

## **EXECUTIVE**

Minutes of the meeting held on 11 January 2017 starting at 7.00 pm

### **Present:**

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

### **Also Present:**

Councillor Julian Benington, Councillor Nicholas Bennett  
J.P., Councillor Simon Fawthrop, Councillor William  
Huntington-Thresher and Councillor Angela Wilkins

#### **147 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **148 DECLARATIONS OF INTEREST**

Councillor Peter Morgan declared an interest in relation to minute 151, Draft 2017/18 Budget, as his daughter was a Director of Kier who held the Council's Street Cleansing contract.

#### **149 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 30TH NOVEMBER 2016** Report CSD16086

**RESOLVED that the minutes of the meeting held on 30th November 2016 (excluding exempt items) be confirmed.**

#### **150 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

One question for written reply had been received from Richard Gibbons. The question and reply is attached at Appendix A to these minutes.

#### **151 DRAFT 2017/18 BUDGET AND UPDATE ON COUNCIL'S FINANCIAL STRATEGY** Report FSD17005

The Executive considered a report seeking approval of the initial draft 2017/18 Budget including the full year effect of savings agreed as part of the 2016/17 Council Tax report and any further savings approved during the year which had resulted in considerable reductions in the Council's medium term budget gap. The views of PDS Committees would be sought and reported back to the next

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meeting, prior to the Executive making recommendations to Council on 2017/18 Council Tax levels.

The report provided details of the second year of the four year local government financial settlement (2016/17 to 2019/20), an update on the new social care precept as well as other changes reflected in the Autumn Statement 2016 and the Provisional Local Government Financial Settlement 2017/18. There were still outstanding issues and areas of uncertainty remaining, in particular relating to the Better Care Fund, Adult Social Care Support Grant and the Adult Social Care Precept. Any further updates would be included in the 2017/18 Council Tax report to the next meeting of the Executive.

The proposal included a pay increase of 1.2% to all staff except teachers, with the lowest paid also receiving £300 (pro rata for part time staff); this was higher than the national award again. The Departmental Representatives Forum had played a useful role in feeding back issues for budget discussions.

The position for the next two years was reasonably secure, but there was still a substantial budget gap looking ahead to 2019/20. The Council had front-loaded savings giving some breathing-space – it was important that this was used to focus on growth and self-sufficiency, becoming more commercially minded, and working with statutory partners on Building a Better Bromley priorities.

The report had been scrutinised by the Executive and Resources PDS Committee on 4<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that**

- (1) The initial draft 2017/18 Budget, as detailed in Appendix 4 to the report, be agreed.**
- (2) The initial draft 2017/18 Budget for each portfolio be referred to the relevant PDS Committees for consideration.**
- (3) The financial projections for 2018/19 to 2020/21 be noted.**
- (4) That there are still areas of financial uncertainty which will impact on the final 2017/18 Budget and future year forecasts be noted.**
- (5) The setting of the schools budget, mainly met through Dedicated Schools Grant, be delegated to the Education Portfolio Holder, allowing for consultation with head teachers, governors and the Schools Forum (see section 12.4 of the report).**
- (6) It is noted that the outcome of consultation with PDS Committees will be reported to the next meeting of the Executive;**
- (7) The outcome of the public consultation meetings detailed in Appendix 8 to the report be noted.**

- (8) The proposed contribution of £281,355 in 2017/18 to the London Boroughs Grant Committee be agreed (see section 11 of the report.)**
- (9) The outcome of the Provisional Local Government Financial Settlement 2017/18 be noted (see section 4.19 of the report.)**
- (10) The significant budget gap remaining of an estimated £23.6m per annum by 2020/21, and that any decisions made for the 2017/18 Budget will have an impact on the future year projections, be noted.**
- (11) It is noted that any final decision by the Executive on recommended council tax and social care precept levels to Council will normally be undertaken at the next meeting of Executive.**
- (12) The release of one off grant funding in 2016/17 of £139,624 to fund the strategic review of SEN provision be agreed (see paragraph 4.14 of the report.)**

**152        PROGRESS IN IMPLEMENTING CHILDREN'S SERVICE IMPROVEMENTS 'PHASE 3 SPENDING PLAN'**  
Report CS17089

The report provided an update on the progress on the Children's Services Improvement Areas and sought to obtain approval to spend the phase 3 resources as outlined in a report agreed by the Executive on 14<sup>th</sup> September 2016.

The Executive Director of Education, Care and Health Services and Deputy Chief Executive attended the meeting to update on progress since he had taken up his post in December. Working within the funding envelope agreed by Members in September 2016, he had identified two immediate priorities to ensure the safety of children – developing capacity, working with the Police, to tackle child sexual exploitation and reducing caseloads for social workers. A new placements panel had been put in place, with all cases reviewed by himself and the Interim Social Care Director, and Legal Services was being supported to ensure that cases going to court were better prepared.

Questioned about being disciplined about closing cases, the Director stated that it was important to move from being risk averse to managing risk well, remembering that care must have a purpose. Asked about the cost to the Council if it was forced to set up a trust to run children's services, the Director suggested that, based on un-validated information from other authorities, this could potentially be in the region of £8-10m.

The Leader announced that he was assessing how best to balance portfolio responsibilities. He recognised that the current arrangements placed a large burden on one portfolio holder in particular, and he hoped to communicate changes to Members soon.

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The Executive and Resources PDS Committee had considered the report on 4<sup>th</sup> January and had raised concerns about how the £300k for recruitment and retention of social workers from 2017/18 would be funded. Members agreed that these posts would be needed and the Leader asked that this be addressed in the next update. The Chairman of the PDS Committee also warned against spending money in the current budget just because it had been made available.

The report had also been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that**

**(1) The Phase 3 additional funding of £141, 000 part year and £795,000 in a full year be drawn down as outlined in Section 6 of the report.**

**(2) One-off funding of £150k to be met from the Council's Technology Fund for the purchase of the laptops and other associated hardware for children's social care staff be agreed as set out in paragraph 3.8 of the report.**

**153 RECRUITMENT OF THE FOSTER CARER SERVICE**  
Report CS17074

Recruitment of in-house Foster Carers was a key priority, and a detailed review had been undertaken to see whether improvements could be made in the service to increase the overall numbers recruited and consider how this service could be provided in the future. Three options were considered – (i) continuation of the current arrangements, (ii) market testing the Foster Carer recruitment service or (iii) market testing the whole fostering service with adoption and other children's services in a bigger bundle. The estimated whole contract value over up to five years was £1m, requiring clearance by the Executive.

The second option, market testing the recruitment service, was recommended as it should provide a specific focus on the recruitment service by a provider with detailed knowledge and experience in this area, and enable the Council to understand the breadth of the market available. Members emphasised that strong targets and carefully drafted service level agreements were needed if the service was tendered.

The report had been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that**

**(1) Market testing of the recruitment of the Foster Carer service through a negotiated procurement process be agreed, for a contract term of 3 years, with the option to extend for a further 2 years, with a whole contract value of £1m, as set out in Option 2, paragraph 6.2 of the report.**

**(2) The improvements officers have undertaken around the recruitment process as set out in paragraphs 3.7 to 3.13 of the report be noted.**

**154 REGIONALISATION OF ADOPTION SERVICES**  
Report CS17093

The Executive considered a recommendation that Bromley should work collaboratively with other London boroughs to continue to develop the London Regional Adoption Agency with the intention of joining the agency when it becomes operational. The report set out the initial scope of the project and identified the advantages and the risks involved. The proposal would ensure value for money and reduce the current expenditure on high cost, at a distance, residential emergency placements. The Leader commented that it was important that this opportunity was taken to drive out duplication and become more efficient. Around eighteen or nineteen boroughs were already signed up, although LB Bexley had decided to join with Kent County Council. Officers confirmed that they anticipated that joining the London Agency would offer a wider range of appropriate placements for Bromley children.

The report had been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that**

**(1) It is agreed in principle to join a London Regional Adoption Agency, subject to the business case and detailed financial analysis.**

**(2) The Interim Director of Children's Social Care, in consultation with the Portfolio Holder for Care Services, be authorised to progress arrangements relating to the development of a business case for the agency model.**

**155 PROPOSAL FOR CHILDREN'S RESIDENTIAL BLOCK BED PLACEMENTS**  
Report CS17073

The Executive considered a proposal setting out the need for block beds for residential placements for young people coming into care and what the benefits and implications would be for the Council, particularly in the light of the cost pressures facing the department.

Following the recent follow up visit from Ofsted, it was agreed that the Council's current strategy of placing children in high cost spot residential placements was not offering the Council value for money and not the best placement for these children. Market testing for a block booking for 12 beds was proposed. The other options considered were to do nothing, to increase internal capacity by opening a residential unit in Bromley, to use Drake Court (a provision for young people aged 16+), or shared services. Within the block

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bed contract it was proposed that one or two beds would be set aside for emergency placements.

The report had been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that**

**(1) Market testing of residential placements for young children aged 13 – 17 years of age be agreed, block booking up to 12 beds which will be within 10 miles of Bromley, for a period of 4 years with the option to extend for a further 4 years (2 plus 2), in line with the Commissioning Strategy as set out in paragraph 5.6 of the report, with a whole contract value of £15.4m.**

**(2) It is agreed that to enter into discussions with a local provider in the borough to block book 4 emergency residential care beds for young children aged between 13 – 17 years of age for a period of 9 months as set out in paragraph 5.5 of the report, with an estimated contract value of £540k.**

**(3) The on-going discussions with Drake Court for a provision for 16+ children, which will need further investigations as set out in paragraph 8.3 of the report, be noted.**

**156        AWARD OF CONTRACT FOR RESPITE SERVICES FOR CARERS**  
Report CS17978

In accordance with the Council's financial and contractual requirements, the report updated the Executive on the provision of Respite Services for Carers and requested approval to award a six month contract to Carers Bromley pending the outcome of the tender process for Primary and Secondary Intervention Services, which was due to start on 1<sup>st</sup> April 2017.

The report had been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that the award of a contract for the Carers Respite Service to Carers Bromley for a period of 6 months commencing on 1<sup>st</sup> October 2016 and expiring on 31<sup>st</sup> March 2017 be approved.**

**157        CHANGES TO NON RESIDENTIAL CONTRIBUTION POLICY AND ADDITIONAL INCOME GENERATION**  
Report CS17090

The Executive considered proposed changes to non-residential contribution policy to ensure that charges continued to reflect costs. The changes took into account the previous and proposed increases to the National Living Wage, which would rise to £7.50 per hour in April. It was not possible to charge for

Reablement services, but the proposals included charges for a cancellation fee to deter last minute cancellations.

A Member commented that it was important that clients were supported to understand the changes, and this point would be taken up by the Director.

The report also suggested that future increases to reflect the National Living Wage should be delegated to the Director of Finance. However, the Leader stated that any such proposals should be referred to the Care Services PDS Committee.

It was confirmed that an equalities impact assessment was being carried out, and subject to this being satisfactory the Executive agreed the proposals in principle. A further report needed to be provided to the next meeting of the Executive to supply further details on the outcome of the equalities impact assessment and for the Executive to give final approval to the recommendations.

The report had been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that, subject to the outcome of the equalities impact assessment,**

**(1) The new charging rates for 2017/18 for domiciliary care be agreed in principle as set out in paragraph 3.9 of the report.**

**(2) The new direct payment charging rates be agreed in principle as set out in paragraph 3.12 of the report.**

**(3) It is agreed in principle that a cancellation fee be charged in Reablement as set out in paragraph 3.20 of the report.**

**(4) It is noted that a blended rate for Extra Care Housing may be introduced subject to the outcome of tendering which will be reported at a later date.**

**158 RENEWAL OF HOUSING ASSOCIATION LEASING SCHEMES -  
DABORA CONWAY AND THEORI**  
Report CS17094

The Council spent more than £4.5m (net) procuring temporary accommodation for homeless households every year and demand for this service was forecast to increase. Temporary accommodation was procured through a mixture of block and spot contract arrangements.

Members received regular reports outlining the key activities, new initiatives and pressures in the respect of homelessness and provision of temporary accommodation. The gateway report on Temporary Accommodation in January 2016 set out all activities and recommended actions required in order

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to sustain the initiatives to source an adequate supply of general needs temporary accommodation to meet future requirements.

The Gateway Report had also recommended extending leasing scheme arrangements where possible to maintain existing supply. This report therefore sought to confirm extensions for two of the smaller leasing scheme arrangements as detailed in the earlier report. It was confirmed that extending the leases would secure the accommodation for the Council's exclusive use.

The report had been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that**

**(1) The existing housing leasing scheme agreements with Theori Housing and Dabora Conway be renewed for a period of 3 years from 6th February 2017 to 5<sup>th</sup> February 2020 with the option to extend for a further 2 years – this to cover the existing individual leased properties under the scheme and any properties providers secure and offer under the same terms.**

**(2) Authority be delegated to the Assistant Director Housing to enter into individual leases for properties within the terms of the overarching agreement as and when leases require renewal or where providers are successful in securing new leases within Bromley.**

**159 EXTENSION OF BROMLEY Y COMMUNITY WELLBEING SERVICE FOR CHILDREN AND YOUNG PEOPLE**  
Report CS17099

Bromley Y had been awarded the contract for the Bromley Community Wellbeing Service for Children and Young People for a period of three years commencing 1st December 2014 to 30th November 2017. The contract permitted a two year extension beyond November 2017, subject to satisfactory contract monitoring and service delivery.

This service had introduced a new delivery model for children and young people's mental well-being provision which was now embedding. Bromley Clinical Commissioning Group (CCG) was supporting the Council's investment by providing additional investment to enhance the service provision. The report provided evidence and rationale to support an extension to the contract for a two year period commencing 1 December 2017 and terminating on 30 November 2019.

Members of the Executive queried whether the CCG was contributing to the service as the report indicated that the CAMHS service was benefiting from the LBB contract. This had been discussed previously with the CCG; however in the absence of relevant data agreement had not been reached. The data was now available and so the discussion would be picked up again. The CCG had separately contributed some extra funding to Bromley Y to strengthen the

links between Bromley Y and Oxleas services utilising additional funding for CAMHS which had been made available to CCGs. There was still time for negotiation with the CCG as the current contract ran until December 2017, and a further report would be made to Members in the summer; if necessary, a contract variation could be effected to better reflect the Council's funding responsibilities.

The report had been scrutinised by the Care Services PDS Committee on 10<sup>th</sup> January 2017; the Committee had supported the recommendations.

**RESOLVED that the current service outcomes be noted and an extension to the existing contract with Bromley Y be agreed for a two year period commencing on 1<sup>st</sup> December 2017, subject to further report back on funding issues.**

(During consideration of this item Councillor Stephen Carr declared a non-pecuniary interest as his daughter was involved in mentoring.)

**160            UPDATE: BIGGIN HILL MEMORIAL MUSEUM**  
Report DRR17/001

The Executive received an update on the Biggin Hill Museum project, and in particular on the outcome of funding applications. The funding originally identified to deliver the preferred scheme was now wholly or partially in place, the Heritage Lottery Fund having announced in September 2016 that the scheme had passed its first stage for a grant of £1.85m, and an application to the Treasury's LIBOR fund for a second £1m grant having been successful. Section 106 money was also available from a Taylor Wimpey planning application – this would be either £914k or £968k depending on which permission was implemented, a difference of £54k, which the Executive was requested to underwrite.

Schemes that were passed at stage one by the Heritage Lottery Fund were supported towards the second stage, with around 80% being successful. If, however, the application failed at this next stage then it would be necessary to consider whether a reduced scheme could be delivered or funding could be secured through other means. Members confirmed that other fundraising opportunities should continue to be pursued.

Councillor Julian Benington attended the Executive to support the scheme. The report had also been scrutinised by the Executive and Resources PDS Committee on 4<sup>th</sup> January 2017; the Committee had supported the recommendations.

The Executive congratulated officers for progress with the scheme so far. The Memorial Museum would be a fitting tribute to those who had served at Biggin Hill, and its opening would be a focal point for commemorations of the end of the First World War. Members also thanked Jo Johnston MP for his assistance – the Leader undertook to write a letter of thanks to Mr Johnston.

**RESOLVED that**

**(1) It is noted that the Heritage Lottery Fund (HLF) awarded a first stage pass for a grant of almost £2m and therefore the capital scheme is being developed to RIBA Stage 4, and that a planning application for the Biggin Hill Memorial Museum scheme will be submitted in February 2017.**

**(2) It is noted that the second £1m funding application to the Treasury was successful and that the monies will be received by the Council in early 2017.**

**(3) It is agreed that the Council underwrites the difference of £54k from S106 monies if Taylor Wimpey decide to deliver their scheme set out in planning application 16/02685 rather than planning application 15/00508; in the event that this sum is required it can be met from the Council's 2016/17 Central Contingency.**

**(4) The continued development of the project is approved, namely publication of the works tender, following the submission of the second stage HLF grant application in February, prior to the final funding decision being known in June 2017.**

**161           DISPOSAL OF BANBURY HOUSE, CHISLEHURST**  
Report DRR16/094

Authority to dispose of this site had originally been given in April 2014, but following two marketing attempts the potential purchasers had withdrawn. It was therefore proposed to try an alternative approach whereby planning permission for an optimal scheme would be obtained prior to re-marketing the site.

The report had been scrutinised by the Executive and Resources PDS Committee on 4<sup>th</sup> January 2017. The Committee supported the recommendations, but with the benefits of ensuring an overage clause and looking at whether the disposal should be considered as part of a joint venture; they had also suggested that investigations be undertaken prior to the Executive meeting on whether the site could be used to provide temporary accommodation. In addition, the PDS Committee commented that it would also be helpful to have some information on the extent to which £46k represented value for money for planning consent on the Banbury House site.

The Executive considered that further time should be allowed for potential use for temporary accommodation to be assessed, and therefore deferred consideration.

**RESOLVED that the decision be deferred for a report on whether the property could be adapted for use as temporary accommodation.**

**162        DISPOSAL OF SMALL HALLS SITE, YORK RISE, ORPINGTON**  
Report DRR16/093

Authority to dispose of this site had been given in March 2016, but it had also been agreed that the temporary use of the site as a car park be explored. The Council's recent disposal practice was to go to market seeking offers subject to planning. However, this had led to offers being made on the basis of unrealistic schemes which could not obtain planning consent. It was therefore proposed to try an alternative approach whereby planning permission for an optimal scheme would be obtained prior to re-marketing the site. This would potentially generate a larger capital receipt. The Executive was particularly interested in exploring the possibility of a joint venture.

The report had been scrutinised by the Executive and Resources PDS Committee on 4<sup>th</sup> January 2017. The Committee supported the recommendations, but with the benefits of ensuring an overage clause and looking at whether the disposal should be considered as part of a joint venture. In addition, the PDS Committee commented that it would also be helpful to have some information on the extent to which £46k represented value for money for obtaining planning consent on the site, and the Chairman of the Committee commented that a transparent, "open-book" approach was required.

**RESOLVED that**

**(1) The appointment of Cushman & Wakefield be approved to develop a scheme in order to achieve best consideration for the site by -**

- a) The submission of a planning application.**
- b) Once planning permission has been achieved, exploring the possibility of a joint venture and marketing the site on a non-conditional basis.**
- c) Post marketing, evaluating the bids received, recommending a prospective purchaser for the site via a report to the Portfolio Holder for Resources seeking his approval for the disposal of the site to the recommended purchaser.**

**(2) It is agreed that the estimated cost of £46k be met from the Investment Fund.**

**163        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 Executive and Resources PDS Committee.

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

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

**The following summary  
refers to matters  
involving exempt information**

**165 EXEMPT MINUTES OF THE MEETING HELD ON 30TH  
NOVEMBER 2016**

**RESOLVED** that the exempt minutes of the meeting held on 30<sup>th</sup> November 2016 be confirmed.

The Meeting ended at 8.27 pm

Chairman

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### QUESTIONS FROM MEMBERS OF THE PUBLIC

**From Mr Richard Gibbons to the Portfolio Holder for Environment (for written reply)**

Extra car parking at Orpington Station was deemed necessary to satisfy demand for railheading and to alleviate commuter parking in nearby residential streets. Recently, additional parking in York Rise has been approved. What contingencies are there, once the York Rise site has been sold, to avoid displacing the induced parking to nearby residential streets?

**Reply:**

The permanent/long term additional parking arrangement adjacent to Orpington Station was deemed helpful for both Commuters and local residents alike.

The temporary/short term parking planned for York Rise to alleviate existing parking pressures locally similarly.

When York Rise is sold and when the temporary parking opportunities it was planned to provide are lost, if and wherever sought by local homeowners, here as everywhere else across the Borough, protective measures will be offered to any road affected by heavy commuter parking and would be implemented where the majority of residents responding at consultation support such action being taken.

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