with Trade Unions and Departmental Representatives also took place and where queries were raised, responses were provided.
- 7.2 In addition, engagement with staff and their representatives previously took place on the option to include community libraries in the joint tender for library services following the outcome of soft market testing and public consultation; the outcome was reported in the Gateway Report on Proposals for a Commissioned Library Service (**DRR15/089**).
- 7.3 The recommendation is to seek agreement to include community libraries for direct management as part of the tendering currently being undertaken. Consequently there are no staffing implications arising from these recommendations for those staff currently employed in the community libraries. If the recommendation is agreed then during the tendering process the staffing proposals will be considered.
- 7.4 As more detailed proposals are developed these would be the subject of formal consultation in accordance with Council policies and procedures and with due regard for the existing framework of employment laws. The procurement process would consider whether or not the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 would apply.

8. IMPACT ON CHILDREN AND YOUNG PEOPLE

- 8.1 The impact of the proposals for community management at community libraries on children and young people was evaluated as part of an Equalities Impact Assessment at various stages during the commissioning process.
- 8.2 A Children's PLUS Survey undertaken in 2014 identified the age profile of children who use the library service in Bromley:

| Age | % of children visiting the library |
|---------------------------|------------------------------------|
| 0-7 years (Key Stage 1) | 58% |
| 7-11 years (Key Stage 2) | 28% |
| 11-16 years (Key Stage 3) | 13% |

It also identified that 25% of children who use the library service are from ethnic minorities.

- 8.3 The Equalities Impact Assessment on the bid from Community Links Bromley found that their proposals for community management would have an adverse impact on children and young people.

8.4 Although the risks with the business plan affect users of the service generally, they have a specifically adverse impact on children and young people because community libraries stock and activities target children and young people and the elderly specifically. In particular, staff noted public PCs are often in highest demand after school when they are used by children completing homework.

9. PROCUREMENT IMPLICATIONS

9.1 The arrangements for the completion of these tender processes have previously been agreed with the Head of Procurement and have been complied with in the conduct of this Procurement exercise and the requirements of the Council's Contract Procedure Rules and relevant Procurement Regulations.

9.2 The original Negotiated Tender process and accompanying EU Notice for this "Light Touch" activity, made provision for the inclusion of the Community Managed Libraries, should the separate tender process be discontinued.

9.3 As a result the inclusion of these services, within the proposed Joint Library's Management Contracting with Bexley now at tender, is a permissible amendment and can be completed without the need for any further EU Notice or action, beyond advising those taking part in the tender of the required changes to the process

9.4 There is no CPR requirement to report on a discontinued tender process, however, in this case, as it impacts on a concurrent tender process for the Library's Management Contract and has particular sensitivities around community engagement, this changed requirement is being provided for information only.

| | |
|---|--|
| Non-Applicable Sections: | None |
| Background Documents: (Access via Contact Officer) | <p>DRR16/016 Community Management at Libraries: Update – report to the Renewal & Recreation Policy Development & Scrutiny Committee on 26th January 2016</p> <p>DRR16/017 Community Management at Community Libraries: Update (Part 2) – report to the Renewal & Recreation Policy Development & Scrutiny Committee on 26th January 2016</p> <p>DRR15/089 Gateway Report: Proposals for a Commissioned Library Service – report to the Executive Committee on 9th November 2015 (with pre-decision scrutiny by the Renewal & Recreation Policy Development & Scrutiny Committee on 27th October 2015)</p> <p>DRR15/090 Gateway Report: Proposals for a Commissioned Library Service (Part 2) – report to the Executive Committee on 9th November 2015 (with pre-decision scrutiny by the Renewal & Recreation Policy Development & Scrutiny Committee on 27th October 2015).</p> <p>DRR15/024 Update on the Library Service Strategy – report to the Renewal & Recreation Policy Development & Scrutiny Committee on 18th March 2015.</p> <p>DRR14/090 Library Service Strategy – report to the Renewal & Recreation Policy Development & Scrutiny Committee on 18th November 2014</p> <p>Equality Impact Assessment for Library Service Strategy</p> <p>Equality Impact Assessment for Proposals to Commission the Library Services</p> <p>Equality Impact Assessment for Proposals for Community Management at Community Libraries</p> |

Appendix 1: Evaluation Criteria and Scoring Matrix

Final tenders were evaluated against:

- Price (50% weighting)
 - Prices are evaluated in accordance with the Chartered Institute of Public Finances and Accountancy (CIPFA) model
- Quality (50% weighting)

The quality of the business plan was assessed against the following criteria:

| CRITERIA | Weighting |
|--|-----------|
| <p>About your group or organisation</p> <ul style="list-style-type: none"> • Demonstrate that your group has adopted a suitable legal structure OR has identified your preferred legal structure and is taking steps to adopt that structure • Demonstrate that your group has the capacity and, where possible, the experience to deliver its proposals. | 10% |
| <p>Vision for a community managed library</p> <ul style="list-style-type: none"> • Provide strong evidence of future demand for proposed services • Describe how services will be provided • Demonstrate how your proposal benefits the community • Demonstrate that the future sustainability of the proposal is credible • Demonstrate community support for your proposal | 15% |
| <p>Management and staffing</p> <ul style="list-style-type: none"> • Clear management structures are in place • Sufficient levels of skills and expertise are available to manage the service • Volunteers are recruited or there is a plan to recruit them • For proposals that include paid staff, the implications of TUPE have been considered and planned for. | 10% |
| <p>Opening hours</p> <ul style="list-style-type: none"> • The existing number and pattern of opening hours are maintained • Extension to opening hours have been considered where possible | 10% |

| | |
|---|-----|
| <p>What assets will you need to provide the service?</p> <ul style="list-style-type: none"> • Clearly identify the assets required to deliver the proposal • Set out a plan for securing additional assets where required • Where the proposal seeks to relocate the library to alternative premises, clear information is provided to confirm that the premises is, or will be, adequate for the provision of a library service. | 10% |
| <p>Book Stock management</p> <ul style="list-style-type: none"> • Confirm that Council stock will be managed in accordance with the policy • Identify how any non-Council book stock will be managed, if applicable. | 5% |
| <p>Financial projections and cash flow</p> <ul style="list-style-type: none"> • Set out all known and anticipated costs, demonstrating an understanding of what is involved in providing a community managed library • Be clear about how income of support for revenue costs will be secured • Provide a cash flow statement including realistic estimates of expenses and income which demonstrates the viability and sustainability of the proposal. | 20% |
| <p>Compliance with legal requirements</p> <ul style="list-style-type: none"> • Clearly identify the legal requirements arising from your proposal • Demonstrate how these requirements will be fulfilled | 5% |
| <p>Risk awareness and mitigation</p> <ul style="list-style-type: none"> • Provide a risk analysis which includes actions for mitigation • Demonstrate that risks have been considered and evaluated and that actions for mitigation are proposed. | 5% |
| <p>Sustainability and improvement</p> <ul style="list-style-type: none"> • Demonstrate that you have a sustainable model for service delivery • Identify methods for seeking to improve or adapt the service to changing community needs • Provide evidence that you have processes to ensure business continuity • Analyse the impact of your proposal on your organisation. | 5% |
| <p>Review of Legal Agreements Likelihood of a satisfactory commercial outcome based on the submitted mark-up of legal agreements</p> | 5% |

The quality of the initial business plan proposals were scored in accordance with the scoring matrix below:

| | Score | |
|------|-------|---|
| Fail | 0 | No response to the criteria. |
| | 1-2 | Very poor - criteria not addressed or processes not acceptable |
| | 3-4 | Poor – missing major areas and not showing sufficient understanding of the key requirements |
| Pass | 5-6 | Minimum / satisfactory – awareness of the issues, but with some reservations |
| | 7-9 | Good – competent response, showing a high level of understanding and working practices |
| | 9-10 | Excellent – detailed understanding with a high level of understanding of the requirements, of working practices and of quality measures that provide the potential for real service provision, with no reservations. |

The proposals had to achieve a consensus unweighted score of 5 or above for each of the criteria in order to be considered for recommendation for contract award.

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Report No.
DRR16/076

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

For Pre-Decision Scrutiny by the Renewal & Recreation PDS Committee on:

Date: 20 September 2016

Decision Type: Non-Urgent Executive Key

Title: **BECKENHAM PUBLIC REALM IMPROVEMENTS DESIGN AND BUDGET SIGN OFF**

Contact Officer: Kevin Munnely, Head of Renewal
Tel: 020 8313 4582 E-mail: kevin.munnely@bromley.gov.uk

Chief Officer: Executive Director of Environmental and Community Services

Ward: Copers Cope, Clockhouse, Kelsey & Eden Park

1. Reason for report

- 1.1 The Beckenham Town Centre Improvement scheme has undergone a number of design and budget reviews since its inception. This has been at the request of Transport for London (TfL) and stakeholders and has resulted in the scope and coverage of the scheme being extended. There has also been corresponding increases in costs, the impact of which were considered in a report to the Executive on 2 December 2015. At this time the Executive approved an additional £240k from Capital Receipts to cover the Borough's contribution to the overall increase in scheme costs. This sum was based on TfL providing additional funding to the scheme budget. The detailed design of the improvement scheme has now been completed by the Council's term contractor FM Conway and the budget finalised.
- 1.2 Executive approval is now sought to finalise the scheme design, costs and the Council's match funding. It is proposed that once approval is granted, the order for materials will be placed, enabling implementation to commence in October 2016, with a target completion of Spring 2018.

2. RECOMMENDATIONS

- 2.1 That R&R PDS Committee Members note the report and make comments available to the Executive.
- 2.2 That Executive Members:

- i Approve the scheme design for Beckenham Town Centre Public Realm improvements and the commencement of the implementation phase.**
 - ii Approve total Council capital funding of £1.145m, of which £995k is from capital receipts and £150k from the earmarked reserve, subject to full Council approval.**
 - iii Agree that the estimate for the Beckenham Town Centre Improvement scheme be reduced to £4.441m in the Council's capital programme, subject to full Council approval.**
 - iv Note that in the event that the £750k funding from TfL for 2017/18 is not approved, a further report will be brought back to Members setting out a revised budget and programme of works.**
 - v Agree that FM Conway be commissioned, under the terms of the existing term contract, to carry out the build contract for this project.**
-

Corporate Policy

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

Financial

1. Cost of proposal: £4.441m
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £4.441m (Incl £200k LIP funding 14/15 for Rectory Road/Albermarle Road Junction works)
 5. Source of funding: TfL funding, Capital Receipts and Earmarked Reserve for Members priorities
-

Staff

1. Number of staff (current and additional): 4 FTE
 2. If from existing staff resources, number of staff hours:
-

Legal

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

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Incorporated in the body of the report

3. COMMENTARY

- 3.1 The Council received notification on 16 December 2013 that Transport for London had approved the Beckenham Initial Scheme Design (Step 1) bid and the original estimated cost of the concept scheme was £3.257m. In support of the bid the Executive on 16th October 2013 approved the allocation of £912k (£762k Capital Receipts & £150k Members Initiative earmarked reserves) to match fund the TfL allocation of £2.345m towards the improvements.
- 3.2 A revised scheme was reported to the Executive of the 2nd December 2015 costed at £4.697m. The Executive agreed to increase the capital estimate of the scheme by £1.44m to £4.697m, subject to TfL increasing their additional contribution, making their potential maximum contribution to the improvement project £3.295m. The Executive approved an allocation of £240k from Capital Receipts thereby increasing the Council's total allocated match-funding allocation to £1.152m subject to the confirmation of TfL's award.

Scheme Design

- 3.3 The revised concept design was a more ambitious scheme to reflect the recommendations of TfL's Urban Design London, Design Surgery, public consultation and the Beckenham Town Centre Member Working Party. The principles and objectives of the concept have been designed to a construction level of detail and the General Arrangement is complete, (attached as Appendix 1).
- 3.4 The costs of the main elements of the improvements have been estimated:

New paving and carriageway resurfacing

The whole length of the High Street from the War Memorial to Beckenham Junction will be upgraded by replacing the existing footway surface with new high quality paving. Where appropriate, footways will be widened to improve pedestrian amenity and safety. At the main gateway junctions a pink granite (Cyllene) has been selected. In keeping with the concept of using a red colour pallet to compliment the architecture of the street a durable, easily maintainable modular paving has been selected. (Modular setts, Brindle colour). Kelsey Square will have a unique paving pattern in grey and red clay setts.

All existing lighting will be replaced. At the southern end of the High Street lanterns will be installed on buildings whilst for the remainder of the High Street new black columns will be introduced. A contemporary LED lantern head has been selected (Phillips CitySoul Gen 2 LED luminaires).

The entire road carriageway will be resurfaced with an asphalt treatment and the main traffic junctions will have widened crossings and pavement space.

Improvement to cycle facilities and bus stops

Cycle facilities will be improved throughout the scheme. In addition cycle repair facilities will be introduced on the Sainsbury's forecourt and at Beckenham Junction station. All bus stops will become DDA compliant and have new shelters.

Improvement of public and private spaces with amenity features

Important public and private spaces will be improved to create better formal and informal amenity spaces. Improvements to Beckenham Green include the introduction of market infrastructure and the rebuilding of the existing tree planters. There will be limited improvements to the forecourt of Beckenham Junction station. Improvements to Kelsey

Square including a David Bowie tribute art piece and improvements made to Sainsburys forecourt.

New street furniture, trees and signage

New benches, bespoke planters, trees and street furniture will be introduced where appropriate. Legible London signage will be introduced.

Maintenance and scheme monitoring

The scheme estimate includes a sum for additional maintenance up until 2019 when the existing current term contract expires.

3.5 The table below provides the detailed cost breakdown for the scheme: -

| Scheme Costs | £'000 |
|---|--------------|
| Design Fees | 342 |
| <u>Implementation costs</u> | |
| Site Clearance | 13 |
| Rectory Road/Albermarle Road junction works | 200 |
| Drainage | 164 |
| Earthworks | 135 |
| Carriageways | 321 |
| Footways | 1,019 |
| Traffic Signals | 344 |
| Street Furniture | 514 |
| Maintenance & monitoring | 28 |
| Street Lighting | 369 |
| | 3,107 |
| Management & Supervision costs | 250 |
| Contingency | 742 |
| Total Implementation costs | 4,099 |
| | |
| Total scheme costs | 4,441 |

3.6 £696k has been spent up to 2015/16 and it is estimated that £1.4m of the implementation costs will be spent in 2016/17 and £2.245m in 2017/18.

Scheme Assurance and Delivery

3.7 In addition to the work outlined above, the design team has worked closely with a number of other internal teams to ensure that the scheme is buildable, that the impacts (particularly on traffic) are understood and that the scheme meets local expectations. The Borough’s Highway Engineering team have scrutinised the designs to ensure that they meet all the necessary engineering design standards and detailing. The team has advised on issues such as drainage, vehicle turning requirements at junctions and potential construction methodologies. The designs have also been subject to traffic modelling to investigate the impact on traffic and congestion, which shows that any journey time increases are within an acceptable limits and do not affect the heavily used A2015 Rectory Road.

3.8 As part of the further development of detailed design further public consultation was undertaken in early 2016. Material samples were also laid out in public areas and subject to review by the Beckenham Town Centre Working Group.

Revised Cost Plan

3.9 As part of the review the Council also undertook a further detailed scheme costings exercise. This exercise identified the significant cost savings between the budget estimations at concept design stage and the more detailed Work Stage D-E revised scheme drawings. The design team have worked with the engineering team to reconcile the main cost differences, eliminating any unnecessary costs items, and this has resulted in a reduction in the scheme costs. The main items impacting the cost decrease include:

- Changes in the final choice of materials and sub base selected for the footway and the roadway
- Redesign of the main road junctions.
- The concept scheme included proposed additional improvements to private land including the Sainsbury's forecourt, the Odeon Cinema and Lidl forecourt. Lidl have not expressed any interest in involvement in the scheme whilst the owners of the Sainsbury's land have requested changes that have led to cost savings to the scheme.
- Detail design has enabled the contingency to be reduced from 25% to 15%.

3.10 Following the completion of the detailed design and costs plan for the scheme by the Council's term contractor FM Conway, an increase in funding was sought from TfL and approved by the Directors of Finance and Surface Strategy and Planning at TfL on 10th August 2016. The scheme budget is now finalised at £4.441m. The Council's total match funding for the scheme is £1.145m, representing 25.8% of the overall scheme costs including the £200k for Rectory Road. Executive approval is now sought to finalise the Council match funding and scheme design.

Scheme Implementation

3.11 TfL confirmed Major Scheme funding on the 14th July 2016. Subject to agreement by the Executive, the implementation phase of the project is set to commence.

3.12 The Council's highway term contractor, FM Conway, working with East Architects has prepared the scheme's detailed drawings, costings and an implementation plan. The preferred choices of materials were presented to the Beckenham Town Centre Working Party on the 30th June 2016. These will again be presented to the Working Party on the 15th September 2016.

3.13 It is proposed that FM Conway, be commissioned, under the terms of the existing term contract, to carry out the build contract for this project. It is proposed that the main material orders will be placed in September 2016, and the main capital works commence in January 2017. It is anticipated that the build programme will take a maximum of 15 Months.

3.14 As part of the implementation programme, a phasing plan and a communications strategy will be produced and discussed with local stakeholders and businesses to minimise disruption. The detailed implementation programme is currently being drafted and this will be presented to the next Renewal & Recreation PDS Committee in November for review.

4. POLICY IMPLICATIONS

- 4.1 Work delivering the Town Centres Development Programme is entirely consistent with Policy Objectives set out in Building A Better Bromley and the Renewal & Recreation Portfolio Business Plan 2015/16. The work of the Renewal team links to the Building a Better Bromley priorities by working towards the provision of Vibrant and Thriving Town Centres.

5. FINANCIAL IMPLICATIONS

- 5.1 The estimated costs of the Beckenham Improvement scheme have been revised following the detailed design work and input from TfL. The costs are now estimated to be £4.441m as explained earlier in the report and the table below summarises the variances of both the costs and funding: -

| Design, Development and Implementation costs | Last Reported Estimate | Latest Estimate | Variance |
|--|-------------------------------|------------------------|--------------------|
| | £'000 | £'000 | £'000 |
| Stage 1 Design and Development costs | | | |
| Transport model & survey work | 45 | 45 | 0 |
| Feasibility & outline design | 70 | 70 | 0 |
| Detailed design & consultation | 227 | 227 | 0 |
| | <u>342</u> | <u>342</u> | <u>0</u> |
| Implementation costs | | | |
| Capital works including contingency | 4,155 | 3,849 | -306 |
| Scheme management costs | 200 | 250 | 50 |
| | <u>4,355</u> | <u>4,099</u> | <u>-256</u> |
| Total estimated scheme costs | <u>4,697</u> | <u>4,441</u> | <u>-256</u> |
| Funding | | | |
| TfL (subject to formal approval for £750k of funding) | 3,295 | 2,846 | -449 |
| TfL LIP funding for Corridors | 0 | 200 | 200 |
| Earmarked reserve balance for Beckenham Improvements | 150 | 150 | 0 |
| Capital Receipts (subject to approval) | 1,002 | 995 | -7 |
| Principal Road maintenance 2016/17 allocation from TfL | 250 | 250 | 0 |
| | <u>4,697</u> | <u>4,441</u> | <u>-256</u> |

- 5.2 The Executive on 2nd December 2015 had agreed a match fund contribution of £1.152m; of which £1.002m was to be conditionally allocated from capital receipts and the earmarked reserve. It was also agreed that £250k would be allocated from the Principle Road Maintenance 2016/17 programme for road resurfacing.
- 5.3 TfL has confirmed that their Major Scheme award is finalised at £3.046m, although £750k of the TfL major scheme funding for 2017/18 is currently unbudgeted pending formal approval by the November 2016 Surface Board to the LIP Major Scheme programme. The Council is now expected to make a slightly lower contribution towards the scheme of £1.145m and the Executive is therefore requested to approve a final reduced match-fund contribution of £1.145k, £995k from capital receipts and £150k from the earmarked reserve, towards the total estimated scheme cost of £4.441m.
- 5.4 In the event that the £750k funding from TfL for 2017/18 is not approved, a further report will be brought back to Members setting out a revised budget and programme of works.

- 5.5 The project estimate includes £18k for additional maintenance costs up until 31 March 2019, however it should be noted that no revenue budget funding is identified for on-going maintenance costs beyond this date.
- 5.6 Within the project cost plan £250k has been allocated for Supervision and Management costs and there is a contingency sum of £742k included in the estimated costs.

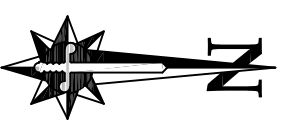
6. LEGAL IMPLICATIONS

- 6.1 None for the purposes of this report.

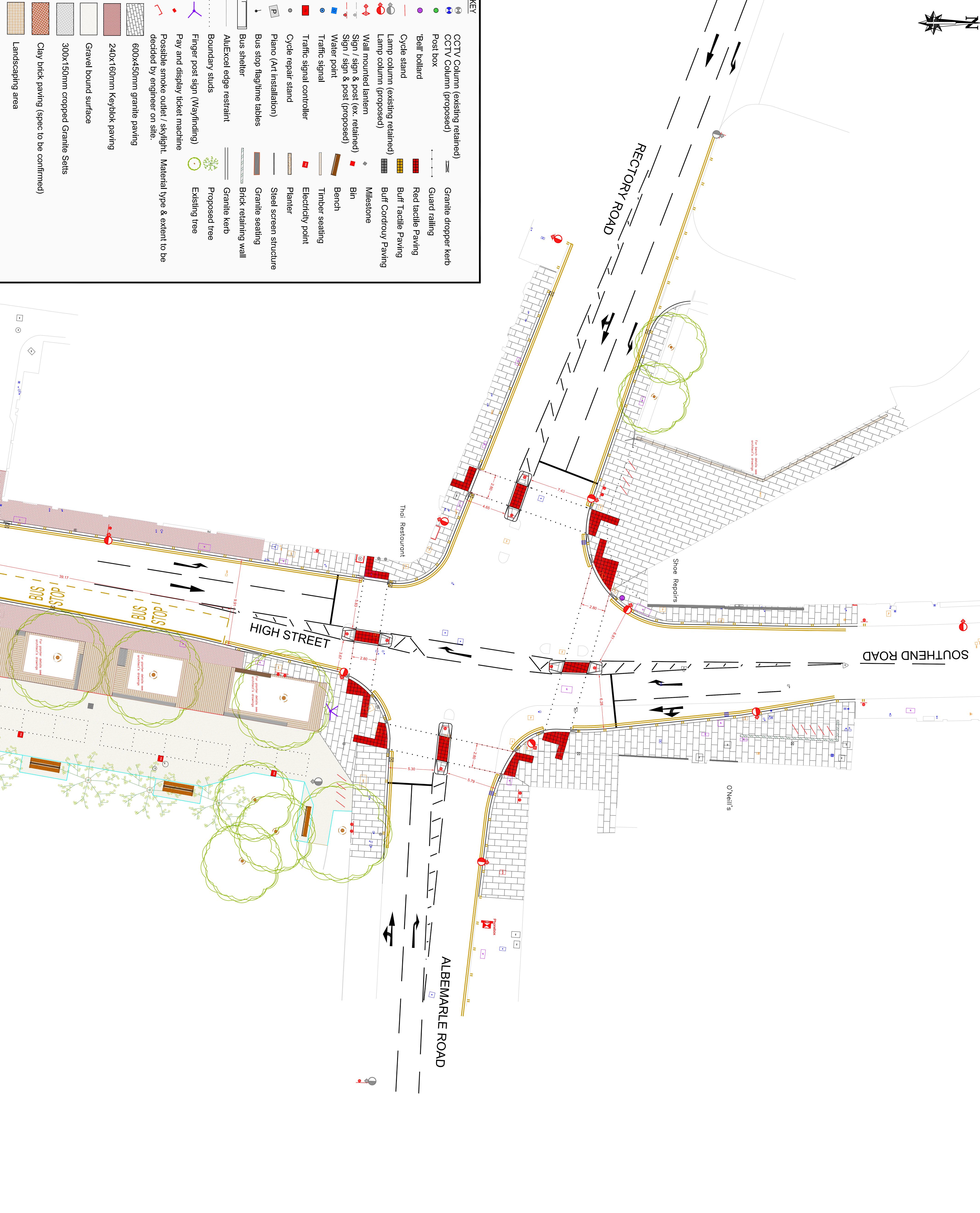
7. PERSONNEL IMPLICATIONS

- 7.1 None for the purposes of this report.

| | |
|---|---|
| Non-Applicable Sections: | |
| Background Documents: (Access via Contact Officer) | Appendix 1 Scheme Design General Arrangement Drawings |



Junction Railway Station

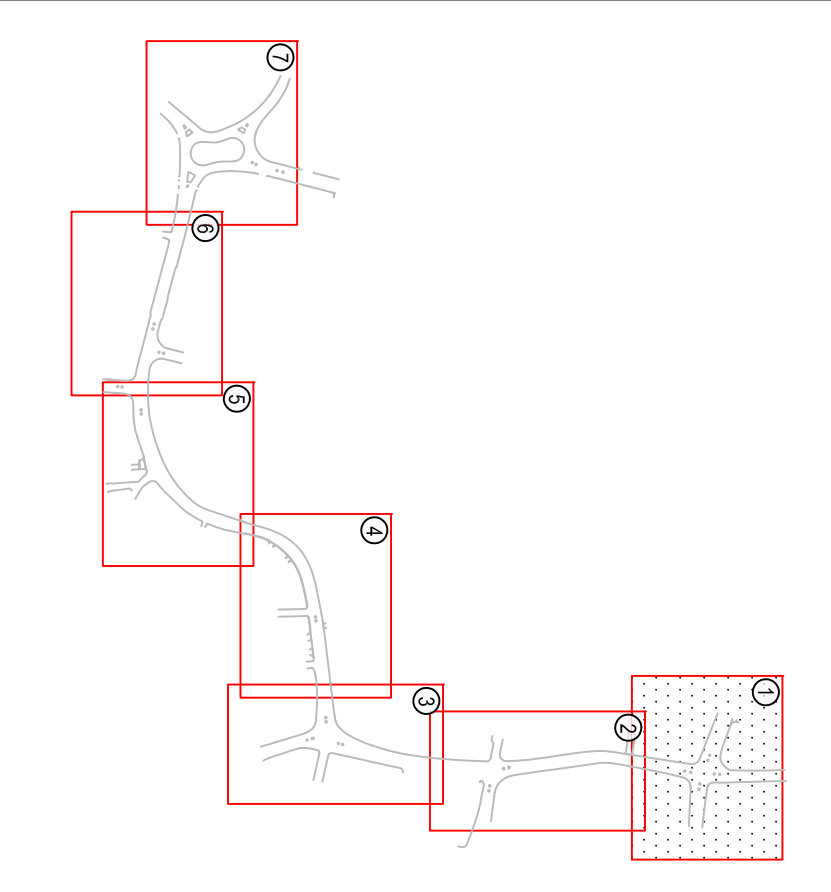


KEY

| | |
|---|------------------------|
| CCITV Column (existing retained) | Granite dropper kerb |
| CCITV Column (proposed) | Guard railing |
| Post box | Red tactile Paving |
| Bell bollard | Buff Tactile Paving |
| Cycle stand | Buff Cordroury Paving |
| Lamp column (existing retained) | Milestone |
| Lamp column (proposed) | Bin |
| Wall mounted lantern | Bench |
| Sign / sign & post (ex. retained) | Timber seating |
| Sign / sign & post (proposed) | Electricity point |
| Water point | Planter |
| Traffic signal | Steel screen structure |
| Traffic signal controller | Granite seating |
| Cycle repair stand | Brick retaining wall |
| Piano (Art installation) | Granite kerb |
| Bus stop flag/time tables | Proposed tree |
| Bus shelter | Existing tree |
| AUXExcel edge restraint | |
| Boundary studs | |
| Finger post sign (Wayfinding) | |
| Pay and display / ticket machine | |
| Possible smoke outlet / skylight. Material type & extent to be decided by engineer on site. | |

Notes:

1. No information to be scaled from this drawing.
2. All road markings refer to the "Traffic Signs Regulations and General Directions 2016". Refer to drawing number BHS/RM/101.
3. This drawing is to be read in conjunction with all relevant drawings.
4. All levels and co-ordinates in Ordnance Survey Grid.
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6. Paving orientation is only indicative. For exact paving orientation refer to East's drawing 102-BPR-SK-016-Proposed paving orientation.



| Rev No. | Date | Description | By |
|---------|---------|--|----|
| A | 25 May | Various revisions at a result of changes to the scheme | SR |
| B | 27 June | First Issue | GK |

TITLE:
Beckenham High Street
General Arrangement

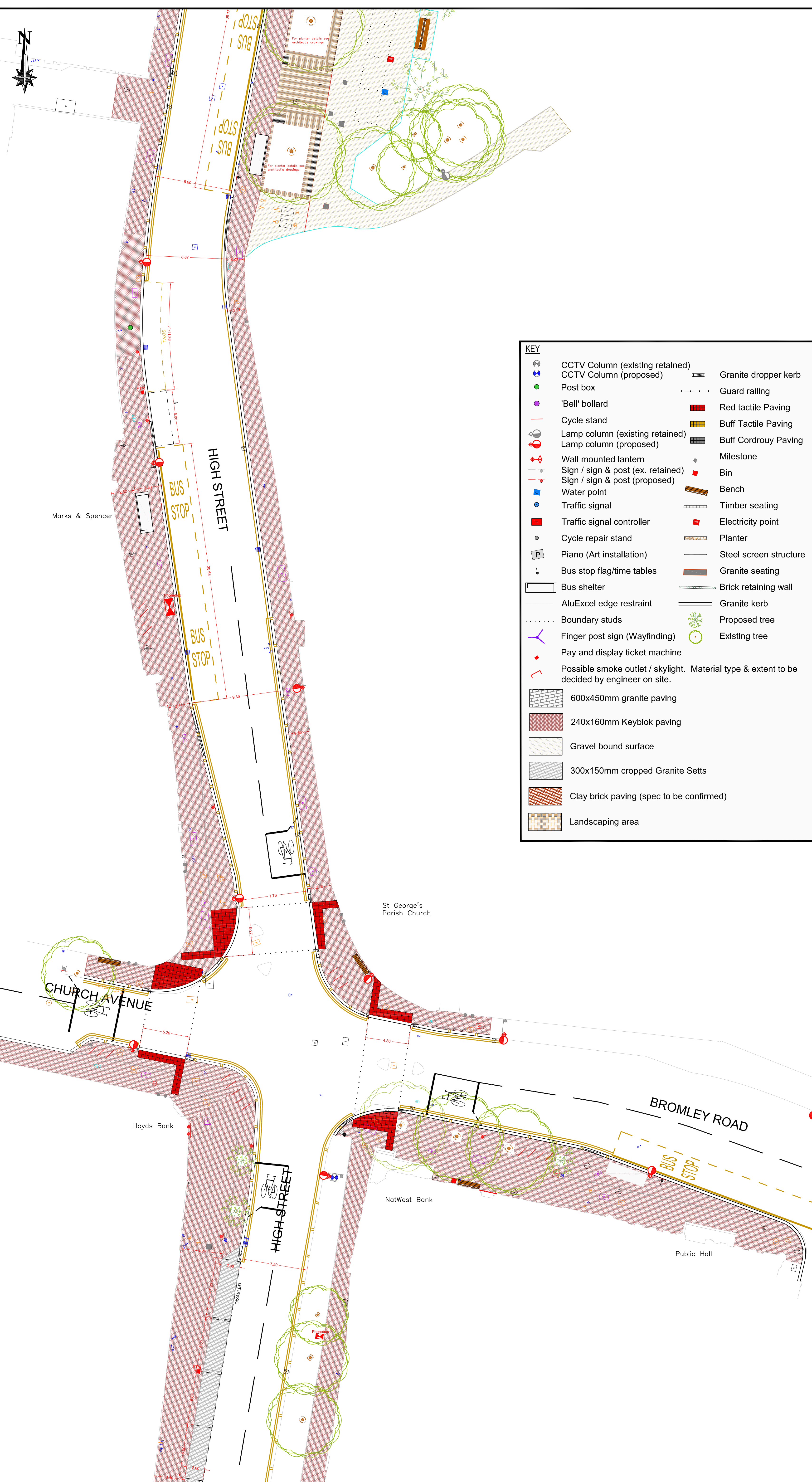
CLIENT:
 THE LONDON BOROUGH OF Bromley

DESIGNED BY:
 CONWAY
S U R V E Y

DATE: July 2016
SCALE & DRAWING SIZE: 1:200 @ A1
DRAWING NO.: BHS/700/GA

DESIGNED BY: Various
CHECKED BY: GK
RESIDENT: B

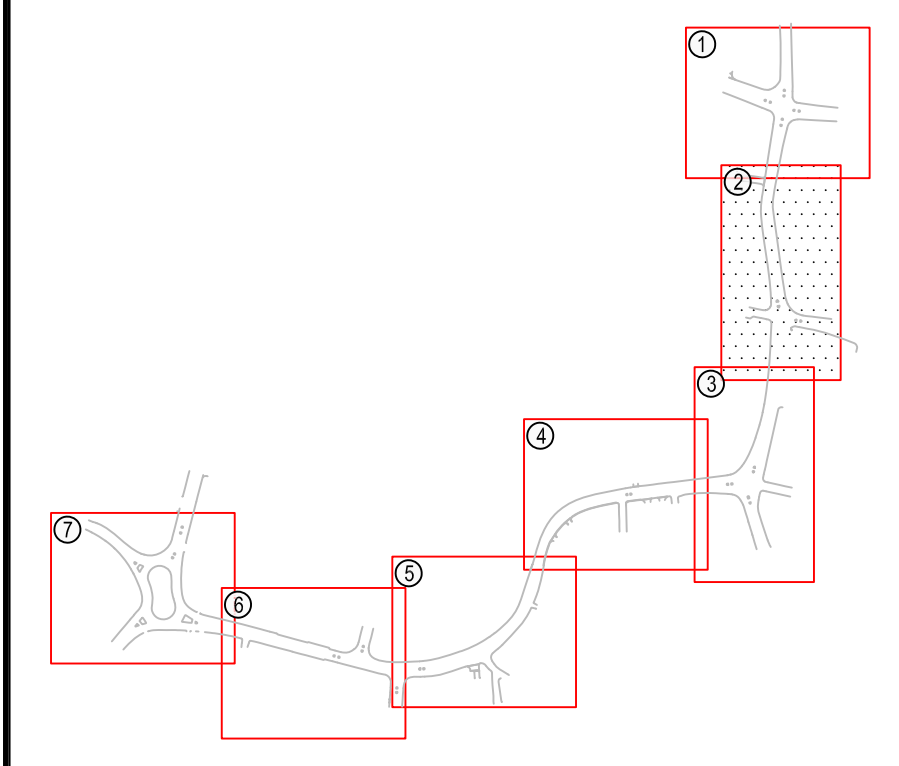
TOPOCREW
S U R V E Y



- Notes:**
- No information to be scaled from this drawing.
 - All road markings refer to the "Traffic Signs Regulations and General Directions 2016". Refer to drawing number BHS/RM/101.
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KEY

| | | | |
|--|---|--|------------------------|
| | CCTV Column (existing retained) | | Granite dropper kerb |
| | CCTV Column (proposed) | | Guard railing |
| | Post box | | Red tactile Paving |
| | 'Bell' bollard | | Buff Tactile Paving |
| | Cycle stand | | Buff Cordrouy Paving |
| | Lamp column (existing retained) | | Milestone |
| | Lamp column (proposed) | | Bin |
| | Wall mounted lantern | | Bench |
| | Sign / sign & post (ex. retained) | | Timber seating |
| | Sign / sign & post (proposed) | | Electricity point |
| | Water point | | Planter |
| | Traffic signal | | Steel screen structure |
| | Traffic signal controller | | Granite seating |
| | Cycle repair stand | | Brick retaining wall |
| | Piano (Art installation) | | Granite kerb |
| | Bus stop flag/time tables | | Proposed tree |
| | Bus shelter | | Existing tree |
| | AluExcel edge restraint | | |
| | Boundary studs | | |
| | Finger post sign (Wayfinding) | | |
| | Pay and display ticket machine | | |
| | Possible smoke outlet / skylight. Material type & extent to be decided by engineer on site. | | |
| | 600x450mm granite paving | | |
| | 240x160mm Keyblok paving | | |
| | Gravel bound surface | | |
| | 300x150mm cropped Granite Setts | | |
| | Clay brick paving (spec to be confirmed) | | |
| | Landscaping area | | |



| Rev No. | Date | Description | By |
|---------|---------|--|----|
| -- | -- | -- | -- |
| B | 27 June | First Issue | GK |
| A | 25 May | Various revisions as a result of changes to the scheme | SR |

TITLE:
Beckenham High Street
General Arrangement

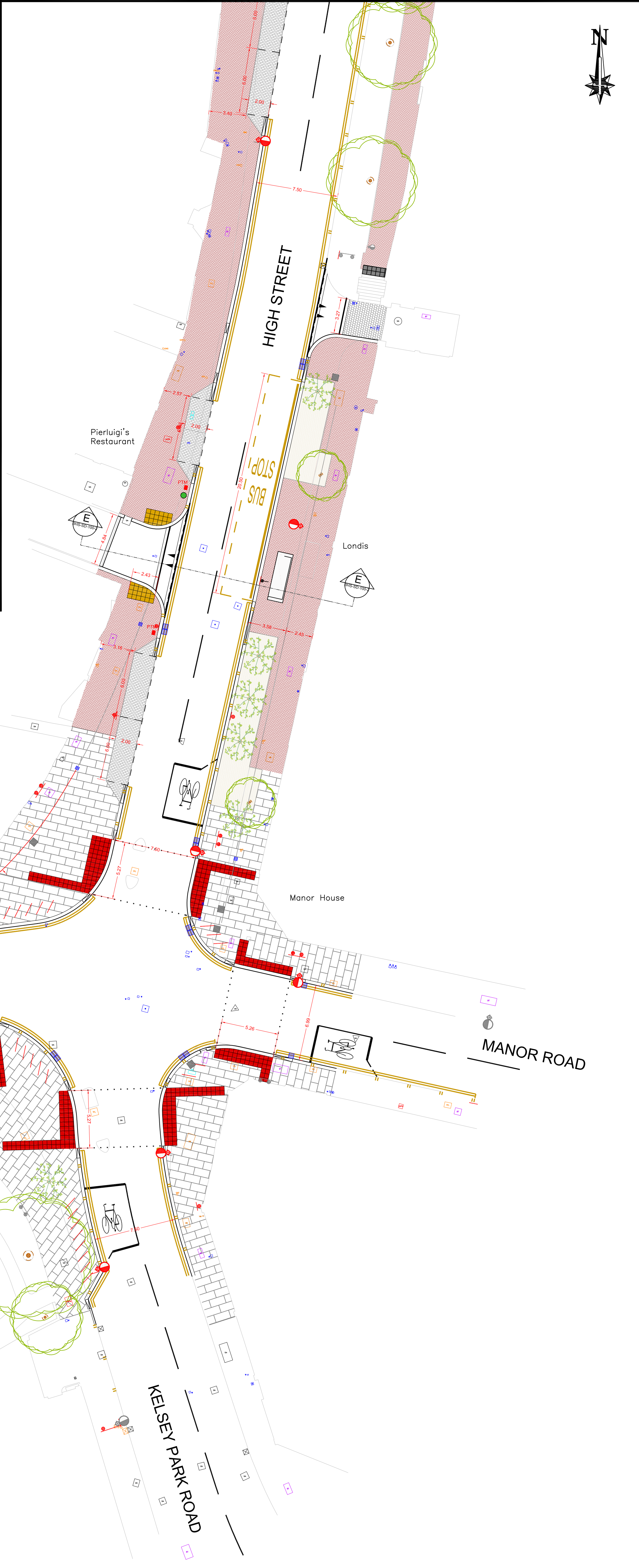


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|----------------------------------|----------------------|
| Sheet: Sheet 2 of 7 | Designed by: Various |
| Date: July 2016 | Drawn by: SR |
| Scale & Drawing Size: 1:200 @ A1 | Checked by: GK |
| Drawing No: BHS/700/GA | Page 109 |
| Revision: B | |

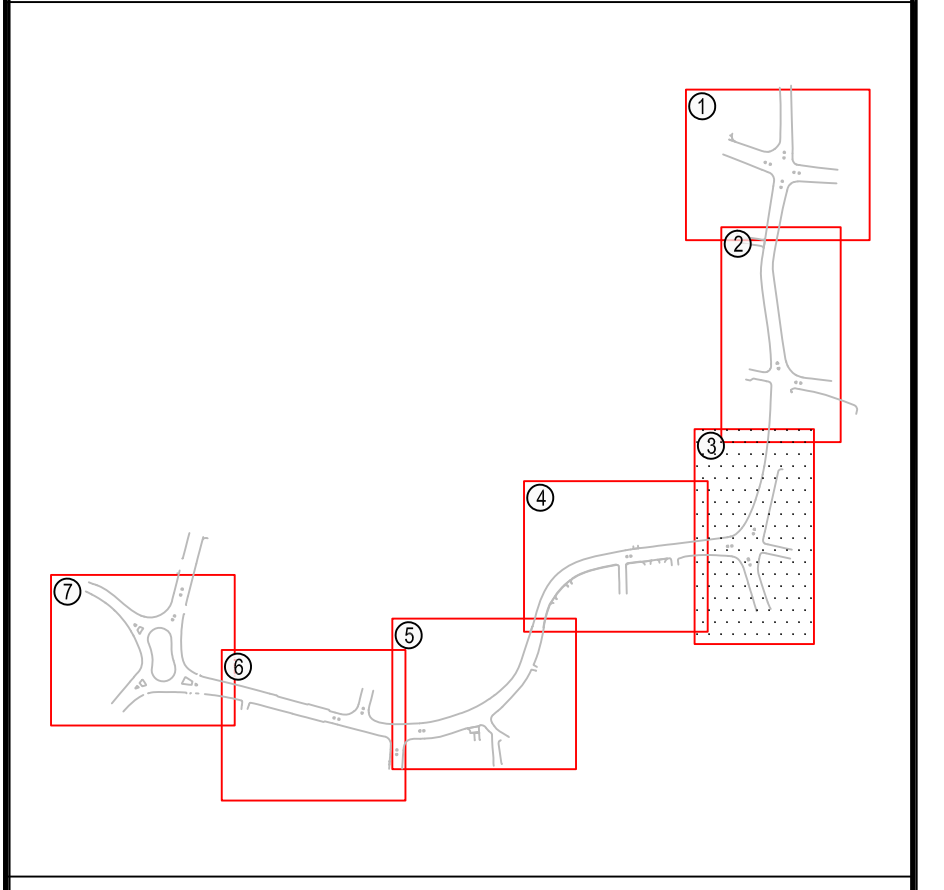
KEY

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| | CCTV Column (existing retained) | | Granite dropper kerb |
| | CCTV Column (proposed) | | Guard railing |
| | Post box | | Red tactile Paving |
| | 'Bell' bollard | | Buff Tactile Paving |
| | Cycle stand | | Buff Cordrouy Paving |
| | Lamp column (existing retained) | | Milestone |
| | Lamp column (proposed) | | Bin |
| | Wall mounted lantern | | Bench |
| | Sign / sign & post (ex. retained) | | Timber seating |
| | Sign / sign & post (proposed) | | Electricity point |
| | Water point | | Planter |
| | Traffic signal | | Steel screen structure |
| | Traffic signal controller | | Granite seating |
| | Cycle repair stand | | Brick retaining wall |
| | Piano (Art installation) | | Granite kerb |
| | Bus stop flag/time tables | | Proposed tree |
| | Bus shelter | | Existing tree |
| | AluExcel edge restraint | | |
| | Boundary studs | | |
| | Finger post sign (Wayfinding) | | |
| | Pay and display ticket machine | | |
| | Possible smoke outlet / skylight. Material type & extent to be decided by engineer on site. | | |

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| | 600x450mm granite paving |
| | 240x160mm Keyblok paving |
| | Gravel bound surface |
| | 300x150mm cropped Granite Setts |
| | Clay brick paving (spec to be confirmed) |
| | Landscaping area |



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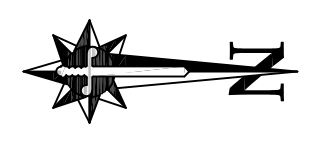
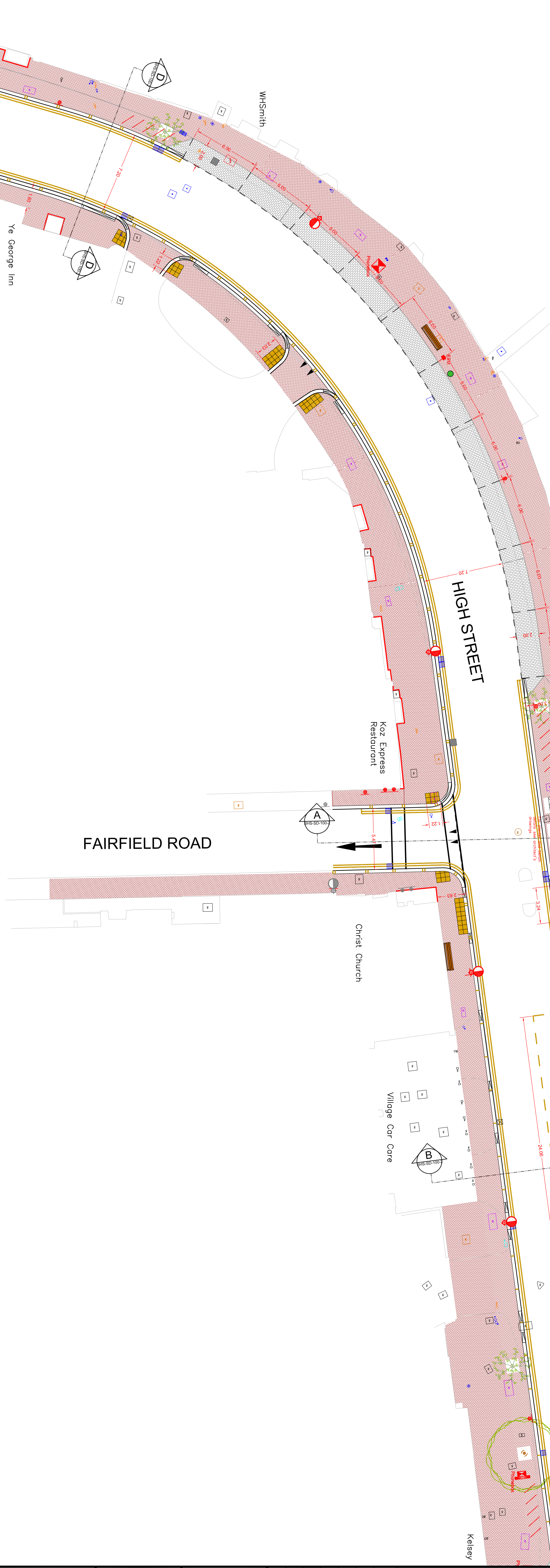
| Rev No. | Date | Description | By |
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| B | 27 June | First Issue | GK |
| A | 25 May | Various revisions as a result of changes to the scheme | SR |

TITLE:
Beckenham High Street
General Arrangement

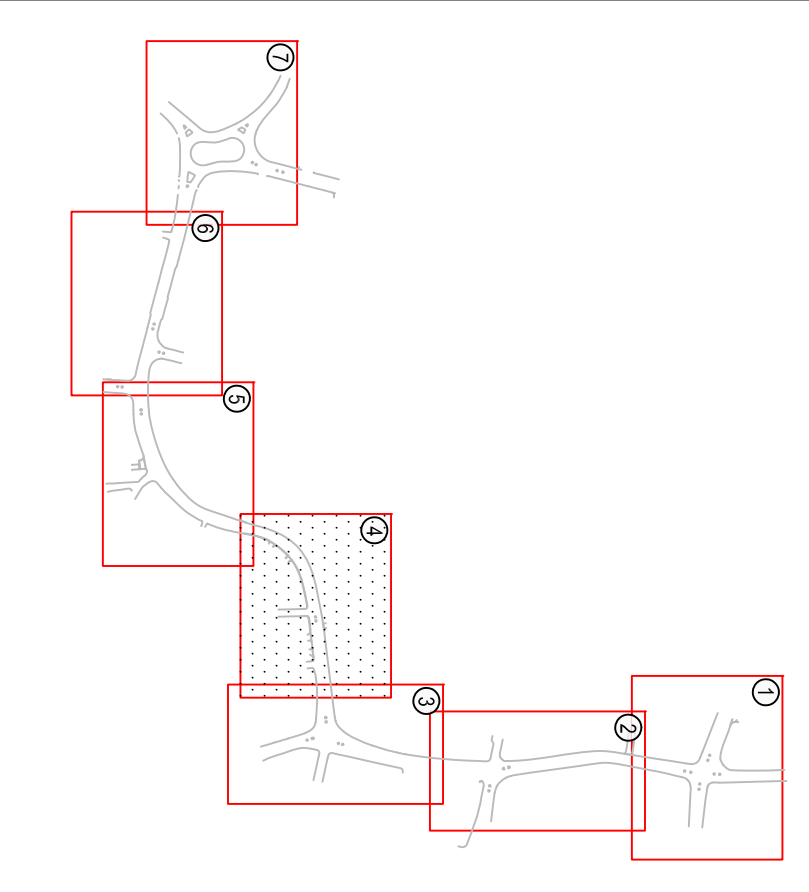


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| Sheet: Sheet 3 of 7 | Designed by: Various |
| Date: July 2016 | Drawn by: SR |
| Scale & Drawing Size: 1:200 @ A1 | Checked by: GK |
| Drawing No: BHS/700/GA | Page 110 |
| Revision: B | |

| KEY | |
|-----|---|
| | CCTV Column (existing retained) |
| | CCTV Column (proposed) |
| | Post box |
| | Bell bollard |
| | Cycle stand |
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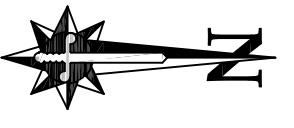
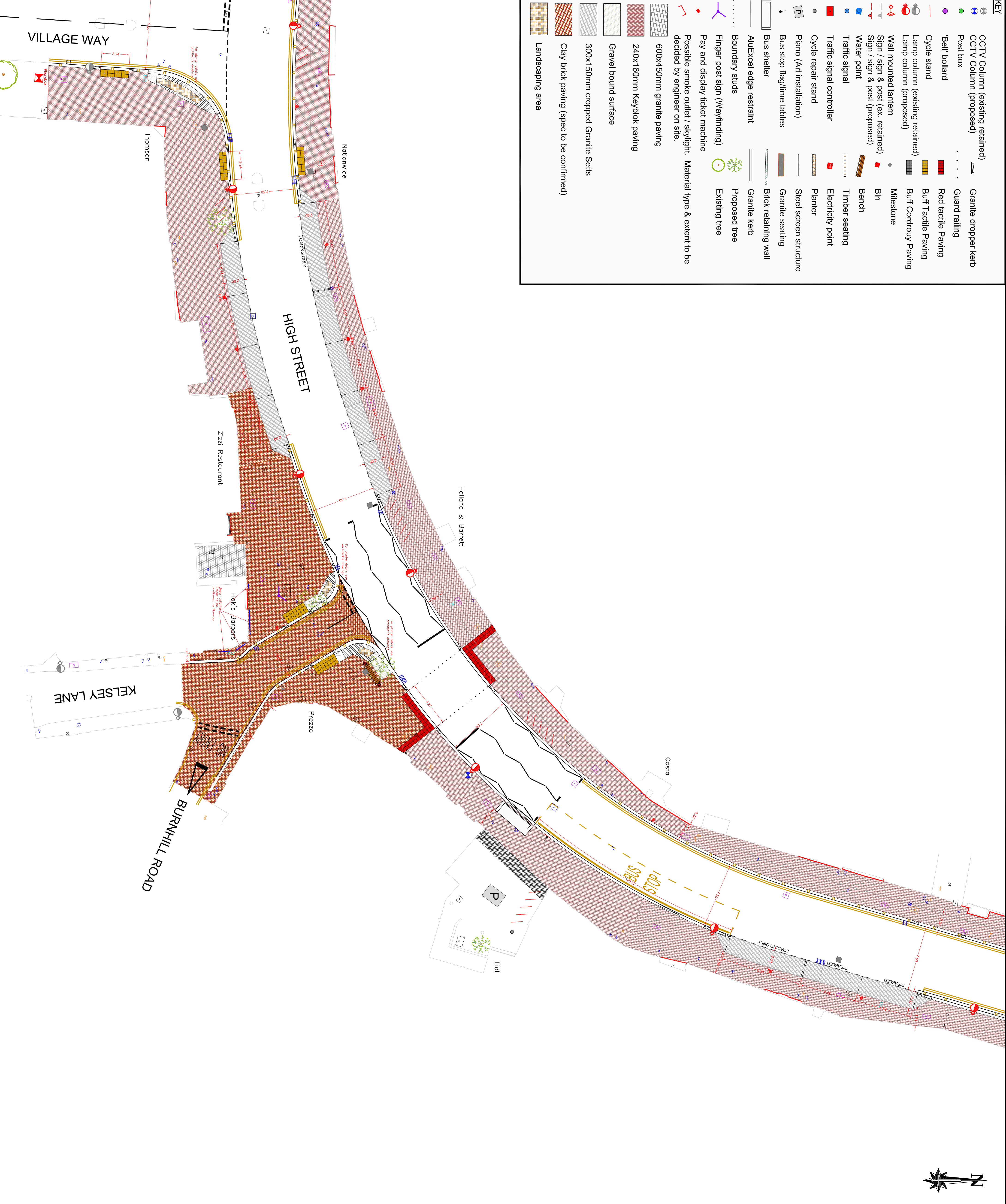
| Rev No. | Date | Description | By |
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| B | 27 June | First Issue | GK |
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**Beckenham High Street
General Arrangement**

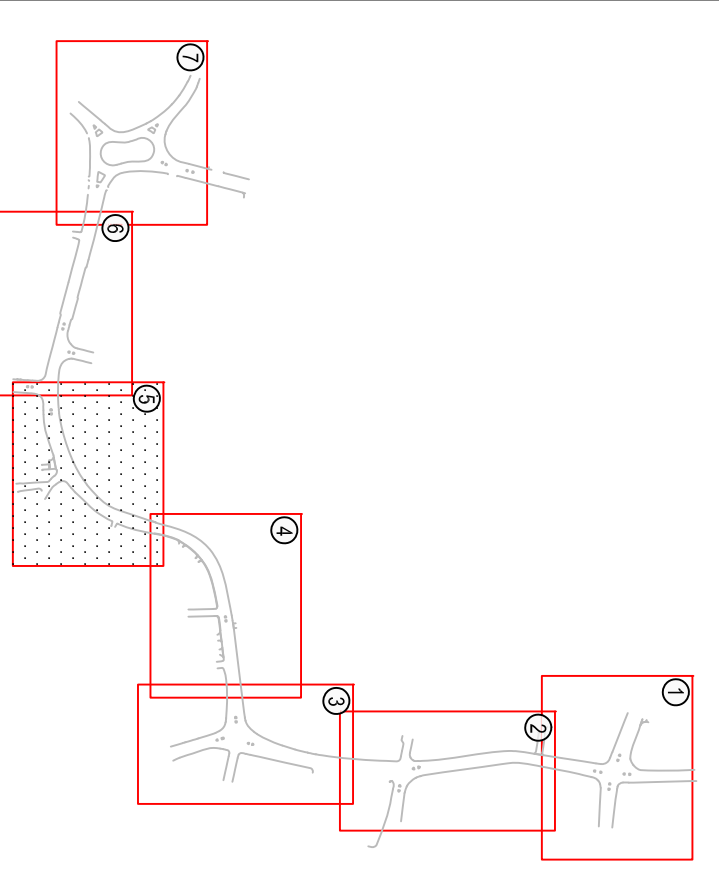
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| Date: July 2016 | Drawn by: SR |
| Scale & Drawing Size: 1:200 @ A1 | Checked by: GK |
| Drawing No: BHS/700/GA | Revision: B |

| KEY | |
|-----|---|
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| | CCTV Column (proposed) |
| | Post box |
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| | Granite dropper kerb |
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| | Buff Corduroy Paving |
| | Milestone |
| | Bin |
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| | Timber seating |
| | Electricity point |
| | Planter |
| | Steel screen structure |
| | Granite seating |
| | Brick retaining wall |
| | Granite kerb |
| | Proposed tree |
| | Existing tree |
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| | Gravel bound surface |
| | 300x150mm cropped Granite Setts |
| | Clay brick paving (spec to be confirmed) |
| | Landscaping area |



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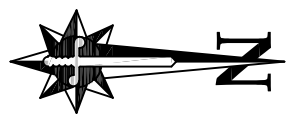


| Rev No. | Date | Description | By |
|---------|---------|--|----|
| A | 25 May | Various revisions at a result of changes to the scheme | SR |
| B | 27 June | First Issue | GK |

TITLE:
**Beckenham High Street
General Arrangement**

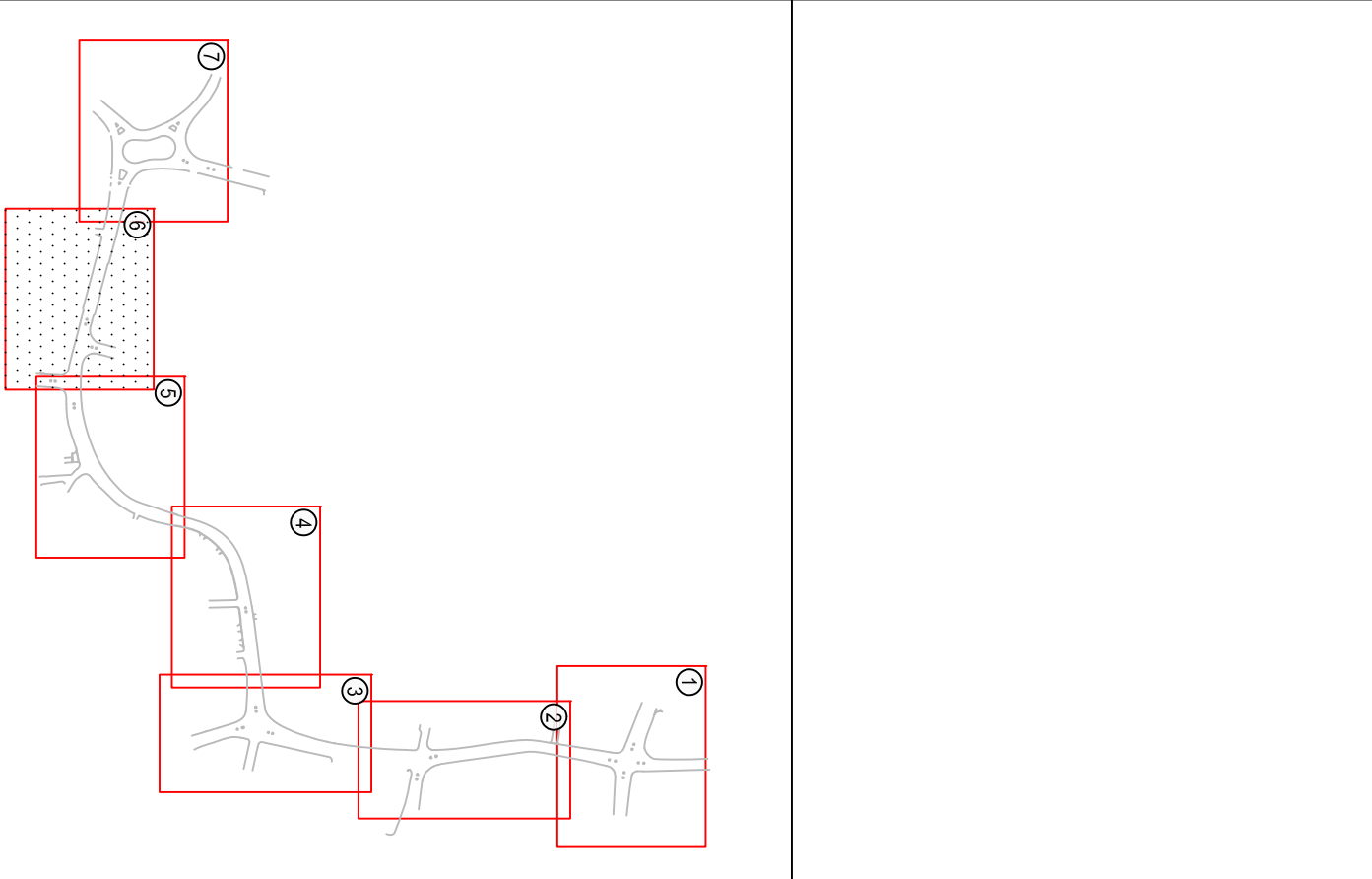


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| Client: | CONWAY |
| Sheet: | Sheet 5 of 7 |
| Date: | July 2016 |
| Scale & Drawing Size: | 1:200 @ A1 |
| Drawn by: | SR |
| Checked by: | GK |
| Resident: | BHS/700/GA |



| KEY | |
|-----|---|
| | CCTV Column (existing retained) |
| | CCTV Column (proposed) |
| | Post box |
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| | Bus stop flag/time tables |
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| | Timber seating |
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| Rev No | Date | Description | By |
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| A | 25 May | Various revisions to the scheme | SR |
| B | 27 June | First Issue | GK |

TITLE: Beckenham High Street General Arrangement

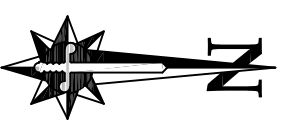
CLIENT: Bromley THE LONDON BOROUGH

Drawn by: SR
Checked by: GK
Date: July 2016
Scale & Drawing Size: 1:200 @ A1
Drawing No: BHS/700/GA

Designed by: Various
Sheet 6 of 7

Topocrew SURVEYING
great people. great work.

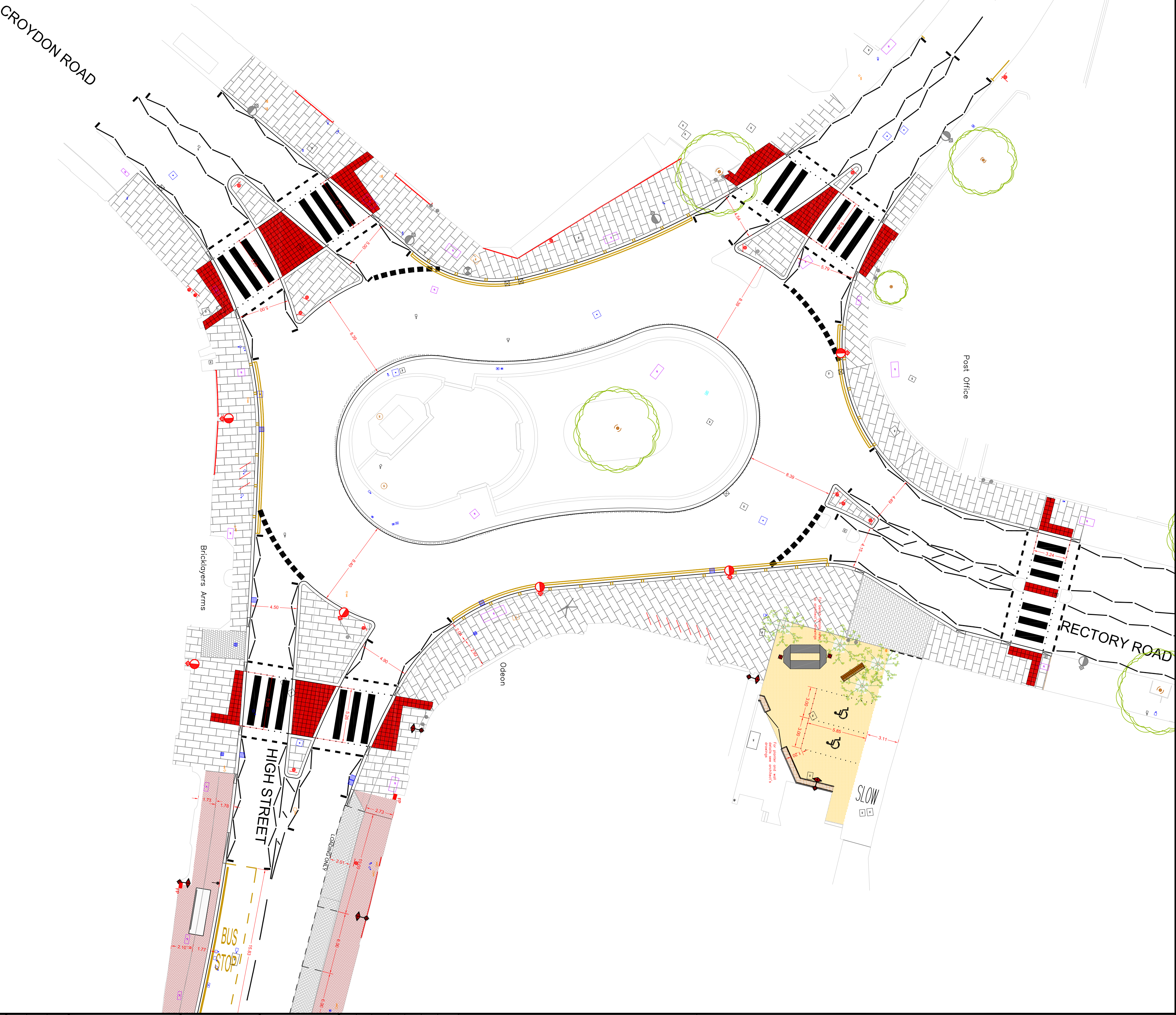
CONWAY
S U R V E Y
great people. great work.



BECKENHAM ROAD

RECTORY ROAD

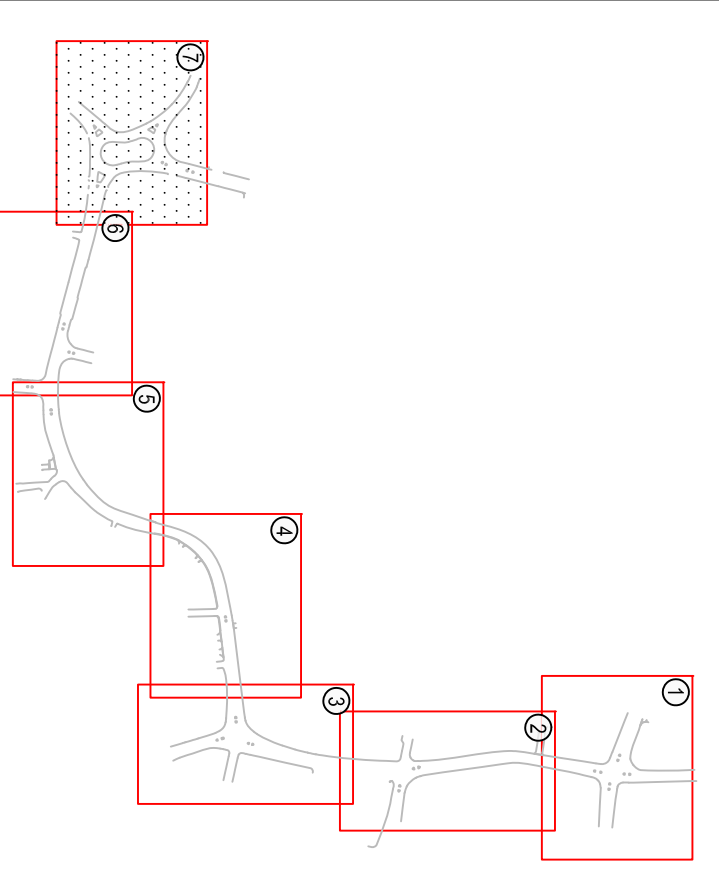
CROYDON ROAD



| KEY | | | |
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TITLE:
Beckenham High Street
General Arrangement



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| Sheet: | Sheet 7 of 7 | Designed by: | Various |
| Date: | July 2016 | Drawn by: | SR |
| Scale & Drawing Size: | 1:200 @ A1 | Checked by: | GK |
| Drawing No.: | BHS/700/GA | Revised: | B |

Report No.
DRR16/075

London Borough of Bromley

Part One

Decision Maker: **Executive**

**For Pre-Decision Scrutiny by the Renewal and Recreation PDS
Committee on:**

Date: **20th September 2016**

Decision Type: Non-Urgent Executive Non-Key

Title: **CHIPPERFIELD ROAD ST PAUL'S CRAY – DEVELOPMENT PROPOSALS**

Contact Officer: Michael Watkins, Interim Head of Strategic Property
michael.watkins@bromley.gov.uk 0208 313 4178

Chief Officer: Colin Brand, Assistant Director of Leisure and Culture

Ward: Cray Valley West

1. REASON FOR REPORT

This report advises Members of options for the future development of land to the east and west of Chipperfield Road, St Paul's Cray, to provide circa 65 residential units which would release funds for:

1. A new Linear Park.
2. A new Gymnastics Facility.
3. A new Library and Community Resource Centre

2. RECOMMENDATIONS

2.1 Members of the Renewal and Recreation Policy Development and Scrutiny Committee are requested to consider the contents of this report and to advise the Executive of their views and

2.2 The Executive is recommended to agree:

2.2.1 That Officers instruct Cushman and Wakefield to ascertain an optimal residential Scheme, as detailed in 3.32, which will include an element of social housing and subject to the agreement of the Portfolio Holder, to prepare and submit an Outline Planning Application.

- 2.2.2 That Officers instruct Cushman & Wakefield to market the scheme in accordance with the Programme detailed at 3.34 and to report to the Executive as the outcome of the selection of a development partner.**
- 2.2.3 Agree that the £105k be funded from capital receipts and that the scheme be added to the capital programme**

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment: Excellent Council
-

Financial

1. Cost of proposal: £105k
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Capital programme
 4. Total current budget for this head: N/A
 5. Source of funding: Capital Receipts
-

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: S123 of the 1972 Local Government Act
 2. Call-in: Applicable:
-

Customer Impact

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

Current usage:

| | |
|--------------------------------------|--------------------|
| Bromley Valley Gymnastics Centre | 715per week. |
| St Pauls Cray Library | 35,992 visits p.a. |
| Cotmandene Community Resource Centre | 19,989 visits p.a. |

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: As detailed within the report.

COMMENTARY

Site Description

- 3.1 The Council owns the areas of land adjoining Chipperfield Road in St Paul's Cray. The area to the west of Chipperfield Road was retained following the closure of Walsingham School in 1990, when the school's playing field was sold for residential development. As part of the residential scheme a 3.5 acre linear park was provided, the ownership and management of which was retained by the Council. The Council also retained the school's gymnasium and halls, with two floors of accommodation above. The halls and gymnasium were let to the Bromley Valley Gym Club (BVGC) on a 28 year lease from November 1991. This enabled the amalgamation of a number of local gymnastics clubs to form a club that was able to provide a higher level of training to encourage elite gymnasts and to offer access to the wider community. The BVGC adjoins the St Paul's Cray library. To the east of Chipperfield Road, the Council owns the public car park. This operates as a free car park, but is considered to be under-used. It is also the location for a bank of recycling containers. Attached at Appendix 1 is an aerial photograph/site plan of the location
- 3.2 The Council is responsible for external and structural repairs to the gymnastics centre. Part of the building is two storey and the upper floors are now vacant and no other Council use has been identified for the accommodation. The building requires considerable maintenance and does not provide ideal facilities for a gymnastics club. The options open to the Council in respect of the gymnastics facility have, therefore, been considered.

The Opportunity

- 3.3 The Council owns the freehold of the site. The Council are considering to re-develop the site to deliver a new residential development and an enhanced Gymnasium, Library and Community facilities, maximising the sites uses and potential.

Feasibility Studies

- 3.4 In 2014 TP Bennett was instructed to examine the feasibility of providing a new home for the Bromley Valley Gymnastics Centre, St Paul Cray Library and Cotmandene Community Resource Centre as well as enabling residential development.
- 3.5 A number of scheme options were considered focussing on flat led developments with a small proportion of housing. From that report, Option 1B was identified as being viable at around 201 – 213 residential units, with the re-provision of the Gymnasium and community facilities and a reconfigured landscape park. The scheme was considered viable on the basis that it could be justified that it would deliver nil affordable housing.
- 3.6 The Council has promoted the site to the draft Local Plan. A number of objections were received around scale and density of development, loss of open space and car parking and impact on community facilities.
- 3.7 TP Bennett received a further instruction in January 2016, to revisit the preferred option 1B with a view to refine the scheme and intensify the use to maximise potential returns to the Council, provide the existing facilities and maximise housing supply to meet housing needs. This led to a revised report issued in April 2016.

3.8 In the revised report TP Bennett has considered a further 3 options:

Expanded Option 1 – 272 units

Expanded Option 2 – 308 units

Expanded Option 3 – 272 units with a reconfigured layout.

3.9 Expanded Option 3 was selected as the preferred Option. It was considered that the reconfiguration of the layout provided an ‘improved urban design solution’ and the separation of the Gym and community facilities into a standalone building provided a more cost effective solution.

Expanded Option 3 provides a total of 272 units as follows:

41 x 1 bed flats

197 x 2 bed flats

17 x 3 bed houses

17 x 4 bed houses

3.10 Heights within the design proposal vary according to topography, with 2 storey housing, 3, 4 and 5 storey blocks of flats and an 8 storey mid-rise tower.

3.11 TP Bennett also appointed a firm of cost consultants, Synergy, who provided a detailed cost plan for the construction of the scheme. BNP Paribas has then undertaken an appraisal to ascertain the feasibility of the development scenario.

3.12 The TP Bennett report concluded that:

a 100% private residential scheme would provide a replacement BVGC together with a capital receipt of approximately £1.66m to the Council, but would not be policy compliant in relation to the provision of affordable housing.

If affordable housing were provided in line with Local Plan policy (35%) the expanded scheme option could not viably provide a replacement BVGC; if affordable housing tenure were only shared ownership, then developer profit of £10.1m would still be offset by a negative land value of £4.7m

It is likely that the Council would need to accept affordable housing provision which falls short of the policy requirement

The expanded scheme would exceed the London Plan Housing Density guideline and would therefore need to be fully justified in terms of design, transport impacts, policy-compliance in relation to affordable housing and the re-provision of community uses”.

3.13 The appraisal of the scheme with a policy compliant level of affordable housing and the cost of the re-provision of the Gym and Community facilities produces a negative residual of some - £11.9m.

Comments on TP Bennett Proposals

3.14 Cushman & Wakefield, as the Council’s preferred partner for Property advice as per the TFM Amey Contract, have reviewed the TP Bennett work. The TP Bennett proposals focus on the

predominant delivery of flats, probably as a result of the instructions to *'intensify the use to maximise potential returns to the Council, provide the existing facilities and maximise housing supply'*. However the local area predominantly offers family housing accommodation.

- 3.15 The site is not situated in a town centre location. Large scale flatted development is more traditionally provided within more central areas with better transport links. It is questionable whether there would be the appetite and demand in the market for the units created in this development scenario (predominantly 2 bedroom flats) and/or whether developers would consider the scheme to be 'market facing' such that they would be confident to deliver. Concerns over the mix of units were also raised in the response to the pre-application discussions by the planners.
- 3.16 Cushman & Wakefield believe that the location could be better characterised as being a family housing location, possibly with a smaller proportion of flatted development to cater for a broader market audience, as well as meeting housing needs for the affordable housing element.

Summary of Cushman and Wakefield review of the TP Bennett Scheme

- 3.17 The height of the proposed blocks is also a concern. Development of 4/5 storey and above can lead to framed forms of construction which have a higher proportional cost of construction.
- 3.18 The value parameters in the area are such that the viability of flatted development, as opposed to housing, starts to become more marginal.
- 3.19 Where height is added it adds further pressure to the cost /value dynamic and means that development of flats becomes even more marginal. With values in the region of £425 per sq ft and construction costs circa £234 per sq ft (in accordance with the Synergy cost plan), the construction costs of the residential alone represent more than 50% of the scheme GDV. This puts pressure on the viability of the scheme once other costs are factored in (fees, finance, Section 106 etc) and diminishes the ability to return a profit to the developer and a land price to the landowner. It should also be noted that this analysis is before the cost of the re-provision of the existing community facilities is taken in to account as well.
- 3.20 These comments are aligned to some of the objections raised to the allocation within the draft Local Plan. The comments also accord with a number of the concerns raised in the response to the pre-application meeting, dated 20 June 2016 which have also been raised by Ward Members. Concern over scale and density were highlighted as well as mix. An increase in the delivery of housing on site (as opposed to flats) therefore might assist to both address a number of concerns raised above, but might also help to de-risk the planning as well, and could deliver a better financial return given the better balance between cost and value per unit.
- 3.21 It appears that the residential within the development scenario itself, with a policy compliant level of affordable housing, is unviable. The cost of delivering flats on the site (particularly with the additional height) is simply too great, against the values, to generate a positive return, once allowing for the cross subsidy that would be needed by the affordable housing.

Cushman & Wakefield Scheme

- 3.22 Having established that the residential within the development scenario itself is unviable and considering this against the concern that the area could be more readily characterised as providing family housing; Cushman and Wakefield have undertaken a high level review of a housing led scheme to ascertain whether the viability improves.

- 3.23 When considering the housing led scheme, it has been assumed that re-provision of the existing facilities would continue to be in a standalone block on the land to the east of Chipperfield Road. On the land to the west of Chipperfield Road the re-provision of the linear park, as set out in the TP Bennet proposal, together with the mature trees on the site boundary to Scadbury Gardens and Athelstan Way would remain. In preserving these areas a net developable area of circa 3.9 acres remains.
- 3.24 This suggests a development in the order of 65 units. Assuming an average size of 1,100 to represent a mix of 2, 3 and 4 bedroom houses this would indicate a scheme of circa 71,500 sq ft.
- 65% Private – 46,475 sq ft – 42 units
35% affordable – 25025 sq ft – 23 units.
- 3.25 An appraisal of this base residential scheme again adopting a revenue of £425 per sq ft for the private and £175 per sq ft for the affordable. Assumed build costs at £150 per sq ft with an additional 5% contingency and 10% professional fees. Allowances for Mayoral CIL and £5,000 per unit Section 106 have been made.
- 3.26 The appraisal of this high level scheme produces a residual of £5.1m.
- 3.27 This compares against the negative residual for the residential element in the Expanded Option 3 scenario of -£3.8m. It therefore appears that a lower density housing led proposal could provide a scheme with an improved underlying financial viability against which to consider the re-provision of the existing facilities and a return to the Council.
- 3.28 Adding in the cost of the re-provision of the Gym, Library and Community Centre (£5.8m) the residual decreases to -£700,000. Whilst this is still a negative residual, it is a much smaller negative than the -£9 to -£11.9m, of the TP Bennet Option. Given the small negative residual, it would only require a relatively small decrease in the quantum of affordable housing or adjustment to the mix of tenures to become viable (land residual greater than nil).
- 3.29 If one were to deliver the scheme as 100% private residential, then based on the high level assumptions and appraisals set out above, the scheme could deliver the re-provision of the existing facilities and a financial receipt to the Council of c £3.79m.
- 3.30 The Bromley Gymnastics Centre Site offers a unique and attractive development proposition in a location that will appeal to developers in the current market.
- 3.31 The development proposals prepared by TP Bennett to date articulate a significant development option, focussed on flats, seeking to maximise housing supply and intensify the development on site, in accordance with their instructions. However, Cushman & Wakefield consider that there may be an alternative route that might better match market demand and address some of the concerns and objections raised to the allocation in the draft Local Plan and in the Pre-Application response.
- 3.32 This should help to de-risk the planning further, provide clearer guidance to the developer market, but most importantly, optimise the returns to the Council both in terms of the re-provision of the community facilities and also the residual financial receipt.

Cushman & Wakefield Fee Proposal

- 3.31 It therefore appears that a lower density housing led proposal could provide a scheme with an improved underlying financial viability against which to consider the re-provision of the existing

facilities and a return to the Council, however it is likely that the Council would need to accept affordable housing provision which falls short of the policy requirement and in order to assess this further work to the development potential and viability of the scheme needs to be undertaken together with the preparation of an Outline Planning Consent to assist the marketing and selection of a development partner.

3.32 Clarification of development potential and viability - £45k

To include:

- A revised masterplan concept as a proving exercise to optimise development potential
- Viability review of revised development solutions to shape and optimise development potential and returns and to ensure the ability to deliver the new Gymnasium and community facilities
- Setting a development/planning brief to articulate the development potential of the site and then submitting an application to obtain an Outline Planning Consent prior to marketing.

3.33 Marketing - £60k

Assumes:

- Open market, Restricted OJEU or DPP disposal process. Should it be necessary to seek specialist procurement advice this will be charged in addition to the above fee.
- Not necessary to follow a Competitive Dialogue process
- C&W to be appointed on a Sole Agency basis with Sole Selling Rights.
- Cost of additional technical studies and/or marketing not included in the above. Such further costs would be agreed with the Council prior to being incurred.
- Fees to be payable 50% on exchange and 50% on completion

3.34 Programme

| Task | Target Dates |
|--|--|
| Clarification of site development Potential and Planning | October 2016 – January 2017 |
| Submit Outline Planning Application | January 2017 – March 2017 |
| Agree Marketing Strategy | January 2107 |
| Preparation of Marketing Details | February 2017 – March 2017 |
| Commence Marketing (OJEU) | April 2017 |
| Receipt of Tenders (subject to procurement route followed) | June 2017 |
| Clarification and Analysis of Tenders Report and recommendation of Preferred Developer | July/August 2017 |
| Agree Heads of Terms with Preferred Developer | September 2017 |
| Exchange of Contracts | October 2017 |
| Completion | November 2017 |
| | Subject to the terms of the selected tender, estimate 9 months to achieve full planning Summer/Autumn 2018 |

4. POLICY IMPLICATIONS

4.1 The Council's aims include being an authority which manages its assets well.

5. FINANCIAL IMPLICATIONS

5.1 A housing led proposal would provide a scheme with financial viability against which to consider the re-provision of the existing facilities and to potentially provide a return to the Council however the details need to be ascertained along with the need to identify the appropriate social housing provision.

5.2 New housing will attract additional Council Tax income and New Homes bonus payments however further details would be required in order to calculate what the actual financial impact would be.

5.3 Approval is sought to meet the estimated cost of the clarification and marketing of £105k from capital receipts and to add the scheme to the capital programme.

6. LEGAL IMPLICATIONS

6.1 Section 123 of the 1974 Local Government Act requires a local authority to secure the best consideration reasonably obtainable when disposing of land (other than on a lease of 7 years or less) unless it has the benefit of an express or general consent of the Secretary of State. Marketing of the development opportunity would ensure compliance with this requirement.

6.2 If Members decide that they wish to procure the development of a new community hub on part of the site it will be necessary to comply with EU procurement regulations.

7. PERSONNEL IMPLICATIONS

7.1 None

8. IMPACT ON CHILDREN & YOUNG PEOPLE

8.1 It is considered that there would be a Net Positive impact as the new provision of facilities which would incorporate the library, resources centre and gymnasium would be improved and enable further access to this group.

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

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Report No.
ES16048

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Executive**

For Pre-Decision Scrutiny by the Environment PDS Committee on:

Date: **29th September 2016**

Decision Type: Non-Urgent Executive Key

Title: **HIGHWAYS INVESTMENT**

Contact Officer: Garry Warner, Head of Highways
Tel: 020 8313 4929 E-mail: garry.warner@bromley.gov.uk

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

Ward: (All Wards);

1. Reason for report

This report considers alternative funding arrangements for highways maintenance.

2. **RECOMMENDATION(S)**

2.1 **That the Executive approve capital funding of £11.8m for investment in planned highway maintenance, to be funded from capital receipts and adds the scheme to the Capital Programme, subject to approval of Full Council.**

2.2 **Subject to the approval of the alternative funding above, the revenue budget for highways works will reduce by £2.5m per annum for the period 2017/18 to 2021/22 which will be partly offset by an estimated reduction in treasury management income of £167k over the 5 year period.**

Corporate Policy

1. Policy Status: New Policy: Further Details
 2. BBB Priority: Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Capital costs of £11.8m and annual revenue savings of £2.5m
 2. Ongoing costs: Annual saving of £2.5m per annum for 5 years and potential loss of treasury management income of £167k over the 5 year period
 3. Budget head/performance centre: Highways
 4. Total current budget for this head: £8.881m and Capital Programme
 5. Source of funding: Existing revenue budget 2016/17 & Capital Programme
-

Staff

1. Number of staff (current and additional): 3 fte
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None:
 2. Call-in: Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

Background

- 3.1 Bromley's highway network includes 547 miles (880Km) of carriageways and 885 miles (1,425 Km) of footways, with a gross replacement cost of approximately £1.5 bn. The highway network is a highly visible asset used by most residents and businesses on a daily basis. A well-maintained highway facilitates safe and reliable travel for pedestrians, cyclists and motorists, and contributes to the vitality of the borough and the local economy.
- 3.2 There is a very strong case for continued investment in planned maintenance of the highway asset. Planned maintenance reduces the amount of reactive maintenance associated with fixing pot holes, broken paving slabs etc. This improves value for money and customer satisfaction, reduces unplanned network disruption, and contributes to reducing claims for damages.

Road Condition

- 3.3 Borough-wide road condition is measured by analysing the results of the latest condition surveys to identify the percentage of roads (by class) which should be considered for maintenance. These estimates are not precise, as they are derived from identifying a wide range of highway defects. However they provide an appropriate source of trend data over time and in that respect are valuable.

Road condition indicators (2014/15) using latest qualifying road survey condition data are set out in the table below:

| Network Classification | A (Principal) | B/C (Non-Principal) | Unclassified |
|------------------------|---------------|---------------------|--------------|
| Road Condition Value | 1% | 3% | 17% |

- 3.4 The principal (A) road network is 42 miles (67Km) in length. Sustained annual investment of between £0.75m and £1.0m p.a. received as part of the LIP settlement from TfL has helped to keep these roads in good condition. Likewise the non-principal (B/C) road network of 58 miles (93Km) have a condition indicator of 3%, as they have been a priority for revenue funding in recent years. The remaining 447 miles (720 Km) of carriageway form the unclassified road network with a road condition indicator of 17%.
- 3.5 As carriageways deteriorate through weathering and the acts of traffic, the requirement for protective or more structural maintenance can be predicted with some accuracy. Most of the footways in the borough are surfaced with paving slabs, and the main causes of their deterioration is root damage from street trees and over-running vehicles, both of which have been effectively managed through reactive and minor works. This was verified in the results of the new treatment survey undertaken of all footways and carriageways last year to identify the likely timescale of future planned maintenance works, which confirmed that as an asset, Bromley's footways are in a better structural condition than the carriageways.

Funding Proposals

- 3.6 Planned highway maintenance works are funded through annual revenue budgets. The 2016/17 budgets for planned maintenance include £1.25m for carriageways and £1.13m for footways, with an additional £1.42m for reactive maintenance and minor repairs. Although this level of funding has allowed the non-principal and unclassified road networks to be maintained at a stable condition, it has not been sufficient to allow conditions to be improved, which would also allow expenditure in reactive works to be reduced.

- 3.7 Carriageway and footways have been identified for planned work using a prioritisation system based on highway condition, but also taking account of factors such as use, location on the network and frequency of reactive maintenance. Those roads with the highest overall priority have been put forward for planned works programmes in accordance with expected budget provision.
- 3.8 Planned highway maintenance projects are completed by the Council's Major Works Contractor. This Contract was awarded in 2010 for an initial seven year period, and has recently been extended to June 2018. A recent benchmarking exercise with neighbouring boroughs identified that prices within our current Contract are at least 28% lower than similar recently awarded contracts, and it is anticipated that contract prices will increase further when the contract is re-tendered.
- 3.9 It is proposed that £11.8m is drawn down from capital receipts to fund improvement works during the next two years which will allow conditions to be improved significantly in the short term using existing contract prices. This upfront funding will result in a reduction in treasury management revenue of around £167k over the five year period. This alternative funding will then allow revenue expenditure to be reduced by £2.5m per annum for 5 years, a total of £12.5m (£11.9m from planned works and £0.6m from reactive maintenance). At the end of 5 years, a review can be undertaken to assess the benefits of upfront funding and future funding required and a decision made as to whether this would be funded from capital receipts (subject to availability of future capital receipts) or to reinstate the revenue budgets.
- 3.10 Based on results from the latest treatment survey any future investment should be focussed on carriageway maintenance to obtain long-term benefits, with footway maintenance continuing to rely on reactive and minor works to deal with the short term damaging factors.
- 3.11 Should Executive approve an investment programme for highways maintenance, it is proposed that a Member Working Group is established to agree levels of service and treatment options. Details of future works programmes funded by the investment will be considered by the Environment Portfolio Holder following scrutiny by the Environment PDS Committee.

4. POLICY IMPLICATIONS

- 4.1 The Environment Portfolio Plan 2015-2018 includes the key aim "To continue to invest in a timely and effective manner in our roads and pavements to maintain the value of our highway asset". The Plan (item 4.4) identifies the Council will "Improve the condition of the of the highway network by completing an approved major programme of road and pavement resurfacing".

5. FINANCIAL IMPLICATIONS

- 5.1 This report considers alternative upfront funding arrangements for highways maintenance from the Council's capital programme instead of the Council's revenue budget and identifies potential benefits of upfront funding given the future cost pressures on highway maintenance costs (see 3.8).
- 5.2 The Executive is therefore requested to agree funding of £11.8m from capital receipts for investment in planned highway maintenance. This will enable annual revenue savings of £2.5m to be made, a total of £12.5m over a period of 5 years from 2017/18, which will be partly offset by a total estimated reduction in treasury management income of £167k over the five year period.
- 5.3 Approval from Full Council will be required as the total expenditure is over £1m.

- 5.4 The utilisation of capital receipts will reduce monies available for future capital schemes. It remains essential that the Council continues to generate capital receipts to fund the future capital programme.
- 5.5 Any revenue costs in 2016/17 not utilised as a result of undertaking these works during 2016/17 will be set aside towards funding the capital costs identified in this report.

6. LEGAL IMPLICATIONS

- 6.1 Under the Highways Act 1980, the Council, as Highway Authority, has duties to ensure the safe passage of highway users and to maintain the highway.

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

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London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

on 18th October 2016 and

Development Control Committee

Date: on 6th September 2016

Decision Type: Non-Urgent Executive Non-Key

Title: **ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER**

Contact Officer: Tim Horsman, Planning Development Control Manager
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Petts Wood and Knoll;

1. Reason for report

1.1 The issue for consideration by Members is whether the Council should seek, with the use of an Article 4 Direction, to withdraw permitted development rights for alterations to the front slopes of roofs of properties in the Petts Wood Area of Special Residential Character.

1.2 The matter was considered by the Development Control Committee at their meeting on 6th September 2016, the outcome of which is recorded in the relevant minute of discussion at **Appendix A**.

2. **RECOMMENDATION(S)**

(1) The Development Control Committee is invited to consider whether Executive should be requested to confirm a non-immediate Article 4 Direction withdrawing permitted development rights for front roof alterations in the Petts Wood Area of Special Residential Character with a 12 month delay.

(2) The Executive is requested to confirm the issue of a non-immediate Article 4 Direction withdrawing permitted development rights for front roof alterations in the Petts Wood Area of Special Residential Character with a 12 month delay.

Corporate Policy

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

Financial

1. Cost of proposal: Possible compensation
 2. Ongoing costs: Possible additional costs from increased number of planning applications
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £
 5. Source of funding: Existing budget
-

Staff

1. Number of staff (current and additional):1
 2. If from existing staff resources, number of staff hours: 4
-

Legal

1. Legal Requirement: None:
 2. Call-in: Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes Report requested by Ward Cllr
2. Summary of Ward Councillors comments: Supports issue of Article 4 Direction

3. COMMENTARY

- 3.1 The Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) grants various rights to householders to alter or extend their dwelling houses without the need to obtain planning permission. This is referred to as permitted development . One such right (under Part 1 of Schedule 2, Class C) is to carry out alterations to the roof of a dwelling house. Provided any alteration does not protrude more than 150mm beyond the plane of the slope of the original roof (such as would normally be the case with a roof light or “Velux” window) it can be undertaken as permitted development. This particular right does not differentiate between general residential areas and designated areas such as Conservation Areas and Areas of Special Residential Character, and it is therefore possible for householders in any area to insert roof lights in the front roof slopes of their houses without the need to obtain planning permission from the Council.
- 3.2 Article 4 of the GPDO allows for the making of a direction that can withdraw specified permitted development rights. This does not prevent the development to which it applies but instead requires that planning permission is first obtained from the local planning authority for that development.
- 3.3 The properties in the Petts Wood Area of Special Residential Character (ASRC) date from the late 1920s and early 1930s. While the houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Some properties already have front rooflights.
- 3.4 The issue for consideration by Members is whether the Council should seek to withdraw permitted development rights for roof lights in the ASRC. This decision should be based on whether the automatic right under permitted development to insert windows into front roofslopes is considered to potentially cause harm to the character and appearance of the area and therefore merit consideration by the Local Planning Authority rather than being permitted development. It should be noted that there are no Article 4 Directions currently within the Borough which remove this specific permitted development right in areas other than Conservation Areas, and Members are asked to carefully balance the potential harm with the costs of preparing and issuing a Direction and any subsequent additional work generated by future applications which would not attract a fee with the benefits this proposal would bring about.
- 3.5 Guidance issued by DCLG on the Planning Practice Guidance website (http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/#paragraph_034) sets out that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. There should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area
- 3.6 In procedural terms there are two main types of article 4:
- non-immediate direction (permitted development rights are only withdrawn upon confirmation of the direction by the local authority following local consultation; and
 - immediate directions (where permitted rights are withdrawn with immediate effect, but must be confirmed by the LPA following local consultation within 6 months, or else the direction will lapse).
- 3.7 Article 4 Directions cannot be applied retrospectively to development undertaken before a direction comes into force and any planning application required as a consequence of an Article 4 Direction is exempt from the usual planning application fee.

- 3.8 There are circumstances where LPAs may be liable to pay compensation having made an Article 4 Direction, although the potential liability is limited in many cases by the time limits that apply. Compensation may be payable to those whose permitted development rights have been withdrawn if they:
- refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
 - grant planning permission subject to more limiting conditions than the GDPO would normally allow as a result of Article 4 Direction being in place.
- 3.9 Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Under section 107 of the Town and Country Planning Act 1990 this could include ‘...any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it...’ It could also include any loss of value although this would be difficult to calculate.
- 3.10 For certain permitted development rights, including those for roof alterations and insertion of roof lights, compensation can only be claimed if an application is submitted within 12 months following the effective date of the direction. Alternatively, if the LPA gives an “early notice” of between 12 months and 2 years of the making of the direction (using the non-immediate direction process referred to above) then no compensation can be claimed.
- 3.11 In Bromley Borough, Article 4 Directions have been in place in Conservation Areas such as Alexandra Cottages since 2004, Chancery Lane since 1984, and Barmead Road since 1992. These cover a wide range of possible alterations to the fronts of properties, including the installation of roof lights (specifically in Alexandra Cottages). The intention of each direction has been to safeguard the character of the Conservation Area. Whilst the detail of regulations and procedure have changed over the years it should be noted that no compensation claims were made in respect of any of these Article 4 Directions – nor did they lead to a proliferation of requests for directions in other conservation areas. There has been some increase in workload arising from applications for proposals (such as window replacements) that did not previously require planning permission. There are currently no Article 4 Directions relating to roof alterations in any ASRC, and therefore no direct comparison available.
- 3.12 Compensation could be avoided however if the making of the notice were delayed for 12 months after local consultation – in which case no compensation would be payable. If Members wish to pursue this Article 4 Direction it is recommended that it is done on this basis.
- 3.13 The views of residents will be an important factor in helping Members decide on how to proceed. The “early notice” procedure enables time for local consultation to be carried out before a Direction needs to be confirmed.

4. FINANCIAL IMPLICATIONS

- 4.1 The withdrawal of permitted rights for certain classes of development as a result of issuing an immediate Article 4 Direction may give rise to claims for compensation by landowners in certain circumstances.
- 4.2 By issuing a 12 month non-immediate Direction under Article 4, it is unlikely that any compensation claims will be payable.
- 4.3 Planning applications for works for development restricted by an Article 4 Direction which would otherwise be permitted development do not attract a fee. Any planning applications for works restricted by the proposed Article 4 Direction would represent a cost to the Council to process. It is not possible to quantify this potential cost.

4.4 In this case, it is expected that the risk of substantial compensation is low, due to the circumstances set out in section 3.

5. LEGAL IMPLICATIONS

5.1 Article 4 of the GPDO 2015 (as amended) allows LPAs to withdraw specified permitted development rights for specified sites within their areas.

5. PERSONNEL IMPLICATIONS

6.1 There is a possible minor increase in workload arising from Article 4 Directions with no increase in fee income since applications would be exempt from a fee under national legislation.

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|---|---|
| Non-Applicable Sections: | Policy implications |
| Background Documents: (Access via Contact Officer) | Petts Wood Area of Special Residential Character statement (2006 Unitary Development Plan) Town and Country Planning (General Permitted Development)(England) Order 2015 |

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Relevant Minute from Minutes of the Development Control Committee meeting held on 6th September 2016

ARTICLE 4 DIRECTION – PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER

Members considered whether a non-immediate Article 4 Direction should be sought to withdraw permitted development rights for alterations to the front slopes of roofs of properties in the Petts Wood Area of Special Residential Character.

Ward Member and Committee Member Councillor Fawthrop, commended Mr Tim Horsman, Development Control Manager, for providing an accurate and informative report. He explained that by the withdrawal of permitted development rights, householders would be required to obtain planning permission before installing roof lights.

Councillor Fawthrop moved that an Article 4 Direction be implemented with a 12 month delay. He also requested information regarding the anticipated timeframe leading up to Portfolio Holder approval. Councillor Auld seconded the motion.

RESOLVED that the Executive be requested to confirm the issue of a non-immediate Article 4 Direction withdrawing permitted development rights for front roof alterations in the Petts Wood Area of Special Residential Character with a 12 month delay.

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