

EXECUTIVE

Minutes of the meeting held on 8 February 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 Nicholas Bennett J.P., Councillor Simon
Fawthrop and Councillor William Huntington-Thresher

166 APOLOGIES FOR ABSENCE

There were no apologies for absence.

167 DECLARATIONS OF INTEREST

Councillor Peter Morgan declared an interest in relation to minute 170 (2017/18 Council Tax) as his daughter worked for Kier who held the Council's street cleansing contract. Councillor Morgan also declared, during consideration of minute 181 (Disposal of Site B, Tweedy Road) that he was a trustee of Bromley and Sheppard's Colleges. Councillor Simon Fawthrop also declared interests in line with his Register of Interests.

168 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 11TH JANUARY 2017 Report CSD17030

In relation to minute 157 (Changes to Non Residential Contribution Policy and additional Income Generation) Councillor Robert Evans confirmed that equalities impact assessments had now been carried out and the proposals had been found to be equality neutral.

RESOLVED that the minutes of the meeting held on 11th January 2017 be confirmed.

169 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

170 2017/18 COUNCIL TAX
Report FSD17016

The report identified the final issues affecting the 2017/18 revenue budget and set out recommendations to the Council on the level of the Bromley element of the 2017/18 Council Tax and Adult Social Care precept. Confirmation of the final GLA precept would be reported to the Council meeting, which was now on 1st March 2017 due to the delay in receiving details of the final settlement from the DCLG. The report also sought final approval of the “schools budget”. The approach reflected in the report was for the Council to not only achieve a legal and financially balanced budget in 2017/18 but to have measures in place to deal with the medium term financial position (2018/19 to 2020/21).

The Executive received the comments of all PDS committees on their respective portfolio budgets. Amended recommendations with a revised budget summary (appendix 2 in the report) were tabled.

A Member asked whether there was any indication of what would happen after the end of the three years when the social care precept was in place. The final outcome was not known at this stage and would need to be considered with the full devolution of business rates by 2019/20 or 2020/21. In relation to levies, it was clarified that the London Pension Partnership dealt with residual issues relating to the former GLC, and that the Council was required to contribute to some Environment Agency functions. Members also discussed Earmarked Reserves, and it was noted that due to some significant purchases of investment properties the Growth Fund had reduced from £29,483k at the start of the current financial year to an anticipated £14,779k by the end of the year. The Investment Fund was anticipated to end the year at £2,815k, but this sum excluded funding from capital resources.

RESOLVED that

(1) The Executive recommends to Council that it:

- (a) Approves the schools budget of £80.5 million which matches the estimated level of Dedicated Schools Grant (DSG) after academy recoupment;**
- (b) Approves the draft revenue budgets (as in Appendix 2) for 2017/18 to include the following updated changes:**
 - (i) As reported in the Draft 2017/18 Budget Report to Executive on 11th January 2017, dedicated resources will be required for the joint tendering of a number of Environmental Services contracts over the next two years and other commissioning projects particularly around Children’s Services. The 2017/18 Central Contingency includes one-off funding of £500k towards these costs and it is requested that this be transferred to an**

earmarked reserve to ensure that the funding is available as and when the work is undertaken.

- (ii) Members are requested to agree that the utilisation of this funding be delegated to the Director of Commissioning in consultation with the Resources Portfolio Holder.
 - (iii) A report elsewhere on the agenda entitled “Care Home and Extra Care Quality Monitoring Report 2016” requests the drawdown of £1m from the Central Contingency Budget for 2017/18 to meet the impact of the National Living Wage and associated increase in ceiling rates. Members are requested to note that the figures detailed below assume that this request will be agreed.
- (c) Agrees that Chief Officers identify alternative savings within their departmental budgets where it is not possible to realise any savings reported to the previous meeting of the Executive held on 11th January 2017;
- (d) Approves the following provisions for levies for inclusion in the budget for 2017/18:

| | £'000 |
|--|--------------|
| Local Pensions Partnership * | 483 |
| London Boroughs Grant Committee | 281 |
| Environment Agency (Flood defence etc) * | 242 |
| Lee Valley Regional Park * | 380 |
| Total | 1,386 |

**provisional estimate - awaiting final allocations*

- (e) Approves a revised Central Contingency sum of £18,276k to reflect the changes in (b) and (d);
- (f) Notes that the 2017/18 Central Contingency sum includes significant costs not yet allocated and there will therefore be further changes to reflect allocations to individual Portfolio budgets prior to publication of the Financial Control Budget;
- (g) Approves the revised draft 2017/18 revenue budgets to reflect the changes detailed above;
- (h) Sets a 3.99% increase in Bromley’s council tax for 2017/18 compared with 2016/17 (1.99% general increase plus 2% Adult Social Care Precept) and, based upon their consultation exercise, an assumed 1.5% increase in the GLA precept;

- (i) Notes the latest position on the GLA precept, which will be finalised in the overall Council Tax figure to be reported to full Council (see section 11);
- (j) Approves the approach to reserves outlined by the Director of Finance (see Appendix 4);
- (k) Executive agree that the Director of Finance be authorised to report any further changes directly to Council on 1st March 2017.

(2) Council Tax 2017/18 – Statutory Calculations and Resolutions (as amended by the Localism Act 2011).

Subject to (1) (a) to (k) above, if the formal Council Tax Resolution as detailed below is approved, the total Band D Council Tax will be as follows:

| | 2016/17 £ | 2017/18 £ | Increase % (note #) |
|------------------------------|-----------------|-----------------|---------------------------|
| Bromley (general) | 1,050.67 | 1,072.00 | 1.99 |
| Bromley (ASC precept) | 20.60 | 42.02 | 2.00 |
| Bromley (total) | 1,071.27 | 1,114.02 | 3.99 |
| GLA * | 276.00 | 280.02 | 1.46 |
| Total | 1,347.27 | 1,394.04 | 3.47 |

* The GLA Precept may need to be amended once the actual GLA budget is set.

- (#) in line with the draft 2017/18 Council Tax Referendum Principles, the % increase applied is based on an authority's "relevant basic amount of Council Tax" (£1,071.27 for Bromley) – see paragraph 6 below. Any changes arising from the final Referendum Principles will be reported directly to Council on 1st March 2017.

(3) Council be recommended to formally resolve as follows:

1. It be noted that the Council Tax Base for 2017/18 is 128,523 'Band D' equivalent properties.
2. Calculate that the Council Tax requirement for the Council's own purposes for 2017/18 is £143,177k.
3. That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):
 - (a) £530,406k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.

- (b) £387,229k being the aggregate of the amounts which the Council estimates or the items set out in Section 31A(3) of the Act.
- (c) £143,177k being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- (d) £1,114.02 being the amount at 3(c) above, divided by (1) above, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.
- (4) To note that the Greater London Authority (GLA) has issued a precept to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below (NB. the GLA precept figure may need to be amended once the actual GLA budget is set).
- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2017/18 for each part of its area and for each of the categories of dwellings.

| Valuation Bands | London Borough of Bromley £ | Greater London Authority £ | Aggregate of Council Tax Requirements £ |
|-----------------|--------------------------------|-------------------------------|--|
| A | 742.68 | 186.68 | 929.36 |
| B | 866.46 | 217.79 | 1,084.25 |
| C | 990.24 | 248.91 | 1,239.15 |
| D | 1,114.02 | 280.02 | 1,394.04 |
| E | 1,361.58 | 342.25 | 1,703.83 |
| F | 1,609.14 | 404.47 | 2,013.61 |
| G | 1,856.70 | 466.70 | 2,323.40 |
| H | 2,228.04 | 560.04 | 2,788.08 |

- (6) That the Council hereby determines that its relevant basic amount of council tax for the financial year 2017/18, which reflects a 3.99% increase (including Adult Social Care Precept of 2%), is not excessive. The Draft Referendums Relating to Council Tax Increases (Principles) (England) Report 2017/18 sets out the principles which the Secretary of State has determined will apply to local authorities in England in 2017/18. Any changes arising from the Final Referendums Report will be reported directly to Council on 1st March 2017. The Council is required to determine

whether its relevant basic amount of Council Tax is excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

171 CAPITAL PROGRAMME MONITORING Q3 2016/17 AND ANNUAL CAPITAL REVIEW 2017 TO 2021
Report FSD17020

The Executive considered a report summarising the current position on capital expenditure and receipts following the third quarter of 2016/17 and presenting for approval the new capital schemes in the annual capital review process. With regard to the annual bidding process, the main focus was again on the continuation of existing essential programmes and on externally funded schemes.

The Executive was asked to approve a revised Capital Programme and make recommendations to full Council.

Councillor Robert Evans noted that the project to replace the water supply to the Star Lane Traveller Site was still delayed, and that the note about the scheme in Appendix B to the report was unclear. Officers were requested to clarify the situation and inform Councillor Evans of progress.

RESOLVED that

(1) The report be noted, including the re-phasing of a total of £25,279k from 2016/17 into future years (as in paragraph 3.4.1) and the revised Capital Programme be approved.

(2) The following amendments to the Capital Programme be approved:
(i) A net reduction of £3k in 2016/17 to reflect revised grant support from Transport for London for Highways and Traffic schemes (as in paragraph 3.3.1);
(ii) A total reduction of £446k to reflect the revised grant funding for the Formula Devolved Capital Grant relating to the Council's remaining maintained schools (as in paragraph 3.3.2);

(3) Council be recommended to approve:
(i) An increase of £14,539k in 2016/17 to the Council's Property Investment Fund scheme to reflect the latest update on successful property acquisitions (as in paragraph 3.3.3);
(ii) An increase of £6,896k in 2018/19 to the Basic Need Programme (as in paragraph 3.3.4);
(iii) The inclusion of the new scheme proposals listed in Appendix C in the Capital Programme (as in section 3.5).

172 CHILDREN'S SERVICES UPDATE

There were now 78 working days until the Secretary of State was due to make a decision on the future of Bromley's Children's Services, and the Executive received an update from Ade Adetosoye, the Executive Director of Education, Care and Health Services and Deputy Chief Executive, on progress. Further visits from Ofsted were expected on 22/23 February and in April.

One of the Director's key priorities was to reduce caseloads for social workers – as at the previous week the caseload was about 22/23 per social worker, but the intention was to reduce this to around 15. In the short term, levels were still high because of the significant increase in referrals since the Ofsted report. The Director and his staff were working closely with partners, including schools and GP practices, to ensure that the right referrals were made. Efforts were also being made to improve working conditions for staff, including rolling out new IT.

The Director confirmed that the new Independent Chairman of Bromley's Safeguarding Children Board, Jim Gamble QPM, had now started and was very busy meeting with partners.

The Leader thanked the Director for his update and confirmed that Councillor Peter Fortune, Portfolio Holder for Education and Children's Services, had now taken on the role of Lead Member for Children's Services, and requested that the necessary changes be made to the details of Portfolio Holder responsibilities in the Constitution.

173 GATEWAY REVIEW 1, 2 APPROVAL OF 2017/18 OPERATIONAL BUILDING MAINTENANCE BUDGETS, PLANNED MAINTENANCE PROGRAMME AND PREFERRED PROCUREMENT OPTION

Report withdrawn.

174 CARE HOME AND EXTRA CARE QUALITY MONITORING REPORT 2016
Report CS17091

The report set out the monitoring arrangements for Care Homes and Extra Care Housing Schemes in Bromley and commented on performance during 2016. The report also covered the performance of block contracts for nursing beds and Extra Care housing.

In addition, it considered the impact of the introduction of the National Living Wage in 2016 on fees and recommended that funds be set aside in the contingency budget to fund this increase be released. The Local Government Ombudsman had challenged the Council's ceiling rates, and officers were considering this carefully to ensure that the Council continued to have sufficient choice for service users.

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The report had been considered by the Care Services PDS Committee on 10th January 2017, and the Committee had supported the proposals.

RESOLVED that the drawdown of £1m from the Central Contingency Budget for 2017/18 as set out in paragraph 13.6 of the report be agreed.

175 ENVIRONMENTAL SERVICES PROCUREMENT STRATEGY
Report ES17002

The report set out the Council's procurement strategy for a range of environmental services and sought approval to commence the tendering process in April 2017. It was intended that all the contracts would commence on 1st April 2019, subject to further award of contract reports being presented to the Executive in 2018.

The procurement strategy reflected the findings of a series of service reviews, feedback from extensive soft market testing activity, and also the views of the Environmental Services Contract Programme Board – including input from the Environment PDS Member Working Group – which was convened to ensure a wide range of expertise from across the Council was represented in developing the proposals.

Officers had investigated the possibilities of working with other boroughs to share these contracts, but none had been in a position to join with Bromley. It was suggested that the possibility of establishing a framework that others could buy into should be investigated. A Member commented that this was a long contract period and asked whether these services were statutory and if there was sufficient flexibility to vary the contracts. It was confirmed that the Council would be able to vary the contracts, and that there would be break clauses built in. The eight years plus eight term reflected the usual spread of vehicle costs over a period of eight years.

The report had been considered by the Environment PDS Committee on 24th January 2017, and the Committee had supported the proposals.

RESOLVED that

(1) The proposed lotting structure and procurement routes be agreed as follows -

- **Environmental Services: Competitive Procedure with Negotiation (Lots 1-4)**
- **Arboricultural Maintenance: Restricted Procedure (Lot 5)**
- **Highways Management: Restricted Procedure (Lots 6-7)**

(2) All Lots shall be tendered for an initial eight year term (1 April 2019 – 31 March 2027) -

- **Lots 1-4 may be extended for a further eight year term (1 April 2027 – 31 March 2035) subject to a best value review (in 2024/25) and being let at the Council's sole discretion**

- **Lots 5-7 may be extended on a similar basis to Lots 1-4, if placed in association with Lots 1-4.**

176 NORMAN PARK ATHLETICS TRACK - FUTURE PROPOSALS
Report DRR17/106

Blackheath and Bromley Harriers Athletic Club (BBHAC) had presented to the Council an option for them to take over the management and operation of the Norman Park Athletics Track from the Council based on a 125 year full repairing and insuring lease. The Athletics Club was proposing to seek planning consent for their proposals, and prior to undertaking this work they were seeking in principle agreement from the Council for a 125 year lease at a peppercorn rent based on the draft Heads of Terms set out in Appendix B to the report. The proposals had been closely scrutinised to ensure that they were sustainable and provided value for money.

The report (paragraph 5.4) proposed that the Council's costs as landlord should be funded from under spends in Central Contingency, but the Director of Finance suggested that they could be funded from the Healthy Bromley Fund instead.

The Renewal and Recreation PDS Committee had considered the report at its meeting on 26th January 2017 and had strongly supported the proposals. The Ward Members were also in support.

RESOLVED that

- (1) The proposals as detailed within the report, along with the comments provided by the Renewal and Recreation Policy and Development Scrutiny Committee and Portfolio Holder, be noted.**
- (2) Subject to Blackheath and Bromley Harriers Athletic Club receiving the required planning consents, Blackheath and Bromley Harriers Athletic Club are granted a 125 year full repair and insuring lease based on the attached draft Heads of Terms.**
- (3) Subject to Blackheath and Bromley Harriers Athletic Club receiving the required planning consents and entering into the proposed lease the Council shall meet the anticipated £260k costs of landlord responsibilities as detailed within the Condition Survey, funded from the Healthy Bromley Fund.**
- (4) Blackheath and Bromley Harriers Athletic Club be paid the £260k to carry out the replacement of the athletics track and associated repairs.**

177 SECOND REPORT OF THE EDUCATION SELECT COMMITTEE
Report CSD17013

The Education Select Committee's second report, following its meeting on 15th September 2016, was on Alternative Provision. The report had been considered at full Council on 12th December 2016 and a written response to the recommendations had been reported back to the Select Committee on 17th January 2017.

The Leader invited the Chairman of the Select Committee, Councillor Nicholas Bennett, to introduce his Committee's report. Councillor Bennett highlighted some of findings in the report, including the rise in mental ill-health amongst school age children and concerns about the increasing use of Elective Home Education. It was recognised that there was a balance between allowing parents to exercise choice about how their children were educated and the child's right to a good education, but Councillor Bennett felt that safeguarding and ensuring a decent education should have the greater importance. Some Members present took a contrary view that parents should have choice and should not have to be dictated to by the education establishment.

The Leader confirmed that in response to recommendation 7 in the report the local MPs had been contacted about the issue of home education, and they had responded requesting further information.

RESOLVED that the recommendations of the Education Select Committee be noted and progressed.

178 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.

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

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

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

180 OPPORTUNITY SITE G PREFERRED DEVELOPMENT PARTNER
Report DRR17/009

The Executive considered the outcome of the recent procurement exercise and appointed a preferred development partner.

181 DISPOSAL OF SITE B, TWEEDY ROAD, BROMLEY
Report DRR17/013

The Executive considered the outcomes from the marketing of Site B, Tweedy Road, Bromley, and accepted a bid for the site.

During consideration of this report Councillor Peter Morgan declared that he was a trustee of Bromley and Sheppard's Colleges.

182 AWARD OF CONTRACT FOR CAPITAL WORKS AT CASTLECOMBE PRIMARY SCHOOL

The Executive awarded a contract for capital works at Castlecombe Primary School.

183 PRIMARY AND SECONDARY INTERVENTION SERVICES CONTRACT UPDATE
Report CS17102

The Executive received a report updating them on the tendering of Primary and Secondary Intervention Services and agreed an extension of up to six months to the existing contracts that provided the current services.

184 EXTRA CARE HOUSING CONTRACT UPDATE
Report CS17103

The Executive approved price increases for extensions for two care contracts at extra care housing schemes.

185 CAPITAL PROGRAMME MONITORING Q3 2016/17 AND ANNUAL CAPITAL REVIEW - APPENDIX F: CAPITAL RECEIPTS
Report FSD 17020

The Executive noted details of capital receipts.

186 AWARD OF CONTRACT FOR HEALTH SUPPORT TO SCHOOLS

Report withdrawn.

The Meeting ended at 8.22 pm

Chairman

Executive
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