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DATE: 30 August 2017

To: Members of the
EXECUTIVE

Councillor Stephen Carr (Chairman)

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

A meeting of the Executive will be held at Bromley Civic Centre on **WEDNESDAY 13
SEPTEMBER 2017 AT 7.00 PM**

MARK BOWEN
Director of Corporate Services

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

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Thursday 7th September 2017.

4 MINUTES OF THE MEETINGS HELD ON 19TH JULY AND 9TH AUGUST 2017 AND MATTERS ARISING (Pages 3 - 32)

5 PROGRESS IN IMPLEMENTING CHILDREN'S SERVICES IMPROVEMENTS - VERBAL UPDATE

6 LONDON BUSINESS RATE PILOT (Pages 33 - 54)

- 7 **GATEWAY REPORT - SHORT BREAKS FOR DISABLED CHILDREN AND YOUNG PEOPLE** (Pages 55 - 64)
- 8 **PUBLIC HEALTH COMMISSIONING INTENTIONS 2018/19** (Pages 65 - 74)
- 9 **GATEWAY REVIEW - SERVICE LEVEL AGREEMENT WITH BROMLEY GENERAL PRACTICES** (Pages 75 - 86)
- 10 **BETTER CARE FUNDING UPDATE** (Pages 87 - 90)
- 11 **HOUSING SUPPLY** (Pages 91 - 98)
- 12 **ADULT SERVICES BUSINESS CASE FOR MOBILE WORKING** (Pages 99 - 106)
- 13 **DISCHARGE TO ASSESS - SUPPORT**
Item Withdrawn
- 14 **CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**
- 15 **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.

<u>Items of Business</u>	<u>Schedule 12A Description</u>
16 EXEMPT MINUTES OF THE MEETING HELD ON 19TH JULY 2017 (Pages 107 - 112)	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 19 July 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 Nicholas Bennett J.P., Councillor Robert Evans,
Councillor Simon Fawthrop, Councillor Peter Fookes,
Councillor William Huntington-Thresher, Councillor
Richard Scoates and Councillor Melanie Stevens

269 APOLOGIES FOR ABSENCE

All members of the Executive were present - apologies for absence were received from Councillor Angela Wilkins.

270 DECLARATIONS OF INTEREST

Councillor William Huntington-Thresher declared an interest as an advisor to the Orpington BID Board.

271 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Questions had been received from Councillor William Huntington-Thresher, Michael Meekums and Joanna Friel – the questions and replies are attached as Appendix A to these minutes.

272 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 6TH AND 20TH JUNE 2017 Report CSD17096

RESOLVED that the minutes of the meetings held on 6th and 20th June 2017, excluding exempt items, be confirmed.

273 PROGRESS IN IMPLEMENTING CHILDREN'S SERVICES IMPROVEMENTS - ORAL UPDATE

The Deputy Chief Executive and Executive Director of Education, Care and Health Services gave an update on progress with the improvement of Children's Services. The next monitoring visit by Ofsted would be in the first week of August, and good progress was being made with the Improvement Plan – 92% of the Plan had now been covered - and with recruiting

permanent social care staff – 75% of staff were permanent, and the aspiration was to reach 90%. Councillor Kate Lymer emphasised that increased numbers of permanent staff were needed in other service areas, such as Youth Support.

The Leader stated that it was important that the Council's message was communicated to staff and partner organisations; it was confirmed that a survey of partners was being conducted and it was anticipated that the results would be available for the next meeting of the Executive.

Councillor Peter Fortune, as Portfolio Holder for Education, Care and Health Services, reported that he was pleased that the changes being implemented were having an impact on the ground, and remarked in particular on the efforts of the Head Teacher at St Mary Cray Primary School, Adam Lowing, to improve his school.

The Leader asked that the Secretary of State's next formal letter, which was expected in about a week, be circulated to all Members of the Council.

274 BUDGET MONITORING 2017/18
Report FSD17065

The Executive received the first budget monitoring report for 2017/18 based on expenditure and activity levels up to the end of May 2017. The report highlighted significant variations which would have an impact on future years as well as early warnings that could impact on the final year position. The Portfolio Holders for Care Services and for Education, Children and Families reported that senior managers were working hard in their portfolios to ensure that they remained within budget. The Portfolio Holder for Resources commended the Pan London Family Drug and Alcohol Court as an innovative approach that would assist in reducing the numbers of children being taken into care, and requested that an update be provided at a future meeting on how this was working out.

The Chairman of the Executive and Resources PDS Committee suggested that it would be useful to have risks considered alongside the budget; the Leader asked the Director of Finance to consider how this could be achieved.

The Portfolio Holder for Education, Children and Families urged Members and officers to attend the Living in Care Council's family fun day on 30th July, and asked that the invitation to this event be re-sent.

RESOLVED that

(1) The latest financial position be noted and that a projected net overspend on services of £1.623m is forecast based on information as at May 2017.

- (2) The comments from the Deputy Chief Executive and Director of Education, Care and Health Services and the Director of Corporate Services, as detailed in sections 3.2 and 3.3 of the report, be noted.**
- (3) The projected variation of £0.2m credit from investment income, as detailed in sections 3.8 and 3.9 of the report, be noted.**
- (4) The carry forwards being requested for drawdown, as detailed in section 3.5 of the report, be noted.**
- (5) The projected reduction to the General Fund balance of £1.983m, as detailed in section 3.6 of the report, be noted.**
- (6) The full year costs pressures of £4.4m, as detailed in section 3.7 of the report, be noted.**
- (7) £800k be released from the Earmarked Reserve as detailed in paragraph 3.13 of the report.**
- (8) £115k be released from the 2017/18 Central Contingency as detailed in paragraph 3.2.16 of the report.**

275 CAPITAL PROGRAMME MONITORING – 1ST QUARTER 2017/18
Report FSD17064

The Executive received a report summarising the current position on capital expenditure and receipts following the 1st quarter of 2017/18 and seeking the Executive's approval to a revised Capital Programme. Appendix F to the report set out a list of sites that would be investigated for potential disposal or re-development – this would be updated in each Capital Programme report and individual schemes would be reported to Members as decisions were required. It was confirmed that post-completion reports were submitted to the relevant PDS committee for each scheme.

RESOLVED that

- (1) The report be noted, including a total re-phasing of £12,504k from 2017/18 into future years, and a revised Capital Programme be agreed.**
- (2) The following amendments to the Capital Programme be approved:**
 - (i) Addition of £1,838k on Disabled Facilities Grant funded scheme to reflect the latest grant funding available;**
 - (ii) Deletion of the £1k residual balance on Crystal Palace Park Subway scheme which has reached completion;**
 - (iii) Reduction of £107k on Transport for London (TfL) funded Traffic and Highways schemes;**
 - (iv) Addition of £31k for a 30 Hours Funded Childcare IT Solution scheme;**

- (v) **Section 106 receipts from developers - increase of £779k in 2017/18 to reflect the funding received; and**
- (vi) **A change in scope to the replacement of MD110 telephone switch scheme.**

(3) It is noted that reports elsewhere on this agenda request the following amendments to the capital programme:

- (i) Net increase of £232k to the Crystal Palace Park Improvement scheme;**
- (ii) Addition of £625k to the Crystal Palace Park – Alternative Management Options scheme;**
- (iii) Addition of £2,597k to the Basic Need scheme and transfer of £2,890k from Education Section 106 unallocated scheme to Basic Need scheme; and**
- (iv) Addition of £2,666k to the Biggin Hill Memorial Museum scheme.**

(4) That Council be recommended to approve an increase of £1,838k in the Renovation Grants – Disabled Facilities Programme.

276 BASIC NEED PROGRAMME UPDATE, INCLUDING S106 ALLOCATIONS

The report updated Members on the capital schemes included within the Council's Basic Need programme with a project value of over £1m. The report had been scrutinised by the Education, Children and Families Budget and Performance Monitoring Sub-Committee on 18th July 2017. The Sub-Committee had requested a change in the description of the Farnborough Primary School project in appendix 1 to the report from "cancelled" to "deferred." The Sub-Committee had also recommended that the Executive consider how schemes funded via section 106 monies could be better promoted (such as through signage at each site.)

RESOLVED that

(1) The updated Basic Need Programme as set out in Appendix 4 to the report be agreed, subject to Full Council approval.

(2) The use of £2.890m of unallocated Section 106 Education monies be agreed as detailed within Appendix 3 to the report.

(3) An increase to the Basic Need capital scheme of £2,597k to reflect the SEND Provision capital grant allocation be agreed as detailed in paragraph 3.3 of the report.

(4) Approval be given to the fully costed appraisal for the new schemes at Beacon Academy (Orpington), Bishop Justus School, Castlecombe Primary School, St John's CE Primary School and Tubbenden Primary School in addition to the projects outlined in the previous reports

agreed by the Executive on 2 April 2014 and 20th May 2015 as set out in Appendix 2 to the report.

(5) That the Director of Education be authorised to support schools to submit planning applications in association with these works.

(6) In accordance with the recommendations of the Education, Children and Families Budget and Performance Monitoring Sub-Committee, the description of the Farnborough Primary School project in Appendix 1 to the report be changed to “deferred” and notices be posted at each site where Section 106 monies are being used.

**277 LOCALLY ADMINISTERED BUSINESS RATES RELIEF
 SCHEME**
 Report FSD17040

The Executive received the results of the consultation exercise on the proposed Business Rates Relief scheme. It was noted that Bromley would be one of the first London authorities to implement its scheme; Members requested that it be proactively promoted to all eligible businesses.

RESOLVED that

(1) The results of the consultation exercise be noted.

(2) The proposed scheme, as detailed in paragraph 3.2 of the report, be adopted.

(3) In the event that the DCLG permits the transfer of funds between years, a review of the scheme be undertaken in 2018/19 as to the level of assistance that can be provided from 2019/20 and 2020/21.

278 HIGHWAY ENGINEERING CONSULTANCY SERVICE
 Report ES17047

The Executive received a report on the future need for highway engineering consultancy services.

The report had been scrutinised by the Environment PDS Committee on 12th July 2017

RESOLVED that

(1) The use of the current contract with AECOM for the provision of Highway Engineering Services be extended until the HCA Framework end date of 3rd November 2018.

(2) The use of AECOM for the provision of Highway Engineering Consultancy Services for the period from 3rd November 2018 to 31st March 2019 be agreed.

279 THE PRIORY, ORPINGTON - RELEASE OF PARK LAND AND CAR PARK
Report DRR17/040

Approval was sought for the release of an area of land and formal removal of a designated Car Park currently contained within The Priory Gardens, Orpington. The released land and car park would then form part of the demised premises within the lease to V22 for The Priory Building and former Library in Orpington.

Councillor William Huntington-Thresher addressed the Executive as a ward councillor. There had been concerns about access to the gardens, but he had been reassured on this issue by officers. He was also keen to ensure that the interests of residents and of the Council would be safeguarded in the long term. Officers would check this with the Council's Legal Team and confirm in writing to Executive members.

The original decision to lease The Priory and former Library to V22 was scrutinised by the Executive and Resources PDS Committee on 12 October 2016; the current report had been scrutinised by the Environment PDS Committee on 12th July 2017.

RESOLVED that

(1) The release of Park land and removal of the Priory Car Park so as to form a new demised area to be leased to V22 in accordance with the Resources Portfolio Holder's previous decision to lease The Priory and former library to V22 plc be agreed.

(2) It is noted that no objections were received following the publication of a Statutory Notice of Intention to Dispose of Open Space relating to the loss of land at the Priory Gardens to be included within the demised area of the V22 Lease.

(3) On the basis that the existing property generates an income which would no longer be received, the Executive be recommended to agree that the capital receipt be set aside to increase the Council's Investment Fund to enable the purchase of investment properties to generate alternative revenue income or that the money be put into the Council's Parallel Fund or some other form of investment.

280 BIGGIN HILL MEMORIAL MUSEUM
Report DRR17/032

The development of the Biggin Hill Memorial Museum project was now complete with all funding secure. Members were recommended to approve the delivery of the project and also to approve the award of the works contract and the investment of the endowment.

A petition addressed to the Secretary of State for the Department for Culture Media and Sport had been received from Rita Radford objecting to the current plans for the Biggin Hill Memorial Museum -

“To: The Secretary of State for the Department for Culture Media and Sport

Stop the part demolition of this iconic Grade II Listed Chapel, built by Sir Winston Churchill in 1951 as a permanent memorial to the 454 fallen airmen from Great Britain, the Dominions and Allied Countries - 'His Boys' - who won the Battle of Britain and flew from Biggin Hill and associated airfields throughout World War 2.”

The petition was signed online by 7,399 people; based on analysis of the postcodes provided, it appeared that about 2,500 petitioners lived within the borough.

The Leader invited Rita Radford to address the Executive in support of her petition. She criticised the design of the current proposals as ugly, stark and unsympathetic, with no RAF or aviation references and involving the demolition of the grade II listed vestry extension; this scheme had only just received planning permission with the Sub-Committee divided on its merits. She stated that many residents were unaware of the proposals, that consultation had been poor and that there had been confusion about the need for site notices relating to the planning application, with inaccurate information about this being supplied to her MP. The Supporters Club scheme from 2014, which still had planning permission, was much superior in approach, and the costs were not higher than the proposed scheme. She requested that she be allowed to address councillors again at the special Council meeting on 25th July.

Councillor Peter Morgan, Portfolio Holder for Renewal and Recreation, responded to the petition. He emphasised that the Council had been trying to establish a museum for thirty years. With funding now secured from the Government and the Heritage Lottery Fund (HLF), a sustainable project was in place that would secure both the Chapel and its memorial garden and provide a new museum. The extension to the Chapel was indeed listed, but it was a more recent addition, and included in the listing only as it was attached to the original listed building. The issue of design was subjective, but Historic England approved of the current design.

Councillor Richard Scoates addressed the Executive and although he praised the work done by officers to reach this stage he urged that the design be reviewed – he considered that moving the building could alleviate some of the concerns without jeopardising the funding that had been secured. These comments were supported by Councillor Simon Fawthrop. Officers confirmed that if any further changes were made the HLF would review and likely withdraw their funding. Councillor Nicholas Bennett spoke as the Council's Design and Heritage Champion supporting the proposed design; several members of the Executive also spoke in support of the design.

Members discussed the approach to the contents of the museum – it was expected to be an inspiring, living museum that would tell the stories of the people who served at Biggin Hill. Officers had consulted widely on the content of the museum, including with young people, and arrangements were in place for long term loans of artefacts from organisations such as the RAF Museum at Hendon and the Imperial War Museum. A popular schools programme had already been developed.

The project was split into two phases. It was intended that phase 1, including the building of the museum exhibitions, conservation and renovation of the Chapel, landscaping of the grounds and the introduction of visitor facilities including a café, would be completed in time to open the site to the public in November 2018, leading the borough's remembrance activity marking the end of the First World War and one hundred years of the RAF. Funding was not yet in place for phase 2, which included the learning space and memorial wall. Councillor Morgan urged that costs be established for phase 2 and that the Trustees be encouraged to begin fundraising.

The report had been scrutinised by the Renewal and Recreation PDS Committee on 5th July 2017. A part 2 report set out proposals for the award of the building contract for the Museum.

RESOLVED that

- (1) It is noted that the Heritage Lottery Fund (HLF) has awarded a grant of almost £2m to the Biggin Hill Memorial Museum scheme.**
- (2) The delivery of the project to completion at a total cost of £5.325m as detailed in paragraph 3.4 of the report be approved.**
- (3) £257k be formally allocated from capital receipts as the additional Council contribution towards the scheme, which includes the match funding element towards the HLF grant.**
- (4) The capital estimate for the scheme be increased by £2.666m, a total scheme cost of £3.086m, subject to approval by Full Council.**
- (5) The investment of £1.55m from the Treasury Grant, into a Charitable Investment Fund in the name of the Biggin Hill Memorial Museum Trust, to create an endowment fund as detailed in paragraph 3.25 of the report, be approved.**
- (6) It is agreed that the £689k HLF grant can be used to develop an activity plan, to meet the requirements of the grant conditions.**
- (7) It is noted that the outcome of the tender process, and recommendation to award the works contract, is detailed in a Part Two report.**

(8) The estimated value of delivering the learning centre and memorial wall as set out in paragraphs 3.20 to 3.24 of the report be noted for future consideration, but officers be requested to establish the costs and the Trust be urged to begin fundraising.

281 CONTRACT AWARD FOR THE PROVISION OF LIBRARY SERVICES (PART 1)
DRR17/034

At its meeting on 9th November 2015, the Executive had instructed officers to market test the library service using a procurement strategy based on competition with negotiation to enable officers to work with bidders to realise savings. The report set out the history of the tendering process; at the second round of tenders one bidder had dropped out and this had resulted in a single final bid, which was from Greenwich Leisure Limited (GLL). GLL was a large and well established provider of local authority services, including operating library services in Greenwich, Wandsworth and Lincolnshire and in prisons for the Ministry of Justice. Their bid would deliver savings for the Council by implementing efficiencies in operational and specialist support functions, economies of scale and purchasing power, savings from rate relief due to their charitable status and exploring opportunities to maintain and develop income streams.

Extensive consultation and engagement had been carried out with staff and their representatives; this was set out in the report. In addition, a petition in two parts had been received from Kathy Smith/Unite objecting to the Contracting out of Library Services -

(1) Petition to Oppose the Contracting Out of Library Services

“We wish to petition the Council on the issue of the tender for the provision of library services. We note that a Council member decision will be made in May 2017. We also note that the Council accepts that it may be that the best value outcome is that a contract is not awarded and we welcome the fact that the Council is considering this as an option. We strongly believe that the service must remain in-house. Based on consultation exercises conducted by the Council itself, we also believe that this is a desire shared by residents of the borough. We, the signatories to this petition, formally request that a deputation is allowed to be made to the Council on the matter.”

This petition had been verified with 2,042 signatures (as well as 780 signatures that are out of borough, incomplete or illegible). In addition, 936 survey sheets had been handed in with the petition, of which 794 were from residents of the borough.

The Leader invited Kathy Smith to address the Executive in support of her petition. She complained that there was a lack of transparency, with too much information restricted to part 2 and little evidence of the supposed benefits of the proposed contract. She stated that many residents opposed the

proposals, and that the library service should be treasured rather than sold off, especially as there had eventually been only one tenderer, offering the Council no choice. She stated that when the Museum had been closed and moved to the Central Library assurances had been given that museum status would be preserved – this had not been the case. She also referred to problems with contract monitoring in the Environment and Community Services Department which did not provide reassurance that services would be safe, and complained that Councillors had not asked questions at recent PDS Committee meetings when they should have scrutinised the proposals. In conclusion, she stated that it was ironic that the main display at the Central Library celebrated John Lubbock, who had fought to take libraries out of private hands.

Councillor Peter Morgan responded to the petition, stating that the Council was facing severe budget problems and that the GLL proposals would therefore preserve and safeguard the library service which would, otherwise, come under pressure. The Council had invested in the service, providing new libraries at Biggin Hill, Orpington and Penge, and would still retain democratic control. He added that GLL was an experienced provider and used to taking staff on TUPE transfers.

The Leader commented that some residents had been encouraged to sign the petition under the impression that libraries would be closed. He also reported that he had been in touch with LB Wandsworth about GLL's performance there, and had been reassured that they were providing a good service. The only concern was that there needed to be clarity about the branding of the service – officers confirmed that Bromley would remain the lead brand.

Officers confirmed that the specification for the contract was a like for like service, with all staff transferring under TUPE. GLL would pursue full accreditation for the museum and would support the Council's aspirations for the service, such as the scheme for a replacement library for Chislehurst. They would be closely monitored and would be required to attend the Renewal and Recreation PDS Committee for scrutiny twice a year. Staff had been offered the opportunity to come forward with their own proposals for taking over the service, but no such proposals had been received.

The report had been scrutinised by the Renewal and Recreation PDS Committee on 5th July 2017. More detailed information and recommendations were covered in a report on the part 2 agenda.

RESOLVED that

(1) The feedback on the recommendation from staff and their representatives be noted.

(2) The outcome of the full market testing exercise be noted and the contract for the provision of library services be awarded to Greenwich leisure Limited for a period of ten years with the option to extend for a further five years.

**282 OPPORTUNITY SITE G - DEVELOPMENT AGREEMENT AND
LEASE (PART 1)**
Report DRR17/038/1

On 8th February 2017, the Executive had approved the selection of Countryside Properties (UK) Ltd as the preferred development partner for the next phase of development of Opportunity Site G following a competitive procurement process. Based on the successful development submission, officers had been negotiating the detailed terms of the proposed development agreement and lease for the development. The report set out the terms for the development agreement and lease and sought the Executive's approval to these terms. Once the agreement had been exchanged a binding agreement to grant the lease, subject to the fulfilment of certain conditions, would exist.

As part of the development agreement, section 123 notices had been published in the local press to advertise the intention to dispose of open space as part of a land swap to regularise the development boundary with Church House Gardens. Over 40 objections had been received to the notice, many of them raising concerns about the disposal of the land before the planning process had been completed, and it was proposed that it should be withdrawn. Instead, a condition would be placed in the development agreement requiring a further notice to be published if necessary when it was clearer exactly what open space would be required.

The report had been scrutinised by the Renewal and Recreation PDS Committee on 5th July 2017.

RESOLVED that

- (1) The terms of the proposed development agreement and lease as set out in the report be approved and authority be given to enter into the development agreement, subject to an additional condition for a further notice of the disposal of land to be published if required and reported back to Members when the impact on the public open space is definite.**
- (2) Authority be delegated to the Director of Corporate Services, with the agreement of the Executive Director of Environment and Community Services and the Director of Finance to agree any further (non-material) variation in the detailed terms.**
- (3) Authority be delegated to the Portfolio Holder for Renewal & Recreation to approve the consultation draft masterplan to enable officers to undertake a six week public consultation; the results of the masterplan consultation will be reported back to the Executive for consideration and approval.**
- (4) Quarterly updating reports should be submitted to the Executive.**

283 CRYSTAL PALACE PARK: REGENERATION PLAN (PART 1)
Report DRR17/029

The Executive was informed that the development stage of the Regeneration Plan for Crystal Palace Park was complete; the report set out the next steps to take the Plan forward to delivery.

Officers confirmed that there had been substantial consultation with the trustees of the existing Crystal Palace Museum. Councillor Nicholas Bennett suggested that it would be useful to develop a comprehensive tourism strategy for the borough. Councillor Simon Fawthrop questioned why it was necessary to subsidise the café; it was confirmed that this was pump priming that would lead to an income stream for the future. All capital costs would be repaid from sales of land for residential development.

The Leader welcomed the progress that had been made and the fact that there was now substantial support in the local community for the Regeneration Plan. He hoped that the Mayor of London would announce his intentions for the future of the National Sports Centre soon.

The report had been scrutinised by the Renewal and Recreation PDS Committee on 5th July 2017 and the Environment PDS Committee on 12th July 2017.

RESOLVED that

- (1) The contents of the report and the Regeneration Plan document be noted.**
- (2) Spending of up to £625k funded from Capital Receipts be approved to progress the Regeneration Plan to the submission of the outline planning application by spring 2018 and this be added to the Capital Programme.**
- (3) A further £242.3k be approved from Capital Receipts to deliver the Crystal Palace Park café project and the Capital Programme be amended; any unspent contingency will contribute towards the next Phase of the Regeneration Plan scheme.**
- (4) The outcome of the café works tender process be noted as detailed in the associated Part Two report and the award of contract be agreed as recommended.**

284 ORPINGTON BUSINESS IMPROVEMENT DISTRICT
PROPOSAL: 2018-2023 RENEWAL (PART 1)
Report DRR17/036

The report updated Members on the progress to date on the development of a proposed Second Term for the existing Business Improvement District (BID) in Orpington Town Centre and its potential implications for the Council, and

set out the outline Orpington BID Proposal 2018 – 2023 which had been presented to the Council by Orpington First Ltd (the Orpington BID company.)

The report had been scrutinised by the Renewal and Recreation PDS Committee on 5th July 2017, and Members of the Committee had considered the 5% levy charged to make collections from participating businesses. The Committee had recommended that the Executive agree that when the Liberata contract was renewed the levy collection charge should be added to the contract specification.

Further details were available in a part 2 report.

RESOLVED that

(1) The draft Orpington BID Proposal 2018 – 2023 (summarised in paragraph 3.11 of the report and provided in full in the part 2 report) which details the progress to date on the development of the BID, including the level of consultation with businesses, and outlines the BID levy rules and emerging key priorities of the BID for its second term, be noted.

(2) The proposals be agreed in principle on the basis of the outline BID Proposal that the Council's Ballot Holder may be instructed to hold a ballot in November 2017, according to the Business Improvement District Regulations (England) 2004, being satisfied that the BID Proposal does not conflict with any of the Council's priorities and plans, and that its geographic scope is within the boundaries of the London Borough of Bromley.

(3) Delegated authority be given to the Portfolio Holder for Renewal & Recreation to review the final version of the BID Proposal which is expected to be delivered to the Authority by 13 September 2017 and, provided that this still meets the criteria outlined in 2.2 of the report, instruct the Ballot Holder to run the BID ballot, on behalf of the Executive.

(4) It is agreed that the Portfolio Holder for Renewal and Recreation nominates an officer to vote 'Yes' on behalf of the Council for eligible Council-occupied hereditaments which fall within the proposed BID area (as listed in paragraph 5.2 of the report).

(5) Subject to a BID 'yes' vote, the Director of Corporate Services be authorised to enter into all legal agreements necessary to renew and operate the BID, and that the agreements ensure that the BID company acts at all times in the best interests of the town centre. (The draft agreements, which are still to be finalised, are included as part of Appendix 2).

(6) Officers investigate the arrangements for collecting bid levies in advance of the specification for the next revenues contract being finalised.

**285 CONTRACT AWARD FOR PRIMARY AND SECONDARY
INTERVENTION SERVICES (PART 1)**
Report CS18018

The Executive received a report recommending the award of a contract for Primary and Secondary Intervention Services. These services were jointly commissioned with the NHS Bromley Clinical Commissioning Group (CCG) and worked within a larger system to provide effective services for Bromley residents. Further details were set out in a part 2 report.

The report had been scrutinised by the Care Services PDS Committee on 4th July 2017.

RESOLVED that

- (1) The proposed contract award for Primary and Secondary Intervention Services for a period of 3 years from 1st October 2017, with the potential to extend for a further period of up to 2 years, be approved.**
- (2) Authority be delegated to the Chief Officer or Executive Director of Education, Care & Health Services in consultation with the Portfolio Holder for Care Services, to extend the Contract for a period of up to 2 years.**
- (3) It is agreed that the contract will be entered into and held by the Council, and that there will be joint monitoring with the CCG.**
- (4) It is noted that the contributions from the CCG and the Better Care Fund are secured through an agreement with the CCG under section 75 of the NHS Act 2006.**
- (5) It is noted that the CCG will also be recommended to support the contract award at Clinical Executive Group on the 29th June and Governing Body on the 20th July.**

286 SAFEGUARDING - SLAM

The implementation of the Care Act 2014 had resulted in additional safeguarding responsibilities for the Council in relation to mental health patients within the borough boundary. A review had been carried out of the Bromley response to safeguarding, particularly in relation to the Bethlem Royal Hospital site operated by the South London and Maudsley Hospital Trust (SLAM).

Additional resources were required for ongoing work with SLAM and Oxleas NHS Foundation Trust; it was proposed to create a small team to manage mental health safeguarding casework to ensure that the Council was compliant with its duties and delegations. Funding would come initially from the Improved Better Care Fund, but this was time-limited and further consideration would need to be given to longer term funding. Members asked how they could be sure that Bromley residents placed outside the borough

would be safe. It was confirmed that each local authority was responsible for the safeguarding of all mental health patients within its boundaries.

RESOLVED that the drawdown of resources to enable the Council to be compliant with its responsibilities under the Care Act 2014 be approved.

287 WASTE CLEARANCE - CORNWALL DRIVE, ST PAUL'S CRAY
Report ESD17057

The Executive agreed to consider this report as a matter of urgency in order that formal approvals could be obtained without delay to ensure that the remaining waste can be cleared from the site to the benefit of local residents.

Approval was sought to clear the remaining waste from the former Waste 4 fuel land at the end of Cornwall Drive, St Paul's Cray. The Environment Agency (EA) had significantly under estimated the amount of illegal waste, and substantial quantities remained on the site even after 16,000 tonnes of waste had been removed earlier in the year. DEFRA had now agreed to provide funding of £1,607,326 to facilitate the clearance of the remaining waste, and clearance could re-commence once this money was received.

Members recorded their thanks to all those involved in securing the clearance of the site, including Bob Neill MP, Doug Patterson, Nigel Davies and Andrew Wilson, Chairman of the local residents association.

RESOLVED that

(1) Council be recommended to approve an increase in the capital budget for the Waste 4 Fuel scheme by £1.880m, resulting in a total scheme cost of £4.589m in the capital programme, subject to additional funds being provided by DEFRA.

(2) £47k be allocated from the 2017/18 Central Contingency to fund the increase in the scheme in addition to the further allocation from the Environment Agency.

(3) The Contract Procedure Rules be waived to allow the contract to be awarded directly to Veolia.

(4) It is noted that the total cost will be funded by contributions of £4.017m from the Environment Agency and £0.573m from the Council.

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

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

**289 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**

**290 EXEMPT MINUTES OF THE MEETING HELD ON 20TH JUNE
2017**

The exempt minutes of the meeting held on 20th June 2017 were confirmed.

**291 CONTRACT AWARD FOR THE PROVISION OF LIBRARY
SERVICES (PART 2)
Report DRR17/035**

See minute 281.

**292 OPPORTUNITY SITE G - DEVELOPMENT AGREEMENT AND
LEASE (PART 2)
Report DRR17/038**

See minute 282.

**293 CRYSTAL PALACE PARK REGENERATION PLAN (PART 2)
Report DRR17/029**

See minute 283.

**294 ORPINGTON BUSINESS IMPROVEMENT DISTRICT
PROPOSAL: 2018-2023 RENEWAL (PART 2)
Report DRR17/043**

See minute 284.

**295 CONTRACT AWARD - PRIMARY AND SECONDARY
INTERVENTION SERVICES (PART 2)
Report CS18018b**

See minute 285.

296 NEW PROPERTY INVESTMENT CRITERIA
Report DRR17/042

The Executive agreed changes to the Council's Investment Criteria.

**297 PROCUREMENT STRATEGY FOR SUPPORTED LIVING
SERVICES AT PADUA ROAD, BROMLEY ROAD AND BROSSE
WAY**

The Executive approved the procurement strategy for supported living services at these properties.

**298 LEARNING DISABILITY TENANCY SUPPORT (DERWENT
ROAD)**
Report CS18038

The Executive agreed to extend the contract for learning disability tenancy support services at 2 and 4 Derwent Road, Penge.

299 CARELINK CONTRACTS UPDATE
Report CS18040/2

The Executive approved contracting arrangements for Carelink services.

**300 CAPITAL PROGRAMME MONITORING - 1ST QUARTER
2017/18 - APPENDIX E**

The Executive noted details of capital receipts.

301 BIGGIN HILL MEMORIAL MUSEUM (PART 2)
Report DRR17/032

The Executive agreed to award a contract for the construction of the Biggin Hill Memorial Museum.

302 HOUSING S106 PAYMENT IN LIEU CONTRIBUTIONS
Report CS18039

The Executive agreed to consider this report as a matter of urgency to ensure that all available funds were committed before the date of expiry. Members agreed, subject to approval from full Council, to allocate funds for affordable housing delivery.

The Meeting ended at 9.31 pm

Chairman

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EXECUTIVE

19th July 2017

(A) QUESTIONS FOR ORAL REPLY

From Cllr William Huntington-Thresher

Can the Executive confirm that all the grounds around the Priory in Orpington have permitted path status and any obstructions would require licencing from the Council, or stopping up via the Rights of Way Committee?

Reply:

The pathways within the Priory Gardens have no statutory protection and are not registered as formal rights of way. Technically from a legal perspective if any changes to such pathways were desired then it would be within the gift of the Council rather than a requirement to go through a stopping up process via the Rights of Way Committee. The lease for V22 and its successors provides for continued access to and from the land being demised to them.

Supplementary question:

Councillor Huntington-Thresher asked whether this part of the Park was like a shop forecourt, which should not be obstructed.

Reply:

The Portfolio Holder agreed that this appeared to be correct, but the precise legal status needed to be investigated.

From Michael Meekums to the Renewal and Recreation Portfolio Holder

1. What experience has Greenwich Leisure Ltd had in managing (a) Archaeological and (b) Archive collections and what are their proposals for future management of Bromley Historic Collections?

Reply:

Greenwich Leisure Limited (GLL) will draw on their experience of operating the Wandsworth Heritage Service; key partnerships with Heritage Wandsworth and the Greenwich Heritage Centre; and in operating the contract for Lincolnshire Libraries since April 2016. In Lincoln Central Library, GLL is responsible for the Tennyson Research Centre and is a key partner with Lincolnshire Archives in providing local history services across the county.

Supplementary question:

The archaeological / art collections store in Priory Gardens has remote environmental monitoring, how will this be monitored in the future, has Greenwich Leisure Ltd had any experience in environmental monitoring?

Reply:

Their proposals for Future Management of Bromley Historic Collections (BHC) are to retain current levels of service as outlined in the specification including remote

environmental monitoring. The staff currently undertaking this role will, subject to an agreement to award the contract, TUPE transfer to GLL, so the same people will be doing this work as before.

2. What arrangements will there be for the public to have access to see (a) the archaeological and (b) the archive collections material in the future?

Reply:

The requirements of the specification will be delivered by GLL. This will ensure that the current arrangements apply ensuring the public have the same levels of access to a) archaeological and (b) the archive collections material in the future.

Supplementary question:

What staff will there be to look after the archaeological and archive collections?

Reply:

GLL have demonstrated in their Method statement in response to the requirement of the specification that the current staffing levels and expertise relating to archaeological and archive collections will be maintained, so again, there will be no change.

3. What arrangements will there be for depositing (a) archaeological and (b) archive material in the library in the future?

Reply:

In line with the Collections Development Policy, Bromley Historic Collections (BHC) will continue to collect and conserve objects, works of art, archives, and publications that record the history of the area that is now the London Borough of Bromley.

Specifically in relation to archaeological material - BHC will not acquire archaeological material (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures. Additionally, BHC will not acquire archaeological excavation archives. London Archaeological Archive Research Centre (LAARC) at the Museum of London is the principal repository for such material in Greater London, and already holds archaeological archives from the London Borough of Bromley.

Supplementary question:

Will the archaeological and archive collections material currently in store, stay in the London Borough of Bromley?

Reply:

They will, with one exception - there are currently four human crania and one human mandible within Bromley's Avebury Collection which will be repatriated, I believe to Canada. All other archaeological and archive material will stay in the London Borough of Bromley.

(B) QUESTIONS FOR WRITTEN REPLY

From Joanna Friel, Vice Chair and Heritage Rep, The Chislehurst Society, to the Renewal and Recreation Portfolio Holder

1. Will the Council guarantee the existing excellent free access to Local Studies and archives which includes evenings and Saturdays?

Reply:

We have outlined in our specification that Greenwich Leisure Limited (GLL) must deliver the existing Local Studies and Archives services (now rebranded as Bromley Historic Collections). The opening hours will remain the same and will include late night Thursday and Saturday opening. GLL have specified how they will deliver this in the relevant method statement.

2. How will the current contract arrangement with Millengate at Chislehurst Library be affected by any new arrangement with Greenwich? Will there still be provision for giving lectures and workshops at Chislehurst library as I currently do?

Reply:

Greenwich Leisure Limited (GLL) are fully aware of the Council's proposals to develop a new library at Chislehurst and will work with both the developer and the Council to ensure the successful delivery of the project. Furthermore, this administration will be seeking to bring forward more opportunities to modernise the borough's library service, building on the significant success stories of Biggin Hill, Orpington and Penge. GLL are fully aware of this ambition to continue to invest in the library service and will work with the Council in bringing this to fruition over the life of the contract subject to this being awarded tonight.

Activities that are currently being undertaken now will continue going forward under the contract between the authority and GLL.

3. What guarantees can the Council give regarding the protection of the Lubbock Collection at the Central Library?

Reply:

The Avebury Collection is an important collection recognised in Bromley Historic Collections collecting policies and its security is assured. Although it is a static closed collection, there are many gaps in John Lubbock's original catalogue. Should any of these items come to light BHC would seek to acquire them. BHC also seeks to acquire other items relating to Sir John Lubbock's life and work.

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EXECUTIVE

Minutes of the meeting held on 9 August 2017 starting at 9.00 am

Present:

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

Also Present:

Councillor Ian Dunn and Councillor Keith Onslow

303 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Kate Lymer and Peter Morgan, and also from Councillor Simon Fawthrop.

304 DECLARATIONS OF INTEREST

There were no declarations of interest.

305 ADDITIONAL RESOURCES FOR ENVIRONMENT AND COMMUNITY SERVICES Report ES17059

As a result of recent Audit reports, service reviews by the Director of Environment and an external audit by the Food Standards Agency the report recommended the allocation of additional resources for Environment and Community Services (ECS) to ensure key front line services had the appropriate and sustainable level of staff to:

- fulfil the corporate requirements for contract monitoring and business support; and
- deliver the expected standards of service in key areas.

Without the additional resources there was a high risk of further non-compliance with contract monitoring arrangements, a lack of progress with regard to Public Protection commissioning work, incomplete and weak business continuity arrangements and possible intervention by the Food Standards Agency (FSA) with regard to the management of the Food Safety Team.

Members agreed that the safety of residents had to be a priority, and supported the proposals. There were comments that the balance of the proposals was too much towards office based and administrative staff, but the exact requirements had been carefully considered to ensure that the Council's statutory requirements were met.

RESOLVED that

(1) Three additional posts be agreed to deliver a dedicated Performance Monitoring and Business Support function to the Environment and Community Services Department.

(2) Additional temporary resource for 2.5 years be agreed in the Public Protection and Community Safety division to support the commissioning programme.

(3) Additional Food Safety Officers be agreed to clear the outstanding back log of inspections and provide a sustainable resource to meet current demand.

(4) A temporary Business Continuity Officer post be agreed for 2 years to support the Emergency Planning Manager deliver a robust corporate plan for enabling services to be provided in the event of an emergency.

(5) The additional costs in 2017/18 and future years set out in paragraph 6.1 of the report be approved - £238k in 2017/18, £467k in 2018/19, £306k for 2019/20 and £217k from 2020/21 onwards; the costs will be funded from the Council's 2017/18 Central Contingency Sum.

306 TRANSFER OF REMAINING ISD SERVICE TO BT
Report CEXO1630

Since taking over the Council's IT contract in 2016, BT had performed well and the report examined the remaining in-house IT functions and the option of transferring these services to BT through a variation to the existing contract. A thin client side would be retained which would include information governance functions. This would be a key area with the introduction of the GDPR in May 2018. The proposals had considerable benefits in terms of the resilience of the service which BT, as a large organisation, could offer, greater security and prospects for staff, and the opportunity for modest savings and greater transparency on expenditure.

An additional staff consultation response had been circulated concerning the deletion of the Business Services Manager post, which was to be retained on the client side for six months to support the transition of services. The Director of Corporate Services commented that the situation would change considerably post transfer and the position would be reviewed if necessary.

The Executive and Resources PDS Committee had commented on the Council's disputes with another part of BT over the payment of invoices for highway works and suggested that this should be offset against the payments made by the Council to BT for IT services. Members of the Executive were also keen to ensure that the Council used its influence to resolve this issue, and the Leader stated that he required a meeting at a senior level with BT.

RESOLVED that

(1) It is agreed that the transfer of services take effect from the 1 November 2017 for a minimum of 6 years with a total contract sum of £9.3m.

(2) The one-off funding in 2017/18 of £62.2k for mobilisation of staff as set out in paragraph 6.9 of the report be noted and agreed, funded from the Central Contingency.

(3) A variation in the Council's Pensions Policy be agreed, including a fixed employer contribution rate as set out in paragraph 6.16 of the report.

(4) £65k p.a. be set aside in an earmarked reserve funded from the BT savings for provision against potential future pension liabilities as set out in paragraph 6.8 of the report.

(5) £279k of the overall budget be retained to fund 5 staff within the Client Unit as detailed in paragraph 3.11 of the report.

(6) It is agreed that £180k is retained by the Client Unit for Project Support to be drawn down and allocated when required as set out in paragraphs 6.2 – 6.3 of the report.

(7) The additional savings identified by officers of £30k for Outlook archiving and Citrix Mobile working as set out in paragraph 6.10 of the report be noted.

(8) It is noted that there may be one post made redundant as a result of these proposals amounting to £28k, to be funded from the Central Redundancy Reserve, as set out in paragraph 6.13 of the report.

(9) The outcome of staff and trade union consultation, along with the management response to any issues that may have arisen during consultation, be noted - these are set out in Appendix 1 to the report.

The Meeting ended at 9.26 am

Chairman

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Decision Maker: EXECUTIVE

Date: 13th September 2017

Decision Type: Non-Urgent Executive Non-Key

Title: MATTERS ARISING FROM PREVIOUS MEETINGS

Contact Officer: Graham Walton, Democratic Services Manager
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

Chief Officer: Mark Bowen, 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:	Impact on Vulnerable Adults and Children/Policy/Financial/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	Minutes of previous Executive meetings

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
-

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: £343,810
 5. Source of funding: 2017/18 Revenue Budget
-

Personnel

1. Number of staff (current and additional): 8 posts (6.87fte)
 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: None:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: 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: Not Applicable

Appendix A

<u>Minute Number/Title</u>	<u>Executive Decision/Request</u>	<u>Update</u>	<u>Action by</u>	<u>Completion Date</u>
30th November 2016				
126 Update on Tackling Troubled Families (Outcomes/Draw-down)	The Leader asked that a further report on measuring outcomes be provided by the first quarter of next year.	Arrangements are now in hand to provide a further report for the October meeting, which should include data for 2017/18.	Head of Early Interventions and Family Support	October 2017
11th January 2017				
161 Disposal of Banbury House, Chislehurst	Report deferred for consideration of use of the property for temporary accommodation for homeless people.	An options appraisal and feasibility study is currently being carried out. A report will be presented to a future meeting.	Director of Housing/Head of Strategic Property	October 2017
22nd March 2017				
201 Operational Building Maintenance Budgets and Planned Programme 2017/18	Members requested a report on the position with regard to the sale of former public toilet buildings.	This issue will be included in a report on Estates Strategy.	Head of Strategic Property	October 2017
19th July 2017				
273 Children's Services Update	The Leader requested that the next formal letter from the Secretary of State be circulated to all Members.	Future letters to be circulated to all Members	Deputy Chief Executive and Executive Director of Education, Care and Health Services	July 2017
274 Budget Monitoring 2017/18	Members requested that risks be included in budget monitoring reports.	The next budget monitoring report to incorporate commentary on risk areas within the Directors' comments for their service areas	Director of Finance	To be incorporated in next budget monitoring report to Executive in November.

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Report No.
FSD17067

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

<Please select>

Decision Maker: **Executive Council**

Date: **13th September 2017**
25th September 2017

Decision Type: Non-Urgent Executive Key

Title: **LONDON BUSINESS RATE PILOT**

Contact Officer: Peter Turner, Director of Finance,
Tel: 020 8313 4668 E-mail: peter.turner@bromley.gov.uk

Chief Officer: Director of Finance

Ward: All

1. Reason for report

This report provides a proposal for the Council to join the London Business Rates pool pilot which provides financial incentives. For the pilot to proceed it will require the unanimous agreement of all London Boroughs and confirmation from Government that a London wide scheme can go ahead.

2. **RECOMMENDATION(S)**

2.1 **Executive is requested to recommend to Council that:**

2.1.1 **Council support the London Business Rates pilot;**

2.1.2 **Council endorses the Leader agreeing the final arrangements at the Leader's Committee of London Councils to implement a scheme substantially in the form proposed;**

2.1.3 **The Leader seeks to minimise the collective investment contribution and obtains assurances from Government that any additional funding received will not be offset by future corresponding reductions in Government funding.**

Corporate Policy

1. Policy Status: New policy. The Council would be agreeing to a Business Rates pilot which results in pooling the Councils business rates share across London
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: Estimated cost The proposal, if implemented across London would generate potential additional income of between £1.94m and £2.58m based on latest estimates in 2018/19.
 2. Ongoing costs: Recurring cost. Council has the option to opt out of the pilot beyond 2018/19. The pilot would determine how much of estimated additional income is recurring until any future business rates reset period.
 3. Budget head/performance centre: NNDR Collection Fund
 4. Total current budget for this head: £ See para. 3.1.2
 5. Source of funding: Business rates growth across London
-

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: Non-statutory - Government guidance. The proposals from London Councils for a Business Rates pool in London will require the unanimous agreement of all London boroughs and will require the agreement of terms.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The financial benefits arising from the Business Rates pilot will assist in reducing the Council's ongoing budget gap which impacts on all of the Council's customers (including council tax payers) and users of the service.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 Bromley's Business Rate Share

3.1.1 The Members Finance Seminar, held on 10th July 2017, provided an update on the progress of the devolution of business rates and the full devolution, at national level, is expected to be delayed until at least 2020/21.

3.1.2 A breakdown of the business rate share for Bromley is shown below for information

	2017/18 £'000	2018/19 £'000	2019/20 £'000
Revenue Support Grant (Core Funding)	10,855	4,345	0
Business Rate Share Bromley	27,099	27,971	28,966
Business Rate Top Up	8,830	9,114	7,176
Sub Total (Settlement Funding Assessment)	46,784	41,430	36,142
Business Rate Share - GLA	33,422	34,498	35,725
Business Rate Share - Central Government	29,809	30,768	31,863
Total	110,015	106,696	103,730
 <i>Total Business Rate Share @ 100%</i>	 90,330	 93,237	 96,554

Business Rate Share based on Settlement Funding Assessment and assumes no change to proportionate share (LBB 30% / GLA 37% / GVT 33%)

3.1.3 As shown above, Bromley will receive a top up of £8.8m in 2017/18 to meet the settlement funding assessment – these monies are effectively a redistribution of national business rates income. If the Council received the government share of business rates, then income would increase by £29.8m. However, the full devolution of business rates was intended to result in a fiscally neutral position for local authorities whilst enabling future growth in business rates to be shared.

3.2 London Business Rates Pilot Prospectus

3.2.1 The Government have offered an opportunity for Business Rates pilots and included financial incentives by pooling with other local authorities. Following the meeting of the Leaders Committee at London Councils on 11th July 2017, London Councils are formally seeking consideration of the attached draft prospectus. Details of the options for consideration are included in the attached document (see Appendix 1).

3.2.2 The proposed pool does not have to be permanent and can be disbanded, if necessary, after a year.

3.2.3 There remains the question of whether the Government would now support such an arrangement but, my understanding is that, it does not need primary legislation to progress. A letter from the Chancellor of the Exchequer to London Councils and the Mayor of London provides some assurance that the pilot can progress (see Appendix 2).

- 3.2.4 In terms of implementing a pilot scheme, it will require unanimous agreement of all London boroughs to proceed. To progress with the scheme, the Executive need to consider whether to agree to a London wide pool and make recommendations to full Council. Council would consider whether to join the pool and, if so, would be requested to give delegated authority to the Leader to progress with final arrangements. This will enable the Leader to have authority to indicate his support or otherwise at the Leaders and Mayor meeting on 10th October 2017.
- 3.2.5 The attached prospectus identifies potential additional income for London of £229m by operating a pool, using forecast information provided from individual local authorities on their expected business rates. There is a commitment that no local authority would be worse off compared with retaining the existing share scheme.
- 3.2.6 The suggested four objectives for the distribution of additional income highlighted in Appendix 1 would be as follows:
- Incentivising growth** (by allowing those boroughs where growth occurs to keep some proportion of the additional resources retained as a result of the pool);
 - Recognising the contribution of all boroughs** (through a per capita allocation);
 - Recognising need** (through the needs assessment formula);
 - Facilitating collective investment** (through a collective investment pot designed to promote economic growth within London and lever additional investment funding from other sources).
- 3.2.7 The potential additional income, on the basis of a London wide gain of £229m, would be as follows for Bromley:

Potential Additional Business Rates Share to Bromley with Pilot Pool	£m
Option A 25%/25%/25%/25% (a/b/c/d per 3.2.6 above)	2.15
Option B 30%/30%/30%/10% (a/b/c/d per 3.2.6 above)	2.58
Option C 40%/20%/20%/20% (a/b/c/d per 3.2.6 above)	1.94
Option D 20%/30%/30%/20% (a/b/c/d per 3.2.6 above)	2.47

- 3.2.8 The per capita measure provides the greatest financial benefit to the Council compared with “recognising need” and any weighting relating to facilitating collective investment does not provide direct financial benefit. It is recognised that the local authorities with the highest level of business rates growth/gains will want to retain a proportion of the direct financial benefits of such gains. In considering the collective investment contribution, to what extent will such investment provide benefit to Bromley? London Councils have indicated that the collective investment approach is likely to be viewed favourably by Government, as it helps address the original policy objectives behind business rate retention and would require closer working and governance arrangements to be developed between the Mayor and the 33 borough Leaders for the purposes of establishing and operating the pool, and in delivering the desired outcomes.
- 3.2.9 If there was no collective investment requirement, the additional income to Bromley would equate to (on a pro rata basis) £2.89m (adjusted Option A), £2.89m (adjusted Option B), £2.4m (adjusted Option C) and £3.1m (adjusted Option D). This potential income would be in addition to any income received under the existing business rates share scheme, using projections provided by London boroughs. It is important to note that the proposals include

financial incentives which can only be realised by pooling business rates with other local authorities.

- 3.2.10 It is important to recognise that without progressing with this pilot, London will forego a potential income of £229m for the first year and, based on the London Councils illustrative options in the attached report, Bromley will forego estimated additional income of between £1.94m and £2.58m.
- 3.2.11 Although there will be more detail to follow around governance and seeking collective agreement, the financial argument is compelling. It is also important to recognise that failure to take up the offer could be perceived as “underfunded” local authorities foregoing an opportunity for additional funding.
- 3.2.12 Members are requested to indicate their level of support for the scheme. There is no information currently available on the distribution methods being favoured by other London boroughs which are expected to be determined at the Leaders and Mayor meeting on 10th October 2017 (see 3.2.4). The option of retaining resources in a strategic investment pot is likely to be viewed favourably by Government. It helps address the original policy objectives behind business rate retention and would require closer working and governance arrangements to be developed between the Mayor and the 33 borough Leaders for the purposes of establishing and operating the pool as well as delivering the desired outcomes.

4. POLICY IMPLICATIONS

- 4.1 The Council launched the updated “Building a Better Bromley 2016-2018”. One of the key priorities includes ensuring financial independence and sustainability. The opportunity for a share of additional income, by joining the pool, will assist in reducing the Council's budget gap.

5. FINANCIAL IMPLICATIONS

- 5.1 Latest estimates from London Councils indicate that the Council could benefit by between £1.94m and £2.58m in 2018/19, depending on the final option agreed. This potential income would be in addition to any income received under the existing business rates share scheme, using projections provided by London boroughs. It is important to note that the proposals include financial incentives which can only be realised by pooling business rates with every other London borough.
- 5.2 Any final scheme would require the approval of Government and the scheme would only progress on the basis that no individual London borough would be worse off compared with retaining the existing share scheme.
- 5.3 As indicated in the report, there is uncertainty on how the collective investment element of the business rates share would be used and it is therefore suggested that this element be kept to a minimum in any final proposed scheme, whilst recognising that collective investment would make a pilot more attractive to central government. Any estimate of financial gains has to be treated with some caution at this stage and it will be dependent on business rates growth in 2018/19.
- 5.4 It is important that any financial gains are not offset by any future corresponding reduction in Government funding and assurances will be required for any final scheme.

6. LEGAL IMPLICATIONS

- 6.1 The proposals from London Councils for a business rates pool in London will require the unanimous agreement from each London borough and will require the agreement of terms upon which they will participate jointly with other members, including appointing a lead authority as an accountable body for the pool and to decide how the pool should operate. The Council is being requested to delegate the exercise of their relevant functions to a joint committee, such as Leaders' Committee which would require the Leaders' Committee governing agreement to be formally varied which requires the agreement of all 33 authorities for the variation to be effective.
- 6.2 The majority of decisions relating to business rates are Executive functions save where they are integral to the annual budget or where they could have a significant impact (whether positive or negative) on the Council's finances. In the latter case then under paragraph 3 of the Budget and Policy Framework Rules in the Council's Constitution when the decision is taken by Council on the recommendation of the Executive. The Councils Directors of Corporate Services and Finance respectively as statutory Monitoring and 151 Officers respectively are of the opinion that the impact of the scheme is at a threshold where Council approval is required.
- 6.3 If Council approval is given then future decisions will be a matter for the Leader/Executive

Background Documents:	
	London Councils - report to Leaders Committee on 11 th July 2017, Agenda Item 4, "London Business Rates Pilot Pool 2018-19" Impact on Vulnerable Adults with Children N/A Personnel Implications N/A Procurement Implications N/A



Borough Leaders

Contact: Guy Ware
 Direct line: 020 7934 9748
 Email: guy.ware@londoncouncils.gov.uk
 Date: 14 July 2017
 Cc: London Borough Chief Executives;
 John O'Brien; Dick Sorabji; Guy Ware
 Enc: Draft Pooling Prospectus

Dear Leaders,

London Business Rates Pool 2018-19

Following the item at Leaders' Committee on 11th July 2017 regarding the proposals for an expanded London business rates retention pilot via a pan-London pool, we are writing formally to seek your consideration of the attached draft prospectus, which sets out how it is envisaged that a pilot pool could operate in 2018-19, should the Government renew its commitment to this approach.

As reported to Leaders' Committee, the Government's policy intentions with regard to 100% retention of business rates remain unclear following the General Election. However, the Leaders' Committee report also set out an approach by which London Government could remain in a position to negotiate a 2018-19 pilot pool.

The benefits this would deliver include early retention of 100% of growth across London (rather than 67% currently retained); savings from the scrapping of any levy on growth; and, potentially, the transfer of some Central List properties to the London pool increasing the capacity to benefit from growth, and possibly trialling greater flexibility over some mandatory reliefs. In addition, there could be broader strategic benefits to developing London's governance arrangements, broadening our ability to influence CLG and HM Treasury.

The report identified two founding principles that we envisage would be the basis for agreement whereby:

1. no authority participating in the pool could be worse off than they would otherwise be under the 50% scheme; and
2. all members would receive some share of any net financial benefits arising from the pilot pool.

The report also set out four objectives to inform the distribution of any aggregate financial benefit that may accrue from being in a pool:

- **incentivising growth** (by allowing those boroughs where growth occurs to keep some proportion of the additional resources retained as a result of the pool)
- **recognising the contribution of all boroughs** (through a per capita allocation)
- **recognising need** (through the needs assessment formula); and

- **facilitating collective investment** (through an investment pot designed to promote economic growth and lever additional investment funding from other sources).

The enclosed draft prospectus sets out more detail about the founding principles of a potential pool agreement; options for allocating the financial benefits; and the proposed governance and administrative arrangements for operating a potential pool.

Leaders' Committee agreed to consider the draft prospectus as the basis for consultation within your respective authorities over the summer, in order that you are in a position to be able to indicate in-principle support for a pan-London pilot pool, or not, and to indicate a preference for the distribution method of any additional resources, by the Leaders' Committee and Congress of Leaders and Mayor meeting on 10th October 2017.

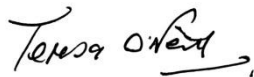
Should the Government renew its commitment in the Autumn Budget (likely to be November), a final detailed pooling agreement would then be negotiated with CLG, with the likely deadline being the time the Local Government Finance Report is published in February 2018, in order that the detailed governance and legal framework is in place in a timely manner prior to implementation in April 2018.

We appreciate that there is a degree of uncertainty regarding the broader policy intention of the new Government in this area. The Government did, however, commit to exploring this through the London Devolution MOU at the Spring Budget in March, and it is only right that London Government consider these proposals fully, in order to be in the best possible position to make the most of this opportunity, were the Government to renew this commitment in the Autumn.

Yours sincerely,



Cllr Claire Kober
Chair, London Councils
Labour Group Leader



Cllr Teresa O'Neill
Vice Chair, London Councils
Conservative Group Leader

London Business Rates Pilot Pool 2018-19 – Draft Prospectus

Introduction

1. This draft prospectus sets out how it is envisaged that the London Business Rates pilot pool would work in practice, were the 33 Leaders/Mayors and the Mayor of London to agree to form a pool in 2018-19.
2. The Government established pilots in 6 areas of the country in April 2017, including London where the GLA's level of retained business rates increased from 20% to 37%, replacing TfL transport grant and Revenue Support Grant. An expanded London pilot in 2018-19, which would require all 33 London Boroughs and the Mayor of London to agree to pool, would seek at least to replicate the common features of the deals in the other 5 pilot areas: Greater Manchester; Liverpool City Region; West Midlands, West of England and Cornwall.

Founding principles

3. It is proposed that there are two founding principles that would require agreement at the outset by all pooling members.

1) Nobody worse off

4. The first founding principle of the agreement would be that ***no authority participating in the pool can be worse off than they would otherwise be under the 50% scheme.***
5. DCLG civil servants have indicated an expectation that a London pilot pool would be underpinned by the same safety net arrangements and “no detriment” guarantee currently offered to existing pilots in 2017-18. This ensures that the pool, as a whole, cannot be worse off than the participating authorities would have been collectively if they had not entered the pool.
6. Existing Enterprise Zones and “designated areas”, along with other special arrangements, such as the statutory provision to reflect the unique circumstances of the City of London, would be taken into account in calculating the level of resources below which the guarantee would operate. For boroughs in an existing pool¹, DCLG have also indicated that the basis of comparison would include the income due from that pool.
7. The impact of the guarantee would be to ensure that the minimum level of resources available for London, as a whole, could not be lower than it would otherwise be. In order to then ensure that no *individual authority* is worse off, the first call on any additional resources generated by levy savings and additional retained rates income,

¹ Of the 33 London authorities in 2017-18 this includes Barking & Dagenham, Havering and Croydon

would be used to ensure each borough and the GLA receives at least the same amount as it would have without entering the pool.

8. The level of Revenue Support Grant (RSG) for each borough has been set by the 4-year settlement (to 2019-20). For each borough this would be replaced by retaining additional rates (just as the GLA has done this year). In addition Public Health Grant (PHG) and the Improved Better Care Fund (iBCF) would also be replaced by rates, leading to an adjustment of expected baselines and top-ups or tariffs (as appropriate). While the composition of each borough's "core funding" (retained rates plus RSG, Public Health Grant and iBCF) will therefore change, the overall quantum will not. This revised position is then the baseline against which the "no detriment" guarantee is calculated. Each borough – whether its business rate income grows or declines during the operation of the pilot pool – will receive, as a minimum, the same amount of cash it would have received under the existing 50% system.

2) All members share some of the benefit

9. Growing London's economy is a collective endeavour in which all boroughs make some contribution to the success of the whole. In recognition of the complex interconnectedness of London's economy, it is proposed that the second proposed founding principle would be that ***all members would receive some share of any net benefits arising from the pilot pool.***
10. The net financial benefit of pooling consists of retaining 100% of growth (rather than 67% across London under the current scheme), and in not paying a levy on that growth (which tariff authorities and tariff pools currently pay). The principle would mean that *any aggregate growth* in the pool overall – because of the increased retention level – would generate additional resources to share, with each pooling member benefit to some extent.
11. In addition, it could be possible to transfer of some Central List properties located in London (for example, the London Underground network) to the London pool, thereby increasing the capacity of the pool to benefit from growth on those properties. This would be explored with government as part of the pool negotiation.

Sharing the benefits of pooling

Objectives

12. Assuming the pool generates some level of additional financial benefit, the question of how to share this will be central to any final pooling agreement. The latest estimated net benefit to participating in the pool is expected to be in the region of £230 million in 2018-19, based on London Councils' modelling using boroughs' own forecasts.
13. Discussions with the Executive and informally with Group Leaders, have identified four objectives that could inform the distribution of such gains:

- **incentivising growth** (by allowing those boroughs where growth occurs to keep some proportion of the additional resources retained as a result of the pool)
 - **recognising the contribution of all boroughs** (through a per capita allocation)
 - **recognising need** (through the needs assessment formula); and
 - **facilitating collective investment** (through an investment pot designed to promote economic growth and lever additional investment funding from other sources).
14. A “pure” way to **incentivise growth** would be for the London local authorities where growth occurs to retain the full benefit, including any levy savings, after ensuring all authorities had been brought up to the level of funding they would otherwise have received under the current 50% scheme. This option would see the greatest reward go to those whose business rates grow, but would produce no net benefit for the minority of boroughs where no (or negative) growth is expected.
15. A simple **per capita distribution** using the latest population estimates from the ONS², would recognise the requirement to work collectively to grow London's economy and ensure a share of the benefit for all authorities.
16. While the role of incentivising growth is important, some recognition of **increasing need** and demand for services has also been identified as a priority. Economic and business growth also drives, and is reinforced by, increasing demand for services across the capital. One measure that could be used to distribute any net benefit could therefore be to reflect the Government's current assessment of need: Settlement Funding Assessment (although this will clearly be subject to change in future following any “Fair Funding” review).
17. Recognising the requirement for **collective investment** to promote further economic growth could be facilitated by retaining resources in a strategic investment pot. Such an approach is also likely to be viewed favourably by Government, as it helps address the original policy objectives behind business rate retention and would require closer working and governance arrangements to be developed between the Mayor and the 33 borough Leaders for the purposes of establishing and operating the pool, and in delivering the desired outcomes.
18. Individually, these principles would drive very different distributions of the direct benefits received by boroughs. The pure “incentives” approach would obviously favour those with the highest growth rates. Distribution according to SFA and population creates a more even spread of resources, but arguably provides less incentive to promote growth, and may therefore not optimise the opportunity for London in the longer term. It is proposed that a distribution mechanism should be a blend of all four of these objectives.

² The 2014-based Sub-National Population Projections for 2018

Options for weighting

19. In deciding the balance between the four objectives, and therefore the relevant weighting between the measures listed above, there are countless possible variants. However, following initial discussions with Group Leaders, four potential options are illustrated below:
- A. An even split percentage between the four pots (25:25:25:25).
 - B. Reducing the strategic investment pot to 10% of the total, while the “reward”, “needs” and “population” pots are equally weighted (30:30:30:10).
 - C. Greater “incentive weighting” with equal weighting for the other three pots (40:20:20:20)
 - D. Greater “needs” and “population” weightings (each 30%) with equal remaining weightings of 20% for “incentives” and “investment” pots (20:30:30:20)
20. The potential net benefit for each borough from this model – based on the latest information available on estimated income for 2018-19 – is set out in the charts at Appendix A and summarised in the table below. Under the 100% pilot pool it is estimated that there might be £470m of retained growth: £229m more than under the 50% scheme (after ensuring no borough is worse off as a result of participating).

Table 1 – Distribution options for estimated £229m net benefit of pooling in 2018-19

Option	A	B	C	D
GLA share (£m)	£62	£75	£66	£66
Aggregate borough share (£m)	£110	£131	£117	£117
Investment pot (£m)	£57	£23	£46	£46
TOTAL (£m)	£229	£229	£229	£229
Minimum borough gain (£m)	£1.2	£1.5	£1.1	£1.4
Maximum borough gain (£m)	£12.4	£14.9	£19.6	£10.1

Source: London Councils' modelling using London Boroughs' data supplied by borough finance directors or where not available by applying the latest 2017-18 forecasts to 2018-19.

21. Leaders are invited to consider the options in the context of balancing the objectives of incentives and need, and be in a position to indicate a preference for the weighting by the October Leaders' Committee and Congress meeting.

Investment pot principles

22. If an “investment pot” is created, the final amount of funding available will not be known until after the final audited outturn figures are confirmed for 2018-19 – likely to be in September 2019. A final methodology for allocating resources to specific projects is therefore not necessarily required at the outset of the pooling agreement. However, it will be important to consider the criteria and process for developing and approving proposals, in order to maintain a balance between simplicity of operation, strategic impact and broad appeal.

23. More immediately, it is proposed that the founding pool agreement includes *guiding principles* for the use of such an investment pot, for approval by all members of the pool. As such, it is proposed that investment proposals approved would:
- promote increased economic growth, and increase London's overall business rate income; and
 - leverage additional investment funding from other sources.
24. It is proposed that these principles would be agreed as part of the founding agreement for the pool – and would therefore require unanimous support. It is then assumed that decisions on the allocation of the pot would be taken by the Congress of Leaders and the Mayor annually in accordance these principles.

Governance

25. Leaders and the Mayor have previously endorsed the view that commitment to the collective management of devolved business rates would require unanimous support, and have identified Congress as the appropriate body formally to recognize those commitments.
26. However, the Congress of Leaders has no power to bind authorities. Local decisions would need to be taken by each authority to agree the terms of the legal agreement which would underpin the arrangements.
27. Participation in a pool in 2018-19 would not bind boroughs or the Mayor indefinitely. As with existing pool arrangements, the founding agreement would need to include notice provisions for authorities to withdraw in subsequent years.
28. Subsequent decisions (e.g. the application of a strategic investment pot) could be subject to the voting principles designed to protect group, sub-regional or Mayoral interests, such as those previously endorsed by Leaders and the Mayor in the London Finance Commission (both 2013 and 2017), and set out in London Government's detailed proposition on 100% business rates in September 2016. This will require the development of formal terms of reference for Congress to underpin collective decision-making in accordance with the decision principles previously agreed. As mentioned in paragraph 22, any such decisions would not be required until the level of available resources is confirmed after all accounts have been audited (i.e. September 2019).
29. Establishing a business rates pool in London will require each authority participating in the pool to agree to do so; and to also agree the terms upon which they will participate jointly with other members, including to appoint a lead authority as accountable body for the pool and to decide how the pool should operate. While the legal framework for the operation of the pool is yet to be determined in consultation with the authorities and the Government, should the London local authorities each resolve to delegate the exercise of their relevant functions to a joint committee, such

as Leaders' Committee, this would require the Leaders' Committee governing agreement to be formally varied which requires the agreement of all 33 authorities for the variation to be effective.

Accounting and reporting arrangements

Lead authority

30. As in other existing pools, a lead authority would be required to act as the accountable body to government and would be responsible for administration of the pooled fund. The same authority – or another – could also hold any properties transferred to London from the Central List, as there is currently no legislative provision for a “regional list”. The role of the lead authority/authorities could receive political oversight from the Leaders and Mayor of London; London Councils and the GLA could provide technical support.
31. The lead authority responsibilities from existing pool agreements typically include:
- Receiving payments from pool members and making payments to central government on behalf of pool members on time.
 - Maintaining a cash account on behalf of the pool and paying interest on any credit balances.
 - Liaising with and completing all formal pool returns to central government.
 - Administering the schedule of payments between pool members in respect of the financial transactions that form part of the pool's resources.
 - Providing the information required by pool members in preparing their annual statement of accounts in relation to the activities and resources of the pool.
 - Leading on reporting to understand the pool's position during and at the end of the financial year.
32. The lead authority would, therefore, be responsible for the net tariff payment to central government as well as the internal tariff and top up payments to the pool authorities. The partner billing authorities would make payments to the lead authority based on an agreed schedule, which could be made on the same schedule of payment dates agreed for tariff and top up payments.
33. It is likely that the resources required to perform this function would be 1 FTE post, which would likely be a senior accountant with considerable experience and understanding of collection fund accounting and the business rates retention scheme.

Reporting

34. In order to perform the functions of the lead authority, each member authority of the pool would need to provide timely information as well as making payments on time to the agreed schedule.

35. Forecast (NNDR1) and outturn (NNDR3) figures will still need to be produced, as per the existing NDR Regulations 2013, in order to enable budget processes to be complete, payments determined that need to be made to the lead authority and to government (by the lead authority) and to the GLA during the course of the year as well as transfers to General Funds.
36. The pool would use NNDR1 returns to establish the schedule of payments to be made to the lead authority and for the calculation of any notional levy savings to be made. However, it would not be until the outturn position is known (the NNDR3 form) that actual reconciliation would be made and the final growth/decline for the pool as a whole, and individual pool members, would be established. This will be in September 2019 after accounts have been audited for the financial year 2018-19.
37. The NDR income figures in the forms determine the growth/decline for that year and it is this figure that would determine the amount to be shared between pool members or between local authorities and central government in the current system.

The treatment of appeals

38. Variances against forecast in the non-domestic rating income are reflected in the forecast surplus or deficit of the collection fund at the start of the following year (information which is collected as part of NNDR1). Appeals provisions impact each year on the calculation of the NNDR income figure: a higher provision in a year, everything else being equal, reduces the NNDR income figure determining growth/decline for that year.
39. A separate pooled collection fund would be required to be established that would sit with the lead authority. A key issue will be the treatment of Collection Fund surpluses and appeals provisions within the pool. The key principle pooling authorities would have to agree is that the benefits (or costs) of actions undertaken by the boroughs prior to entering the pool should remain with the borough so that no borough can be worse off than they would have been under the 50% scheme. So – for example – if a provision established in 2013-14 proves not to be necessary and is released during 2018-19, the borough should receive at least as much as it would have under the existing 50% scheme, plus its share of any additional retained revenues.
40. The pool's collection fund account would have to continue beyond the life of the pool until all appeals relating to the pool period were resolved. Provisions released after the operation of the pilot would be distributed on the basis of the pool's founding agreement – i.e. the borough where the provisions originated would receive at least as much as it would under the 50% retention system, with any additional resources being shared according to the pool's agreed distribution mechanism. There would therefore be no "gaming" benefits to individual boroughs of setting higher (or lower) provisions. The lead authority would be responsible for administering this.
41. Further work will be undertaken to set out how the accounting and reporting requirements would work in practice, which is likely to mean either additional lines on

the existing NNDR form or an additional “London pool” form administered by the lead authority. This will be confirmed as part of the final pooling agreement.

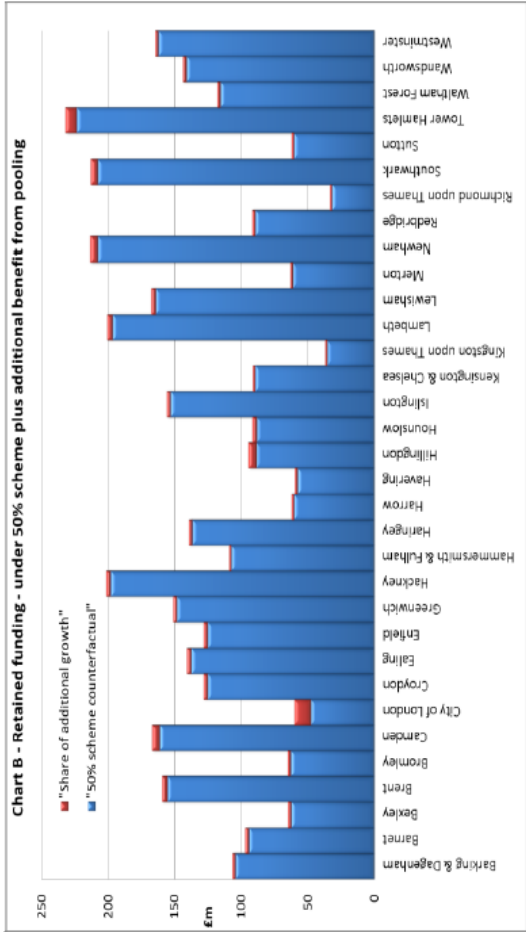
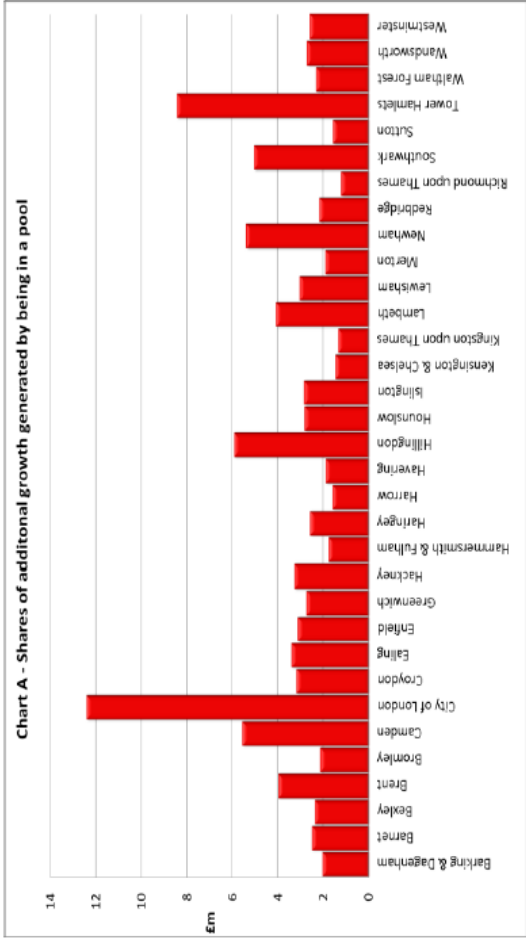
Timetable

42. A 2018-19 pilot would require agreement with Government at or around the Autumn Budget – likely to be in November 2017. This, in turn, would necessitate initial agreement in principle at the meetings of the Leaders’ Committee and Congress of Leaders on 10th October 2017 on the basis that each authority had been consulted and had either previously authorised that decision to proceed with participation in the pilot, or that their authority’s Leader had been given delegated authority to do so.
43. This draft prospectus forms the basis for internal consideration and discussion within each of the 34 prospective pooling authorities over the summer, in order for each Leader and the Mayor to be in a position to consider each authority’s in principle position about the pool and to indicate this at the Congress of Leaders on 10th October, in the event that the Government wishes to pursue a pilot pool in London.
44. A final detailed pooling agreement would then be negotiated with DCLG, with the likely deadline being the time the Local Government Finance Report is published in February 2018. Respecting the tight timeframes for the pilot’s commencement in April 2018 and the likelihood that an agreement would need to be reached with the Government in the Autumn, it is probable that further local decisions required from the 34 prospective pooling authorities relating to the legal framework to be implemented, could follow in the intervening period but all these matters would need to be resolved in a timely manner prior to April 2018 to allow for implementation.

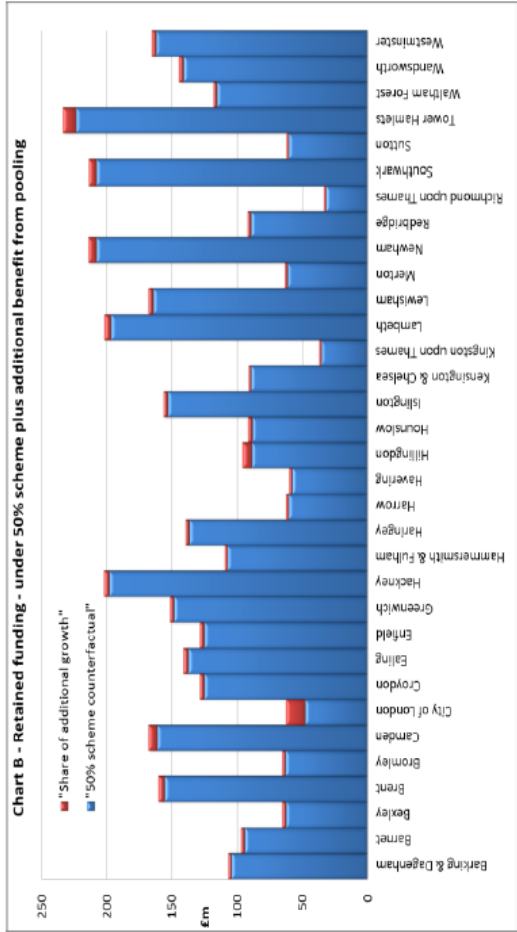
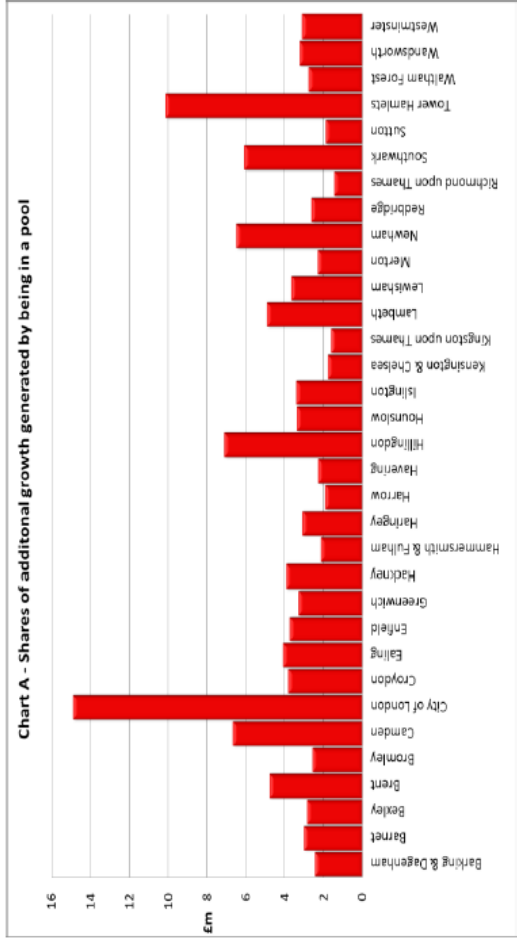
Appendix A – Modelled Options

1. This appendix shows the impact of varying weightings on the overall distribution of any net additional benefit from being in the pool. It assumes the latest growth estimates for 2018-19 across London boroughs (combining where available figures from a recent survey of treasurers and, where not available, the latest published estimates of growth in 2017-18 applied as if in 2018-19). The overall net benefit being distributed is £229m.
2. The charts below show the distribution of growth under four different scenarios for the relative weightings between the four potential distribution “pots” described above - i.e. incentives; needs (SFA); population (ONS 2018 projection) and investment pots.
 - Option A: weights each pot at 25%
 - Option B: Incentives (30%), Needs/Population (30% each) and Investment (10%)
 - Option C: Incentives (40%), Needs/Population (20% each) and Investment (20%)
 - Option D: Incentives (20%), Needs/Population (30% each) and Investment (20%)
3. For each option we have illustrated both the cash gain for each borough (red, left-hand bar charts) and the marginal gain over the retained funding under the existing 50% position (red and blue, right-hand bar charts).

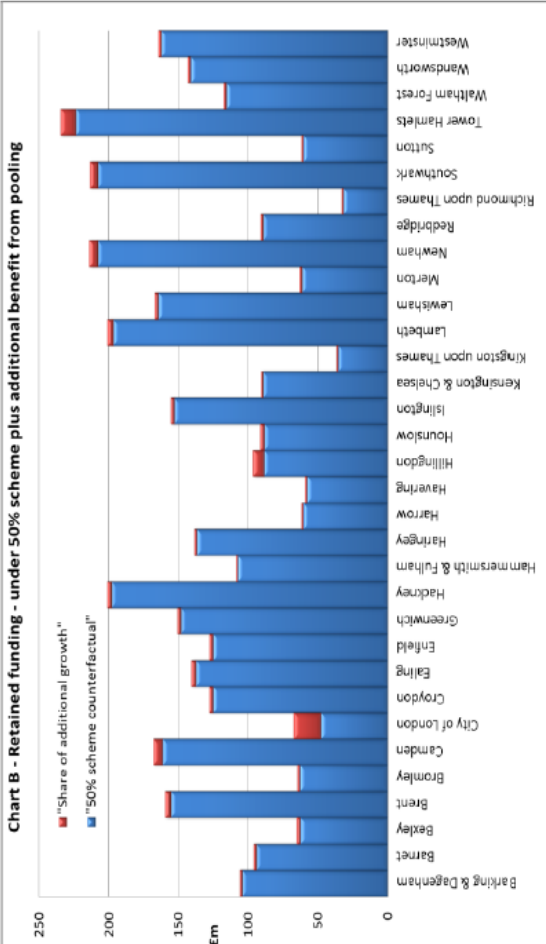
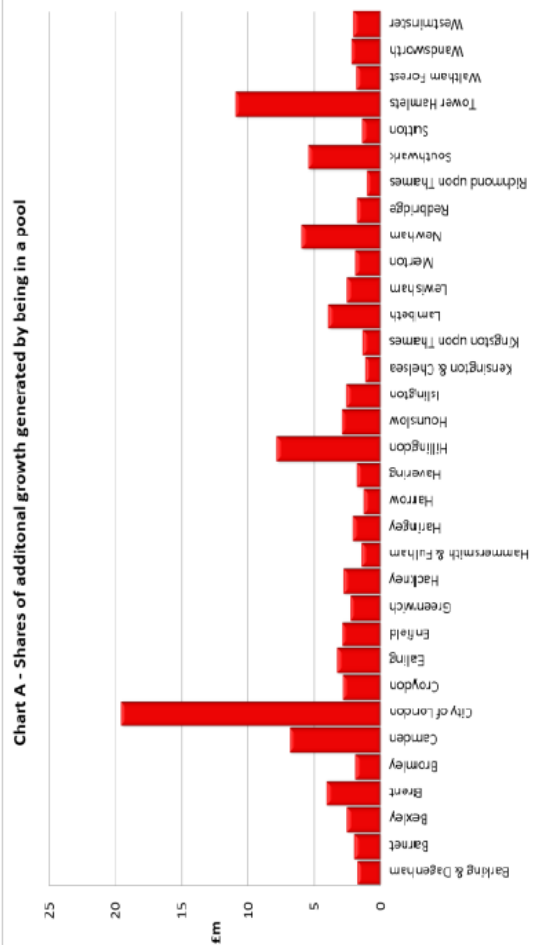
Option A: Equal split between pots – 25%/25%/25%/25%



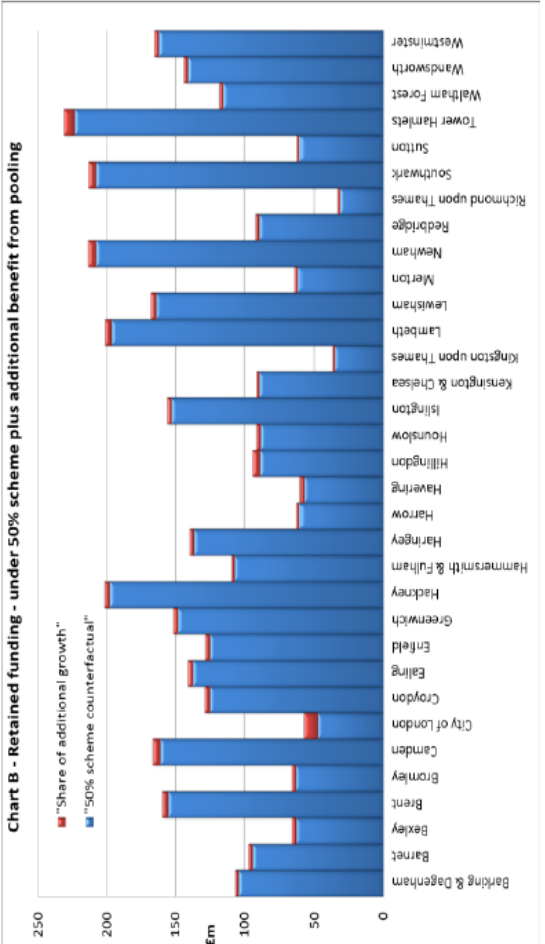
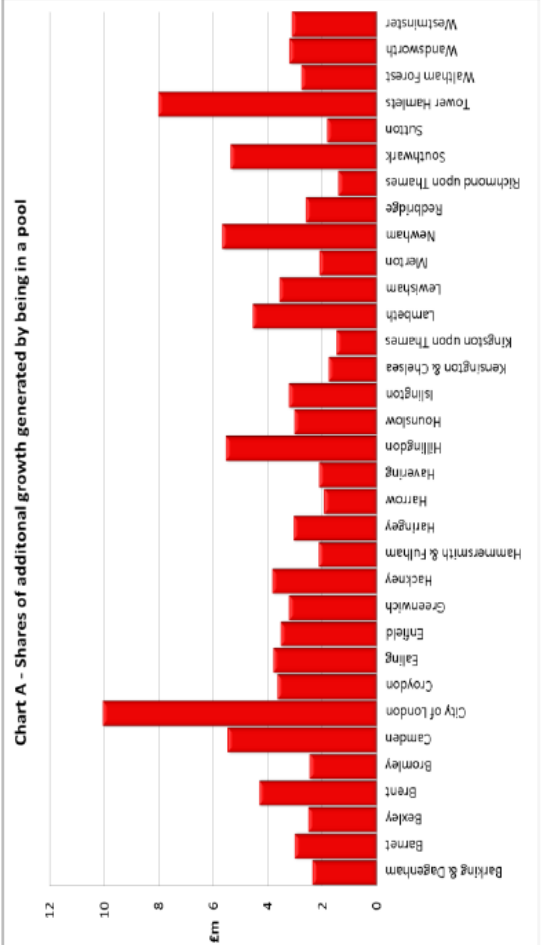
Option B: Reduced "investment pot": 30%/30%/30%/10%



Option C: Greater “incentive” weighting: 40%/20%/20%/20%



Option D: Greater “Needs/population” weighting: 20%/30%/30%/20%





HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

14 August 2017

Sadiq Khan
Mayor of London
City Hall, The Queen's Walk
More London
London
SE1 2AA

Cllr Claire Kober
Chair, London Councils
59½ Southwark Street
London
SE1 0AL

Dear Sadiq & Claire

Thank you for your letter and ongoing commitment to working together to support the continued interests of London and the rest of the UK.

The government remains committed to implementing the Memorandum of Understanding (MoU) on further devolution to London that we agreed at Budget. I understand that discussions are ongoing across government and with London partners to make progress on the areas covered by the MoU. I expect these discussions to continue over the coming months and will continue to monitor their progress to ensure that we are delivering on our shared commitments.

The government remains committed to continuing to give local government greater control over the money it raises, and intends to maintain an open dialogue with local government about the best way to achieve this. Government officials, the GLA and London Councils are exploring the possibility of piloting 100% business rates retention in London from as early as April 2018. Any such deal would form part of a wider package of powers and flexibilities over the administration of business rates in London, in line with the commitment in the MoU.

I welcome the work being done by the Mayor's Office and the Department for Transport on Crossrail 2. However, we must ensure that any investment is both affordable and fair to the national taxpayer.

I also welcome your intention to work with the government to take urgent action to tackle air pollution. Improving air quality is a priority for this government. As you will have seen,

we have now published our *UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations*, which sets out plans to meet our environmental responsibilities and ensure our towns and cities are clean, healthy places to live. We are committed to working closely with London and other cities as we implement the Plan and I understand that our officials have been in contact regarding the proposals you mention.

Last year I announced that the government will guarantee all European Structural and Investment Fund (ESIF) projects signed before the UK leaves the EU. This includes those projects that will continue after the UK has left the EU. Funding for projects will be guaranteed if the relevant government department believes that they provide good value for money and are in line with domestic priorities.

The government's manifesto committed to creating a UK Shared Prosperity Fund using the structural fund money that comes back to the UK. The government will consult widely on the design of the fund. This will include London partners and we will set out further details on this in due course.

I am aware that DCLG are working closely with Westminster Council and the West End Partnership to consider the case for the government to provide support for investment in London's West End. Officials are analysing the detail of the proposal. The government will take a decision on its support for the scheme once this process is completed.

I look forward to continuing to work with you to support the continued growth and prosperity of London and the rest of the UK. I am copying this letter to the Rt Hon Greg Hands MP, Minister for London, and Rt Hon Gavin Barwell, the Prime Minister's Chief of Staff.



PHILIP HAMMOND

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REPORT No.
ED18016

London Borough of Bromley

Part 1 - Public

Agenda
Number

<Please Select>

Decision Maker: EXECUTIVE

Date: Wednesday, 13 September 2017

Decision Type: Non-Urgent Executive Key

Title: GATEWAY REPORT: SHORT BREAKS FOR DISABLED CHILDREN & YOUNG PEOPLE

Contract Officer: Hilary Rogers, Joint Commissioner for Disabled Children Services

Tel: 020 8464 3333 x 3059

E-mail: hilary.rogers@bromley.gov.uk

Chief Officer: Ade Adetosoye, Deputy Chief Executive

Ward: Borough-wide

1. REASON FOR REPORT

- 1.1 In December 2014 Riverside School was awarded a three year contract for the provision of group based short breaks for disabled children and young people. The contract commencement date was 1 April 2015.
 - 1.2 The contract was awarded on the basis of exemption from tendering due to the lack of alternative providers and due to the specialist nature of the provision.
 - 1.3 Council officers have undertaken an options appraisal, including robust market research to determine whether there are alternatives to the current service providers which would enable a competitive tendering process to be viable. However, there is no evidence that there are suitable alternatives that would provide for the specialist needs of this group of children and young people, particularly given the reliance upon the specialist facilities which are available at Riverside School.
 - 1.4 Executive is asked to approve the contracting of Riverside School for a three year period, with allowance for a further two year extension, commencing 1 April 2018 on the basis of an exemption from tendering
-

2. RECOMMENDATION

- 2.1 Executive is asked to agree to enter into a contract with Riverside School for the purpose of providing short breaks for disabled children and young people for a period of three years from 1 April 2018, with further allowance for a two year contract extension after that date on the basis of an exemption from tendering

Corporate Policy

1. Policy Status: Existing policy
 2. BBB Priority: Children and Young People : The Council will provide the best possible service to deliver appropriate support to all children and young people. The Council will fulfil our duty of care to ensure the wellbeing of our vulnerable children and young people
-

Financial

1. Cost of Proposal: Choose an item. £191,492 recurring for 3 + 2 years
 2. Ongoing Costs: Choose an item. 191,492 £Recurring over 3 + 2 years
 3. Budget Head / Performance Centre: 834105/3715 & 834105/3516
 4. Total current budget for this head: £191k
 5. Source of funding: Core
-

Staff

1. Number of staff (current and additional): 89
 2. If from existing staff resources, number of staff hours: A number of staff are already employed by Riverside School and undertake this work in addition to their school hours and on separate contracts specifically for 'extended services'. The remainder of the staff are employed for the purpose of delivery of this provision only
-

Legal

1. Legal Requirement: Statutory Requirement. Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children in their area who are in need by providing a range of services appropriate to need. Breaks for Carers of Disabled Children Regulations 2011 imposes a duty on the Council to have regard to the needs of carers who would be unable to continue to care unless breaks from caring were given.
 2. Call-in: Call-in is applicable. Executive decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 120 users
-

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 The Council has a statutory duty to provide short breaks to those assessed as being eligible for such provision. The duty extends to the Council providing an appropriate and relevant range and choice of short break services
- 3.2 An appropriate level (appropriate to individual needs) of short breaks acts as a preventative mechanism to support disabled children and young people to remain in their family homes, within their local community and to enjoy their education within Bromley schools. Failure to provide this support can lead to costly alternative measures, including placing children in full time care. The provision of this service effectively offers costs avoidance in respect of increases in out of borough placements.
- 3.3 The majority of group based short breaks are currently provided by the commissioned Riverside contract. This contract provides short breaks to disabled children and young people who are resident in Bromley and aged 5 to 18 with the most complex needs including autism with challenging behaviour, complex and severe learning disabilities, complex and severe physical disabilities and medical disabilities. The majority of service users attend the borough's special schools and the borough's mainstream schools with special provisions attached, with a smaller number attending school provision outside of the borough.
- 3.4 This contract provides short breaks during the following periods:-

School summer holiday	3 weeks (5 days per week)	50 places per day*
School Easter holiday and Christmas holiday	4 days over each holiday	50 places per day*
Saturdays	2 Saturdays per month, except during August	32 places per day*

* Each 'day' is a 6 hour session

- 3.5 There are currently 114 children and young people attending the provision, being allocated a number of 'days' according to assessed need thus:-

Number of days allocated	Number of children/ young people
0 - 9	28
10 -18	58
19 +	28

- 3.6 The needs of the attendees require high staffing ratios and care facilities. Staffing ratios are typically either 1:1 or 1:2. However, an increasing number of users require 2:1, i.e. two adults to one child.
- 3.7 The current unit cost is £92.50 per child per session (each session being of six hours duration)

3.8 The recognised outcomes for the lower need users are that parents/carers have a substantial break from their caring responsibilities whilst ensuring that the child/young person has an enjoyable experience. The outcomes for the higher need users are that the provision serves as part of a complex care plan enabling disabled children and young people to remain within their family home, avoiding family breakdown and the need to take a child into care.

3.9 Riverside contracting history

Date	Contract type	Value
1 April 2010, option to extend to March 2012	Open market tender. Service Level Agreement	£238,405 p.a.
1 April 2012 to 31 March 2014	Awarded on basis of exemption	£249,004 p.a.
1 April 2014 to 30 September 2014	Awarded on basis of extension	£113,937 (6 months, inc summer holiday)
1 October 2014 to 31 March 2015	Further contract extension	£79,917 (6 months exc. Summer holiday)
1 April 2015 to 31 March 2018	Awarded on the basis of an exemption for 3 years until March 2018	£171,493 p.a. (Number of sessions reduced within this contract)

3.10 The Riverside contract terminates on 31 March 2018

3.11 OPTIONS FOR FUTURE PROVISION

3.12 **Option One – Continue with Riverside School as the short break provider : Exemption required**

3.12.1 Riverside School has provided a Council commissioned group based short breaks provision for a number of years. The number of children who can attend the scheme at one time offers an economy of scale, particularly given the diverse range of needs which are accommodated. The school premises are the only suitable premises in the borough which can accommodate this range of need at any one time. The school provides excellent resources in terms of specialist equipment, including access to two swimming pools (which can be utilised simultaneously for hydrotherapy purposes for attendees of the scheme), specialist rooms such as sensory rooms and soft play areas.

3.12.2 Riverside has been requested to increase the provision by an additional 2 days per year, being two days over the February School half term. This has been identified as a period when parents/carers report unmet need.

3.12.3 The Riverside proposal entails a unit cost of £98. This cost represents good value for money in comparison to bids that were received for similar provision in February 2017 (see 6.2 below). This is achieved by the transference of expertise across education and short breaks which means that many staff who are competent in managing the range of service users within the school environment can readily transfer those skills to the short break environment without any additional training and or competency testing. There is only one overhead cost.

- 3.12.4 Many children and young people who attend the scheme have a diagnosis of ASD and are attendees of Riverside School. The venue and staffing structure offers consistency in their surroundings which is critical for many of these attendees.
- 3.12.5 Officers undertook a series of focus groups with parents/carers in May 2017 (see 7.1 below). All parents/carers who attended and whose children/young people attend the Riverside scheme were extremely supportive of the scheme and indicated that they would not wish to be offered an alternative group based provision. Many attendees are already known to the staff and parents/carers feel confident in the caring and support provided by the staff.

3.13 Option Two – Open Market Tender

- 3.13.1 Council officers undertook a 'Provider Event' in January 2017. Providers were invited to attend to discuss future potential short break tendering opportunities, with a focus on increasing inclusive opportunities. Only 5 providers attended this event.
- 3.13.2 In February 2017, Council officers prepared for a tendering opportunity to be launched on Due North. Part of the process was to contact possible providers in order to bring this opportunity to their attention. Contacts were made with a range of providers in all of the boroughs adjoining Bromley, the rationale being that they would be considered 'local' and have good knowledge of the local demographics. Contacts were also made with national providers. In the event, 6 tenders were received, none of which were progressed due (i) the high costs associated with the tenders, (ii) the focus on tenderer's provision being on specific disabilities and (iii) the lack of a wide range of specialist experience and knowledge of the client group.
- 3.13.3 Working with Bromley Parent Voice, significant Council officer and parent time has been spent researching possible venues across the borough which could accommodate a relatively large number of children and young people in the same place at the same time during school holiday and weekend periods. Aside from Riverside School's St Paul's Cray site there is no similar venue resource in the borough. Riverside School will not consider a third party using the school premises for this purpose.
- 3.13.4 The provision could be divided into disability specific 'lots' but this would result in a number of overhead costs being included within funding requirements which is not cost efficient.

3.14 Option Three : Transfer all service users onto Direct Payments

- 3.14.1 A number of parents/carers elect to have a Direct Payment in lieu of a commissioned service from the Council. Direct payments may be used flexibly to enable parents/carers to have a break from caring responsibilities and to afford the child/young person an enjoyable experience. Typically the direct payments are used to employ a 'personal assistant' who accompanies the child/young person to activities.
- 3.14.2 Officers undertook a series of focus groups with parents/carers in May 2017 (see 7.1 below) which included a workshop on direct payments. The feedback was that although all parents/carers are given the option of a direct payment, many choose not to take one and prefer for the Council to commission services on their behalf. This is due to a number of factors but the majority comment was that there is no relevant provision within the community which their very complex children and young people can safely access and they therefore value the security of a specialist group based provision, in safe secure premises with suitably trained and skilled staff.
- 3.14.3 The Council does have a duty to provide a range and choice of short break services.

4. SERVICE PROFILE / DATA ANALYSIS

- 4.1 There are currently 330 children and young people known to the Disabled Children's Team in Children's Social Care. Of those, 265 receive a level of short breaks but not all elect to have group based short breaks.
- 4.2 The primary disability of the current Riverside short breaks attendees is as follows (most children & young people will have a co-morbidity with other disabilities):-

Primary disability	Number of children/young people
Autistic Spectrum Disorder (ASD)	64
Learning Disability	13
Physical Disability	9
Complex Health Needs	3
Other	25

5. CUSTOMER PROFILE

- 5.1 Disabled children and young people aged 5 to 18 who are resident in Bromley and aged 5 to 18 with the most complex needs including autism with challenging behaviour, complex and severe learning disabilities, complex and severe physical disabilities and medical disabilities.
- 5.2 All service users are assessed for eligibility for service provision by the Disabled Children Team in Children's Social Care.

6. MARKET CONSIDERATIONS

- 6.1 There is no local market for the provision of specialist group short breaks which can address the range of needs identified above (see 5.1). There are some providers who are disability specific, for example, CASPA, providing for children and young people with ASD, but none who can offer provision for the numbers and range required.
- 6.2 Unit costs for this provision are variable. Information taken from tenders received in February 2017 indicate an average £152. Proposed Riverside unit cost for provision beyond March 2018 £98
- 6.3 There are national providers of similar schemes but, as noted in 3.13, the likelihood of a different provider being able to source a suitable venue and provide at a cost comparable to Riverside School has been evidenced to be unachievable.
- 6.4 Contact is regularly maintained with the provider market through national and regional networking events but most providers are focusing on consolidation of existing arrangements rather than seeking expansion opportunities.
- 6.5 Council officers have had discussions with commissioners in neighbouring boroughs to identify if children/young people who are Bromley residents but who live closer to neighbouring borough provision might be eligible to attend that provision. The response to these enquiries was generally positive, availability permitting.

7. STAKEHOLDER CONSULTATION

- 7.1 Officers undertook a series of borough wide focus groups with parents/carers in May 2017. These were carried out in Penge, central Bromley and Orpington and addressed a number of issues linked to the provision of short breaks. Without exception, those using the Riverside provision regard it as being of high quality, safe and welcoming to their children and young people.
- 7.2 Riverside School undertakes an annual evaluation of the provision. The December 2016 report noted 'positive feedback and high demand for the service'.

8. SUSTAINABILITY / IMPACT ASSESSMENTS

- 8.1 Riverside School provides employment opportunities for many Bromley residents.
- 8.2 The provision enables the opportunity for crossing expertise across the services (education and short breaks) as a number of school staff also work on the short breaks scheme.
- 8.3 The provision maximises the use of school premises and resources

9. OUTLINE PROCUREMENT STRATEGY & CONTRACTING PROPOSALS

- 9.1 Estimated Contract Value – £ 191,492
- 9.2 Other Associated Costs – None
- 9.3 Proposed Contract Period – Three years, commencing 1 April 2018, with an option for a further two year extension.
- 9.4 Commissioners have provided the service specification to Riverside School, including the detail of the minimum level of provision required over the contract period.
- 9.5 The Riverside School Governing Body and School Management have confirmed their acceptance of the details as per 9.4 above and confirmed a contract price for the provision.

10. POLICY CONSIDERATIONS

- 10.1 Building a better Bromley 2016/18 : Key priorities (i) early intervention for vulnerable residents, (ii) providing the best possible service to deliver appropriate support to all children and young people (iii) fulfilling the Council's duty of care to ensure the health, wellbeing and achievement of our vulnerable children.
- 10.2 Children Services Improvement Plan

11. COMMISSIONING & PROCUREMENT CONSIDERATIONS

- 11.1 The value of the proposed contract is around £960k and therefore falls within services which are required to be placed in compliance with the Public Contract Regulations 2015, all be it the "Light Touch Regime" it identifies, allows some flexibility in the approach taken (CI 74-77 refer) The proposal being made indicates that there is an absence of competition within this activity for "technical reasons" and therefore the service is being tendered (and in compliance with) the provision of Clause 32 of the Regulations, which does not need for a Contract Notice to be issued. However, the Council still has a requirement to ensure value for money is obtained from this process, and this will need to be demonstrated within the negotiations which will take place with the intender provider.

12. FINANCIAL CONSIDERATIONS

12.1 The costs of the new and current provision are detailed in the table below:-

<u>Provision</u>	<u>Current Cost</u>	<u>Proposed Cost</u>	<u>Difference</u>
School Summer Holiday	69,374	73,500	4,126
School Easter and Christmas Holiday	37,000	39,200	2,200
School February half term holiday	0	9,800	9,800
Saturdays	65,119	68,992	3,873
	171,493	191,492	19,999

12.2 It can be seen from the table that there is an increase in cost in the new contract of £19,999. This is due to increased provision (February half term holiday) and the increase in price from £92.50 a session to £98.00 a session.

12.3 This still represents value for money when compared to the average cost of £152 taken from the tenders in February

12.4 Budget is available within the service to contain these costs, including the additional costs

13. PERSONNEL CONSIDERATIONS

13.1 There are no direct Personnel Implications arising from this report as it proposes a continuation of the current contractual arrangement. There are a couple of considerations for the future which may impact:

(1) If the service at some point in the future is delivered by another provider which would require a separate report at that time detailing any personnel Considerations including potential TUPE implications for staff. It would therefore be prudent to ensure that the work being undertaken by staff in this area is distinguished contractually from the work undertaken separately in the school.

(2) In the event that the school converts to an Academy in the intervening period where TUPE implications would arise.

14. LEGAL CONSIDERATIONS

14.1 The service is a 'light touch' service under the Public Contracts Regulations 2015 (Regulations). As the contract value is in excess of the relevant threshold it was procured in compliance with the Regulations. It is proposed to make a direct award under the provisions of Regulation 32 in the absence of competition in the market for this service. A waiver from the need to tender the contract under the council's contract Procedure Rules can be granted under Rule 13.

Non-Applicable Sections:	Not Applicable
Background Documents: (Access via Contact Officer)	Riverside School Evaluation of Holiday and Saturday Clubs December 2016 http://www.riversideschool.org.uk Short Breaks Statement June 2017 https://bromley.mylifeportal.co.uk/abreakfromcaring Breaks for Carers of Disabled Children Regulations 2011 http://www.legislation.gov.uk/ukxi/2011/707/made Children & Families Act 1989 http://www.legislation.gov.uk Appendices to be included
	Version CP@5/16

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Report No.
CS18060

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 5th September 2017

Decision Type: Non-Urgent Executive Non-Key

Title: PUBLIC HEALTH COMMISSIONING INTENTIONS 2018/19

Contact Officer: Mimi Morris-Cotterill, Assistant Director (Public Health)
E-mail: mimi.morris-cotterill@bromley.gov.uk

Chief Officer: Director of Public Health

Ward: Borough-wide

1. Reason for report

- 1.1 This report summarises, for information, the Public Health commissioning intentions for 2018/19.
- 1.2 Sexual health services, covering Genitor-Urinary Medicine (GUM), are currently delivered through a pan-London arrangement via an agreement between local authorities. This is supported by an annually agreed Memorandum of Understanding and an Inter-Authority Agreement. Authorisation is sought from Executive to continue these arrangements for 2018/19 with delegated authority for renewal for the following two years.

2. RECOMMENDATIONS

- 2.1 The Care Services PDS Committee is asked to note and comment on the contents of this report prior to Council's Executive being requested to:
 - i) Note the 2018/19 Public Health commissioning intentions summary in Appendix 1 to Report CS1806; and,
 - ii) Note the Council's current participation in the pan-London collaborative commissioning arrangements for Sexual Health Services and approve the continuation of these arrangements for 2018/19; and to delegate authority to the Director of Public Health, in consultation with the Portfolio Holder for Care Services for subsequent annual renewal for the following two years.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Public Health commissioned services benefit vulnerable adults and children.
-

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost: All covered under existing Public Health Grant
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Director of Public Health
 4. Total current budget for this head: £15.1m (2017/18)
 5. Source of funding: Public Health Grant
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: See report.
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Public Health Commissioning Intentions 2018/19

- 3.1 This report provides a summary, contained in Appendix 1, of the Public Health commissioning intentions for 2018/19. The contracts detailed in Appendix 1 have already, where appropriate, been subject to individual reports to Members for authorisation to proceed with the proposed procurement strategy or award of contract.

Pan-London Arrangements for Sexual Health Services 2018/19

- 3.2 The London Borough of Bromley participates in a pan-London collaborative commissioning arrangement for the provision of integrated sexual health services in Genitor-Urinary Medicine (GUM) setting. The mechanism for this is the annual agreement of a Memorandum of Understanding (MoU) and Inter-Authority Agreement (IAA) between all participating London local authorities.
- 3.3 A budget of £1.6m per annum is allocated to provision of services through this collaborative arrangement.
- 3.4 The collaborative arrangement continues to prove effective for the commissioning of sexual health services for Bromley residents. Savings have been achieved over the past three years with actual spend reducing from £1.64M in 2014/15 to £1.55M in 2016/17.
- 3.5 The London Integrated Sexual Health Tariff has been implemented, currently with one provider trust and further roll outs expected later during 2017/18. A London wide online testing service is expected to go live in quarter three of 2017/18. Both initiatives are expected to generate savings across London; however, the level of savings realised at the local level will be dependent upon the successful implementation of demand management through diversion of asymptomatic patients to online services.
- 3.6 Executive is asked to authorise renewal of the Memorandum of Understanding and Inter-Authority Agreement for 2018/19. Executive is also asked to grant delegated authority to the Director of Public Health, in consultation with the Care Services Portfolio Holder, the Director of Commissioning, the Director of Corporate Services and the Director of Finance, for renewal of the MoU and IAA for the following two years.

4. POLICY IMPLICATIONS

- 4.1 The proposals set out in this report are consistent with current policy.
- 4.2 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."

5. FINANCIAL IMPLICATIONS

- 5.1 The spend over the last three years on Sexual health services is detailed in the table below. There is budget available within the Public Health budget to continue with this service:-

Sexual Health contracts – acute GUM service

Contract	Service	14/15 Spend £'000	15/16 Spend £'000	16/17 Spend £'000
In-Borough - King's College Hospital	GUM	990	932	871
Other London Providers	GUM	152	138	135
Other acute hospital providers	GUM	497	508	549
Total		1,639	1,578	1,555

- 5.2 The Public Health Grant is a central government grant which is ring-fenced. The Department of Health grant allocation for Bromley was £15,096 k in 2017/18. There have been reductions in the Grant in last three years and it is not certain yet whether there will be further reductions in the Grant in 2018-19.
- 5.3 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.
- 5.4 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.
- 5.5 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.

6. LEGAL IMPLICATIONS

- 6.1 This report uses existing legal frameworks, such as the scheme of delegation, to manage and administer the responsibilities placed on the Council.
- 6.2 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.”

- 6.3 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”).”

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

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Personnel Implications, Procurement Implications
Background Documents: (Access via Contact Officer)	<p>National Child Measurement Programme update, January 2017 (Report CS17101)</p> <p>Commissioning Strategy – Health Visiting and Family Nurse Partnership, July 2016 (Report CS17019)</p> <p>Contract Award 0-4 Health Visiting and Family Nurse Partnership, May 2017 (Report CS1808)</p> <p>Gateway Review-Procurement for a Sexual Health Early Intervention Service, July 2016 (Report CS17018)</p> <p>Gateway review of Substance Misuse Services, May 2015 (Report CS14134)</p> <p>Gateway Review – Adults and Young People Substance Misuse Services, May 2017 (Report CS18005)</p> <p>Appointments to the Framework for Various Public Health Services, February 2014 (Report CS14018)</p> <p>Gateway Review of the Public Health Service Level Agreements with General Practices, September 2017 (Report CS18051)</p>

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PUBLIC HEALTH COMMISSIONING INTENTIONS 2018/19

This table summarises the current range of contracts held by Public Health and the commissioning intentions for each contract for 2018/19. The majority of contracts will, or have been, subject to separate papers for Executive, Portfolio Holder or Chief Officer authorisation as appropriate.

PUBLIC HEALTH AREA	CURRENT CONTRACT	PROVIDER	START DATE	END DATE	ANNUAL VALUE	WHOLE LIFE VALUE	COMMISSIONING INTENTIONS 2018/19
Substance Misuse	Adults Substance Misuse Service	Change Grow Live	01/12/2015	30/11/2018	£1,216,490	£3,649,470	Procurement strategy for retendering of all substance misuse contracts as a single lot agreed by Executive May 2017. Procurement process to commence.
Substance Misuse	Young Persons Substance Misuse Service	Change Grow Live	01/12/2015	30/11/2018	£165,190	£495,570	Procurement strategy for retendering of all substance misuse contracts as a single lot agreed by Executive May 2017. Procurement process to commence.
Substance Misuse	Needle Exchange Service	Multiple Providers (Framework Call Off)	01/04/2016	30/11/2018	£15,000	£45,000	Procurement strategy for retendering of all substance misuse contracts as a single lot agreed by Executive May 2017. Procurement process to commence.
Substance Misuse	Supervised Administration of Methadone Service	Multiple Providers (Framework Call Off)	01/04/2016	30/11/2018	£29,200	£87,600	Procurement strategy for retendering of all substance misuse contracts as a single lot agreed by Executive May 2017. Procurement process to commence.
Substance Misuse	Detoxification and Rehabilitation Places	Multiple Providers (Spot Purchase)	N/A	N/A	N/A	N/A	Placements are procured on a spot purchase basis.
Substance Misuse	Dual Diagnosis	N/A	N/A	N/A	£64,000	N/A	This service is commissioned by the CCG under the main mental health block contract, with funding contribution from Public Health under a S75 agreement. This arrangement is planned to continue.

PUBLIC HEALTH AREA	CURRENT CONTRACT	PROVIDER	START DATE	END DATE	ANNUAL VALUE	WHOLE LIFE VALUE	COMMISSIONING INTENTIONS 2018/19
Sexual Health	Sexual Health Early Intervention Service	Bromley Healthcare	01/10/2017	30/09/2019	£926,562	£2,779,686	Formal extension options available to extend contract to 2021. Authorisation for extension, as appropriate, to be actioned by March 2019.
Sexual Health	Genito-Urinary Medicine (GUM)	N/A	01/04/2017	31/03/2018	£1,609,000	£1,609,000	Commissioning of London integrated sexual health services through a pan-London collaborative commissioning arrangement. Executive authorisation for continuation of arrangements to be considered at September 2017 Executive.
Sexual Health	Software Licence Community Pharmacy Scheme	North 51 Ltd	01/04/2016	31/03/2019	£4,950	£14,850	No other alternative IT system so authorisation to continue renewal of software licence to be actioned no later than September 2018.
Health Checks	General Practice Service Level Agreements	Multiple Providers	01/04/2014	31/03/2018	£550,000	£2,060,000	This is a collated entry for multiple small value service level agreements with Bromley GP's. Executive authorisation to renew SLA's for 2018/19 (and subsequent years) to be considered at September 2017 Executive.
Health Checks	NHS Health Check	Bromley GP Alliance	03/01/2017	30/09/2017	£12,000	£12,000	This was a pilot project. Following evaluation of the pilot, Executive authorisation is sought to award the contract to the current provider for a three year period commencing April 2018 to be considered at September 2017 Executive.

PUBLIC HEALTH AREA	CURRENT CONTRACT	PROVIDER	START DATE	END DATE	ANNUAL VALUE	WHOLE LIFE VALUE	COMMISSIONING INTENTIONS 2018/19
Health Checks	Point of Care Testing	Alere	01/04/2016	31/03/2018	£100,000	£180,000	As a specialist service (equipment and training), Portfolio Holder authorisation is sought for a further award of contract for a period of three years to the current provider. Authorisation for award of contract to be considered at September Care Services PDS.
Health Checks	Training to Support Programme	Smart Health Solutions	01/09/2016	31/08/2018	£3,000	£9,000	A further one year extension is available in the contract and, subject to performance monitoring, authorisation from the Executive Director ECHS for the extension will be sought no later than March 2018.
Children's Public Health	Health Visiting Service	Oxleas	01/10/2017	30/09/2020	£3,288,000	£9,865,000	Gateway Review for future procurement strategy to be developed in 2019.
Children's Public Health	Health Support to Schools	Bromley Healthcare	01/04/2017	31/03/2018	£303,000	£303,000	Options paper for future development of services, including extension option, to be considered at Care Services PDS in September.
Children's Public Health	Primary School Screening Programme	Bromley Healthcare	01/10/2017	30/09/2020	£159,858	£479,574	Gateway Review for future procurement strategy to be developed in 2019.
Framework	Public Health Framework	Multiple Providers (Framework Call Off)	03/03/2014	02/03/2018	N/A	N/A	This framework will expire on the due date, replaced by alternative contract arrangements.

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Report No.
CS18051

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 5th September 2017

Decision Type: Non-Urgent Executive Non-Key

Title: GATEWAY REVIEW OF THE PUBLIC HEALTH SERVICE LEVEL AGREEMENTS WITH GENERAL PRACTICES

Contact Officer: Mimi Morris-Cotterill, Assistant Director (Public Health)
E-mail: mimi.morris-cotterill@bromley.gov.uk

Chief Officer: Director of Public Health

Ward: Borough-wide

1. Reason for report

- 1.1 This report sets out a review of the performance of Service Level Agreements with Bromley GP Practices for the delivery of specified Public Health programmes and outlines the 2018/19 commissioning intentions for these services.

2. RECOMMENDATIONS

- 2.1 The Care Services PDS Committee is asked to note and comment on the contents of this report prior to Council's Executive being requested to:

- i) Approve the award of Service Level Agreements to GPs for the provision of NHS Health Checks and Sexual Health Services by granting an exemption from tendering as per Sections 3 and 13 of the Council's contract procedure rules for a period of three years until 31 March 2021; and,
- ii) Approve an exemption from tendering under Sections 3 and 13 of the Council's contract procedure rules and award a contract to Bromley GP Alliance as an Alternative Provider of NHS Health Checks for a period of three years until 31 March 2021.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Public Health programmes benefit vulnerable adults and children.
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable: All covered under existing budgets from the Public Health Grant.
 2. Ongoing costs: Recurring Cost: Contract management and financial support for Public Health will be part of 'Business as Usual' and will be covered through a general support recharge to Public Health.
 3. Budget head/performance centre: Assistant Director, Public Health (Sexual Health). Head of Vascular Disease Prevention Programme (NHS Health Checks)
 4. Total current budget for this head: £3.5 million (Sexual health), £640,000 (NHS Health Checks), 2017-18
 5. Source of funding: Department of Health: Public Health Grant.
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: See report.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide Sexual Health services, 95,000 people eligible for an NHS Health Check.
-

Ward Councillor Views

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

3. COMMENTARY

Current Contract Value (2017/18)

General Practice Service Level Agreements	
- Sexual Health	£374k
- NHS Checks	£176k
Bromley GP Alliance – NHS Health Checks (pilot)	<u>£12k</u>
Total contract sum p.a.	<u>£562k</u>

Estimated New Contract Value (3 years from 2018/19 to 2020/21)

General Practice Service Level Agreements	£1,650k
- Sexual Health	
- NHS Health Checks	
Bromley GP Alliance – NHS Health Checks	<u>£90k</u>
Total cumulative contract sum for three years.	<u>£1,740k</u>

Context

- 3.1. This paper reviews the provision of NHS Health Checks and Sexual Health Services by general practices under the Public Health Service Level Agreements with GP Practices (SLA).
- 3.2. These annual agreements are exempt from contract procedure rules by the Executive and the latest approval was granted in October 2016 (CS17046).
- 3.3. GP participation in these Public Health programmes remains vital as GP practices hold patient lists covering the local population and have direct access to those patients the Public Health programmes seek to target.

Current Commissioning Arrangements

- 3.4. All 45 registered GP Practices in the Borough have signed up to deliver one or more elements of these services from 2014 to 2018. This excellent engagement of GP Practices is indicative of the good relationships that Public Health has with these primary care contractors. It will serve as the bedrock for developing integrated preventative models with community providers in future.
- 3.5. Each SLA is held with the individual General Practice and the budget allocated across each individual contractor is in general relatively low, an average of £10,000p.a., with each SLA aggregated value well below the threshold for the light touch regime of £589,148. Additionally, there is no guarantee of any payment through the contract as it is based on actuals against a set of competitive prices included in the service specifications.

NHS Health Checks

- 3.6. This programme is designed to prevent vascular diseases and local authorities are mandated to offer NHS Health Checks to 20% of the total eligible population per year. No target is set for the percentage of those eligible to receive a health check but continuous improvement to the percentage is expected and is one of the five statutory requirements:

- Invite each eligible person aged 40-74 for an NHS Health Check once in every five years and for each person to be recalled every five years if they remain eligible
- Risk assessment to include specific tests and measurements
- Each person having their NHS Health Check is told their cardiovascular risk score, and other results are communicated to them
- Record specific information and data and, where the risk assessment is conducted outside the person's GP practice, information to be forwarded to the person's GP
- Improve continuously the percentage of eligible individuals having an NHS Health Check

3.7 Eligible people are identified through GP registers which include clinical information held by practices that are not available anywhere else. The actual checks itself can either be carried out by GP practices or through other providers. However, the statutory requirement of incorporating health check results in patients' clinical records and the ongoing record management means GP practices will continue to play a key role in the provision of this programme.

Local Delivery

- 3.8 44 (out of 45) Bromley GP Practices have signed up to offer NHS Health Checks to 20% of their eligible patients. Efforts were made to engage the remaining GP practice without success due to their perceived view of insufficient financial reward. Alternative provision for the eligible population from this practice will need to be commissioned.
- 3.9 Payment to practices is based on completed checks - £16 for each check carried out and while practices are not paid for the invitation, there is an administration fee of £6 for each completed check payable to GP practices regardless of provider. The administration fee covers management of NHS Health Check register, data entry including data transfer from other providers and necessary follow ups as a result of the check. In addition, there are levels of incentive payments for achieving 10% and 20% of invitations, to stimulate required activity.
- 3.10 To control spend, Bromley caps those eligible to receive an NHS Health Checks to 10% of the total eligible population. The current uptake is below this level so there is no concern that the NHS Health Checks budget will overspend. The budget also allows alternative providers to be commissioned when GP practices underperform.
- 3.11 Other providers including community pharmacies and ToHealth, (a private company providing an outreach NHS Health Checks service) were commissioned in the past (2014-2016) through the PH framework agreement to ensure accessibility. However, these providers were considerably more expensive than GP practices (see Table 2 below).

Table2: 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) ¹
<i>Checks carried out by Providers</i>			
GP Practices	5,994	£16.00	£22.00
ToHealth	1,851	£39.92	£45.92
Community Pharmacies	274	£28.02	£34.02
<i>Total Checks</i>	8,119		

- 3.12 In addition, 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 identified by internal audit as an area of risk. As a result and due to saving requirements, these contracts were not renewed in 2016 and GP practices remain the only providers of NHS Health Checks locally.

Performance

- 3.13 While 98% of all practices sign up to the GP SLA for provision of NHS Health Checks, performance to target level is variable across the borough, with some performing very well and others not so well. Despite the variable performance levels, GP's continue to provide the majority of NHS Health Checks and have increased this delivery in 2016-17. When comparing the number and percentage of NHS Health Checks by different Providers over the last three years, GP practices delivers majority of the checks (see Table 3 below).

Table 3: Number of NHS Health Checks and percentage carried out by Providers 2014-17

Provider	2014-15		2015-16		2016-17	
	Number	%	Number	%	Number	%
GP Practices	6187	72%	5994	74%	6,705	99.6%
ToHealth	2027	24%	1851	23%	-	
Community Pharmacies	319	4%	274	3%	-	
GP Alliance*	-		-		27	0.4%
Total Checks	8,533		8,119		6,732	

*Based on one month activity in March 2017 when the pilot began delivery. This compares to an average of 13 health checks per month per practice

- 3.14 Furthermore, General Practices have met the competency specified in the SLA service specifications and have delivered all elements of the NHS Health Checks to required quality standards.
- 3.15 However, despite the increase in GP provision, there is an overall reduction in the percentage of both offers and checks completed, see table 4 below. This reduction is directly attributed to the decommissioning of alternative providers in 2016/17.

Table 4: Performance against national targets

National and local targets		Bromley 2014-15	Bromley 2015-16	Bromley 2016-17
Total eligible population	Target	93,215	94,312	95,190
The number and percentage of eligible population aged 40-74 eligible for an NHS Health Check who were offered an NHS Health Check (national target)	20%	21,400 (23%)	18,748 (19.9%)	17,524 (18.4%)
The number and percentage of eligible population aged 40-74years offered an NHS Health Check who received an NHS Health Check (national target)	50%	8,533 (39.9%)	8119 (43.3%)	6,738 (38.5%)
The percentage of eligible population aged 40-74years who received an NHS Health Check (local target)	10%	9.2%	8.6%	7%

Future Provisions through GP SLA

- 3.16 Previous experience of using alternative providers has affirmed the advantage of contracting with General Practice. Having direct access to practice clinical system (in Bromley 98% of all practices use EMIS), has enabled:
- The entering of NHS Health Checks results directly into the clinical system so NHS Health Checks form part of the patient's primary care medical record, which is a mandatory requirement;
 - Correct management of any ongoing risk factors for the patient, administration of the NHS Health Check register and call recall system and
 - Performance monitoring and payment validation
- 3.17 With the SLA, practices manage the invitations and register for the NHS Health Checks and have the benefit of matching the number of invitations to their capacity to deliver the checks, which, if commensurate with their annual targets, works well. They have also proved they can

achieve significantly more checks than any other previous providers and offer value for money (see Tables 2 and 3).

- 3.18 While the actual NHS Health Check can be delivered by other providers, GP practices will continue to remain as the main provider due to their unique ability to deliver all five statutory elements of the health checks and re-commissioning general practices to deliver this programme is recommended.

Alternative Provision

- 3.19 Due to the overall reduction in the percentage of offers and checks completed, alternative provision is necessary to address both current and future gaps, especially in ensuring those eligible patients from the non-participating practice are offered a service.
- 3.20 Having access to individual patient's clinical record, the ability to manage the health check register on an ongoing basis and the use of the same or compatible clinical system are crucial to successful delivery of NHS Health Checks. The statutory requirements together with the risk associated with data transfer have in essence restricted market entry to, primarily, general practices.
- 3.21 In light of these, there is only one potential alternative provider in the current market, Bromley GP Alliance (BGPA). Hence, they were commissioned as part of a pilot project to assess their suitability to be an Alternative Provider. This was commissioned under a tender waiver due to the unique data sharing agreement in place with the GP Practices enabling them to have access to the patient's full clinical record (with patients' consent).
- 3.22 Pilot results so far are promising, delivering an average of 21 checks each month compares with 13 checks per month per practice. In addition, the pilot has shown that:
- GP Practices will need to continue to be the main provider of NHS Health Checks;
 - The GP Alliance has the unique capability of being able to effectively fill the gap where GP Practices require further support;
 - The NHS Health Checks performed by the BGPA are of high quality; and,
 - There are no data discrepancy issues.

In conclusion, BGPA has proved to be a suitable alternative provider for the service.

Sexual Health Services

- 3.23 General practitioners in Bromley are commissioned to provide an integrated sexual health service model in primary care. Under the GP SLA, opportunistic STI screening is offered by participating practices 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.
- 3.24 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.
- 3.25 There are three levels of provision and practices eligible to participate can opt to deliver any one of these levels depending on the clinical qualifications of the practice team:

- Basic Level 1 – STI screening to include the opportunistic dual testing of Chlamydia and Gonorrhea under the National Chlamydia Screening Programme for young people under 25, STIs and HIV testing for adult patients and condom distribution
- Level 1 – Basic level 1 plus provision of Long Acting Reversible Contraception (LARC) which is outside the scope of services contracted under standard GP contracts.
- Level 2 – Essentially level 1 service but participating practices can also provide, by referral, services to non-registered patients as well as their registered patients.

3.26 All 45 GP practices in the Borough have signed up to deliver a level of service during 2017/18 which has an estimated total value of £328,600. Of these, 8 are level 2 practices. No activity targets are set and remuneration is based on actuals and paid against a set of prices that are comparable with those set by other London Boroughs. There was a price reduction for STI screens in 2015/16 with an adjustment to incentives to improve positivity rates.

Performance

3.27 While all practices have signed up to the GP SLA for provision of Sexual Health Services, and similar to NHS Health Checks, performance is variable across the borough, with some provided a consistently high volume of activities and others comparatively low. However, all participating practices continue to meet the clinical standards specified in the SLA.

3.28 While there is a drop in the number of LARC methods fitted in 16/17, these methods have a life span of 3 to 5 years so activities will fluctuate according to the “life” of the methods.

Table 5: Level of overall activity provided by general practices under the GP SLA

Services provided by GP SLA	2014/15	2015/16	2016/17
National Chlamydia Screening Programme	704	1,256	1,238
LARC (excluding Depot injections)	1,606	1,446	1,423

3.29 Practices with fewer activities tend to be smaller and are often single-handed. Notwithstanding the lower level of activities, they continue to capture positive infections amongst their patients. This means these practices are targeting appropriately those at risk of STIs which fulfils our key objectives of early intervention for this group of patients. In 2016-17, the overall positivity rate was 7.8% which is in line with national recommendations.

3.30 All participating practices are required to generate quarterly performance reports for auditing by the Sexual Health team in Public Health. Where inconsistencies are found, practices will be contacted for clarification and where deemed necessary, a monitoring visit.

Future Provisions through GP SLA

3.31 General practices continue to play an important role in normalizing testing as a prevention method and to ensure early diagnosis of STIs especially HIV to minimize the spread of infections.

3.32 Bromley is classified as a high prevalence area (prevalence above 2/1000 residents 15-64 years) and bordering boroughs are areas with the highest incidence of HIV in the country. The number of Bromley residents living with HIV infection continues to rise, showing a year on year increase with some very late diagnosis.

Table 6: Very Late Diagnosis by GPs

	2014/15	2015/16	2016/17
New Diagnosis	13	24	8
Very Late Diagnosis by GPs	5	1	3

- 3.33 HIV testing is a proven way of tackling late diagnosis. Often individuals do not consider themselves at risk and early diagnosis gives patients access to treatment, prevents onward transmission and saves lives.
- 3.34 GPs are therefore best placed to identify those at risk patients especially through new patient registration for HIV testing.
- 3.35 In addition, general practices provide the unique opportunity for the delivery of additional services, and is the only provider in the market place that has the ability to offer wide service delivery points across the borough. These are readily accessible to the population being local and having more opening hours than community clinics. They are also acceptable to certain groups of the population due to the stigma attached to visiting GUM clinics.
- 3.36 Bromley GP rate of LARC insertion is ranked the second highest in London. This complements the provision in community clinics and plays an important role in the continued reduction of teenage conception rates in the borough.

Table 7: Comparison of LARC provisions by GPs and Community Service

	2015/16	2016/17
GP provisions	1,446	1,423
Community Contraceptive Service	2,173	2,402
Total	3,619	3,825

- 3.37 Provision of LARC methods involves invasive procedures and carries with them a set of clinical risks which are mitigated by qualified, experienced and well trained clinicians. As such, participants of the SLA have to acquire additional clinical qualifications set by the Faculty of Sexual and Reproductive Healthcare and for level 2 practices they must satisfy the UK Medical Eligibility Criteria for Contraceptive Use.
- 3.38 Both staff qualifications and additional training are included as quality outcome indicators in the service specification and regular checks are carried out to ensure compliant.
- 3.39 Bromley have invested a significant amount on training in primary care to build extra capacity and capability in the system as part of our strategy to divert patients from the more expensive acute sexual health clinics to primary and community settings.
- 3.40 Clinical qualifications, standards and expertise are key considerations when exploring the market. These criteria together with the level of investment made, it is recommended to re-commission sexual health services from general practices.

PROPOSED COMMISSIONING ARRANGEMENTS

- 3.41 For the GP SLA and given the track records of practice performance, quality standards and a limited provider market, it is proposed that an exemption from tendering be granted to support

the continuation of NHS Health Checks and Sexual Health programmes in primary care by enabling the Director of Public Health to establish a new round of SLAs with GP Practices for three years until 31 March 2021.

- 3.42 No significant changes are anticipated at this stage for both programmes, although a method of capping volume and managing performance will be implemented to give a degree of flexibility to the provision of the services which are subject to saving decisions.
- 3.43 For the NHS Health Check Alternative Provider, it is also proposed that an exemption from tendering be granted to appoint Bromley GP Alliance as an alternative provider of NHS Checks based on its unique ability to establish an Information Sharing Agreement with all participating general practices through an SLA for a period of three years until 31 March 2021.
- 3.44 Based on the pilot project, the number of health checks to be carried out by Bromley GP Alliance is estimated to be 1,250 per annum with an estimated contract value of £30,000 per annum (£90,000 for the duration of three years). The spend is within the allocation of NHS Health Checks budget.

4. MARKET CONSIDERATIONS

- 4.1 Previous market considerations for primary care provision of these services conclude that general practices are the only providers in the market place, who can, from both clinical and operational perspective, deliver these services safely and effectively. As practices hold the local patients lists, they have direct access to patients being targeted by these programmes. This is a unique position that is not held by any other potential providers in the market.
- 4.2 The evaluation of the pilot project has shown that Bromley GP Alliance, due to its unique position to acquire the information sharing agreement with GP practices in Bromley, is feasibly the only alternative provider with the ability to offer NHS Health Checks on the same basis as GP practices.

5. POLICY IMPLICATIONS

- 5.1 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.

6. COMMISSIONING AND PROCUREMENT IMPLICATIONS

- 6.1 In 2013 when Public Health transferred to the Council, incentive schemes for the provision of preventative services by Bromley GP practices known as Local Enhanced Services (LES) were transferred, along with other contracts, to the Council up to a total value of £1m.
- 6.2 As the LES scheme is part of the General Medical Services (GMS) contract, only NHS England can use this arrangement for commissioning services from these primary care contractors. A new contracting mechanism of Service Level Agreement was then used and treated as partnership arrangements to promote the principle of integrated working with partners in health to secure and advance the health and welfare of local residents. As the initial referral is not subject to competition, they are exempt from contract procedure rules.
- 6.3 The request for exemption from tendering for the Public Health Service Level Agreements with General Practices for NHS Health Checks and Sexual Health Services is in line with CPR 13.1

and the Director of Public Health, Director of Commissioning, Director of Corporate Services and Director of Finance have given their approval as required.

7. FINANCIAL IMPLICATIONS

7.1 The budget and expenditure for these services are detailed in the table below:

Service	2014-15		2015-16		2016-17		2017-18
	Budget £'000	Spend £000	Budget £'000	Spend £000	Budget £'000	Spend £000	Budget £000
GP SLA							
- Sexual health	357	331	374	311	374	307	374
- NHS Health	302*	155	302*	148	176	148	176
Total GP SLA	659	486	676	459	550	455	550
Alternative Providers							
- ToHealth	84**	80	84**	73		0	
- Community Pharmacies	*	12	*	7		0	
- Bromley GP Alliance					84*	1	84*
Total Alternative	84	96	84	80	84	1	84
Grand Total	743	582	760	539	634	456	634

* Joint budget – GPSLA – NHS Health Checks and Community Pharmacy

** Budget for Alternative Providers of NHS Health Checks

7.2 It can be seen that there has been an underspend on these contracts for the last three years. The contracts are based on a unit price basis rather than a block contract and therefore the Council are not paying for services that are not received.

7.3 With the new arrangement there is sufficient budget to carry out the NHS Health Checks and sexual health visits at the estimated levels of usage.

7.4 Any in year underspends that may occur because of the take up are dealt with as part of the budget monitoring process and are contained within the overall Public Health grant envelope. The current Public Health Grant for 2017/18 is £15.1m for Bromley.

8. LEGAL IMPLICATIONS

8.1 This report seeks the approval of the Executive to award a number of Service Level Agreements/Contracts to various GPs and GP Alliance for the provision of Sexual Health and NHS Health Checks for a period up to 3 years with an estimated total value of £1,740,000.

8.2 Paragraph 3.6 of the report indicates that the total value of each contract is not expected to exceed the financial threshold for light touch contracts. On this basis the Council is not obliged to follow a procurement procedure as stated in Part 2 of the Public Contracts Regulations 2015.

8.3 Under rule 16.7 of the Contract Procedure Rules where the total value of a contract does not exceed £500,000 officers may approve contracts within their financial limit. In this case the programme as a whole is expected to cost £1,650,000 and as such the report author wishes to bring this report to the Executive.

- 8.4 Under the Contract Procedure Rules rule 8.2 contracts with a total value under £100,000 should not be awarded unless at least 3 quotations have been sought using the Council's eProcurement system. This has not been complied with however the report states in paragraphs 3.12 and 3.25 that all GP practices in the Borough have been invited to participate in the programmes.
- 8.5 Waivers are required when a decision is made to negotiate with one or more candidates pursuant to rule 13 of the Contract Procedure Rules. Contracts with a total value under £50,000 may be agreed by a Chief Officer. Contracts with a total value between £50,000 and £100,000 additionally need the agreement of the Director of Commissioning, the Director of Finance and the relevant Portfolio Holder with a report being made to Audit Subcommittee.
- 8.6 Under rule 1.3 of the Contract Procedure Rules, the formal advice of Legal Services does not need to be sought for certain contracts including those with a total value less than £100,000.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Personnel Implications.
Background Documents: (Access via Contact Officer)	Report CS17046 – Public Health Commissioning Intentions 2017-18, October 2016

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Report No.
CS18044

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 5th September 2017

Decision Type: Non-Urgent Executive Key

Title: BETTER CARE FUNDING UPDATE

Contact Officer: Alicia Munday , Programme Manager - Commissioning
Tel: 020 8313 4559 E-mail: alicia.munday@bromley.gov.uk

Chief Officer: Ade Adetosoye, Deputy Chief Executive and Executive Director of Education, Care and Health Services

Ward: Borough-wide

1. Reason for report

- 1.1 This reports recommends the reallocation of preventative funds within Better Care Funding (BCF) for 2017/18.
-

2. RECOMMENDATIONS

- 2.1 The Care Services PDS Committee is asked to note and comment on the contents of this report prior to the Council's Executive being requested to:

- i) Approve the reallocation of £825,500 of Better Care Fund originally allocated for preventative services to be split between the Local Authority and the Bromley Clinical Commissioning Group on a 60%/40% split;
- ii) Approve the reallocated funding to be put against overspends and pressures attributable to not having preventative services in place, and note that the preventative services have now been awarded and will commence from 1st October 2017; and,
- iii) Note the agreement of JICE of this action on 19th July 2017.

Corporate Policy

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

Financial

1. Cost of proposal: One off income of £826k
 2. Ongoing costs N/A
 3. Budget head/performance centre: Better Care Fund (BCF)
 4. Total current budget for this head: £20,287k
 5. Source of funding: BCF
-

Staff

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

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Circa 300
-

Ward Councillor Views

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

3. BACKGROUND

- 3.1 The Local Authority and the Bromley Clinical Commissioning Group (CCG) agreed in September 2016 (Report No. CS17033) to commission a range of primary and secondary intervention services (PSIS). The services are designed to reduce the requirement for unplanned care, prevent or delay the requirement for long term care packages and to support residents to remain as independent as possible in their communities.
- 3.2 In July 2017, these services were awarded to the Bromley Third Sector Enterprise (BTSE), with a start date of 1st October 2017. This was a slight delay from the original anticipated start date of 1st April 2017. Additional funding above and beyond the current service provision was agreed to be funded from BCF. As such this full year allocation from the BCF budget for the PSIS will not all be utilised, leaving a potential underspend of £825,500
- 3.3 As these services have been delayed, it is recommended that this underspend is utilised against cost pressures that both the Local Authority and the CCG have sustained as a result of the reduced preventative services.
- 3.4 It is recommended that the Local Authority and the CCG split this underspend in accordance with the financial makeup of the PSIS services (60% Local Authority and 40% CCG).
- 3.5 The Local Authority will utilise this additional funding to reduce the in year overspend within Adult Social Care, however this does not deal with the full year cost pressures of £2.5m in ASC.
- 3.6 The proposed Early Intervention services are split out as follows:-

New Categories for Early Intervention & Wellbeing Services	LBB	CCG	BCF	
	Existing Spend £'000	Existing Spend £'000	New funding £'000	Indicative Budget £'000
Carers Support	459	125	166	750
Dementia Support	0	0	511	511
Services to Elderly Frail	80	34	536	650
Services for Residents with Long Term health Conditions	0	0	650	650
Learning and Physical Disability	51	0	94	145
Mental Health (exc. Dementia)	50	0	100	150
Single Point of Access	101	43	105	249
Support to the Sector	109	47	0	156
Grand Total	850	249	2,162	3,261

4. POLICY IMPLICATIONS

5. The Integrated Care Networks support people to remain as independents as possible, a key Building a Better Bromley priority. Eligibility for Social Care remains under the Care Act.

FINANCIAL IMPLICATIONS

- 5.1 Funding was made available through the BCF to fund additional Early Intervention services in 2017/18. As a result of some minor delays in the procurement process, not all of these additional services have begun with the majority of them now starting from the 1st October.
- 5.2 As the services have been delayed it is proposed to utilise the unspent BCF funding to offset against additional costs pressures that the Local Authority and the CCG have sustained as a result of the reduced preventative services.

5.3 The proposed split is broken down in the following table

BCF FUNDING	
	£000
Additional BCF funding for 2017/18	2,162
Less Dementia Hub committed funding	-511
Full year BCF funding available	1,651
Contract not starting until October so 6 months not spent	826
Funding Available for redistribution	826
Split of funding 60%/40% LBB/CCG	£
LBB split 60%	495,300
CCG split 40%	330,200
	825,500

5.4 The impact of this in 2017/18 is a reduction overspend on the bottom line of the Adult Social Care budget (currently reporting a £978k overspend for 2017/18).

5.5 The impact of reallocating the £495k underspend of the BCF funding to the Adult Social Care budget in 2017/18 is to reduce the projected overspend of £1m (or £2.1m before management action) to £483k.

5.6 However this does not deal with the £2.4m full year costs on an ongoing basis. Given that this is a one off contribution and will not carry on beyond 2017/18, Managers will need to ensure that proposals to manage ongoing pressures are dealt with and the preventative services deliver the outcomes. A progress report updating Members on the preventative services is programmed for March 2018 (6 months after the start of the contract). It is envisaged that with the introduction of the Early Intervention services that future costs will be avoided going forward.

5. IMPACT ON VULNERABLE PEOPLE AND CHILDREN

5.1 PSIS supports vulnerable adults to remain as independent as possible.

6. LEGAL IMPLICATIONS

6.1 Executive approval is required as this is a proposed budget virement between £250,000 and £1 Million in value pursuant to the requirements of the Local Authority's Financial Regulation 2015.

7. PERSONNEL IMPLICATIONS

7.1 There are no Local Authority or CCG staff affected by these recommendations.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Commissioning Strategy for PSIS (Report No. CS17033) Contract Award for PSIS (Report No CS18018)

Report No.
CS18052

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 5th September 2017

Decision Type: Non-Urgent Executive Non-Key

Title: HOUSING SUPPLY

Contact Officer: Sara Bowrey, Director: Housing
Tel: 020 8313 4013 E-mail: sara.bowrey@bromley.gov.uk

Chief Officer: Executive Director of Education, Care and Health Services

Ward: Borough-wide

1. Reason for report

- 1.1 This report provides an update on the use of temporary accommodation and housing supply to meet current housing need and homelessness pressures. It also sets out the key actions being to mitigate the growing pressures and requests approval in principle for Officers to progress schemes coming forward meeting the criteria set out in Paragraph 3.21.
-

2. RECOMMENDATIONS

2.1 The Care Services PDS Committee is requested to:

- a) Note the updates provided regarding the current homeless pressures and actions currently being undertaken to address these pressures;
- b) Consider and support the core principles identified as an option in seeking alternative accommodation provision from providers; and,
- c) Refer Report CS18052 to the Council's Executive for consideration of the recommendations set out at Paragraph 2.2 (b) – (d).

2.2 The Council's Executive is requested to:

- a) Note the updates provided regarding the current homeless pressures and actions currently being undertaken to address these pressures;
- b) Agree the core principles identified as an option in seeking alternative accommodation provision from providers;

- c) Subject to the agreement of (b) above, agree that Officers proceed in investigating and reporting back on any proposal from a provider that meets the key principles identified below following the necessary due diligence arrangements; and,**
- d) Subject to agreeing recommendations (a) and (b), note that these proposals will be reported to the Council's Executive on 13th September for final approval.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: The initiatives set out in this report seek to ensure the provision of support to vulnerable adults and young people to prevent homelessness wherever possible or to assist in securing alternative accommodation suitable for their needs
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People Supporting Independence Healthy Bromley:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Operational Housing: Temporary Accommodation
 4. Total current budget for this head: £5,732,500, £251K uncommitted Payment in Lieu
 5. Source of funding: EC&HS approved 2017/18 revenue budget. Contingency budget set aside for homelessness and welfare reform pressures. Payment in Lieu Housing Contributions.
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): More than 5,500 households approach the council for assistance each year facing housing difficulties which threaten to render them homeless. There are currently 1,511 households in temporary accommodation, of which 845 are in costly forms of nightly paid accommodation. Early impact analysis of the extended duties contained within the Homeless Reduction Act suggest a potential caseload increase in the region of 40%.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Bromley like all London Boroughs is experiencing a significant increase in the number of households facing homelessness and requiring temporary accommodation (TA). This is set to increase further as remaining welfare reforms are rolled out and in light of the increased duties that will be placed on all local authorities as the Homeless Reduction Act comes into force.
- 3.2 Previous reports have set out the increasing cost of TA with supply and demand modelling suggesting an overall cost pressure of £5.7m by 2019/20.
- 3.3 The Housing Act 1996 (part VII) as amended by the Homelessness Act 2002 places a statutory duty on local authorities in certain circumstances to provide TA for people who apply as homeless.
- 3.4 Historically TA was used by local authorities as an interim solution for statutory homeless households until more permanent accommodation became available. The number of households in TA has increased by 97% over the last 5 years, now totalling in excess of 1,500 households.
- 3.5 In recent years there has been a marked reduction in the number of housing association units becoming available both from re-lets and new build developments. The current lack of permanent housing supply to address this demand has necessitated the increased use of TA, particularly more expensive nightly-paid accommodation. This also means that households are remaining in TA for longer periods of time before move on accommodation can be secured.
- 3.6 Welfare reform changes have brought significant pressures relating to homelessness since 2011. Loss of rented accommodation accounted for approximately 12% of homelessness in 2009/10, rising to more than 35% in 2016/17.
- 3.7 Significant price rises across all housing tenures, reduced turnover of social housing stock, worsening affordability ratio, and homelessness are all indicators of a housing market under considerable and growing pressure and this landscape appears set to continue at least in the short to medium term.
- 3.8 The Council has achieved significant results in preventing homelessness, particularly through assisting households into private rented accommodation. However the rise in rents against restricted housing benefit levels together with the loss of direct housing benefit payments to landlords means that the private rented sector across throughout London is out of reach for an increasing number of households. To demonstrate, the average rental price for a 2 bedroom property in Bromley is around £450 per month more than the maximum housing benefit payable to assist with housing costs. As such the supply of private rented sector properties able to be secured to prevent homelessness has reduced year on year.
- 3.9 Like many authorities, a large proportion of TA , including nightly-paid accommodation is procured within the private rented sector. There is a complex subsidy regime to assist with the cost of TA, however the subsidy arrangements have also become more restricted, and this alongside steep price rises has made it more difficult to secure TA, particularly within the borough.
- 3.10 Homeless households are not the only source of demand for TA and boroughs are also facing increased pressure on this accommodation from no recourse to public fund households and young people. Across London the demand for TA has increased dramatically with all London authorities effectively chasing the same limited supply. In response the TA market has moved to nightly paid models of accommodation (essentially private rented accommodation offered on a less secure nightly rate basis) rather the more traditional longer term lease opportunities. This has essentially been driven by providers as nightly paid arrangements prove more lucrative.

- 3.11 In accordance with the law, The Council seeks to accommodate people within their area as far as is reasonably practicable but if this proves impossible they must try to place people as close as possible to where they were previously living. This does not mean however that homeless households cannot be placed outside of the borough but the decision to place homeless households outside of the borough should be properly evidenced and explained; Both in terms of demonstrating available housing supply and in assessing the suitability of any individual placement.
- 3.12 However, there is a serious shortfall of accommodation that can be secured in borough to meet statutory housing need meaning that it is not reasonably practicable to provide accommodation within Bromley to every household to whom the Council owes a rehousing duty and there is an increasing need to secure accommodation that may be at some distance from the borough. In addition welfare reform has impacted upon the location of placements for some families on the grounds of sustained affordability in relation to the benefits they are now entitled to receive towards their housing costs.
- 3.13 Traditional models of TA have centred on use of existing social housing stock and leasing of private rented sector accommodation. Whilst work continues to maximise supply through these routes it will no longer provide a sufficient supply of accommodation to meet statutory housing needs, particularly as an increasing number of private landlords will divert their accommodation to the more lucrative nightly paid arrangements.
- 3.14 The acute pressures being faced means that, like all boroughs in London, we are having to consider new strategies to tackle growing demand and look to more innovative schemes and also further afield in London and beyond to provide sustainable and suitable housing solutions.
- 3.15 The new homelessness Strategy is currently being developed, this provides a full analysis of current and predicted needs and seeks to build upon and extend existing measures to maximise the effectiveness of homeless prevention wherever possible. Work is also underway on developing a longer term overarching Housing Strategy seeking to increase the available supply and range of accommodation that is affordable to our residents and ensure the best use and condition of existing stock.

Current initiatives underway to prevent homelessness and increase the supply of TA:

- 3.16 Bromley already has a number of initiatives underway in response to the pressures set out above covering preventative work and increasing access to both temporary and longer term housing solutions. During the past year this has assisted in preventing homelessness for more than 2,000 families and acquired access to more than 160 new units and secured a pipeline of around a further 530 units. In summary these include:
- Piloting and early intervention model to identify those at risk of homelessness, tackle the underlying causes of homelessness to prevent homelessness occurring and assist households in developing resilience to sustain accommodation in the longer term.
 - Extending the housing advice offered tailored to the main causes of homelessness, in particular supporting clients with the transition to universal credit, debt and money advice and landlord and tenant negotiations
 - Redesigning the offer to private landlords to encourage greater take up of block booking, leasing scheme and private rented sector opportunities.
 - Refurbishing vacant properties for use as TA such as the models developed at Bellegrove and Manorfields. A further site feasibility which could provide in the region of 30 additional units is currently underway and due to be reported back for progression during quarter 3 2017.

- Acquiring 400 properties in Bromley and the South East through the More Homes Bromley Initiative
- Site appraisal is underway for the pilot of a modular homes site offering good quality accommodation which can be assembled in a relatively short timescale. The outcome of the feasibility study and site opportunities is due to be reported back in Autumn 2017

Permanent Supply and use of Payment in lieu contributions

- 3.17 Colleagues in Housing and Planning work closely with developers and housing associations to maximise the supply of affordable housing in new development schemes ensuring that wherever possible schemes achieve full compliance providing at least 35% affordable housing on site, Where independent financial viability confirms that this is not possible all schemes will be assessed to establish whether payment in lieu funding can contribute to achieving a compliant scheme, offsite provision can be achieved or a payment in lieu taken to provide the affordable element on an alternative scheme.
- 3.18 During 2017/18 payment in lieu funding has provided £3.5m towards schemes being developed by Clarion Housing Group to assist in an overall programme of in excess of 128 units.
- 3.19 £3m is also committed to assisting in achieving compliant schemes on Site A (Bromley North) and Site G (Churchill Gardens) which cumulatively will provide in the region of 900 new homes in the borough. Progress and use of payment in lieu contributions will be reported to Members regularly. In the event that the full commitment is not required the funds will be released for provision on alternative sites to ensure full spend of the payment in lieu funds before the expiry date of 2020 and 2022 respectively.
- 3.20 There is currently £251K uncommitted housing payment in lieu funds which can be used flexibly to increase the supply of accommodation to assist in tackling homeless pressures. This money has to be committed by 2022. Officers continue to work with our registered provider (housing association) partners to assess all opportunities for development. New developments and use of the uncommitted funds will be reported as schemes are finalised and approved.

Maximising Market Opportunities

- 3.21 A number of housing providers and developers are also committed to working with the Council to bring forward potential schemes through property acquisition and refurbishment to assist in addressing the current pressures. Such opportunities are often presented with limited timescales to progress due to market competition. Early agreement of core principles will assist officers in determining whether to progress with individual proposals prior to reporting to Members for their consideration. The suggested core principles are shown below.
- 1) The Council will commit to a nomination agreement for a fixed period on the basis that rents do not exceed Local Housing Allowance levels (plus management allowances for any supported accommodation). The initial rents may need to be subject to annual inflation increase, if required, to meet external funders requirements;
 - 2) The Council will not be responsible for the collection of rents and the provider will need to make allowances for any bad debt and any reasonable void levels;
 - 3) In having full nomination rights the Council reserves the right to place residents on behalf of other local authorities or use some of the units for alternative private sector market tenants;
 - 4) The accommodation must be suitable for meeting the Council's housing needs and is required to meet Decent Home Standards during the period of the nomination agreement;

- 5) The Council will normally seek for the properties to be returned to the Council under its full ownership which may require the final repayment of any external borrowing towards the project;
- 6) A Special Purpose Vehicle arrangement will normally be required recognising that the Council will not have direct sole control on the accommodation;
- 7) The Council will only work with providers who have experience in property development and management;
- 8) Any planned acquisition of property must not be in direct competition with the existing arrangements with More Homes;
- 9) The Council would seek alternative management arrangements, in the event that the management of the accommodation failed to meet the Council's standards;
- 10) The location of the accommodation must be suitable to enable occupants nominated by Bromley to be no more than one hour travelling time from Bromley.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There is no direct impact on vulnerable adults and children arising from the contents of this report. Current policy holds safeguarding as a core element within the homeless assessment process and ensures the specific needs of vulnerable adults and children are considered within the suitability assessment of all accommodation provided in discharge of the homelessness duty.

5. POLICY IMPLICATIONS

- 5.1 The housing objectives are set out in the relevant business plans. These objectives are compliant with the statutory framework within which the council's housing function must operate and incorporate both national targets and local policies identified from the best practice guidance, audits and stakeholder consultation.
- 5.2 The council has an approved homelessness prevention strategy and temporary accommodation placement policies to ensure compliance with the statutory framework for the provision of housing advice, homeless and temporary accommodation provision. This meets the requirements of the law whilst seeking best value for money in all placements and prevention initiatives.

6. FINANCIAL IMPLICATIONS

- 6.1 There remains an ongoing increase in homelessness with over 1,500 households in temporary accommodation. If the current trend continues the potential additional costs could increase by between £1.5m and £2m per annum. Due to a shortage of suitable accommodation, there is still a dependency on the use of high cost nightly paid and other short term accommodation to meet the homelessness demands. It is essential, therefore that alternative proposals are sought.
- 6.2 If a developer submitted a scheme in line with the core principles identified above, there would be potential savings to the Council of £6,500 per annum per unit of accommodation compared with the average net cost of existing accommodation.

7. LEGAL IMPLICATIONS

- 7.1 All local authorities as a statutory duty under part VII (as amended by the Homeless Act 2002) to provide housing advice and preventative services, the assessment of homelessness duties, and to secure suitable temporary accommodation for priority homeless households.
- 7.2 The Homeless Reduction Act places an increased number of duties upon local authorities, particularly in relation to the level of advice and support given to prevent homelessness. The

new act extends the provision to all households, includes far greater prescription in terms of the nature of advice and support, and also rolls back the point at which intervention must be provided.

- 7.3 Whilst in the longer term these measures seek to increase the success of homeless prevention initiatives, it will nonetheless increase the number of duties faced by local authorities and the volume of casework which must be undertaken.

8. PROCUREMENT IMPLICATIONS

- 8.1 There are no procurement implications arising directly from this report. All initiatives are subject to due diligence and procurement considerations will be taken through appropriate channels and approval routes as required on a sachem by scheme basis.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Homelessness Strategy 201 -2017: Tracey Wilson Temporary Accommodation Placement Policy: Lynnette Chamielec

Report No.
CS18063

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 5th September 2017

Decision Type: Non-Urgent Executive Non-Key

Title: ADULT SERVICES BUSINESS CASE FOR MOBILE WORKING

Contact Officer: Tricia Wennell, Head of Assessment and Care Management
Tel: 020 8 461 7495 E-mail: Tricia.Wennell@bromley.gov.uk

Chief Officer: Stephen John, Director of Care Services

Ward: Borough-wide

1. Reason for report

- 1.1 The purpose of this report is to provide details and request approval for the expenditure required for the implementation of mobile working across Adult Social Care.
-

2. RECOMMENDATION

- 2.1 The Care Services PDS Committee is asked to note and comment on the contents of this report prior to the Council's Executive being requested to:

- i) Approve the release of £200,000 from the Council's Technology Fund to provide additional IT equipment, as detailed in the Report CS18063

Impact on Vulnerable Adults and Children

1. Summary of Impact: Adult Social Care services deliver a range of services to vulnerable adults.
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Excellent Council Supporting Independence:
-

Financial

1. Cost of proposal: £200,000
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: New funding being requested
 4. Total current budget for this head: £0
 5. Source of funding: Council's Technology Fund
-

Staff

1. Number of staff (current and additional): 149 current staff across Adult Social Care
 2. If from existing staff resources, number of staff hours: 0
-

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable: The proposed plan will be implemented via the corporate IT contract.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 6,000 Service Users, 149 staff
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 As a result of concerns raised in the Managers Briefing last year regarding the high demand across Adult Social Care, the Initial Response service embarked on a mini pilot with a laptop and 4G connection to consider how mobile working would benefit the service, staff and service users. The decision to start with Occupational Therapists (OTs) was made because of the waiting list of 170 for this service area at the time.
- 3.2 According to the Performance Digest the Initial Response Function answered 17,432 of the 23,177 calls to its service last year of those 4,734 had a referral raised and required further assessments. A total of 3,078 reviews were completed across all adult service areas but despite this there are waiting lists of approximately 242 for OT, 181 Care Management (CM) assessments and 186 Reviews. These are inevitable with the current capacity and way of working. Waiting lists are also caused by problems with staff retention.
- 3.3 The outcome of the short 8 week pilot provided evidence that productivity in assessments was increased by between 40 to 50%. The worker was able to complete the assessments and order equipment whilst with the Service Users (SU) which was authorised by the Senior OT who could access the request immediately electronically from the office. This electronic action saved the OT time negating the need to use time returning to the office and resulted in between 7 and 8 people being seen each week compared to the 4 or 5 without mobile working equipment in place. The SU benefits from being seen quicker and therefore have their assessment completed and the outcome achieved in a shorter space of time. This ensures they have their independence maximised and can make use of their home environment, prevents the need for them to make additional phone calls to the Initial Response Service to find out when they will be assessed and therefore reduces waiting times for callers and cuts out duplication. It is good customer service and meets the requirements of the Care Act 2014 in promoting individual wellbeing and preventing and delaying needs for care and support. (See Appendix 1 for pen picture). Data from the performance team shows the OT service has seen an increase of around 46 assessments per month since April 2015.
- 3.4 According to figures provided by strategy and performance the workload in Care Management has increased by 30% in recent years and can be attributed to several issues. For example, there has been a growth in the complexity in health conditions and in frailty of an aging population who are living longer. The implementation of the Care Act with a more robust approach in applying the Mental Capacity Act 2005 (MCA), strengthening of Safeguarding and implementation of Deprivation of Liberty which has resulted in a significant impact on the capacity of Care Management to carry out the duties and responsibilities required of them.
- 3.5 Safeguarding changes saw the introduction of preliminary enquires requiring additional home visits to be carried out to determine whether an s42 enquiry would be required. MCA assessments have grown in line with people unable to make decisions for themselves because of problems with their memory and cognition or learning disability. Assessments must be decision specific and therefore an individual is likely to need at least two MCA's; one regarding their ability to weigh up information and decide on financial matters and another for matters in relation to their care and support or change of accommodation. In some cases a MCA is required to determine if the adult can agree to have an assessment of needs before an assessment to determine eligibility can be completed.
- 3.6 Deprivation of Liberty (Community DoL) is another area creating significant demands on care management since the Supreme Court judgement in March 2014. There are many adults with a learning disability and older people with needs pertaining to memory and cognition that are cared for in supported living or by formal and/or informal care in the community who are being deprived of their liberty. This is unlawful unless the Court of Protection has been approached to consider whether they are satisfied it is in the best interest of the individual for them to be

deprived of their liberty. The process from the start of assessing an individual to the submission to the Court of Protection is currently taking in excess of 14 hours. A snapshot completed by assessment and care management indicated an initial modest figure of 50 all of whom would need to be assessed and then reviewed at least annually. In learning disability this is estimated to be in the region of 200-300 cases.

- 3.7 Adult Services are currently working on 11 Community Deprivation of Liberty Assessments, 3 of which have been submitted to the Court of Protection so far. Adult Services are currently not meeting this statutory requirement and mobile working will help to address some of the demand in this area. The annual cost nationally if DoLS was managed within current law is estimated as being in the region of £2.2 billion by the Law Commission. The Law Commission recommends a change from Deprivation of Liberty to Liberty Protection Safeguards which will save time and therefore money but if accepted this will not be implemented for at least two years leaving the Council open to legal challenge in the meantime if we do not respond to the demand.
- 3.8 Members of staff were asked for their view of what equipment they needed to do their job more efficiently and they cited a laptop (with built in dongle), or an iPad and a Blackberry Leap or equivalent as equipment that would be needed. Staff members in Adult Social Care are aware of the mobile working equipment provided to their colleagues in Children's Services leaving them feeling undervalued.
- 3.9 There are 149 posts with assessing responsibility across the Adult Social Care Service who could work remotely. In addition to this, members of staff will very soon need to work a significant amount of their working day off site due to the plans to reduce office and parking space in line with Council's plans for April 2018. The Deputy Chief Executive has stated that staff will be supported with technology as part of the recruitment video, which would indicate the council's commitment to this way of working. Assessing staff require laptops with docking stations and smart phones to enable them to access essential information held within the Councils Systems and Databases. This would allow them to complete assessments from different locations negating the need for them to use valuable time travelling back to the office or home in order to complete work required.

4 SOLUTION:

- 4.1 To ensure greater efficiency, to manage increasing demand, to prepare for reduced working and parking facilities, to embed mobile working and allow for a change in culture IT equipment needs to be rolled out to assessing officers across Adult Social Care. Mobile working supports the Council's plans.
- 4.2 It is not possible to provide a definite sustainable efficiency level presently with these tools in place, but the mini pilot evidenced a short term efficiency increasing assessment capacity by between 40 to 50%. Examples of claims by the technological companies would support this in their claim of between 40 – 60% efficiency nationally with mobile working programmes in place.
- 4.3 There has been a 30% increase in workload in Adult Social Care which will be supported by mobile working.
- 4.4 Learning Disabilities are looking at invest to save options within the service that potentially could save £650,000 in efficiencies. If mobile working were implemented it is envisaged that the capacity to reach these current savings goals would be enhanced.

5 EFFICIENCIES:

5.1 In view of the increase in demand on Adult Social Care mobile working would be best practice as a tool to better manage this demand and would result in a sustainable efficiency. This is likely to reduce growth bids for more qualified staff to meet legal duties.

5.2 Initial improvements and efficiencies:

- a) Immediate improvement to staff morale and subsequent positive impact on staff retention.
- b) 15-20% increase in productivity across Adult Social Care by end of 2017/18 assuming mobile working is implemented by October 2017.
- c) 30% sustainable increase in productivity in 2018/19 to meet current increase in demand.

5.3 Proposal:

- a) To provide all assessing staff across Adult Social Care with the required to enable mobile working.

5.4 Next Steps:

- a) Update mobile working guidance for management and staff to follow.
- b) Work with staff to imbed a mobile working culture.
- c) Set a target date for full implementation.
- d) Set targets to ensure staff met the estimated efficiencies.
- e) Review mobile working post implementation to determine outcomes and impact on staff members, service users and identify sustainable efficiencies.

6. IMPACT ON VULNERABLE ADULTS AND CHILDREN

6.1 The full content of this report impacts on the needs of vulnerable adults and the required actions necessary to improve the services delivered.

7. POLICY IMPLICATIONS

7.1 The provision of mobile working for Adult Services is a commitment in the Executive Director of Education, Care and Health Services' 'Our Journey to Excellence.' Moreover, it is part of the Building a Better Bromley; Supporting Independence and Excellent Council priorities.

8. FINANCIAL IMPLICATIONS

8.1 The estimate of the one off costs to introduce mobile working across Adult Social Care is £200k.

8.2 Although efficiencies cannot be quantified at this stage until the introduction of mobile working, it is envisaged that efficiencies will be made through increased productivity as described in the body of the report.

8.3 This will help alleviate pressures being experienced in Adult Social care through increased demand, etc and should help contain cost pressures being experienced and minimise future growth pressures.

- 8.4 There will be ongoing costs of the IT equipment of approximately £25-£30k per annum. This will have to be met from existing Adult Social Care budgets.
- 8.5 The expenditure of £200,000 for the implementation of mobile working across Adult Social Care is a one-off cost from the Council's Technology Fund.

9. LEGAL IMPLICATIONS

- 9.1 All assessments in Adult Social Care are completed in line with the Care Act and members of staff also adhere to the Data Protection Act 1998 and other relevant legislation within it. The implementation of mobile working will help address the additional demands on the service as result of changes brought about by the Care Act 2014.

10. PERSONNEL IMPLICATIONS

- 10.1 Adult Social Care is a new member of the Recruitment and Retention Board and is working closely with HR and Learning and Development to improve recruitment outcomes. As an example of this collaborative working Adult Social Care has successfully appointed 10 additional employees as a result of the IR35 rule changes and the ASYE Recruitment evening for Newly Qualified Social Workers. London Borough Bromley has difficulties in retaining staff due to competitive pay and conditions offered by neighbouring boroughs. Mobile working is viewed as an attractive benefit in supporting staff in their roles and therefore would support the retention of staff.

11. PROCUREMENT IMPLICATIONS

- 11.1 There is a corporate IT contract in place so Adult Social Care would be working with IT to implement this plan.

Non-Applicable Sections:	Not Applicable
Background Documents: (Access via Contact Officer)	Not Applicable

ADULT'S SOCIAL CARE CASE EXAMPLE**CASE EXAMPLE: Client A**

Client A was referred on 11th October 2016 and made a priority due to her risk of falls. The case was allocated to Worker B on 28th October 2016. Worker B contacted Client A and arranged an assessment visit for 2nd November 2016. From the assessment, Worker B was able to order the equipment and review this on 21st November 2016. Client A's daughter was happy and Worker B was then able to close the case.

This is a good example of a case which we were able to assess, provide equipment and close in 6 weeks. This was partly due to Worker B having mobile working. As a result of this Worker B was able to visit promptly, order the equipment and complete the paperwork efficiently.

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