

EXECUTIVE

Minutes of the meeting held on 20 June 2017 starting at 7.00 pm

Present:

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

Also Present:

Councillor Simon Fawthrop and Councillor William
Huntington-Thresher

Before the meeting started, the Leader led members and officers in a few moments of silent reflection following the Grenfell Tower fire in North Kensington. He also confirmed that he would be making a full statement at the Council meeting on 26th June.

248 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Nicholas Bennett and from the Chief Executive.

249 DECLARATIONS OF INTEREST

There were no declarations of interest.

250 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

251 MINUTES OF THE MEETING ON 24TH MAY 2017 AND MATTERS ARISING FROM PREVIOUS MEETINGS Report CSD17076

RESOLVED that the minutes of the meeting held on 24th May 2017 (excluding exempt items) be confirmed.

252 PROVISIONAL FINAL ACCOUNTS 2016/17 Report FSD17054

The report provided a broad overview of the Council's provisional 2016/17 outturn both Council-wide and at portfolio level. Potential implications for 2017/18 were also summarised.

The provisional outturn provided for no overall net movement in general fund balances, subject to approval of a contribution to the Growth Fund (a further £3.3m from underspends in Central Contingency). The net variation on the Central Contingency amounted to a £3.7m under-spend and would be set aside to fund the net overspend within Portfolio budgets so avoiding a draw-down on reserves to fund in-year cost pressures.

More detailed reports would be submitted to individual PDS Committees and the Education, Children and Families Budget and Performance Sub-Committee. Details of carry forward requests and a summary of the Council's capital programme were also included in the report.

A summary of activity in the Recruitment and Retention fund for children's social workers had been circulated. The fund had been established by the Executive in 2010 and had been used in 2010/11 and in 2016/17. In other years the R&R package had been funded from underspends within the Department. It was now proposed to add a further £855,343k to the fund from reserves – this was not all intended to be spent in 2017/18, but would allow time to consider longer term funding.

RESOLVED that:

(1) The provisional revenue and capital outturns for the 2016/17 financial year and the earmarked balances on the General Fund as at 31st March 2017 be noted.

(2) It is noted that a more detailed analysis of the 2016/17 final outturn will be reported for each Portfolio to the relevant PDS committees.

(3) The variations in 2016/17 impacting on the Council's 2017/18 financial position be noted.

(4) Comments from the Deputy Chief Executive and Executive Director of Education, Care and Health Services and from the Executive Director of Environment and Community Services as detailed at Appendix 1B to the report be noted.

(5) The carry forwards of £113k related to repairs and maintenance, as detailed at Appendix 5 to the report, be noted.

(6) The requests for carry forwards totalling £560k (net), as detailed at Appendix 5 to the report be approved, subject to the funding being allocated to the Central Contingency to be drawn down on the approval of the relevant Portfolio Holder.

(7) A total of £573k funding from Central Contingency be released as detailed at paragraph 3.2.1 of the report.

(8) The return to Central Contingency of £88k as detailed at paragraph 3.2.2 of the report be noted.

(9) The Prior Year Adjustments totalling £66k as detailed at section 3.4 of the report be noted.

(10) A sum of £855k be set aside in an earmarked reserve for Children's Social Care Recruitment and Retention as detailed at paragraph 4.5.1 of the report.

(11) A sum of £147k be set aside in an earmarked reserve for external professional advice, as detailed at paragraph 4.5.2 the report.

(12) A sum of £468k be transferred to the Winter Pressures earmarked reserve as detailed at paragraph 4.5.3 of the report.

(13) Council be recommended to approve the transfer of £3,311k to the Growth Fund as detailed at section 4.2 of the report.

(14) Council be recommended to agree a transfer of £2m to the Joint Initiatives and Pump Priming (BCF) earmarked reserve as detailed at section 4.4 of the report.

253 CAPITAL PROGRAMME OUTTURN 2016/17
Report FSD16036

Members received the final outturn on capital expenditure and receipts for 2016/17. The report included money held in respect of Section 106 capital contributions received from developers.

Members discussed the need to monitor these contributions, particularly where the deadline was close. The Executive and Resources PDS Committee received regular reports on Section 106 contributions and expenditure, and the next report was expected in July.

RESOLVED that:

(1) the report be noted;

(2) the following amendments to the Capital Programme be approved –

- **Section 106 receipts from developers – net increase of £577k to the unallocated balance to reflect the funding available, as detailed at paragraph 3.2 of the report; and**
- **carry forward of the unspent capital budget (£10k) on the block provision for emergency works to surplus sites, as detailed at paragraphs 3.11 and 3.12 of the report.**

254 CHILDREN'S SERVICES - ORAL UPDATE

The Deputy Chief Executive and Executive Director of Education, Children and Families gave an update on progress with improvements to Children's Services, and the latest recruitment activity. The recent Ofsted monitoring letter had been positive, and a formal letter from the Department for Education was awaited following the Commissioner's report. Ofsted recognised that although improvement was still needed, the Council was going through a transformation process and the direction of travel was good.

The Portfolio Holder for Education, Children and Families reported that the Youth Offending Service had made great progress and had now moved from a one star service to three stars, with one four star score.

255 RELEASE OF GOVERNMENT FUNDING FOR THE STEP UP TO SOCIAL WORK PROGRAMME

The Council had taken part in cohorts 2, 3 and 4 of the Department for Education's Step Up to Social Work Programme and had signed up to cohort 5. The report sought approval for the release of ring-fenced funding for cohort 5, to be released in instalments over the two financial years 2017/18 and 2018/19.

RESOLVED that the release of the ring-fenced funding for 2017/18 and 2018/19 for cohort 5 of the Step Up to Social Work Programme be approved.

256 SUBMISSION OF BROMLEY'S DRAFT LOCAL PLAN Report DRR17/026

The Council was required to have an up to date Local Plan and submission of the Draft Local Plan formed the final stage of the preparation with the Inspector appointed by the Secretary of State leading the examination process after submission. By submitting the Local Plan the Council would make significant progress towards meeting the Government's requirement to have an up to date Local Plan.

The formal consultation on the Proposed Submission Draft Local Plan (PSDLP) was undertaken in November/December 2016. The responses to the consultation were summarised in Appendix C. This consultation was undertaken under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on the PSDLP as agreed by the Executive in 2016

The Portfolio Holder for Renewal and Recreation summarised the issues that had arisen through formal consultation, and confirmed that it was not possible to make significant changes to the Plan at this stage without having to conduct a further formal public consultation. Meanwhile, developers could submit planning applications in the normal way. Should the Inspector require

changes in the Plan, possibly in response to changes in national or regional policy or targets, the Council could seek to make the appropriate modifications, and the Council would retain the final decision on adopting the Plan.

It was confirmed that although officers represented the Council at public examination, the inspector led the examination and it might be possible for Members to attend and speak.

The report had already been considered and endorsed by Development Control Committee on 12th June 2017. The Executive agreed that the Draft Local Plan (Appendix A) accompanied by the required supporting documents and the schedule of suggested minor modifications (Appendix B) should be referred to Council to approve its submission to the Secretary of State for Communities and Local Government for Independent Examination.

The Portfolio Holder for Renewal and Recreation led Members in thanking the officers, Mary Manuel and her team, for their hard work in preparing the Plan for submission.

RESOLVED that

(1) It is agreed that the Draft Local Plan (Appendix A) forms the plan for Submission to the Secretary of State, and is accompanied by the Schedule of Suggested Minor Modifications (Appendix B) and the relevant supporting, background and technical documents.

(2) The Draft Local Plan be referred to Full Council for approval for Submission to the Secretary of State for Communities and Local Government for Independent Examination.

(3) Authority be delegated to the Chief Planner in consultation with the Leader of the Council to approve the preparation of necessary further information and amendments to the Bromley Local Plan Proposed Submission Draft Local Plan: (i) prior to or soon after submission of the Bromley Local Plan to the Secretary of State for Communities and Local Government for Independent Examination including the Regulation 22 documents and (ii) during the public examination in response to for example, unexpected national policy changes.

257 CONTRACT AWARD INTERMEDIATE CARE UPDATE - PART 1
Report CS18009/2

The Executive considered a part one summary report setting out the results of the tendering process for the provision of Intermediate Care (IC) services. Full details had been included in a part two report.

Consultation with staff had ended on 13th June 2017, and a summary of the comments received had been circulated.

The proposals had been approved by the CCG Board and supported by the Care Services PDS Committee.

RESOLVED that

(1) The report and the outcome of the tendering process be noted.

(2) It is noted that formal consultation with staff, trade unions and departmental representatives commenced on 15 May 2017 and ended on 13 June; that meetings had been offered to staff affected by these proposals, without prejudice to any subsequent TUPE staff/trade unions consultation in the event of the contracts being awarded; that, in addition, meetings had been offered to the trade unions regarding these proposals; and that a summary of the responses received during consultation had been circulated.

258 REABLEMENT SERVICE CONTRACT AWARD - PART 1
Report CS18012/2

The report set out the results of the tendering process for the Bromley Clinical Commissioning Group's (BCCG) Community Care contract which included the Council's Reablement Service, and included proposals for the future provision of the service. A part two report with further details had also been circulated.

Consultation with staff had ended on 13th June 2017, and a summary of the comments received had been circulated (Appendix 1 to the report.)

The proposals had been approved by the CCG Board and supported by the Care Services PDS Committee.

RESOLVED that

(1) It is noted that Bromley Clinical Commissioning Group (BCCG) intends to award a contract for community provision, to include the Reablement Service, commencing on 1 December 2017 for a period of 5 years until 2022, with the potential to extend for a further period of up to 2 years;

(2) It is agreed that the contributions for this service will be made via the existing agreement the Council has with the BCCG under Section 75 of the NHS Act 2006;

(3) It is noted that consultation with staff, trade unions and departmental representatives commenced on 15 May 2017 and ends on 13 June regarding the proposals for the BCCG awarding a contract for community provision, which includes the Council's Reablement Service; meetings have taken place with staff affected by these proposals, without prejudice to any subsequent TUPE staff/trade unions consultation in the event of the contracts being awarded; and a summary of the responses received during consultation was circulated at Appendix 1 to the part two report.

(4) Subject to the outcome of any subsequent TUPE staff/trade unions consultation, the transfer of the Council's Reablement Service staff to the new provider be agreed as detailed in the report.

259 HOLLYBANK SHORT BREAK PROVISION FOR DISABLED CHILDREN AND YOUNG PEOPLE - PART 1

Proposals were outlined for the funding and delivery of overnight residential short breaks at Hollybank for children and young people aged 5 to 17 with multiple disabilities, including those with behaviour challenges and complex health care needs. The service was jointly funded by a Section 75 partnership arrangement, with Bromley Clinical Commissioning Group (CCG) leading on commissioning within the terms of its Community Contract for Children's Services. Outcomes from consultation were circulated.

Members acknowledged that Hollybank provided a good service, but there were concerns about utilisation and efficiency. A review of the service was going to be carried out; the Director of Finance reported that there was a termination clause with a minimum six months' notice. Councillor Simon Fawthrop requested that Petts Wood and Knoll ward councillors be involved in the review.

Further details were circulated to Members in a part 2 report.

RESOLVED that:

(1) The Council continues to enter into a Section 75 Agreement for the purpose of joint funding the Hollybank provision for a period of five years, commencing on 1 December 2017 until 2022, with the potential to extend for a further period of up to two years.

(2) It is noted that Bromley CCG as lead commissioner intends to award the contract for the Hollybank Service to the successful bidder.

(3) The funding split as set out in paragraph 7 of the part 2 report be approved.

(4) It is noted that the current Section 75 Agreement for this purpose has been extended until 30 November 2017 in order to align with Bromley CCG's procurement process.

(5) It is noted that a full review of Hollybank will be carried out jointly with Bromley CCG in 2018.

(6) It is noted that formal consultation with staff, trade unions and departmental representatives commenced on 15 May 2017 and ended on 13 June regarding the proposals for BCCG to award a contract for community provision which includes the Hollybank provision, that meetings having taken place with staff affected by these proposals, without prejudice to any subsequent TUPE staff/trade unions

consultation in the event of the funding agreement being agreed as per (1) above, and that a summary of the responses received during consultation had been circulated as Appendix 3 to the part 2 report.

(7) Subject to the outcome of any subsequent TUPE staff/trade unions consultation, the transfer of the Council's Hollybank staff to Bromley Healthcare Community interest Company be agreed as set out in the reports.

**260 CONTRACT AWARD FOR TRANSPORT SERVICES
 FRAMEWORK - PART 1
 Report ED18004**

The Council currently operated a framework contract for the provision of transport services, mainly to meet its statutory duty to provide suitable transport support to children and young people with special educational needs to and from their place of learning

In November 2016, the Executive had approved proceeding to tender for a framework contract for transport services to operate in parallel to the existing framework. The purpose of the parallel framework was to broaden the provider base to support increased capacity and competition.

The report set out the outcome of the tendering process and sought approval to award contracts to the successful providers.

Further details were circulated to Members in a part 2 report.

RESOLVED that

(1) Contracts be awarded to the providers specified in para 3.11 of the part 2 report for a framework contract to commence from August/September 2017 for a period of two years, with an option to extend for a further period of up to, but not exceeding, two years (to align with the existing framework).

(2) Authority be delegated to the Executive Director of Education, Care & Health Services, in consultation with the Portfolio Holder for Education, Children and Families, the Director of Commissioning, the Director of Corporate Services and the Director of Finance, to extend the contract for a period of up to, but not exceeding, two years.

**261 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM
 THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT
 AND SCRUTINY COMMITTEE**

There were no additional issues reported from Executive and Resources PDS Committee.

262 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**

263 EXEMPT MINUTES OF THE MEETING HELD ON 24TH MAY 2017

The exempt minutes of the meeting held on 24th May 2017 were confirmed.

264 LEARNING DISABILITY SUPPORTED LIVING CONTRACT EXTENSION (5 AVENUES SCHEMES)

The Executive approved the extension of this contract.

265 CONTRACT AWARD INTERMEDIATE CARE UPDATE - PART 2

See minute 257.

266 REABLEMENT SERVICE CONTRACT AWARD - PART 2

See minute 258.

267 HOLLYBANK SHORT BREAK PROVISION FOR DISABLED CHILDREN AND YOUNG PEOPLE - PART 2

See minute 259.

268 CONTRACT AWARD FOR TRANSPORT SERVICES FRAMEWORK - PART 2

See minute 260.

The Meeting ended at 7.53 pm

Chairman