



THE LONDON BOROUGH
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DATE: 24 October 2017

To: Members of the
**RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY
COMMITTEE**

Councillor Michael Rutherford (Chairman)
Councillor Julian Benington (Vice-Chairman)
Councillors Vanessa Allen, Douglas Auld, Nicholas Bennett J.P., Alexa Michael,
Sarah Phillips, Teresa Te and Michael Tickner

Non-Voting Co-opted Members
Nicolas Weaks, Bromley Youth Council

A meeting of the Renewal and Recreation Policy Development and Scrutiny
Committee will be held at Bromley Civic Centre on **WEDNESDAY 1 NOVEMBER
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/>*

PART 1 AGENDA

Note for Members: Members are reminded that Officer contact details are shown on each report and Members are welcome to raise questions in advance of the meeting.

STANDARD ITEMS

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 QUESTIONS FROM COUNCILLORS AND 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 26 October 2017.

- a **QUESTIONS FOR THE RENEWAL AND RECREATION PORTFOLIO HOLDER**
- b **QUESTIONS FOR THE CHAIRMAN OF RENEWAL AND RECREATION PDS COMMITTEE**

4 **MINUTES OF THE RENEWAL AND RECREATION PDS COMMITTEE MEETING HELD ON 5 JULY 2017** (Pages 5 - 24)

5 **MATTERS ARISING FROM PREVIOUS MINUTES AND UPDATES**
There are no matters outstanding from previous minutes.

HOLDING THE RENEWAL AND RECREATION PORTFOLIO HOLDER TO ACCOUNT

6 **PRE-DECISION SCRUTINY OF RENEWAL AND RECREATION PORTFOLIO REPORTS**

Portfolio Holder decisions for pre-decision scrutiny.

- a **MYTIME ACTIVE ANNUAL REPORT 2016-17** (Pages 25 - 48)
- b **POST COMPLETION REVIEW REPORT - REPLACEMENT CHILLERS AT CENTRAL LIBRARY/CHURCHILL THEATRE** (Pages 49 - 54)
- c **BUDGET MONITORING 2017/18** (Pages 55 - 62)
- d **CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2017/18**
(Pages 63 - 72)

POLICY DEVELOPMENT AND OTHER ITEMS

7 **BECKENHAM AND PENGE BUSINESS IMPROVEMENT DISTRICT (BID) PROPOSAL FOR 2018-2023** (Pages 73 - 144)

8 **BROMLEY TOWN CENTRE MARKET REPORT AND IMPROVEMENT UPDATE**
(Pages 145 - 162)

9 **TOWN CENTRES DEVELOPMENT PROGRAMME UPDATE** (Pages 163 - 176)

10 **CONTRACT REGISTER AND CONTRACTS DATABASE UPDATE**
(Pages 177 - 186)

11 **EXPENDITURE ON CONSULTANTS 2016/17 AND 2017/18** (Pages 187 - 208)

**12 RENEWAL AND RECREATION PDS COMMITTEE WORK PROGRAMME
JANUARY-APRIL 2018 (Pages 209 - 214)**

PART 2 (CLOSED) AGENDA

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

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

Items of Business

Schedule 12A Description

**14 BECKENHAM AND PENGE BUSINESS
IMPROVEMENT DISTRICT (BID) PROPOSAL
FOR 2018-2023 (Pages 215 - 232)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**15 CONTRACT REGISTER AND CONTRACTS
DATABASE UPDATE (Pages 233 - 238)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**16 OPPORTUNITY SITE G DEVELOPMENT
UPDATE (Pages 239 - 272)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 5 July 2017

Present:

Councillor Michael Rutherford (Chairman)

Councillors Vanessa Allen, Douglas Auld, William Huntington-Thresher, Alexa Michael, Sarah Phillips, Teresa Te and Michael Tickner

Also Present:

Councillors Peter Morgan, Hannah Gray and Angela Wilkins

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Nicholas Bennett JP; Councillor William Huntington-Thresher attended as substitute.

An apology for absence was also received from Councillor Julian Benington.

2 APPOINTMENT OF CO-OPTED MEMBER

Report CSD17078

Members considered a nomination put forward by Bromley Youth Council for one of its members, Nicolas Weaks, to attend Renewal and Recreation PDS meetings as a non-voting co-opted member for the consideration of public reports only.

The Chairman extended a warm welcome to Nicolas and encouraged the representation of young people at meetings of the PDS Committee.

RESOVLED that Nicolas Weaks be appointed to the Renewal and Recreation PDS Committee as a non-voting, co-opted Member for the current 2017/18 Municipal Year.

3 DECLARATIONS OF INTEREST

Items 11 and 22 - Visiting Member Councillor William Huntington-Thresher declared a non-pecuniary interest as Advisor to the Orpington 1st BID Board.

Items 9 and 20 - Councillor Alexa Michael declared a non-pecuniary interest as a Member and user of Bromley Library.

Item 13 – As an Athletics England athlete, Councillor Michael Rutherford declared a non-pecuniary interest in regard to Aim 12.2 (page 119).

4 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

4a QUESTIONS FOR THE CHAIRMAN OF RENEWAL AND RECREATION PDS COMMITTEE

The following written question was received from Orpington resident, Mr Richard Gibbons:-

‘Would the Chairman, on Committee's behalf, adopt the Healthy Streets Approach included in Draft Mayor's Transport Strategy 2017 when reviewing Agenda Items 8, 10, 11, 12, and encourage Portfolio Holder and Officers to do likewise with current/future projects to create a vibrant, thriving and healthy borough prioritising walking, cycling and public transport?’

The Chairman's written response was as follows:-

‘Thank you very much to Mr Gibbons for his question and for alerting me to the Healthy Streets Approach within the draft Transport Strategy.

In preparing for this meeting today I read the approach, and as he suggested took it into account when considering today's agenda. I would encourage other Members to do the same. To summarise, it outlines the strategy to encourage walking, cycling and public transport by making streets safe and pleasant, easy to cross, with cleaner air and places to rest.

There is a lot to commend the strategy and I believe they should be taken into account when we scrutinise proposals. I also believe that the Council's strategy is in large part in line with the Healthy Streets Approach. Our new homes are focused on town centres and areas with good public transport and St Mark's Square and Churchill Gardens (Site G) are focused on pedestrian squares with good bike parking and cars hidden away, largely underground. New cycle paths are on the way and enhanced cycle parking has been created at locations such as The Glades and major railway stations.

The caveat I add is that aspects of the Healthy Streets Approach move away from being pro-cycling and walking towards being anti-car. There are large parts of the borough that do not have great public transport connections and we must recognise that many of our residents like or need to drive. I believe our approach should allow more town centre visitors parking spaces but make it as easy as possible for people to use other forms of transport.’

4b QUESTIONS FOR THE RENEWAL AND RECREATION PORTFOLIO HOLDER

No questions were received.

5 MINUTES OF THE RENEWAL AND RECREATION PDS COMMITTEE MEETING HELD ON 5 APRIL 2017

RESOLVED that the Minutes of the meeting held on 5 April 2017 be confirmed and signed as a correct record.

6 MATTERS ARISING FROM PREVIOUS MINUTES AND UPDATES

All actions for matters arising from previous meetings had been completed.

RESOLVED that the matters arising from previous meetings be noted.

7 PRE-DECISION SCRUTINY OF RENEWAL AND RECREATION PORTFOLIO REPORTS

7a BUDGET MONITORING 2017/18

Report FSD170045

Members considered the latest budget monitoring position for 2017/18 for the Renewal and Recreation Portfolio based on expenditure and activity levels up to 31 May 2017. The total portfolio budget showed a projected underspend of £42k.

RESOLVED that the Portfolio Holder be recommended to endorse the latest 2017/18 budget projection for the Renewal and Recreation Portfolio.

7b PROVISIONAL OUTTURN 2016/17

Report FSD17046

Members considered the 2016/17 provisional final outturn position for the Renewal and Recreation Portfolio which showed an underspend of £292k.

Approval was also sought for the drawdown of the carry forward sums from 2016/17 held in the Central Contingency, totalling £367k (net of grant income) as highlighted in paragraph 5.9 of the report.

RESOLVED that the Portfolio Holder be recommended to:-

- 1) endorse the 2016/17 provisional outturn position for the Renewal and Recreation Portfolio; and**

- 2) **approve the drawdown of the carry forward sums from 2016/17 held in the Central Contingency, totalling £367k (net of grant income) as highlighted in the report.**

8 CRYSTAL PALACE PARK: REGENERATION PLAN

Report DRR17/029

Following completion of the development stage of the Regeneration Plan for Crystal Palace Park, Members were requested to consider the proposed steps to take the Regeneration Plan forward to delivery.

The report sought approval from the Executive of spend of up to £625k funded from Capital Receipts to progress the Regeneration Plan to the submission of the outline planning application by spring 2018. A further £242.3k was requested from Capital Receipts to deliver the Crystal Palace Park café project with any unspent contingency being contributed towards the next phase of the Regeneration Plan scheme.

Due to its confidential nature, a detailed report on the outcome of the café works tender process was considered under the Part 2 section of the agenda.

In outlining the report, the Head of Culture, Mrs Lydia Lee, made the following representations:-

- 'The Regeneration Plan follows numerous unsuccessful attempts to regenerate the park. Including the 2007 Masterplan, valued at £100m to deliver, and the ZhongRong Group proposal in 2013.
- In March 2015 the Executive agreed to a new strategy to the regeneration of the park
- The agreed approach was to develop a regeneration plan for the park made up of three strands:
 - a capital scheme to regenerate the park in line with the vision of the Masterplan,
 - a new form of governance, and
 - a new park specific business model.
- The development of the Regeneration Plan is now complete and this report seeks approval to progress to the first stage of delivery, which is to proceed to outline planning permission for the capital scheme by spring 2018 at a cost of up to £625k.
- Although the business plan and governance strands have been progressed, as detailed in the report, the report recommendations are restricted to the progression of the capital scheme.

Capital scheme

- The capital scheme development has been led by consultants AECOM through an options appraisal process.
- The scheme has been required to meet set priorities for regeneration and certain criteria, such as working within the likely capital budget available and responding to the developing business plan findings.
- As detailed in the committee report extensive consultation has been undertaken with sector bodies and the community to inform the scheme.
- The report summarises the proposed capital scheme works, and appendix A to the report visualises the scheme.
- The capital scheme includes park wide infrastructure improvements, such as lighting, and specific works to improve each of the park zones, including the restoration of the historic terraces.

Costs and funding

- A cost plan for the delivery of the capital scheme has been developed in response to the estimated funding available.
- Knight Frank has valued the enabling development housing sites in the current market at £24.84m.
- In addition a successful Parks for People grant application to the Heritage Lottery Fund would realise £5m.
- Therefore the total assumed budget, bearing in mind the original Improvement Scheme budget mainly funded by the Mayor of London, is £32.11m. As set out in the table in paragraph 3.27.
- The funding model at this time only includes £160k from the Council, previously agreed in 2015 for the improvement scheme, which is currently being delivered.
- All other expenditure is expected to be funded from the future capital receipts from the enabling development and the lottery grant, therefore the Regeneration Plan has been designed to be self-funding.

Key issues and risks

- There are key issues and risks in taking forward the Regeneration Plan, as detailed in the report.
- Regenerating Crystal Palace Park is a highly complex project. The park is a multi-faceted site with a broad range of issues from leased buildings to historic assets.

- However the plan offers the only identified holistic solution to the park's regeneration and a sustainable future through the Regeneration Plan's development of significant diverse income streams.
- Additionally, during the development of the Regeneration Plan a previously unappreciated urgency to advance the plan now has come to light.
- The most valuable of the enabling development sites, at an estimated £15.44m, is Rockhills where the Caravan Club is currently situated. The Caravan Club's lease can only be broken every thirty years, and the 31st December 2018 is the next date that the lease can be broken.
- If the Council does not proceed with the Regeneration Plan now it will not be able to oppose the grant of a new lease to the Caravan Club and the courts could order the grant of a new lease for up to 14 years, which would prevent any redevelopment during that time. Therefore if the Council wishes to proceed with the Regeneration Plan the decision cannot be delayed.

Improvement Scheme

- Separate to the Regeneration Plan, the Improvement Scheme is currently being delivered in the park. The Improvement Scheme has largely been funded by the Mayor of London with financial contributions from the Council and Historic England. The Improvement Scheme is made up of six capital projects all of which are either complete or the contract has been awarded (in the case of the skatepark), with the exception of the new park café.
- The café tender process is detailed in the report. The outcome of the tender process is detailed in the Part 2 report.
- Ultimately, the winning (and lowest) tenderer is £242.3k over budget.
- Members are asked to approve the award of contract to the identified winning tenderer and approve additional spend of up to £242.3k, funded from capital receipts in order to deliver the Crystal Palace Park café project.

A solution to bring the scheme in on budget was rejected by the Mayor of London, the primary funder. Therefore so as to not lose the GLA grant monies it is proposed that the additional £242.3k required is underwritten by the Council, in the anticipation it can be recouped from future capital receipts from the park enabling development. This is shown in the table in paragraph 3.27. Councillor Michael was informed that the maze on the north mound would be retained as part of the Regeneration Plan. The former zoo was now Crystal Palace Park Farm which was operated by Capel Manor College and open to members of the public.'

Having visited the Park, it was clear to the Chairman that regeneration was required, particularly in regard to the café. He congratulated officers on producing a well-documented and detailed report.

Councillor Allen welcomed the regeneration scheme which she considered was long overdue. Referring to paragraph 3.10 (page 6), Councillor Allen commented on the usefulness of the existing Information Centre and urged officers to ensure that the building was either refurbished or re-provided but not removed. In regard to the delivery of a new café, Councillor Allen was informed that this was the only project out of six which came in over budget and would be closely monitored going forward. Detailed information on the budgeting aspect was contained in the tender report. Redevelopment of the Rockhills site included nursery provision which would replace the One O'Clock Club currently operated by Mytime and was also the allocated site for re-provision of the community centre.

Visiting Ward Member Councillor Angela Wilkins, thanked Mrs Lee for all the hard work and effort she had put into the project. Councillor Wilkins wholeheartedly supported the scheme and believed Crystal Palace Park should be the 'jewel in Bromley's crown'; this was a project which the community deserved.

Mrs Lee informed Members that six options for park regeneration had been developed; these were reviewed by Historic England, the Crystal Palace Park Project Executive Board, the Heritage and Environment Group, the GLA and the Shadow Board. As Option 5 was assessed as the preferred scheme, the remaining five options were no longer eligible for consideration.

Councillor Auld stated this was a smaller scale project than those previously put forward, so the sale of the Rockhills site and gaining planning permission for its redevelopment was vitally important.

In regard to the National Sports Centre, it was reported that The Lodge Tower, an 11-storey building providing overnight accommodation for athletes and visitors to the NSC, located in the central area of the Park, was under the control of the Greater London Authority.

In summing up, Members agreed that Crystal Palace Park was very much in need of regeneration and supported Option 5 as the preferred scheme which appeared to make the most of key spaces and would result in the least amount of open public space being lost.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

9 CONTRACT AWARD FOR THE PROVISION OF LIBRARY SERVICES - PART 1

Report DRR17/034

At a meeting of the Executive on 9 November 2015, officers were instructed to market test the library service using a procurement strategy based on competition with negotiation to enable officers' flexibility to work with bidders to realise savings.

Members of the R&R PDS Committee were now requested to consider the outcome of that market testing and provide comments to the forthcoming meeting of the Executive on 19 July 2017.

Further confidential details relating to the award of contract for the provision of library services was considered in an accompanying Part 2 report (DRR17/035).

In outlining the report, the Director, Culture, Renewal and Recreation, made the following representations:-

'Firstly, I should apologise to members of the Committee for the late publication of the two libraries reports, with hindsight I should have perhaps maintained my original position of calling a special meeting once all of the work was completed. However, when I agreed to bring the reports to this meeting I was of the view that this could be achieved. It then transpired that GLL asked for an extension of time to submit their final tender price which we agreed to, but this then caused a knock-on delay in the final evaluation which when considering the complexity of the bid meant that I was late in releasing the reports.

Having said that though, Members will be aware that there have been a significant number of reports tabled concerning the commissioning of library services and in many respects the two papers on the agenda tonight bring to a conclusion to this piece of work.

In particular, in November 2015, through the Gateway report concerning "Proposals for a Commissioned Library Service", the Council agreed to begin a process of market testing the Library Service. This decision was made in the context that over the coming years the Council will need to continue to deliver multi-million pound savings from its revenue budgets. The tender invited potential interested service providers to submit an application to deliver library services on behalf of and under the supervision of the Council, creating a commissioned library service.

In summary we are asking the Executives to agree to:

Award a contract to Greenwich Leisure Limited (GLL) for a period of ten years to run the councils library service with an option for a five year extension.

This is on the basis of the current service, so for instance:

- The same number of libraries that the Council currently provides (14)
- The same operating hours as provided now.
- Same number of days of opening as provided now.
- Same number of new books purchased as now
- Same or similar activities as provided now.
- The Councils library team TUPE transferring to GLL.

We are not envisaging any redundancies as a consequence of this TUPE transfer. Two posts will be retained to form the client team to act as the interface between the Council and GLL.

The contract, subject to the Executive agreeing would go live on 1 November 2017 and would generate significant revenue savings for the Council over the life of the contract.

The contract, should it be awarded, allows for continuous development and improvement and both parties are keen to explore how the service can be developed over the life of the contract to drive up usage of the library service.

It is worth noting at this point that GLL will only be contracted to run the service on the Council's behalf; any decision affecting the direction of travel for the service, amendments or changes to the service will be for the Council to take through the normal democratic process. In other words the Council will retain full control of its library service and will monitor contractual performance twice yearly against a detailed set of key performance indicators and service levels.

GLL are an experienced public library provider, operating library services in Greenwich, Wandsworth and Lincolnshire as well as in prison libraries on behalf of the Ministry of Justice. They are a long established charitable social enterprise experienced at working with local authorities and communities.

The 2016 CIPFA statistics show that in 2015/2016 The Royal Borough of Greenwich achieved 2,408,866 visits, the highest total number of visits to any London library authority.

In addition, Greenwich also had 8,766 visits per 1,000 population, the highest number of visits per 1,000 population across the country.

Wandsworth Borough achieved the highest number of issues in London - at 1,432,685.

There are two reports on the agenda, the Part 1 report provides members with details of the procurement process and the staff consultation that has been undertaken.

The Part 2 reports sets out the financial information behind the GLL bid and the positive impact on the council's revenue budgets going forward over the life of the contract.

The project team:- Mrs Moore, Mrs Jackson and Mr Woolgar are all here tonight to answer any questions or comments that Members may have in relation to the two reports.'

Councillor Michael was informed that the Local Authority would retain ownership of all libraries. Whilst GLL were able to procure books at a cheaper rate than Bromley, the Council would still pay for them and would, therefore, own them. GLL would however, be responsible for employing staff and managing the libraries.

Councillor Allen considered the scheme to be a form of privatisation and for this reason she could not support the proposals. She questioned how GLL could possibly make a profit from the scheme without making staff reductions. She added that the consultation results were misrepresented as the questions asked had been misworded. Councillor Allen also raised concerns about the continuous improvement plans and how these would be monitored. Just maintaining the service as it currently operated was the absolute minimum expected. She also feared that GLL were known to employ staff on zero hours contracts and did not pay the living wage.

The Director of Commissioning reported that £190m worth of Council services were currently outsourced, the majority of which worked well. Organisations such as GLL operated like businesses and worked on a more efficient basis. A summary of the benefits of their bid to deliver the library service and deliver savings on the Council's annual operating budget were outlined in paragraph 3.19 of the report.

In regard to Councillor Allen's concerns around zero hours contracts, the Director Culture, Renewal and Recreation informed Members that GLL were asked to provide their observations on this. Having originated from the leisure industry, GLL had various contracts in existence with 70% of hours worked delivered by staff on permanent open-ended contracts, 30% of hours worked were delivered by staff whom were casually contracted. Libraries were a more fixed operation where only 10% of hours worked were delivered by casual workers. It was GLL's view that it was easier to keep staff on the Local Government Pension Scheme. He also reported that a lot of misinformation was contained in the Trade Union document.

The Director, Commissioning confirmed that existing staff would be transferred across on existing Terms and Conditions. She emphasised the Council was required to save a total of £24m over the next four years. Going ahead with the proposed scheme would ensure that the same level of service was maintained whilst offering security to staff. Should Members decide not to go ahead, it was probable that less advantageous options would need to be considered.

Councillor Phillips alluded to the fact that the same concerns were raised when Members considered the Council's shared service for library back-office and management functions with the London Borough of Bexley. None of

those concerns were proved correct. Staff would be protected through TUPE. The Council was doing its best to maintain services and for this reason Councillor Phillips supported the proposals.

In response to a question raised by Councillor Huntington-Thresher, Members were informed that GLL were aware of the on-going project to redevelop Chislehurst Library and that the contract had the ability to manage such changes to library buildings. Going forward, officers would also work with GLL on the modernisation of various other libraries within the Borough.

Mr Tim Woolgar, Library Operations and Commissioning Manager, reported that new technology was being introduced to assist people in digital literacy and provide services for profiling local communities to ensure suitable stock was obtained for each library. E-books and e-magazines already formed part of the stock fund and would continue throughout the contract. The contract would allow an IT refresh from day one with a second refresh from year 6.

Members were assured that as a procurement activity, the Council would retain greater control over the contract. Any suggestion or change put forward by GLL would be considered by officers and decided by Members. GLL would be required to report to the Committee bi-annually.

In summing up, the majority of Members agreed that whilst libraries delivered an excellent service, something needed to change to enable the Council to save £24m as mentioned previously. It was envisaged there would be no loss of professional staff as a result of the contract. GLL were able to purchase more stock with less money and would do more in terms of community activities.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

Councillor Allen's dissatisfaction with the proposals was noted.

10 BIGGIN HILL MEMORIAL MUSEUM

Report DRR17/032

The development of the Biggin Hill Memorial Museum project was now complete with all funding having been secured. The report sought authority from Members of the Executive to take the project through to delivery and to approve the award of the works contract and the investment of the endowment.

Prior to this, Members of the R&R PDS Committee were requested to consider the report and make any comments available to the Executive.

Mrs Lydia Lee, Head of Culture was pleased to announce that the Heritage Lottery Fund had awarded a grant of almost £2m to the Biggin Hill Memorial Museum scheme.

In his absence, the Chairman reported written comments received from Ward Member and Committee Member, Councillor Julian Benington as follows:-

'As ward Councillor and a Trustee of the Biggin Hill Memorial Museum Trust, I would like to record in the Minutes my sincerest compliments to the Culture team, particularly Lydia Lee, Jemma Johnson-Davey and Rachael David for their outstanding work and support for this project. It is mainly by their endeavours and professional approach that the successful fund-raising of £5 million has been achieved, from different sources, which will enable the Chapel and Museum plans to go ahead.

I would like to add the Assistant Director Colin Brand to these compliments for his continuous support and valuable assistance.'

Members were informed that due to programme constraints, the outcome of the tender process and a recommendation to award the works contract would be detailed in a Part 2 report which will be circulated the day before the meeting of the Executive on 19 July.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

11 OPPORTUNITY SITE G - DEVELOPMENT AGREEMENT AND LEASE - PART 1

Report DRR17/038/1

Following the selection of Countryside Properties (UK) Ltd as the preferred development partner for the next phase of development of Opportunity Site G, Members were requested to consider the detailed terms of the development agreement and lease prior to consideration by Members of the Executive at its meeting on 19 July.

Further detailed information which, for reasons of confidentiality, was provided in an accompanying Part 2 report (Report DRR17/038).

However, one element of the Part 2 report included consideration of any objections received from the public as a result of the advertisement of the proposal to dispose of a small area of public open space. As this was no longer considered to be of a confidential nature, Members discussed this matter under the Part 1 public section of the agenda.

The original tender documentation indicated that the Council was prepared to consider straightening the boundary of the site by including a small part of Church House Gardens, provided there was a corresponding land swap and no net loss of public open space. Countryside confirmed they wished to take this option up and provided a plan which showed the area to be taken out of the park and included in the site, the area to be added back as open space and an additional area that would be dedicated as public open space but

maintained by Countryside. The total of the land to be lost and the land added back amounted to 435.6sqm, so there would be no net loss. In addition, the majority of the land to be lost formed part of the hard landscaped area leading from the High Street into the park.

Because the proposed land for disposal was currently public open space, it was necessary to give notice under S123 (2A) of the Local Government Act 1972 of the Council's intention to dispose of the land by advertising the potential disposal for two consecutive weeks in a newspaper circulated in the area. Members were then required to consider any objections received before making their final decision whether to proceed with the proposed disposal. The notices were published on 28 June and 5 July and any objections received would be reported to Members at the meeting of the Executive. The Chairman expressed concern about the timing of the notice, given that it had been issued before the first consultation regarding the site. He was also disappointed with the presentation of the notice, including the lack of a clear supporting map. The Chairman suggested the notice be withdrawn pending consultation.

The Head of Renewal confirmed that as a result of the land swap there would be no net loss of parkland or gardens. It would also result in a significant improvement to the landscaped area.

In regard to recommendation 2.2(iii), Members were informed that this was a standard clause and reference to 'any further [non-material] variation in the detailed terms' referred to one or two on-going phasing issues.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

12 ORPINGTON BUSINESS IMPROVEMENT DISTRICT (BID) PROPOSAL – RENEWAL FOR 2018-2023 - PART 1

Report DRR17/036

Members considered updates on the progress achieved 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. The updates included the outline Orpington BID Proposal 2018-2023 and Members considered a request that the Portfolio Holder for Renewal and Recreation be given delegated authority to review the final version of the BID Proposal in order to authorise a Ballot to be held on the renewal of the Orpington BID in November 2017.

For reasons of confidentiality, full details of the Orpington BID Proposals 2018-2023 were contained in a report considered by Members in the Part 2 section of the agenda.

It was reported that Orpington 1st had requested the Council consider waiving the £8k per annum levy collection charge however, the Local Authority did not

have the budget to support this. It was also likely that in doing so, other BIDs may submit the same request and therefore the financial benefit gained from having BIDs would be lost.

The levy itself was collected on behalf of the Council by Liberata and Councillor Tickner was concerned that they may be overcharging. The Head of Town Centre Management had looked into this matter and discovered that some local authorities do waive the levy while others do not. Liberata was on a par with other local authorities in terms of the levy charge.

Councillor Huntington-Thresher commented that BIDs were not able to negotiate with collectors. The Orpington BID had a smaller income than others so the levy charge took up a significant proportion of that income. He emphasised the need to ensure that Liberata were encouraged to collect as cheaply as possible. Councillor Tickner moved that an additional recommendation be added to the recommendations to be considered by the Executive in regard to this.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017. The following recommendation was also added:-

'2.6 The Executive be recommended to agree that when Liberata's contract is up for renewal, the levy collection charge be included in the specification.'

13 TOWN CENTRES DEVELOPMENT PROGRAMME UPDATE

Report DRR17/037

Members received an update on the progress achieved in delivering the Town Centres Development and Growth Programme.

Commenting on the Orpington Walnuts Shopping Centre Public Realm Scheme and in light of the recent Grenfell Tower disaster, Councillor Michael referred to concerns regarding the cladding for the new fire escape. The Head of Renewal confirmed the cladding was fire retardant.

Councillor Tickner reported the Beckenham BID had been deferred until January/February 2018 however, traders were still very enthusiastic. Councillor Morgan attended the last Beckenham Town Centre Working Group where concerns were raised regarding the incorrect paving laid around Beckenham Junction which was lighter than the darker granite originally ordered. On completion of the scheme, Conways the Highways Contractor, would replace the paving with the correct specification, meanwhile they considered deep scrubbing with a chemical solution should bring it back up to standard. The correct granite had been reordered for the remaining two phases.

In regard to anti-terrorism, Environmental Services were working towards introducing protective street furniture in the Beckenham Town Centre public high street at a cost of £100k. Deeply embedded bollards capable of withstanding attacks would be installed in Market Square.

Councillor Huntington-Thresher enquired whether current cycle parking in high streets were secure. In response, the head of Renewal confirmed that security was at the forefront in terms of design for Beckenham. Cycle parking should be located where it was most required by members of the public and visible in an area where passive surveillance could take place. Cycle pumps would also be made available. Councillor Tickner emphasised the importance of ensuring a number of smaller cycle spaces were also located around smaller convenient areas.

RESOLVED that the progress achieved in delivering the Town Centres Development and Growth Programme be noted.

14 RENEWAL AND RECREATION PORTFOLIO PLAN

DRR17/033

Members considered a report which summarised the aims and objectives of the Renewal and Recreation portfolio for 2017/18. The report also provided a summary of the achievements of the Renewal and Recreation portfolio in 2016/17.

It was agreed that a further Portfolio Plan report be submitted to the final meeting of the 2017/18 Municipal Year.

RESOLVED that the reported be noted.

15 PLANNING APPEALS MONITORING REPORT APRIL 2016 TO MARCH 2017

Report DRR17/29

The report (considered jointly with Item 15 – Report DRR17/28), provided an update on planning appeals received and decided for the year 2016/17.

In responding to questions from Councillor Michael, the Chief Planner reported there was no obvious reason for the difference between the number of appeals lodged in 2015/16 (261) compared with 2016/17 (351) as set out in Table 1 (page 135). One theory was that whilst the number of dwelling applications had increased in 2016/17, the number of applications refused were in fact very similar.

At the suggestion of Councillor Allen, officers agreed that each case recorded in future tables would be numerically allocated for ease of reference.

The Development Control Manager (Appeals and Enforcement) confirmed he actively encouraged officers to apply for awards of cost when applicable.

The Chief Planner reported the Planning Section attempted to match appropriately the quality of the appellant's barrister/planning consultants etc. at appeal hearings.

Discussion had taken place with the Communications Team in regard to advertising when appeal cases were awarded in the Council's favour with some being advertised in the weekly list. It was good to show residents that the Council was being robust in appealing cases.

RESOLVED that the report be noted.

16 PLANNING APPEALS - COSTS 2016-2017

Report DRR17/28

Members received an update on the award of costs from planning appeals made in the financial year 2016/2017. The report also contained an update on cost claims paid in the same year.

Members considered this information jointly with Item 14 (Report DRR17/29) and any comments made are recorded thereunder.

RESOLVED that the report be noted.

17 ENFORCEMENT MONITORING REPORT (APRIL 2016 TO MARCH 2017)

Report DRR17/027

Members considered an update on enforcement activity from 1 April 2016 to 31 March 2017. This report was considered jointly with Item 17 – Report DRR17/031).

In regard to Appendix 1 – Instructions Issued April/May/June 2016, the Chief Planner agreed in future to include outstanding items prior to 2016. The table would also be amended to show the date when cases had been resolved. The Development Control Manager informed Members that although the number of complaints received had remained static, the number of running cases had built up due to a member of staff being absent from the office for three months. Upon her return, the number of cases had decreased. Currently, enforcement staff were responsible for 150 cases each.

Councillor Tickner requested up-to-date information concerning action taken in regard to The Drive, Beckenham (page 185). He was aware that a decision to issue an Enforcement Notice was made in November 2016 yet the site still remained untidy. The Development Control Manager explained that the owner had appealed the Notice and Bromley Magistrates' Court had failed to

notify the Council of the scheduled hearing or that the appeal had been dismissed. A Breach of Enforcement Notice was currently with litigation and a summons would be issued shortly. Further action was awaited on the Section 125 Notice and a charge against the property would be raised. Upon receipt of the Notice, the owner would have 28 days in which to comply. It was envisaged that the case should be resolved within the next three months.

In light of the Grenfell Tower disaster, the Director of Regeneration informed Members that an information report on how this had affected the Council and the outcome of on-going housing association investigations concerning fire safety and fire risks would be submitted to the PDS Committee meeting in November 2017.

Amey, the Council's property contractor, had been requested to undertake fire/risk assessments on all Council-owned buildings. This should be completed by September 2017 and a separate report on the findings and costs would be submitted to a future PDS meeting.

The Chief Planner confirmed that external Building Control Approved Inspectors worked to the same Building Regulations as the Council and must also sign a completion notice as the Council do. In terms of cladding etc., the Council did attempt to advise owners of their responsibility to employ someone to carry out assessments.

The Chairman put forward a motion that officers contact relevant owners to ensure their building stock is assessed and to request a copy of the cladding assessment for the file. This motion was seconded by Councillor Tickner.

RESOLVED that officers contact relevant building owners to ensure their building stock is assessed and to request, where relevant, a copy of the cladding assessment for the file.

18 DELEGATED ENFORCEMENT ACTION - APRIL 2016 TO MARCH 2017

Report DRR17/031

Members were advised of the enforcement action taken under Delegated Authority for alleged breaches of planning control.

Members considered this information jointly with Item 16 (Report DRR17/29) and any comments made are recorded thereunder.

RESOLVED that the report be noted.

**19 RENEWAL AND RECREATION PDS COMMITTEE WORK
PROGRAMME 2017/18 AND RE-APPOINTMENT OF THE BECKENHAM
TOWN CENTRE WORKING GROUP**

Report CSD17079

Members considered the R&R PDS Work Programme for 2017/18 and were also requested to agree to the continuation of the Beckenham Town Centre Working Group for the current Municipal Year with membership comprising Councillor Michael Tickner and Ward Councillors.

RESOLVED that:-

- 1) the work programme for 2017/18 be noted; and**
- 2) the Beckenham Town Centre Working Group be appointed for a further year with a Councillor membership comprising Councillor Michael Tickner and Ward Councillors.**

**20 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 moved that the Press and public be excluded during consideration of the items of business listed below as it was 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.

**21 CONTRACT AWARD FOR THE PROVISION OF LIBRARY
SERVICES - PART 2**

Report DRR17/035

Confidential details relating to the award of contract for the provision of library services was considered by Members. This report accompanied a Part 1 report (DRR17/034) in relation to the outcome of market testing the library service.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

**22 OPPORTUNITY SITE G - DEVELOPMENT AGREEMENT AND
LEASE - PART 2**

Report DRR17/038

Following the selection of Countryside Properties (UK) Ltd as the preferred development partner for the next phase of development of Opportunity Site G, Members were requested to consider further confidential details on the terms

of the development agreement and lease prior to consideration by Members of the Executive at its meeting on 19 July.

One element of the report (paragraph 3.6), related to the Council's intention to dispose of a small piece of land; this was no longer considered to be of a confidential nature and was therefore discussed during consideration of the accompanying Part 1 report (DRR17/038/1).

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

**23 ORPINGTON BUSINESS IMPROVEMENT DISTRICT (BID)
PROPOSAL – RENEWAL FOR 2018-2023 PART 2**

Report DRR17/043

Members considered confidential additional detail on the draft proposals and budget for a Second Term for the existing Business Improvement District (BID) in Orpington Town Centre. An accompanying Part 1 report (Report DRR17/036) was previously considered during the public section of this meeting.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

24 BIGGIN HILL MEMORIAL MUSEUM

As this report was no longer considered to be of a confidential nature, Members discussed its content under the Part 1 public section of the agenda (Supplementary Item 9a).

25 CRYSTAL PALACE PARK: REGENERATION PLAN

Report DRR17/029

Members considered a confidential update on the outcome of the Crystal Palace Park café works procurement process for which approval for the award of contract was sought from Members of the Executive. An accompanying Part 1 report relating to the development stage of the Regeneration Plan for Crystal Palace Park and the next steps to take the Plan forward to delivery was previously considered during the public section of this meeting.

RESOLVED that the report be noted and Member comments be submitted to a meeting of the Executive on 19 July 2017.

The meeting ended at 9.10 pm

Chairman

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Report No.
DRR17/055

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Renewal & Recreation Portfolio Holder

For Pre-decision Scrutiny by the Renewal & Recreation PDS Committee

Date: Wednesday 1 November 2017

Decision Type: Non-Urgent Executive Non-Key

Title: MYTIME ACTIVE ANNUAL REPORT 2016/17

Contact Officer: John Gledhill, Head of Leisure Business Development
Tel: 0208 461 7527 E-mail: john.gledhill@bromley.gov.uk

Chief Officer: Director of Regeneration

Ward: (All Wards)

1. Reason for report

This report updates the Renewal and Recreation Policy Development and Scrutiny Committee and the Executive Portfolio Holder on the Mytime Active Annual Report for 2016/17 and Mytime's future proposals in respect to the Investment Fund for 2018/19 that the Council provides annually to Mytime. The Mytime Active Annual Report 2016/17 is included as Appendix 1.

2. **RECOMMENDATION(S)**

2.1 **The Renewal and Recreation Performance and Development Scrutiny Committee are asked to:**

2.1.1 **Consider the commentary within this report and make any recommendations to the Executive Portfolio Holder for Renewal and Recreation.**

2.2 **The Portfolio Holder is asked to:**

2.2.1 **Consider the commentary within this report and any recommendations made by the Renewal and Recreation Performance and Development Scrutiny Committee.**

2.2.2 **Agree to the release of the 2018/19 Investment Fund to upgrade facilities as detailed within Appendix 2 of Mytime's Annual Report.**

- 2.2.3 Agree to the re-allocation of the £100k underspend in soft play equipment from the 2016/17 Investment Fund to upgrade the Spa swimming pool changing village as detailed on page 20 of Mytime's Annual Report.**
- 2.2.4 Agree to the re-allocation of the £10k underspend in £10k lift improvements from the 2017/18 Investment Fund to upgrade the Spa swimming pool changing village as detailed on page 20 of Mytime's Annual Report.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:

Mytime Active provides a range of initiatives and programmes that support vulnerable adults and children. They provide activities that focus on getting inactive people to become involved sport and physical activity, and to encourage children and young people to develop their potential, and their personal and leadership skills. Mytime Active also provide a range of discounted memberships, promotions and schemes targeted at people on low incomes to encourage them to adopt healthy and active lifestyles.

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost: £680,275
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Mytime Grant Budget 2017/18
 4. Total current budget for this head: £826,625 (Accommodation & Investment Fund)
 5. Source of funding: Existing Revenue Budget for 17/18
-

Personnel

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: None
 2. Call-in: Applicable
-

Procurement

1. Summary of Procurement Implications: n/a
-

Customer Impact

1. Estimated number of users/beneficiaries: 4,577,837
 - 3,425,209 Leisure Centres
 - 68,706 Childcare places
 - 208,015 Halls
 - 221,204 Golf
 - 13,596 Community Activities

641,107	Additional leisure attendances including swim lessons, parties, school swimming lessons, and club hire
4,577,837	Total Mytime Active

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Mytime Active (Mytime) provides the Council each year with their Annual Report (Report) which is included as Appendix 1. The Report outlines Mytime's achievements for the year 2016/17 and also previews their future spending proposals from the Investment Fund for 2018/19, along with their 2018 pricing review.
- 3.2 The Report highlights that in 2016/17 Mytime achieved a record 4.5 million visits to their facilities an increase of over 10% on 2015/16. Mytime now have a membership base in excess of 18,300 an increase of over 14% on 2015/16. The attendance figures across their facilities show steady growth from nearly 2.4 million visits in 2011-12 to over 4.5* million visits in 2015-16 (* including 641k 'additional attendances' not historically collected in 2011-12). Leisure centre visits are up by 12% on last year, childcare attendances 31% and golf 28% (that is against a significant national downward trend in golf participation). Public hall attendances are down 9% due in part to closures for repairs and long established agreements ceasing as providers are unable to sustain their offer. Community attendances are up slightly with a 2% growth.
- 3.3 Mytime are now teaching over 7,300 children to swim on a weekly basis an increase of 6% on the previous year, and deliver swim programmes across 75 schools. They also provide 3 Buzz Zone soft play facilities for younger children, and have opened 2 new childcare clubs for working parents.
- 3.4 Mytime manage the Bromley teams entry into the London Youth Games and in 2016 Team Bromley finished first with over 700 young people taking part across 85 competitions and 30 different sports. A celebration event took place at the Pavilion Leisure Centre where the Mayor welcomed over 140 Team Bromley participants. The BBC broadcast the event live on the London News.
- 3.5 The Report details the work that Mytime is continuing to undertake in promoting physical activity to help build healthier and happier communities and to provide opportunities for residents to benefit from participating in sport and being active. Their work in supporting people to develop healthy lifestyles and enabling people to enjoy better physical and mental health helps reduce the costs for other public services in areas such as adult social care, and local NHS services.
- 3.6 Mytime continues to provide 2 focused exercise referral programmes that they have now been successfully delivering for 13 years. Heart Smart is a programme of exercise for those at risk of or with established heart disease and Fresh Start is for those with defined medical conditions that could be improved with an increase in physical activity. Both schemes aim to increase participant's physical activity and to improve their long term health. After completion of 12 weeks supervised sessions, participants are signposted to other physical activities such as Primetime sessions. Mytime have had their highest number of referrals this year with 1,500 residents being referred via their Exercise Referral Hub. Additionally with funding through Pro-Active Bromley Community Sports Activation Fund Mytime developed, in conjunction with Bromley Healthcare, a Walking Away from Diabetes course where those successfully completing the course are offered a subsidised membership package, and sessions with a personal trainer.
- 3.7 A new scheme MIND was piloted by Mytime where 40 adults with mild to moderate depression were self-referred or referred by their GP. People with mental health problems have a significantly reduced life expectancy and NICE guidance recommends exercise as a treatment. Exercise programmes were combined with cognitive behavioural therapy (CBT) as a way to manage depression. Research suggests exercise produces similar antidepressant effects as antidepressant medication.
- 3.8 Primetime, an exercise programme for older people, continues to grow and Mytime now delivers over 80 sessions with 2 full time staff now employed and 24 volunteer Primetime buddies.

Primetime members have increased by 300 over the year and there are now 2,384 members. Additional sessions were started in Biggin Hill through the community Sports Activation Fund where 123 signed up and there have been 3,689 attendances.

- 3.9 Mytime's "PALS" project for older men supported with funding through Sporta attracted 800 inactive men with 90% of them achieving the Chief Medical Officers physical activity guideline of at least 30 minutes exercise a week after 6 months. 118 of the participants also took out a Mytime Primetime membership.
- 3.10 The ArtsTrain and MyFuture projects continue to engage and empower young people in sport physical activity and creative music opportunities. In recognition of its achievements the award winning Artstrain project has been invited to by Arts Council England to join their National Portfolio for 2018-22, making them the first organisation in the Borough to achieve this. MyFutures continues to be in the top 5% of the 1,000 Doorstep Sports clubs. The Us Girls project, with funding from Streetgames, delivered a series of activities targeted at getting young women aged 14-25 more active, engaging over 190 inactive women in programmes such as boxing and streetdance.
- 3.11 In 2016/17 Mytime made a surplus of £1.9m on a turnover of around £32m. Their unrestricted reserves, built up over the life of the agreement, now stand at £14.7m with £8.4m of that being invested in fixed assets and £6.3m in free reserves, around 20% of turnover, to protect against risk or unexpected events.
- 3.12 Mytime has included within their Annual Report their 2017 pricing review (Appendix 3). Their strategy is based on offering value for money on flexible terms that remove any barriers to participation. Mytime highlight the significant costs they have had to absorb across the business notably the living wage and increased energy bills which together total 75% of costs, necessitating an increase in their core pricing structure. Their proposals are:
- Core pay and play prices will increase by 5%
 - Continuation of 10% discounts on pay and play participants that register.
 - Free swimming increased to include under 4s
 - Free golf for all leisure junior members
 - Family memberships to increase by £1 per joiner
 - A number of prices have been frozen including:
 - All individual membership categories
 - Concessionary prices for those on low incomes
 - Increases to a number of community hirers in line with inflation (some will be frozen)
 - School childcare provision frozen until September 2018 and if applied an increase will in line with inflation.
- 3.13 Mytime has provided an update on the spend to date of the £2.83m the Council has provided in backlog and Investment Fund monies since November 2015 and the following projects have been completed:
- Beckenham Spa changing room refurbishment
 - West Wickham changing rooms
 - Walnuts soft play extension and renovation
 - LED lighting improvements across facilities
 - Walnuts leisure centre improvements
 - High Elms clubhouse and changing rooms
 - Pavilion soft play extension and renovation
- 3.14 Mytime have also included their proposals for a 5 year rolling programme of spending from the Investment Fund within Appendix 2 of their Annual Report. The schemes that represent Mytime's key service areas for improvement for 2018/19 are:

Project	Amount
Improvements to the Greencare operation at High Elms and Bromley golf courses	£188,500
Air conditioning replacement across the estate	£130,000
Kitchen upgrades and installations	£128,000
Decoration and furniture improvements	£49,000
Walnuts gym and squash court development (spin studio)	£25,000
Redevelopment of the Spa Heath Suite	£159,775
Total	£680,275

The Investment Fund proposals for 2018/19 above accord with historic spends previously approved for the Investment Fund and do not conflict with wider Council aspirations.

- 3.15 Mytime also highlight within their Report an underspend within the Investment Fund for 2016/17. The Renewal and Recreation Portfolio Holder in April 2016 agreed £300k from the 2016/17 Investment Fund for upgrades to soft play facilities at the Walnuts, Spa and Pavilion leisure centres. When working up the design for the schemes those at the Spa and Pavilion had to be scaled back due to space restrictions and additionally the tender prices came back lower than anticipated. This resulted in a saving across these schemes of £100k. Mytime are seeking approval to re-allocate this underspend to upgrade the Beckenham Spa swimming pool changing village. Additionally as detailed in their Report, the Portfolio Holder in November 2016 agreed an allocation from the Investment Fund for 2017/18 of £100k for customer lifts improvements. The works on the lifts have now been completed through Amey and came in under budget. The contribution required from Mytime is therefore only £90k representing a £10k saving. Mytime would like to also re-allocate this £10k to the Beckenham Spa swimming pool changing village. The Mytime proposals for the re-allocation of funds for improvements at the Beckenham Spa swimming pool accord with historic spends previously approved for the Investment Fund and do not conflict with wider Council aspirations.

4 IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Mytime Active provides a number of initiatives and programmes that support vulnerable adults and children. They provide activities that focus on getting inactive people to undertake sport and physical activity, and encourage children and young people to develop their potential, including their personal and leadership skills. Mytime Active provide a range of discounted memberships, promotions and schemes targeted at people on low incomes to encourage them to adopt healthy and active lifestyles.

5. FINANCIAL IMPLICATIONS

- 5.1 The Deed of Variation dated 1st November 2011, states that the core funding for the period 1 April 2013 to 31 March 2024 be reduced to zero and that there will be no further financial contribution from the Council to the Trust in terms of Core Funding. The contribution towards accommodation costs and the investment fund will continue to be inflated by RPIX published in January 2018, in accordance with Schedule 2 of the original Funding Agreement.
- 5.2 Assuming inflation of 3% will be built into the 2018/19 budget, the breakdown of the grant payable to Mytime is shown below:

	2018/19
	£
Contribution towards accommodation costs	169,920
Investment Fund	681,530

5.3 Mytime has submitted proposals to spend the 2018/19 investment fund and six schemes have been put forward totalling £680k. Approval is sought to release the 2018/19 investment fund, the actual amount available will be known by the end of January once the December RPIX has been applied. Should the actual amount be less than the £680k, Mytime will have to amend the proposals to reflect the actual funding available.

6. LEGAL IMPLICATIONS

As per the Agreements between the Council and Mytime at the point of transfer of the services, and the updated agreement between the Council and Mytime Active dated 1st November 2011

Non-Applicable Sections:	Policy and Personnel Implications
Background Documents: (Access via Contact Officer)	<p>Mytime Active Annual Report Renewal and Recreation PDS Committee 22 November 2016</p> <p>Mytime Active Investment Fund Proposals Renewal and Recreation PDS Committee 6 April 2016</p> <p>Mytime Active Annual Report Renewal and Recreation PDS Committee 27 October 2015</p> <p>Agreement between the Council and Mytime Active dated 1st November 2011</p> <p>Agreements between the Council and Mytime 2004.</p>



Annual Report
2016/17

In partnership with



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Setting the Scene

We are all increasingly aware of the importance of physical activity in improving how we feel about ourselves, our friends and family, and our neighbours. What common sense has told us over many years is now consistently evidenced by research, and public policy is paying significant attention to how activity can positively impact health, longevity and overall happiness in the local population.

As a social enterprise, our commitment is to address this need. We want more people to live more active and healthier lives – put simply, to “feel amazing”. Our company goal is improving the wellbeing of the whole community – individuals, friends, families and neighbours – so it becomes a healthier and happier place to live, work and play.

At Mytime Active, we have developed a particular approach to wellbeing, which starts by engaging more people in more active leisure time. Believing in the importance of good diet, we incorporate healthy eating options across all our venues. We design our programmes and classes to build self-confidence and self-esteem, and to develop and maintain groups with strong social connections. All these aspects are integral to the essence of wellbeing.

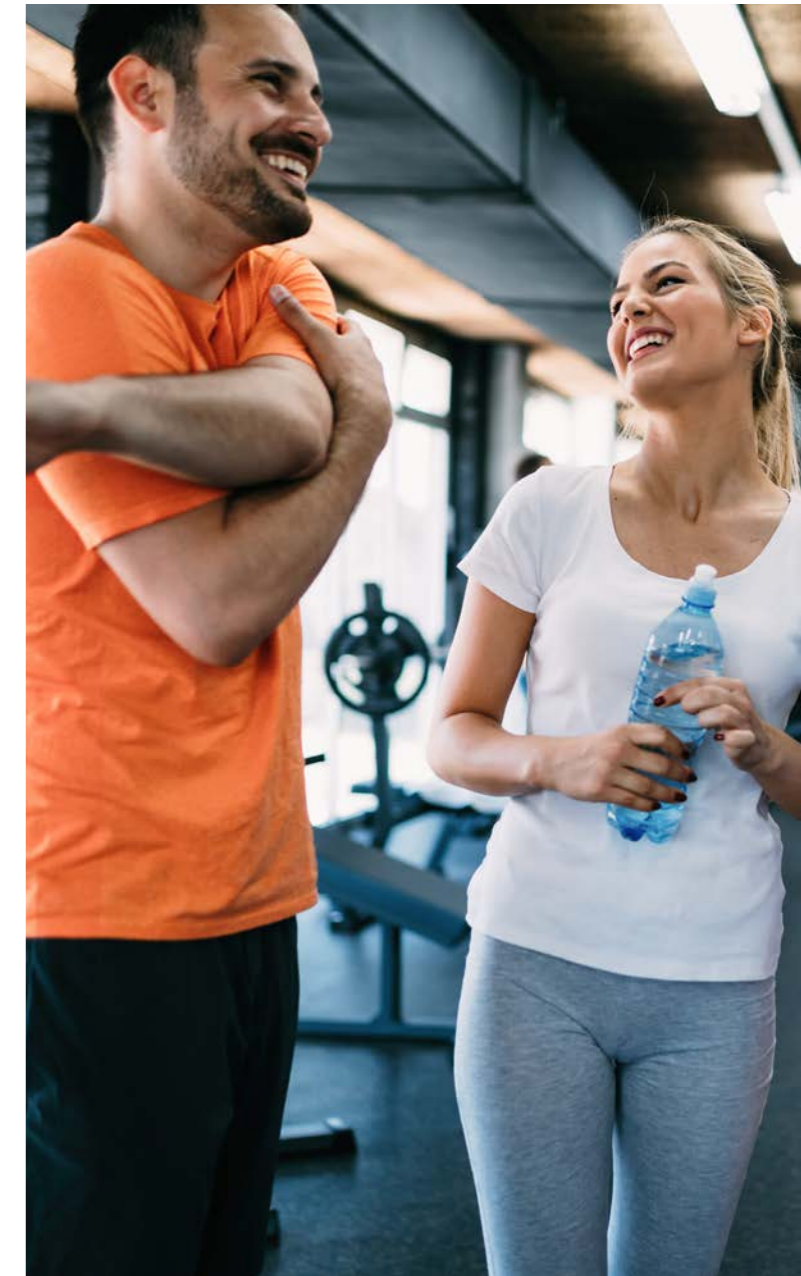
As a social enterprise, we believe that wellbeing should be accessible to all parts of the community. Part of the public benefit we provide is to ensure we target all life stages from parents and toddlers in our soft play or aqua classes to children learning to swim or developing their golf, gymnastics or trampolining; to young workers who benefit from great value gym and leisure membership; to families who enjoy the breadth of activities on offer at half term; through to our thriving “Primetime” network of over 60s, who together maintain their vivacity into their later years. An important part of our philosophy is to set prices at affordable levels, minimising any financial barrier. I am delighted that we continue to see evidence of the success of our approach through the increased number of visits to our venues over the past year.

During the year, our founding Chairman, Dennis Barkway, retired from office after 14 years’ service. A former Leader of Bromley Council, his professional experience and local connections allowed him to steer Mytime Active to its current successful position for which we are immensely grateful. Dennis is succeeded by Mark Oakley, Senior Partner at Judge Priestly LLP. Mark has built his career in the Borough over 30 years, and so also brings excellent local knowledge as well as professional skills. Mark and all the other Trustees, of whom a further 7 are Bromley residents, give their time voluntarily, and we continue to thank them for their advice and guidance.

Our role in Bromley is important to us. Looking forward, in 2017 we are bringing all our health, golf and leisure services within Bromley, under single management, to provide more connection with local partner organisations, better understanding of our Bromley customers, and more quality services that will improve the wellbeing of local residents.

We greatly value our partnership with Bromley Council and look forward to discussing this report on our work in 2016/17.

Marg Mayne
Chief Executive, Mytime Active



Executive Summary

Mytime Active as a social enterprise is dedicated to supporting people to improve their well being and adopt and lead an active and healthy life. We do this by providing services that are affordable and accessible to everyone. The facilities we manage have a good geographical spread and are easily accessible to Bromley's community:

- Beckenham Public Halls and the Spa in Beckenham
- Bromley Golf Centre, the Great Hall and the Pavilion Leisure Centre in central Bromley
- Orpington Golf Centre, Crofton Halls, Darrick Wood Swimming Pool and Walnuts Leisure Centre in Orpington
- West Wickham Leisure Centre
- Biggin Hill Memorial Library and Pool
- High Elms Golf Centre in Downe

Our Customers

We are delighted to report that in 2016/17 we achieved a record number of visits to our facilities and services – 4.5 million. Increased visits were achieved across the leisure centres and golf sites as a result of a growing membership base, which has increased year on year by 14% to 18,300 members. More people than ever before (60%) are benefiting from a subsidised member fee.

Children & Young People

We continue to encourage children and young people into our facilities and services to engage them in the physical activity and sport which is crucial to their growth and development. We continue to see a growth in our swimming lesson programme, through which we now teach 7,300 children per week to swim. The upgrades to our three soft play facilities has resulted in increased usage and our childcare provision for working parents is increasing its reach with the opening of three new services. We resource and manage Team Bromley's entry into the London Youth Games and are proud that we finished in 1st place in 2016.

Adults & Older people

In line with Sport England and Pro-Active Bromley's Strategic Framework we aim to maintain, and ideally increase, physical activity levels across Bromley. To support this aim we provide a comprehensive core programme of activities, including swimming, gym, group exercise, bowling, golf and FootGolf.

We also offer specialist services, including HeartSmart and Fresh Start for people with defined medical conditions. Referrals from GPs and healthcare professionals have increased year on year. 74% of those completing the programme improved their physical activity levels and 66% improved their general health.

More older people and adults with learning disabilities than ever before are using our facilities and are reaping the physical and social benefits that our extensive Primetime and Leisurecare programmes offer.

Community Engagement - Events and Grants

We continue to recognise the importance of events in building community cohesion and have extended our events programme to include cinema nights and firework displays at our golf courses. Our 5th Bromley Santa Dash attracted over 1,000 Santas who all completed a 2km route, finishing on the High Street to rapturous applause from friends, family and Christmas shoppers.

Community Projects

The MyFuture and ArtsTrain projects continue to engage and empower young people to take ownership of their personal, social and community development. MyFuture offers young people in targeted areas of the Borough access to free weekly sports activities. We have increased engagement of young women in physical activity through the Us Girls project.

During the year we applied for National Portfolio Organisation (NPO) status to Arts Council England. We are proud to announce we were successful with the application and ArtsTrain will be the first NPO to be based in Bromley. Young people will reap the benefits through increased access to musical experiences.



Investing in our Business: Finance & People

As a social enterprise we need to be financially self-sustaining. In the financial year 2016/17 we made a surplus of £1.9m, on a turnover of circa £32m, which represents a return of less than 5.9%. This is a very modest return, the more so given the risks associated with running large public facilities. It is at a level in keeping with a self-sustaining approach, rather than one that is accruing large surpluses.

Our people are our most valued and considered asset and 2016/17 has been a year of both reflection and action. Our People function has received investment in both resources and skills and is now a combined HR and Learning & Development department with the skills and resources to support Managers.

Our current approach to pay and reward is to ensure equity and to reward both great behaviour and great performance. This year we have continued to exceed statutory requirement by paying the Living Wage to all employees, including those under 25.

Investing in our Business: Facilities

In November 2016 the London Borough of Bromley authorised the investment of £2.82m into leisure and golf. To date we have invested £1.12m to refurbish The Spa and West Wickham changing rooms, extend and renovate 3 soft play facilities, improve High Elms club house and changing rooms and improve Walnuts facilities. We are submitting the investment plan which has been discussed and adapted as a result of feedback from Council Officers, with this report. We anticipate that the year 15 funds will be released in accordance with the Council's commitments.

Previewing 2017/18

To further support the delivery of an integrated service approach to customers during 2017/18, we will be realigning the operational team from a divisional approach through golf, health and leisure to a geographically positioned, regional structure. We will have one Regional Manager responsible for the management of our Bromley portfolio of golf, health and leisure services and facilities. We will also be recruiting Assistant Regional Managers, a Head of Asset Management and a Project Manager to support the Bromley team. This will increase our current skill base and enhance our delivery of services across Bromley.

We will continue to focus on improving customer health and levels of well being during 2017/18. For example, we have partnered with England Golf and ukactive to deliver the first ever externally validated golf on referral programme, which we will be piloting at Bromley Golf Centre.

To deliver our goal of improving wellbeing in communities, we need to better understand our current and potential customers better. We have therefore commissioned a research project through which we aim to gather insight on a range of areas. The results will then inform our future operational strategy.

At a Glance

4.5m
number of visits in 2016/17

17%
increase in visits

66% of adults improved their general health with our HeartSmart and Fresh Start programmes

7,300
children learn to swim weekly

£1.12m
invested in 2016/17

Our Customers

We are delighted to report we have achieved a record number of visits to our facilities and services during 2016/17. We have recorded over 4.5 million attendances, a 17% increase year on year. Our ethos of welcoming a cross section of Bromley’s residents through providing accessible and affordable facilities and services and working with a range of partners and funders is supporting an increased number of visits.

Other significant factors which contribute to the figures in the table below:

- Leisure centre visits have increased year on year by 12% as a result of a number of factors: the continued success of our family membership, the launch of our registration pricing scheme and discounts and improved facility condition.
- Childcare attendances are up by 31% as a result of new services which have opened at Alexandra School (breakfast club) and Harris Academy Beckenham (breakfast and after school club). In addition there has been an uplift in attendances across the established settings.
- The Halls have seen a further decrease in their bookings, with some long established agreements ceasing due to providers being unable to sustain their offering, and attendances having dropped by 9%. Works to the small Hall in the early part of the year also impacted attendances at Beckenham Public Hall.
- Golf attendances have increased by 28% despite a national stagnation in golf participation. One of the main reasons for this is the growth we’ve seen in members. This can be attributed to the introduction of the integrated leisure membership launched in April 2016. For the first time, customers are able to take full advantage of our local leisure and golf facilities at a market leading price point.

Bromley Attendances	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Leisure Centres	1,887,489	2,695,039	2,797,889	2,540,879	3,051,679	3,425,209
Childcare	44,454	50,053	52,421	48,007	52,602	68,706
Adventure Kingdom	45,567	Soft play moved				
Halls	254,658	258,466	238,110	261,002	229,440	208,015
Golf	96,627	112,119	156,406	157,395	172,950	221,204
Community activities	54,790	33,215	36,558	39,818	13,318	13,596
Total Mytime Active	2,383,585	3,148,892	3,281,384	3,047,101	3,519,989	3,936,730
Additional leisure attendances inc. swim lessons, parties, school swimming & club hire				495,547	616,946	641,107
Total			3,542,648	4,136,935		4,577,837

Although we face tough competition from the private sector we are unique in offering a range of payment method. This includes the key option to “pay and play” whenever it suits individuals and families. We offer a range of memberships and our pricing policy has been developed to offer subsidised prices and memberships for a number of groups including children and young people, people aged 60 and over, and those on low incomes. Our Sporting Champions Scheme offers elite sportspeople free access to our facilities to support their training, and free membership for all our London Youth Games Team Bromley participants.

Last year we reviewed the initial impact of our Family membership option which offered families up to 47% discount on the price of a membership. This has continued to grow and is one of our key differentiators against our competitors.

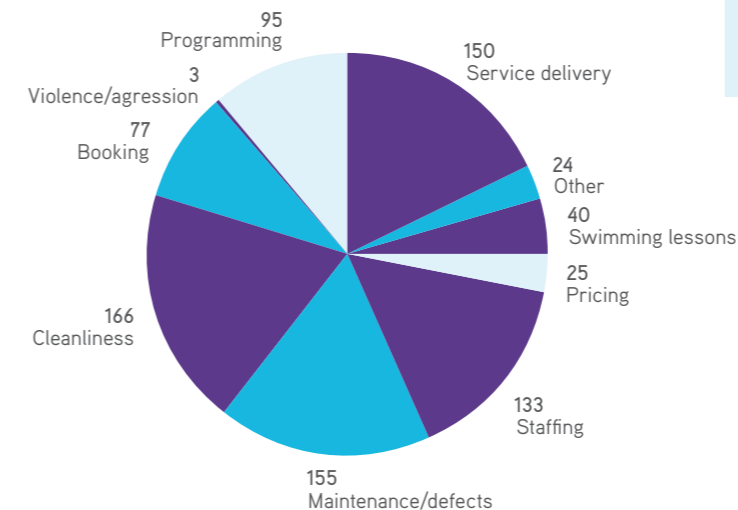
As a result, our membership base across leisure and facilities is now in excess of 18,300 members, 60% (11,053) of our members are in receipt of a subsidised or free membership package.

Customer feedback

We categorise customer comments in leisure into 10 areas. The customer feedback chart below shows the number of comments received for each category. More positive comments are received about staffing and swimming lessons than in other areas. Issues around cleanliness and maintenance and defects receive the most comments requiring improvements.

To support development and customer service levels of our front of house teams, we engage an external company called Proinsight to conduct mystery shopping visits, designed to evaluate the full experience. Our average score steadily grew to 78% through the year. This is higher than industry standards, but still below the benchmark we have set internally, and therefore we remain focussed on improving in this area.

For golf, qualitative customer feedback is taken from our Players 1st surveys and we gain industry benchmarking from the 59 Club. The only sustained negative comments received regarding the golf courses related to the condition of the winter and summer tee boxes. As a result we’ll be replacing all winter tee mats for winter 2017.



7,226
family members on discounted memberships

2,348
Primetime members aged 60 and over

686
junior members*

628
concessionary members on low income

60%
of our members are in receipt of a subsidised or free membership package

145
Team Bromley London Youth Games Participants who took up offer our free annual membership offer

20
elite Sporting Champions in receipt of free annual memberships

*Due to the affordability of family membership, we now have more people opting for the family subscription. This has seen a reduction in both single junior memberships and single concessionary memberships (all three membership types have the same pricing point at £24.95)

These members have unlimited access to the gym, the pool and group exercise classes. To make the most of their membership financially, most attend our facilities at least twice a week, achieving the levels of physical activity recommended by the Department of Health.

Children & Young People

With 24% of Bromley's population between the ages of 0-17 years and physical activity crucial to optimal growth and development for children and young people, this is a key target group for Mytime Active. The following section provides a summary of our achievements in providing services for children and young people and encouraging them to be active.

Get active in swimming

Our "Get Active in Swimming" programme continues to be popular with parents who are keen for their children to learn to swim. We have 400 more participants on the programme each week compared to last year. Our weekly average has risen to 7,300 children learning to swim in our swimming pools.

We also offer swimming programmes for local schools to meet the National Curriculum requirements. Over the course of the year we delivered school swimming lessons to 75 schools across the borough, reaching over 7,000 children. Our relationship with the schools is a healthy one and through the schools we are promoting our casual, pay and play swimming sessions to all children and their parents.

In February we undertook a Get Active in Swimming survey to engage our customers and gain feedback. Results stated that over 87% of our swimmers would recommend us to a friend or family member.

Get active in golf for juniors

We continue to teach golf to juniors through the Golf Foundation's Junior Golf Passport, which offers a structured learning programme for children aged 6 to 12. The programme is popular at Bromley Golf Centre. During the summer and half term school holidays we run "Golf Camps" for children and young people, introducing 53 children to the game of golf over the summer of 2016.

The blue tees at Bromley Golf Centre continue to accommodate both juniors and adult beginners and receive positive feedback.

London Youth Games 2016

After nine months of intense competition, we're delighted to report that Team Bromley finished first in the London Youth Games 2016. 33 London Boroughs competed in Europe's largest youth sports festival with 85 competitions across 30 different sports. This year we engaged over 700 young people to reclaim the title that we hadn't won since 2010.

In September, we hosted our annual London Youth Games 2016 Celebration Event at The Pavilion Leisure Centre. The Mayor welcomed over 140 Team Bromley participants and shared his pride at Bromley winning the overall games. We were also joined by three Olympians Dina Asher-Smith, Joshua Buatsi and Chemmy Alcott, who were questioned by our young people. They were truly inspiring and allowed our young people to receive an insight on what journey they should prepare for should they wish to be the best. During the course of the evening Team Bromley were also recognised by the local BBC who broadcast live for BBC London News.

Team Bromley participants are offered a free annual membership to Mytime Active facilities. During the course of the year 145 young people took advantage of this to support their fitness training in their chosen sport.

London games 2017

The 2017 London Youth Games began in November 2016 with the cross country event at West London's Parliament Hill. The competition got Team Bromley off to a great start with gold for the boys and silver for the girls. The second competition of the 2017 season saw the cricket teams play. The girls were particularly successful finishing in 3rd place after securing a place in the final at Lords.

Mini marathon

Trials were organised in partnership with Blackheath and Bromley Harriers Athletics Club and ParkRun. As a result of the trials volunteers recruited and trained a team of 36 young people aged between 11 and 16 to represent Bromley in the 2016 Virgin Mini London Marathon.

Play and childcare

The childcare department has continued to develop its services across Bromley. The current sites have become more popular and attendances grow year on year. We opened new services at Alexandra Juniors School and Harris Academy in Beckenham. We are continuing to assess our options to serve the children of Bromley and have received Ofsted registrations to operate additional services from Edgebury primary school and another service open to 2 local schools, Bromley Road School and Worsley Bridge Primary School at our in-house setting, Beckenham Public Halls.

We have introduced a new member to the team, whose sole responsibility is to design and deliver a health and wellbeing program to the children who attend our after school club service. His objective is to encourage children to take part in planned physical activity and improve their knowledge and understanding of choosing a healthy lifestyle.

Holiday activities

The Spa and Walnuts Leisure Centre offer day camp activities to children during the holiday periods to support working parents in the borough. We have improved the service over the course of the year and as a result have recorded 2,555 attendances, a 56% increase year on year.

Buzz Zone

We operate three Buzz Zone soft play facilities at The Spa, The Pavilion and Walnuts Leisure Centre, providing children under the age of 10 with a great space to be active, expend their energy and have fun. Each of the facilities received significant investment during the year, through which we have increased capacity, generating further interest and additional attendances. We had 140,835 attendances over the year representing a 44% increase on the previous year.

Parties

We encourage parents and children to engage in physical activity and sport through our comprehensive party programme. The parties we offer take the organisation away from parents and give the children and their guests a safe environment to have a good physical workout. We offer sports specific parties (e.g. football, trampolining, judo, swimming, bowling), as well as dance and Buzz Zone parties. During the year, a total of 59,079 people attended one of our parties (children and their guests). This is almost a 50% increase on last year.

At a Glance

7,300

children learn to swim weekly

Delivered swim programmes for

75 schools

1st Place

in the London youth games 2016

2,555

attendances at holiday camp programme

140,835

attendances at Buzz Zone soft play

59,079

children and their guests attended one of our parties



Adults & Older people

The following section provides an insight into the work we do to support adults and older people to lead an active lifestyle. In line with London Sport's vision and the Pro-Active Bromley Strategic Framework, we aim to maintain participation rates across the borough and ideally increase levels of physical activity by adults and older people as measured by the Active Lives Survey.

Exercise Referral Programmes

We continue to provide two key health focused Exercise Referral programmes across Bromley, which we have been delivering for the past 13 years:

- HeartSmart: a programme of exercise for those who are at risk of or with established heart disease
- Fresh Start: for those with defined medical conditions that could be improved with an increase in their physical activity

Both HeartSmart and Fresh Start are comprised of 12 sessions of supervised exercise with specialists in the cited health conditions. Sessions currently operate across the Borough at The Spa, Walnuts Leisure Centre, The Pavilion and West Wickham leisure centres. Referrals are received from a variety of Healthcare Professionals (including GP's, Practice Nurses, Physiotherapists, PRUH Cardiac rehab team, Oxleas Mental Health trust).

HeartSmart is currently commissioned by the Bromley CCG. Fresh Start was funded by Public Health until March 2016. With the cut in funding from Public Health, rather than lose the Fresh Start service altogether, Mytime Active brought the programme in-house and increased the referral criteria to include obesity and mental health disorders, bringing the service to a wider population. In addition, the CCG also agreed to fund those with certain conditions relating to preventative Cardiovascular disease under their HeartSmart funding.

The overarching aim of both services is to increase the participants' physical activity in order to improve their condition, health and long term wellbeing. Upon completion of the 12 sessions, participants are signposted to physical activity opportunities within Mytime Active and across the Borough including Primetime (older adults age 60+), HeartSmart Options, Walking for Health and cycling.

During the course of the year we received our highest number of referrals, with 1,500 Bromley residents referred into our Exercise Referral Hub:

Statistics for 2016/17

776	attended an assessment for HeartSmart or Fresh Start	96%	said they were very likely (8-10 out of 10) to recommend the programme to friends and family
341	(44%) of those went on to complete the programme	74%	had an improved report in their 7 day physical activity levels
9,709	attendances were recorded across all sessions	66%	had improvement scores in how they felt about their general health

Participant feedback

After the programme, participants answer questionnaires about their experience.

Some of the comments from the last year include:

- "Feeling healthier, improved self esteem"
- "Very good course, helped me to lose weight and get me fitter"
- "The ability to start slow and progress at more stamina"
- "Personal weekly targets"
- "Its proximity to home. Friendly staff"
- "Variety of exercises, music, encouragement by instructor, friendly environment, in all very uplifting"



Walking Away from Diabetes

With funding from the Pro-Active Bromley Community Sports Activation Fund we developed a project to support people who were referred to a Walking Away from Diabetes (WAFD) course.

The WAFD course is delivered by Bromley Healthcare practitioners, who following completion of the course promoted physical activity via a Mytime Active package. Participants have been offered a six week free membership, four sessions with a personal trainer and a subsidised membership.

To date 189 people have taken up the offer, of which 30 people have subsequently taken up the subsidised membership, thereby supporting people to lead a healthier lifestyle, be physically active and hopefully prevent the onset of diabetes.

Case Study / Testimonial

"My husband Colin suffers from Alzheimers, vascular dementia, type 2 diabetes and he is not very mobile due to a left acetabular fracture and complete hip replacement. Colin has never been an exercise person therefore he decided not to have any more physiotherapy and hydrotherapy. But Colin now felt more pain which stopped him walking outside the house so we saw an orthopaedic consultant who suggested we try a different physiotherapist who was specifically intuitive of Colin's situation. She referred Colin to the HeartSmart team at Mytime Active.

We met the Exercise Specialist at the The Pavilion Leisure Centre for an assessment who took a blood pressure reading and manual pulse reading. She advised us to go straight to the GP because Colin's pulse reading was very low. We went to the GP immediately who without even seeing Colin sent us directly to A&E at Princess Royal Hospital. The next day they transferred Colin to King's College Hospital for a pacemaker. Of course the teams at both hospitals were surprised that this was an asymptomatic situation but they were all in agreement to say that a big thank you should be extended to the specialist who picked up the low pulse rate. We as a family are very thankful for the quick response and Colin has joined and completed his programme of exercise with the Exercise Referral team which he found beneficial and thoroughly enjoyed."

Gianna
Wife of HeartSmart Participant

Mind - exercise for depression

We launched a new series of pilot projects in partnership with Bromley & Lewisham Mind. Bromley & Lewisham Mind Wellbeing Practitioners identified 40 adults experiencing mild to moderate depression who had self-referred or were referred to Mind by their GP or other healthcare professional.

We delivered a series of four pilot projects that engaged male and female participants aged between 19 and 69 years. The need for the provision is clear. Having a mental health problem can put people at higher risk of developing serious physical health problems than other people. Those of us with a mental health problem are twice as likely to die from heart disease, four times as likely to die from respiratory disease and on average, likely to die between 10 and 17 years earlier than the general population.

As per NICE guidance, exercise is a recommended treatment for those experiencing mild to moderate depression. Research suggests that specific exercise can produce similar antidepressant effects as some antidepressant medication. Within the series of 4 courses, exercise was combined with a cognitive behavioural based intervention (Behavioural Activation) which is also recommended in NICE guidelines for managing depression.

Project Outcomes

50% of referred patients were discharged from the service after their 6 week course. Of these:

90% showed reduction in symptoms of depression

80% finished below 'caseness' (below clinical levels of depression)

50% had 'significant recovery' (scores reducing by 6 points or more)

20% of the referred patients were stepped up for further treatment, of these **100%** of these showed some reduction in symptoms of depression with **50%** at significant recovery.

While the remaining **30%** were either found 'unsuitable for service' or declined treatment / dropped out, **67%** of these also showed reduction in symptoms of depression.

Primetime

Our Primetime programme continues to support older people in Bromley to be physically active with over 80 sessions of sport and physical activity available per week. Two full time members of staff manage the programme supported by 24 Primetime volunteer buddies.

We have increased our Primetime membership in the last 12 months and now have 2,348 members, which is an increase of 300+ members. Pay and play attendances have also shown an increase.

We conducted a survey for our Primetime participants in 2016 and received over 300 customer responses. The survey data shows:

- 59% of Primetime customers are likely to recommend friends or colleagues to the programme. This figure compares with a leisure, health and fitness sector average of 21%
- 58% have attended for more than 3 years
- 74% have increased their level of activity since joining Primetime
- 84% said it was very likely they would still be attending Primetime in 6 months' time

We identified that there was a lack of provision for older people to be physically active in Biggin Hill. We set up 6 classes per week in a community venue with some funding from Pro Active Bromley's Community Sports Activation Project and Mytime Active's Community Fund:

- 123 people signed up initially and 50% of those are still attending on a weekly basis
- 30 people have signed up to a Mytime Active membership
- 3,689 attendances have been recorded at the community sessions



Based on the success of our Older Men's project "PALS" we were invited to disseminate our research and share best practice at Sporta's national 'Make Your Move Conference' and at London Sport's 'Physical Activity for Health' consortium. The project engaged over 800 inactive older men and results demonstrated that after 6 months:

90% now achieve the Chief Medical Officers physical activity guidelines and do at least 1 x 30 minutes of physical activity per week

47% of men improved their wellbeing measures

x118
118 men took out a Primetime membership to support their increased activity programme
Project is sustained through Primetime as part of business as usual.

We are active members of the Bromley Dementia Action Alliance and over the course of the year:

- 3 Dementia Champions have been trained and they have cascaded training and created 139 Dementia Friends across leisure and golf sites
- 13 members of staff / volunteers have attended a one-day Dementia Awareness Training Course
- We have supported Dementia Awareness Week

We continue to explore new opportunities to encourage people to become more active and consequently offered a fully inclusive and intergenerational drum and dance programme. 522 people attended of whom 178 had a disability.

Social events continue to be an important part of our Primetime programme. For example, our Christmas lunch attracted 169 people to Orpington Golf Centre.

Get active in golf

Get Active in Golf (GAiG) is Mytime Active's golf teaching brand, encompassing all tuition that takes place across our sites. It's unique selling point is the six week 'Beginners' and 'Improvers' lesson programmes, designed and targeted at new and lapsed golfers, offering an affordable option to learn the basics of the game. During the course of the year we recorded nearly 1,000 attendances at our GAiG programmes at Bromley Golf Centre.

FootGolf

To diversify the offer and encourage more people to attend our golf sites we continue to offer FootGolf at High Elms and Orpington Golf Centres in collaboration with the UK FootGolf Association.

Leisurecare

This programme for adults with a learning disability has been completely refreshed and relaunched to include physical activity, social time and a healthy lifestyle and wellbeing section at every session:

- 10-15 clients with a disability attend each session, supported by a number of carers
- Activities include gym, swim, golf, dance and group exercise, sports and ten pin bowling
- Healthy lifestyles section includes quizzes, challenges, healthy eating awareness, activities to increase confidence and independence
- A healthy lunch is included, which has increased communication, social interaction and awareness of choosing different foods and eating a balanced diet

Feedback on the newly refreshed programme has been very positive:

"Leisure care provides my son with a programme of exercise within a fun and social setting with friendly helpful staff engaging each individual to the best of their ability. It offers Christopher the opportunity to socialise and have fun while improving his health and wellbeing."

Tina
Mother and carer to Christopher

In conjunction with Bromley Mencap, we have introduced 4 volunteers from Bromley Mencap's Step Forward Programme into our leisure centres. One candidate is now in paid employment at The Spa as a BuzzZone Assistant.

We hosted a social dance evening in partnership with Avenues Trust, which was attended by 117 people. This inclusive event aimed to break down the barriers and preconceptions people have about disability.

"The smiles, the laughs, the drumming, the dancing, love, energy and enjoyment would not have been possible without you pulling the strings to make sure people are really well supported. Well done and thank you."

Martin Chittell from Avenues Trust

Community Engagement Events and Grants

To encourage more people to get and stay active and to support community cohesion, we organise and deliver events and campaigns throughout the year.

Bromley Santa Dash 2015

We kicked off the festive season in style in Bromley on 20th November 2016 with our 5th Bromley Santa Dash. We worked in partnership with the new Bromley BID team and the event featured in the Town Centre's annual Christmas programme. Our biggest Bromley Santa Dash yet saw over 1,000 Santas completing the fun 2km course. After a welcome address from the Mayor of Bromley, the Santas did a festive warm up. They then chose to run, jog or walk their way to the finish line on Bromley High Street in front of friends, family and shoppers.

Open Air Cinema "Grease"

We held our first open air cinema event at High Elms Golf course in September with a screening of Grease. The event attracted an audience of over 270 people, the majority of whom were first time visitors to the site. Feedback from those attending was very positive and many took advantage of the food and beverage on offer during the evening. We promoted future events and our golf offering.

Fireworks Night

We organised a fireworks night at High Elms Golf Course on 4th November 2016. We engaged the "The UK Firework Company" to organise the display. The event was attended by over 400 people, only 10 of whom were golf members. The event was the perfect opportunity to showcase the facility to the local community. Many of the attendees were residents from Downe Village and Farnborough Village, who were previously unaware that High Elms is open to the public and offers more than golf.

Cancer Research Charity Day

We organised a Cancer Research Charity Fund day at High Elms Golf Centre. The course was closed for the day to enable us to host the event and 90 people registered to attend. The day raised £3,500 which was subsequently matched by the Halifax to bring the total amount raised for Cancer Research to £7,000.

Community Investment Funding

Since 2006, Mytime Active has distributed £112,000 in grants to 123 different sports clubs and community groups to increase participation, improve access and build capacity within organisations and improve the health and wellbeing of their local community.

Through the 2016/17 Community Investment Fund, we have funded a strong portfolio of projects that reflect the diverse communities and user groups we are aiming to engage. We awarded 15 grants to sports clubs, charities and community groups, who aim to engage over 1,160 beneficiaries and over 68 volunteers in more than 690 hours of activity.

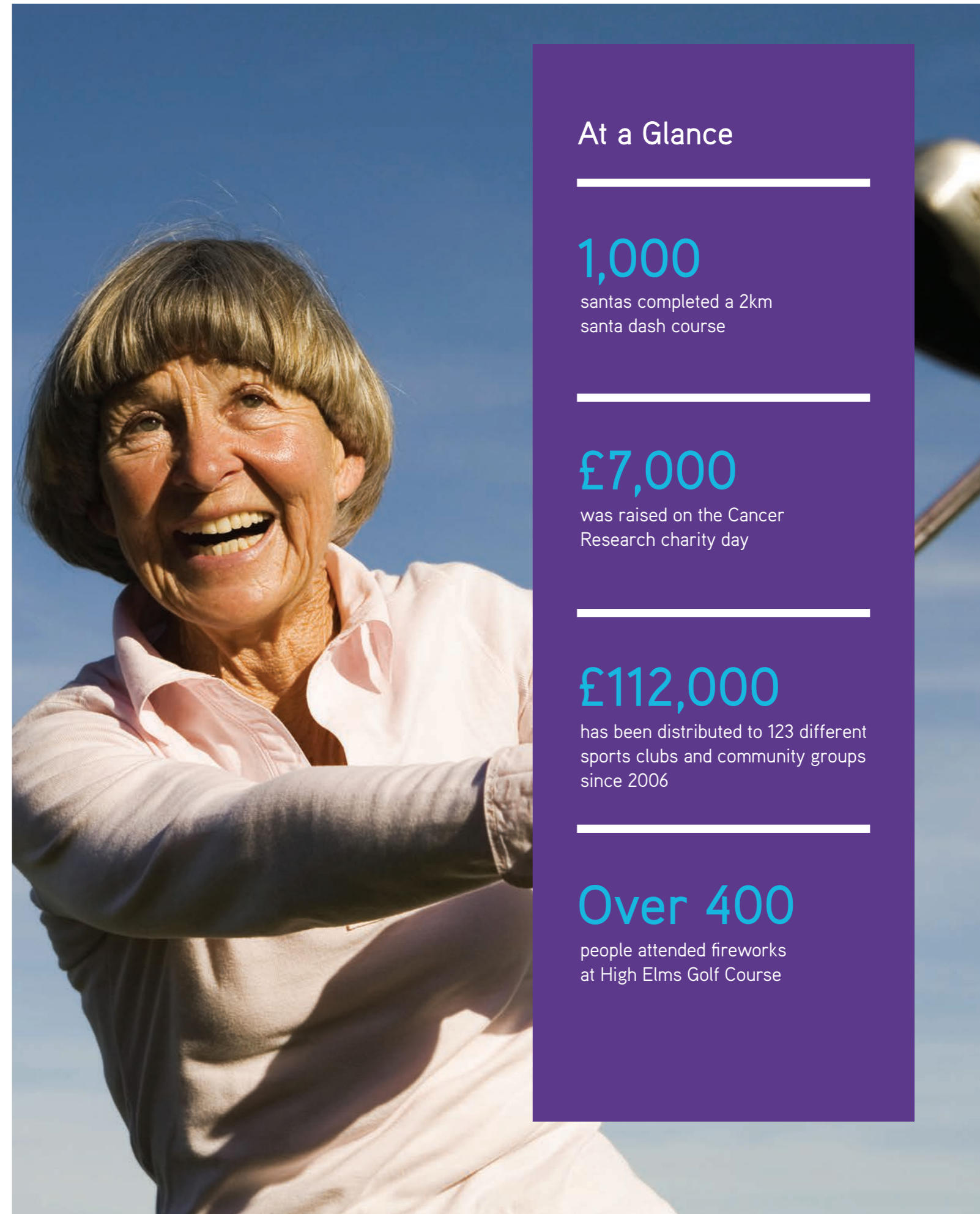
External Funding

We continue to research and source external funding streams to bring additional resources to Bromley and meet our goal of improving the wellbeing of communities.

During 2016/17 we made a number of bids for funding and secured funding for the Arts Train London Jazz Festival Gig and the continuation of the MyFuture community sports programme for young people.

We continued to support Pro-Active Bromley to monitor and deliver the third and final year of the Community Sport Activation Fund project, through which we secured £167,000 from Sport England. The funding is supporting sports clubs and community organisations across Bromley to increase participation, grow their membership base and build the capacity of their volunteers.

We supported Pro-Active Bromley to submit a bid to Sport England to extend the number of physical activity and sport opportunities for the ageing population of Bromley. Sport England received a high number of applications and our bid did not reach the next round of the bidding process.



At a Glance

1,000

santas completed a 2km santa dash course

£7,000

was raised on the Cancer Research charity day

£112,000

has been distributed to 123 different sports clubs and community groups since 2006

Over 400

people attended fireworks at High Elms Golf Course

Community Projects

During 2016/17 we committed resources to ensure young people in targeted and underserved areas of the borough were given access to high quality sport, physical activity and creative music opportunities. The projects are small scale in terms of the number of young people we work with, but are high in intensity, benefit and impact.

ArtsTrain

After a rigorous assessment process Arts Council England (ACE) has invited us to join their National Portfolio for 2018-22. We will be joining 831 organisations across England that represent some of the best arts practice in the world. Mytime Active is the first National Portfolio Organisation (NPO) to be based in the London Borough of Bromley. After nine years of delivering our award winning music programme ArtsTrain, we are proud to have secured this status and a 4 year funding commitment from ACE.

Our funding will engage and support education bodies, youth services and voluntary sector organisations to provide life changing creative experiences for children and young people in Bromley. We will continue to work closely with Bromley Music Education Hub (BYMT) to align visions and ensure that our programmes are complimentary. Our new NPO status will provide profile for Bromley, an opportunity to grow ArtsTrain and most importantly new activities that will further develop and strengthen our offering to young people in Bromley.

ArtsTrain annual targets and cumulative updates

ArtsTrain outputs	2016/17	Since 2008
Hours of arts and culture activity delivered	840	4,825
Number of young people regularly engaged	720	3,318
Number of performance opportunities	145	1,461
Number of accreditations / qualifications received	10	890
Number of volunteers and tutors trained	32	215

In summer 2016 ArtsTrain hosted BandFest an ambitious partnership event with The Churchill Theatre providing young bands from across Bromley with the opportunity to perform to an audience of over 500 people at a professional venue.

In November we contributed to the London Jazz Festival by hosting and producing an event at Beckenham Public Halls, which provided performance opportunities to over 70 young people. The event was attended by an audience of over 300 people including special guests Arts Council England, The National Foundation for Youth Music and the Mayor of Bromley. Matt Griffiths, CEO of the National Foundation for Youth Music, said:

"I came away from ArtsTrain's London Jazz Festival showcase on Friday both moved and inspired. The event provided the perfect platform for young people to perform their original and beautiful music to a packed house. To see so many young people from different backgrounds working well together is testimony to themselves and the nurturing, creative environment ArtsTrain provides. This was young people at their very best – creating and owning their music, tackling challenging social issues and telling it how it is. Congratulations everyone!"

MyFuture

Our community sports project MyFuture continues to register in the top 5% of the 1,000 Doorstep Sports Clubs across the national network. During the summer 2016 the project engaged 30 vulnerable children and young people in a basketball camp at Walnuts Leisure Centre. The camp was led by a local young resident who has progressed through the MyFuture community programme from a volunteer to a fully qualified coach.

MyFuture annual target and cumulative updates

MyFuture outputs	2016/17	Since 2008
450 of hours of sport and dance delivered	462	3,800
250 of young people regularly engaged	290	2,775
50 Training opportunities provided	62	930
20 accreditations / qualifications received	15	261
15 volunteers and coaches trained	14	76

Us Girls

Given the health indicators and inactivity levels of young women both nationally and in Bromley, we secured funding from Streetgames to devise and deliver a two year Us Girls project. This year we delivered a series of programmes to get over 190 inactive, young women aged 14-25 more active. Participants registered for one of four activity options:

1. A series of 10 week boxing for fitness programmes across five mainstream secondary schools
2. A series of 6 week mother and baby swimming sessions engaging young mums aged 16-19
3. A 20 week community streetdance programme based in Penge, supporting young women to explore themes of body confidence, self-esteem and resilience
4. A 10 week community streetdance programme based in the Orpington and Cray Valley East wards, engaging girls aged 14-16 from low income families

"Sessions have been fantastic, an opportunity for our mums to build confidence, socialise with other women in the same situation and access helpful, friendly and non-judgmental teaching"

Family Nurse Partnership

We hosted an Engaging Women & Girls in Sport & Physical Activity workshop for 8 partner organisations and Mytime Active staff. Participants were equipped with practical ideas on how to best engage, market and deliver sports and physical activity for women and girls.

The Bromley Us Girls project was acknowledged in the Highly Commended category at the 2016 National Streetgames Awards.

Project Outcomes

98%

of young women engaged in the project reported that they continue to do at least 1 x 30 minutes of physical activity per week at their 12 week follow-up (up from 55% at baseline)

28%

of young women engaged in the project reported reaching the PHE guidelines of 150 minutes of moderate intensity physical activity per week at their 12 week follow-up (up from 8% at baseline)

58%

of young women engaged in the project reported that their perceived level of health had improved at their 12 week follow-up.

We hosted an 'Engaging Women & Girls in Sport & Physical Activity' workshop for 8 partner organisations and Mytime Active staff. Participants were equipped with practical ideas on how to best engage, market and deliver sports and physical activity for women and girls.

The Bromley Us Girls project was acknowledged in the 'Highly Commended' category at the 2016 National Streetgames Awards.

Investing in our Business: Finance & People

Mytime Active as a social enterprise and a charity is governed by a voluntary Board of Trustees, who have delegated the responsibility of administering the charity to a Senior Leadership Team (see appendix 1).

As a social enterprise, we need to be financially self-sustaining. In the financial year 2016/17 we made a surplus of £1.9m, on a turnover of circa £32m, which represents a return of 5.9%. This is a modest return given the risks associated with running large public facilities. It is at a level in keeping with a self-sustaining approach, rather than one that is accruing large surpluses.

Our constitution as a charitable company means that we are unable to raise equity funds from shareholders. Therefore, in order to invest, we need to either generate a reserve in advance of investing, which is the prudent approach we have taken to date, or borrow funds which need to be repaid. Our financial strategy is to maintain an effective balance between generating modest surpluses to ensure the business is viable, and reinvesting these surpluses into the business to strengthen and grow, and build resilience into the future.

Our balance sheet in March 2017 shows unrestricted reserves of £14.7m. These have been built up over 13 years. Of this total, £8.4m is invested in fixed assets. The remaining £6.3m is "free" reserves, which represents circa 20% of our turnover, to protect us against risk or unexpected events, and to re-invest. This is reviewed annually by the trustees and we believe this is not an excessive reserve for a company that has no recourse to external equity.

Mytime Active works to the above sustainable financial framework, and is well placed to continue to be a strong partner to the Council in delivering high quality services and facilities.

People and Employment

Our people are our most valued and considered asset, and 2016/17 has been a year of both reflection and action.

Employee engagement is one of our organisational goals, as we know that more engaged employees lead to better customer service and overall greater success as a social enterprise. Our engagement score increased during the year, which it has done annually since we began the survey in 2014.

During the year, we selected a new IT system to support how we manage our employees. We will implement the system across the business in 2017. This will enable self service access for employees, more efficiency in core processes such as payroll, annual leave, attendance and management reporting. Our aim is to make the administration of people management as straightforward as possible so more time can be invested in qualitative management and leadership.



We continue to invest in training and development, and have prioritised time on improving our policies and procedures, and supporting managers to ensure their staff have the knowledge and skills to perform their jobs in line with expectations. This has included introducing on line training courses for core areas including safeguarding, health and safety. In addition, 12 managers completed their Institute of Leadership and Management qualification, and a further 10 commenced training as a coach, so they can provide professional mentoring and support to others across the business as part of their role. Our People Services Manager is a member of the South East Employment & Skills Board, which enables us to build good relationships and networks and to share learning and best practice.

Our current approach to pay and reward is to ensure equity and to reward both great behaviour and great performance.

This year we have:

- Continued to exceed statutory requirement by paying the Living Wage to all employees including those under 25
- Rewarded exceptional performance through our "Be More Hero" scheme
- Continued with our on the spot awards where employees are instantly recognised for great work or for consistently delivering great standards, enabling our customer experience to be great too

12 managers completed their Institute of Leadership and Management qualification



Investing in our Business: Facilities

Since November 2015, the monies authorised for investment total £2.827m. As of July 2017 £1.12m has been invested in projects that support the Council's Building a Better Bromley ambition.

Year 11 Backlog Funding
£1.510 – Actual Spent £834,476

Outstanding project – gym kit upgrades and The Pavilion wet side improvements

Year 12 Funding
£644,288 – Actual spent £259,148

Outstanding project - Gym Kit project (Phase 2) side improvements

Year 13 Funding
£673, 423 – Actual Spent £195,000**

Outstanding project Pavilion Wet side changing rooms and Gym Kit (Phase 3) improvements

with The Spa and The Pavilion was more restricted on space. In addition, from the initial cost projection, soft play equipment has become more competitively priced. We were able to tender two companies (Soft Brick and House of play) who generated a much better price point than we expected and therefore we were able to save on costs by £100,000. In contrast, the investment into public changing facilities within The Spa has to date focussed more on the changing facilities that service the gym area. We want to reflect a similar level of investment to the swimming pool changing village and therefore ask for the soft play underspend to be added to and used for this project.

We allocated £100,000 to repair lifts, we spent £90,000 and would like to seek agreement that we use the £10,000 underspend to also invest in the Spa wet changing facilities.

Future Investment Fund Proposals

The agreement with the Council requires Mytime Active to submit proposals for approval to the Council to develop a rolling programme of schemes to access the investment funding. In line with our contract, we have provided our proposals for schemes to cover the time period 2018 / 2023 in appendix 2.

We would like to highlight and emphasise that the green keeping equipment we are proposing to invest in for High Elms Golf Course and Bromley Golf Course are for sole use at these sites and as such will not be transferred and used across the Mytime Active golf estate.

The schemes are representative of key service area improvements that will cover a number of liabilities. Each year the schemes are representative of the funds available having applied the agreed CPI % increases (assumed at 1%). The total costs also reflect the reduction in funding by £200k in years 16, 17, 18 and 19.

Total annual value for each year is as follows:

- Year 15 2018/19 - £680,225
- Year 16 2019/20 - £487,027
- Year 17 2020/21 - £491,897
- Year 18 2021/22 - £496,815
- Year 19 2022/23 - £501,783

We therefore request the release of year 15 funds of £680,225 to allow for investment as outlined in appendix 2.

The past year we have completed the following projects:

The Spa changing rooms refurbished:	£292,550 (completed August 2016)
West Wickham changing rooms:	£41,902 (completed September 2016)
Walnuts soft play extension and renovation:	£100,000 (completed October 2016)
The Spa soft play extension and renovation:	£35,043 (completed January 2017)
LED lighting improvements across facilities:	£54,640 (completed March 2017)
Walnuts leisure facility improvements:	£123,252 (Completed May 2017) *
High Elms club house and changing room:	£403,555 (completed May 2017) *
Pavilion soft play extension and renovation:	£65,796 (completed May 2017)*

*completed outside of reporting year but provided as an update to the committee.

Our initial scoping of the soft play project against a feasibility study on the Walnuts Leisure Centre suggested the required cost envelope would need to be circa £300,000. The Walnuts project invested £100,000 of the investment fund monies, which if continued across the three sites would have led to an accurate forecast. However further development with

Previewing 2017/18

Continued approach to Intergration

Mytime Active's current divisional operational structure does not lend itself easily to delivering an integrated service approach to customers, as divisions (health, golf, leisure) by their very nature operate as separate entities with limited sharing of resources and expertise. This will not deliver the integrated services that our customers need. We are realigning the operational team from a divisional approach through golf, health and leisure towards a geographically positioned, regional structure. As a result, we will have one senior manager responsible for the management of our Bromley portfolio of golf, health and leisure services and facilities under one team, which in turn will provide products and services seamlessly to customers.

It is envisaged that the appointment of the Regional Manager, Bromley will be made in autumn of 2017. This appointment will be supported by further additional resources to the operational team within Bromley: Assistant Regional Managers, Head of Asset Management and Project Manager. As well as expanding our current skill base, this realignment of our current structure will further enhance our delivery of services across the London Borough of Bromley.

Focus on Health & Wellbeing

Mytime Active has partnered with England Golf and ukactive to deliver the first ever externally validated golf on referral programme. This will be provided to customers who have been referred by their GP to Fresh Start and HeartSmart, adding golf to the list of activity options for this group of people who have a medical condition and are inactive. The pilot golf on referral programme will commence in September 2017 at Bromley Golf Centre and will then be expanded as appropriate to other golf centres in spring 2018.

Mytime Active is currently investigating the introduction of a Healthy Living Centre at the The Spa within the disused health suite area of the facility. It is currently proposed that Mytime Active would operate a triage service for customers who have either been referred by health practitioners or have self referred. The service would signpost each customer to the most appropriate service for their health needs. This service may be operated by Mytime Active, but may also be operated by one of the delivery partners within the London Borough of Bromley.

Insight Engaging Customers

As a social enterprise with charitable objectives Mytime Active aims to improve the health and levels of wellbeing of communities by running health, golf and leisure facilities in the London Borough of Bromley. This stems from the core belief of "wanting people to get more out of life" through being active, exercising and eating well to improve levels of wellbeing. To deliver on this goal of improving wellbeing in communities, we need to better understand our current and potential customers: who they are, why they make the choices they do and how we can provide and deliver the most relevant services.

We have therefore commissioned a research project to build on the population insight provided by the Council and linking with their strategy and needs assessment. Through the research we aim to gather insight on the following areas:

- Hygiene factors: consumers' minimum expectations of our leisure facilities
- Competitive review: leisure service providers within 20 miles of Bromley
- Decision drivers: of activity and site preference
- Consumer satisfaction: Mytime Active vs. competitors
- Opportunities: What barriers exist to the usage of Mytime Active facilities and how can these be overcome
- Trial and adoption of Mytime Active: how to encourage more first time users and increase frequency of use
- Target definition: which groups represents the largest opportunity for growth
- Performance measures: how well does Mytime Active perform on promoting wellbeing, brand awareness and increased loyalty.

The results of this project will then inform our future operational strategy for delivery.



Appendix 1: Mytime Active Governance

The Mytime Active Board of Trustees meets quarterly.

Current Trustees

- Mark Oakley**
Chair, partner with law firm Judge & Priestley
- Cllr Nicholas Bennett**
Bromley Councillor
- Michael Evans**
Managing Director of Madano a strategic communications company
- Isobel Gowan**
Former CEO of a NHS Trust & a Leadership & Organisational Development Specialist
- Johnny Heald**
Managing Director at ORB, a market research and polling agency
- Adrian Hollands**
Chartered Accountant & former senior partner of Baker Tilly
- Val Lowman**
Former Managing Director of BeOnsite a community, employment and training organisation
- Andrew Muzzelle**
Digital Media Director, AIMI
- Christine Whatford**
Former Director of Education & Leisure for Hammersmith & Fulham
- Minoo Sahni-Court**
Executive Director UBS Wealth Management
- Cllr Robert Evans**
Bromley Councillor

The Board of Trustees has delegated the responsibility of administering the Charity to a senior leadership team which is made up of the following people who meet monthly:

- Marg Mayne**
Chief Executive
- Chay Champness**
Interim Finance & Corporate Resources Director
- Jason Stanton**
Operations Director
- Rose Webb**
Communications & Marketing Director

Risk Compliance

The Trustees recognise risk management as one of their key responsibilities. Risks are identified and recorded in the Charitable Company's risk register, together with the controls and actions designed to mitigate them. During 2016/17 none of the risks identified have to date materialised into significant liabilities as appropriate action has been taken to limit the potential of these risks.

Responsibilities in relation to, for example, health & safety, data protection and safeguarding are taken very seriously. Identified risks are reviewed periodically and appropriate action taken where necessary.

Annual Audited Accounts

The annual audited accounts for 2016/17 have been approved and are available as a public document.



Appendix 2: Investment Fund Proposal

Investment Fund 2018 / 2019 – MAJOR WORKS

2018/19	Project	Project Details	Estimated Allocation	Capital Expenditure Analysis
Year 15	Improvements to our Greencare operation across both High Elms and Bromley	To replace green keeping equipment across both High Elms and Bromley	£188,500	Both High Elms and Bromley Golf courses require new green keeping equipment for the explicit benefit of the two courses. Included within the new assets will be small tractors, small utility trucks, a variety of specialist lawn mowers and equipment that maintain the greens during poor weather.
Year 15	Air conditioning replacement across the estate	Works to be completed where chillers have failed or air handling units have gone beyond their economic life	£130,000	The air handling system at the Pavilion has now gone beyond economic repair. The studios and upstairs changing room have not benefitted from any system since the 2011 £5m investment. This is recognised by the customers and we wish to further enhance the authority's asset by improving the system. In addition, we wish to review the individual units within West Wickham gym and public halls as they too have passed their asset life span. Breakdown as follows: <ul style="list-style-type: none"> • £100,000: Pavilion for dryside air handling and studio improvements • £15,000: West Wickham for two new cassette units within the gym • £15,000: Public halls
Year 15	Kitchen Upgrades and installations	Improvements to the kitchen operation at The Spa and Crofton Halls	£128,000	Since investing in the kitchens at both the Pavilion and Walnuts leisure centres, it is essential to extend and update the catering facilities at The Spa at Beckenham (currently the busiest food and beverages operation within Mytime Active). In addition Crofton Halls currently does not have the ability to cater for functions, restricting community bookings at the facility. The investment to improve the authority's asset will be broken down as follows: <ul style="list-style-type: none"> • £100,000: The Spa • £28,000: Crofton Halls

Year 15	Decoration and furniture improvements	Improvement to the furniture offering at The Pavilion (bowling area) and the Halls stacking chair replacement	£49,000	<p>The bowling area of the Pavilion has been subject to feedback that a better arrangement of furniture would be welcome to the customers. Currently they are unable to eat whilst enjoying the activity due to the lack of tables / booths by the lanes:</p> <ul style="list-style-type: none"> £20,000: Pavilion furniture <p>The stacking chairs across the borough's three public halls. These are over 7 years old and require replacement. In addition, the flooring has not been replaced since redecoration of the hall took place and appears worn in places. We intend to replace this throughout.</p> <ul style="list-style-type: none"> £16,000: Stacking chairs £13,000: Redecoration and carpet replacement
Year 15	Walnuts gym and squash court development (Spin studio)	Converting a single squash court to a Spin studio so to increase gym space and maintain service offer	£25,000	<p>We wish to relocate the current Spin studio by converting one of the three squash courts. In doing so we will be increasing the current gym by a further 20% enabling a greater capacity during busy times. The monies allocated create a new space for the spin studio but also make good the additional space created within the gym. We are committed to maintaining at least two squash courts for community use.</p>
Year 15	Redevelopment of the Spa health suite	Conversion of the old health suite into a new GP referral base with separate studio	£159,725	<p>Mytime Active firmly believe in growing the Boroughs exercise referral program. We believe there is demand for a self-funding model that would complement the current referral model. For this to be successful we want to create our first 'Health Hub' base by converting the old health suite at the Spa, in order to facilitate a greater number of referrals from our Heart Smart and Fresh start programme. The conversion will create three new consultation rooms and a multipurpose studio for special group exercise programmes.</p>
		Year 15 Funds Available	£680,225	

Investment Fund 2019 / 2020 (subject to discussion & agreement)

2018/19	Project	Project Details	Estimated Allocation	Capital Expenditure Analysis
Year 16	Environmental management improvement	To install energy products in line with the environmental programmes to reduce CO2	£300,000	<p>Schemes to be considered – Photovoltaic Power installations</p> <ul style="list-style-type: none"> Solar heating Air source heat pumps LED lighting fixtures & fittings Boiler / burner modifications
Year 16	Halls sanitary improvements	Works to improve toilet facilities at Public Halls - Crofton, Beckenham and the Great Hall	£75,000	Improvements to include: DDA toilet facilities at each site and refresh / replacement of all current facilities including, toilets, sinks and urinals.
Year 16	IT Upgrades	New kiosks across facilities	£112,027	To replace all kiosks with a new digital platform.
		Year 16 Funds Available	£487,027	

Investment Fund 2020 / 2021 (subject to discussion & agreement)

2020/21	Project	Project Details	Estimated Allocation	Capital Expenditure Analysis
Year 17	Bowling equipment upgrades	Purchase and replace bowling products	£141,897	Engage bowling contractor to improve existing offering and complete maintenance and cleaning programme.
Year 17	Halls decoration / refurbishment programme	Redecorate the 3 public halls – including furniture, tables and chair purchase	£200,000	In addition to the decoration programme purchase new additional and refreshed trestle tables, and stacking chairs across the estate.
Year 17	Kitchen areas	Refit as per rolling programme the kitchens	£150,000	Where necessary kitchen replacement upgrade at The Spa, Walnuts, The Pavilion.
		Year 18 Funds Available	£491,897 (£200k reduction)	

Investment Fund 2021 / 2022 (subject to discussion & agreement)

2021/22	Project	Project Details	Estimated Allocation	Capital Expenditure Analysis
Year 18	West Wickham Gym Kit	Refit of gym kit as per rolling programme	£200,000	Full kit refresh for West Wickham (dependent on build).
Year 18	IT software and website improvement updates	Bromley portfolio IT upgrades	£260,000	To include: <ul style="list-style-type: none"> • Web / application / kiosk upgrades and improvements • Access control systems upgraded to include new access to card systems
Year 18	Swimming pool kit improvement	Purchase of new pool equipment	£36,815	To include floats, lane ropes, swim school equipment.
		Year 18 Funds Available	£496,815 (£200k reduction)	

Investment Fund 2022 / 2023 (subject to discussion & agreement)

2022//23	Project	Project Details	Estimated Allocation	Capital Expenditure Analysis
Year 19	Boiler upgrades	Upgrade to boilers across the estate	£200,000	Boiler upgrades across leisure and golf estates – both repair and replacement.
Year 19	Air-conditioning improvement	Cassette unit replacement as part of environmental improvements	£100,000	Replacement of cassette units in public access areas throughout the estate.
Year 19	Floor replacement schedule	Replacement of floor tiles / carpets where necessary across the estate	£201,783	Floor tile replacement at Walnuts Leisure Centre, The Spa, West Wickham Leisure Centre, Bromley Golf Centre and The Pavilion.
		Year 19 Funds Available	£501,783 (due to £200k reduction)	

Appendix 3: Pricing Review 2018

Introduction

Mytime Active is pleased to submit, as part of the Bromley Annual Report 2016/17, its annual pricing review for the next calendar year.

We continue to base our pricing strategy on the principal of offering value for money to all users, on flexible terms that remove any barriers to participation. Identifying our regular users remains a primary objective for us and this has been significantly supported by the launch of the registration pricing scheme in January 2017.

We have had to absorb a significant investment across the business. Our commitment to the living wage and the impact of increased energy costs is now being felt. Together they total 75% of our costs and in real terms this has not been addressed by our pricing changes

The need to increase our Core Pricing structure is now required and in doing so we hope to balance the need for affordable activities with the necessity to address our increasing costs.

Proposals

Taking account of the factors above our proposals are based on the following principles:

1. Our core pay and play prices will increase by 5%
2. We will continue to offer a 10% discount for all participants who register with us
3. Free swimming will now be increased to under 4's
4. Free golf for all leisure junior members
5. Family membership will increase by £1 per joiner
6. A number of our prices have been frozen, including
 - All individual membership categories
 - Concessionary prices for those on low incomes, including swimming and group exercise sessions
7. Increases will be applied to a number of community hirers in line with inflation (some will be frozen)
8. Our before and after school childcare provision prices will remain at the current price point until September 2018. If a price increase is to be applied at this time it will be in line with benchmarking, with regular customers benefitting against casual usage.



Pay and Play: Registration pricing approach - Year 2

Last year we successfully removed the centre membership pricing scheme and introduced registration prices, through which we offered a 10% discount on our core price list when users provided us with key data. To support this we reduced prices overall by 2% last year for those that registered with us.

To balance the benefit provided last year and to absorb investments across the business, we seek to increase the core (non registered prices) by 5% across all activities. The registration price will continue to be 10% discount against this new value and our expectation is that over 95% of users will pay the registration prices.

Example: Swimming
 2016 - £5.65
 2017 - £5.55
 2018 - £5.75

In addition, we wish to offer FREE swimming to more children. It is our intention to increase the age for FREE swimming from three to four years old, therefore supporting families with activities up until a child attends school.

Additional examples of changes as a result of the proposed 5% increase:

Examples of prices:

Activity	Registration Price 2017	Registration Price 2018	Non-registered Prices 2017	Non-registered Prices 2018
Casual swimming	£5.55	£5.75	£6.10	£6.40
Soft play (4 - 11)	£6.50	£6.75	£7.15	£7.50
Bowling	£5.90	£6.10	£6.50	£6.80

Memberships

We now have only 5 price points for new members:

- £73.25 – Golf and Leisure Individual Membership
- £46.95 – Leisure Individual (age 22+)
- £42.95 – Couple
- £32.95 – Off Peak, Primetime, young person, corporate, swimming
- £24.95 – Family (x3), junior, concessionary (low income and disability allowance)

Last year we started the process to harmonise our membership base onto the above monthly price points. This will continue through 2018.

Our family membership launched in October 2015, encouraged 20% of new users to join our facilities and become regular customers. They represent over 40% of our total members. To achieve this we accepted an 8% reduction in the average price paid per member since October 2015. We intend to increase the price of this category by £1 to £25.95. This continues to offer a highly competitive discount by saving 43% on the individual rate.

Concessions – an Annual Review (Audit)

In order to ensure affordability for selected low income groups we will continue to promote a wide range of concessionary prices for young people, people with disabilities, people who are aged 60 years and over, people on income support, the unemployed and students in full time education, all in line with the Council's priorities.

In 2017 we will once again be offering all Team Bromley London Youth Games participants a free membership to our leisure centres to support their training and will extend the offer to LYG Team Managers. We also remain committed to offering free memberships to elite sports people who live in the Borough in order to support their training.

In addition, we heavily subsidise programmes and activities for target groups such as Primetime (our over 60's programme) and Leisurecare (our programme for people with learning disabilities) and in some instances ensure activities are free to the target audience. From 2018, those who benefit from concessionary membership will be requested to demonstrate their eligibility on an annual basis.

Consultation and Information

Following discussion with the Council, we will undertake consultation with customers in support of an effective introduction of new prices from January 2018, in most cases. Customers will be given at least four weeks notice of any changes and presentations will be made to staff and any customer forums in terms of explaining the reasons behind any increases. Emphasis will be made on service improvements, comparable prices being charged elsewhere, and that surpluses generated are re-invested.

Implementation Timetable

Due to the seasonality of services delivered, the implementation timetable agreed previously will continue:

- Leisure centres and civic halls - 1 January 2018
- Golf courses - 1 April 2018
- Childcare - 1 September 2018



Thank You!

mytimeactive

Working in Partnership



Report No.
DRR17/056

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Renewal & Recreation Portfolio Holder

For Pre-decision Scrutiny by the Renewal & Recreation PDS Committee

Date: Wednesday 1 November 2017

Decision Type: Non-Urgent Executive Non-Key

Title: **POST COMPLETION REVIEW REPORT – REPLACEMENT CHILLERS AT CENTRAL LIBRARY/CHURCHILL THEATRE**

Contact Officer: John Gledhill, Head of Leisure Business Development
Tel: 0208 461 7527 E-mail: john.gledhill@bromley.gov.uk

Chief Officer: Director of Regeneration

Ward: All

1. Reason for report

- 1.1 As part of the Capital Programme Procedures it is a requirement that schemes should be formally reviewed within one year of completion and the outcome of this review be brought to the Portfolio Holder for consideration and endorsement.

2. **RECOMMENDATION(S)**

- 2.1 That the Portfolio Holder endorses the findings of the Post Completion Reviews that have been carried out in respect of Replacement Chillers at Central Library/Churchill Theatre.
- 2.2 That the Portfolio Holder notes that the unspent balance of £36k will be removed from the capital programme.

Corporate Policy

1. Policy Status: Existing Policy: Capital Programme monitoring and review is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. For each of our portfolios and service priorities, we review our main aims and outcomes through the AMP process and identify those that require the use of capital assets. Our primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Building a Better Bromley"..
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: £442k
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £478k
 5. Source of funding: Capital receipts
-

Staff

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

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Public Building in Central Bromley providing Library and Theatre facilities.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 The Capital Programme Procedures require that a post completion review be carried out within 12 months of the completion of schemes that are included within the programme. This process is designed to determine the Authority's performance in the following key areas:

- Were the original scheme objectives achieved?
- Were the scheme costs contained within the original budget?
- Did the scheme complete on time?
- What was the level of customer satisfaction from the end user with the overall process?

3.2 The information set out in the Appendix 1 shows the above information for the Replacement Chillers at Central Library/Churchill Theatre.

3.3 The scheme completed within budget and the original contract programme was met. A full analysis of the project is contained within Appendix 1.

4. POLICY IMPLICATIONS

4.1 One of the main aims of the Council's Asset Management Plan is to ensure that all the partners in the asset management planning processes are fully consulted on the process and its outcomes. Progression of the scheme for the Replacement Chillers at Central Library/Churchill Theatre will assist in meeting one of the key outcomes of Statutory Duty under Health & Safety Regulations and mitigate any potential financial claim from the Churchill Theatre for loss of income through equipment failure.

5. FINANCIAL IMPLICATIONS

5.1 This report provides information on a Post Completion Review that has been carried out in respect of the Replacement Chillers at Central Library/Churchill Theatre. There are no financial implications arising from the matters addressed in this report.

5.2 The original capital estimate of £460k was approved by Executive on 2nd February 2009. A further £18k was approved by Executive in July 2015, following an updated estimated project outturn figure produced by the Authority's appointed consultants.

5.3 The table below summarises the financial outturn position of the scheme.

	£'000
Capital Estimate	478
Final scheme costs	442
Balance	36

5.4 £36k was not spent. Of this sum, £18k was the additional supplementary estimate that was not required and £18k was a saving achieved against the original budget.

Non-Applicable Sections:	Legal, Personnel & Procurement Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	

Replacement Chillers at Central Library/Churchill Theatre

Scheme Details

1. The scheme centred on the replacement of mechanical plant (air conditioning chiller units) which jointly served the Central Library and Churchill Theatre, Bromley.

Scheme History

2. The old mechanical plant was located in the basement and at roof level and consisted of water cooled chillers to provide cooled air around the building as and when required. Within the industry, 'water cooled chillers' were no longer deemed safe. In 2014 this particular installation had also been the subject of several investigations by the Health & Safety Executive in relation to public outbreaks of Legionella in this area. Whilst there was no direct link to the bacterial infection being sourced from these chillers the recommendation was to remove them altogether.

An additional complication related to the refrigerant used in the system. The "R22" liquid refrigerant that the system ran on was banned from 1st Jan 2015 under EU legislation. As such "R22" refrigerant could not be replaced in any operating system leaving the chillers inoperable in the event of a breakdown. Whilst it was not an operational problem at that time, if the system did fail there would have been significant delays and loss of income (theatre) whilst the building was closed for the installation to be replaced. The project had been added to the Capital Programme in 2009 because the plant was reaching the end of its life, but the decision to proceed was as a consequence of the HSE recommendations and the banning of the use of its refrigerant.

3. The Central Library and Churchill Theatre continued to operate whilst this work was carried out. No major difficulties were encountered during the course of the works.

	Original Estimate	Actual Expenditure	Variance
	£'000	£'000	£'000
Replacement Chillers at Central Library/Churchill Theatre	478	442	Cr 36

A budget figure of £460k had been set in 2009. The Authority's consultants produced a projected out-turn of £478k. A supplementary capital estimate of £18k was therefore added to the capital programme, approved by the Executive Committee on 15th July 2015. Much of this additional amount was requested as a client contingency to cover a number of unknown risks, including the extent of asbestos removal anticipated. Following completion of the scheme, the client contingency was not required and therefore the additional capital sum of £18k was not required in addition to the saving of £18k made against the original project budget. The final savings of £36k are of direct benefit to the Authority.

Running Costs

4. There have been no significant changes to the running costs of the building relating to this scheme.

Scheme Objectives

5. The objective of the scheme was to provide a legally safe air conditioning system for the Central Library/Churchill Theatre building.

Assessment of Scheme Success

6. The scheme objectives have been met and the Central Library/Churchill Theatre building was and continues to be fully operational on the new system without fear of breakdown or Legionella outbreak.

Assessment of Contract Efficiency

7. Contract period: 14 weeks
Start Date: 22nd May 2015
Practical Completion: 28th August 2015
Over-run: N/A

Outstanding Issues and Their Proposed Resolution

8. There are no outstanding issues.

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Report No.
FSD17085

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Renewal & Recreation Portfolio Holder

For Pre-decision Scrutiny by the Renewal & Recreation PDS Committee

Date: 1st November 2017

Decision Type: Non-Urgent Executive Non-Key

Title: BUDGET MONITORING 2017/18

Contact Officer: Claire Martin, Head of Finance
Tel: 020 8313 4286 E-mail: claire.martin@bromley.gov.uk

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

Ward: Borough wide

1. Reason for report

This report provides an update of the latest budget monitoring position for 2017/18 for the Renewal and Recreation Portfolio based on expenditure and activity levels up to 30 September 2017. This shows a projected under spend of £41k for the total portfolio budget.

2. **RECOMMENDATION(S)**

2.1 The Portfolio Holder is requested to endorse the latest 2017/18 budget projection for the Renewal & Recreation Portfolio

Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report.
-

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost Not Applicable
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Renewal & Recreation Portfolio Budgets
 4. Total current budget for this head: £15.68m
 5. Source of funding: Existing revenue budgets 2017/18
-

Personnel

1. Number of staff (current and additional): 207.85ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement: The statutory duties relating to financial reporting are covered within the Local Government Act 1972; the Local Government Finance Act 1998; the Accounts and Audit Regulations 1996; the Local Government Act 2000 and the Local Government Act 2002
 2. Call-in: Applicable
-

Procurement

1. Summary of Procurement Implications: None directly from this report.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The services covered in this report affect all Council Taxpayers, Business Ratepayers, those who owe general income to the Council, all staff, Members and Pensioners.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The 2017/18 projected outturn is detailed in Appendix 1, with a forecast of projected spend for each division compared to the latest approved budget and identifies in full the reason for any variances.
- 3.2 Costs attributable to individual services have been classified as “controllable” and “non-controllable” in Appendix 1. Budget holders have full responsibility for those budgets classified as “controllable” as any variations relate to those factors over which the budget holder has, in general, direct control. “Non-controllable” budgets are those which are managed outside of individual budget holder’s service and, as such, cannot be directly influenced by the budget holder in the shorter term. These include, for example, building maintenance costs and property rents which are managed by the Property Division but are allocated within individual departmental/portfolio budgets to reflect the full cost of the service. As such, any variations arising are shown as “non-controllable” within services but “controllable” within the Resources Portfolio. Other examples include cross departmental recharges and capital financing costs. This approach, which is reflected in financial monitoring reports to budget holders, should ensure clearer accountability by identifying variations within the service that controls financial performance. Members should specifically refer to the “controllable” budget variations relating to portfolios in considering financial performance. These variations will include the costs related to the recession.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The 2017/18 budget reflects the financial impact of the Council’s strategies and service plans which impact on all of the Council’s customers and users of our services.

5. POLICY IMPLICATIONS

- 5.1 “Building a Better Bromley” refer to the Council’s intention to remain amongst the lowest Council Tax levels in Outer London and the importance of greater focus on priorities.
- 5.2 The “2017/18 Council Tax” report highlighted the financial pressures facing the Council. It remains imperative that budgetary control continues to be exercised in 2017/18 to minimise the risk of compounding financial pressures in future years.
- 5.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council’s budgetary control and monitoring arrangements.

6. FINANCIAL IMPLICATIONS

- 6.1 Although the overall budget shows an under spend of £41k, the controllable budget for the Renewal and Recreation Portfolio is expected to be balanced at the year-end, based on the financial information available as at 30 September 2017.
- 6.2 For Building control, there is a net projected underspend of £61k within the staffing budget due to vacant posts and reduced hours being worked.
- 6.3 Similarly for Land Charges, part year vacancies will result in an under spend of £18k.
- 6.4 Additional income of £100k is projected from non-major planning applications and there is a projected surplus of income of £80k from pre-application meetings as well as from street name and numbering, due to increased demand. This more than offsets costs of £60k for specialist advice and additional staffing costs of £20k directly related to increased activity.

- 6.5 There will be an over spend of £224k directly related to planning appeal costs awarded against the Council. At this moment in time, all but £31k can be contained within the Portfolio Budget. A sum of £60k is held in the central contingency for planning appeal costs that could be drawn down to partly offset these costs, however as there may be further appeal costs that may come through later in the year, the total sum to be drawn down will be finalised at the year-end.
- 6.6 The table below summarises the main variances: -

Summary of Major Variations	£'000
Underspend on Building Control staffing	Cr 61
Underspend on staffing within Land Charges	Cr 18
Income from planning applications	Cr 100
Income from pre-application meetings & street name & numbering	Cr 80
Specialist consultancy costs	60
Overspend on planning and enforcement staff	20
Planning appeal costs	224
Town Centre Management	Cr 14
Potential drawdown of planning appeal funding held in Central Contingency	Cr 31
	<u><u>0</u></u>

Non-Applicable Sections:	Legal, Procurement and Personnel Implications
Background Documents: (Access via Contact Officer)	2017/18 budget monitoring files within ECS Finance section

Renewal and Recreation Budget Monitoring Summary

2016/17 Actuals £'000	Division Service Areas	2017/18 Original Budget £'000	2017/18 Latest Approved £'000	2017/18 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	R&R PORTFOLIO							
	Planning							
Cr 3	Building Control	76	76	15	Cr 61	1	Cr 50	0
Cr 144	Land Charges	Cr 129	Cr 129	Cr 147	Cr 18	2	0	0
812	Planning	703	703	827	124	3	50	0
1,564	Planning appeal funding held in Central Contingency Renewal	785	1,075	1,075	Cr 31 0		0	0
2,229		1,435	1,725	1,770	14		0	0
	Recreation							
1,732	Culture	1,675	1,695	1,695	0		0	0
4,737	Libraries	4,403	5,752	5,752	0	4	0	0
263	Town Centre Management & Business Support	180	261	247	Cr 14	5	0	0
6,732		6,258	7,708	7,694	Cr 14		0	0
8,961	Total Controllable R&R Portfolio	7,693	9,433	9,464	0		0	0
5,855	TOTAL NON CONTROLLABLE	4,195	4,157	4,116	Cr 41	6	Cr 42	0
2,088	TOTAL EXCLUDED RECHARGES	2,086	2,086	2,086	0		0	0
16,904	PORTFOLIO TOTAL	13,974	15,676	15,666	Cr 41		Cr 42	0

Reconciliation of Latest Approved Budget

£'000

Original budget 2017/18	13,974
New Homes Bonus TCM	23
New Homes Bonus Regeneration	306
Custom Build & New Burdens grant - Expenditure	30
Custom Build & New Burdens grant - Income	Cr 30
Local Plan Implementation	37
Inflation adjustment	15
Business Rates revaluation	60
Non - Controllable R&M - Water Treatment	4
Libraries saving adjustment	284
Libraries decommissioning of I.T service	973
Latest Approved Budget for 2017/18	15,676

REASONS FOR VARIATIONS

1. Building Control Cr £61k

For the chargeable service, an income deficit of £105k is projected based on information to date. This is mostly offset by a projected underspend within salaries of £101k arising from reduced working hours and part year vacancies, as well as running expenses. In accordance with Building Account Regulations, the net deficit of around £4k will be drawn down from the earmarked reserve for the Building Control Charging Account. The net balance will therefore reduce from Cr £182k to Cr £178k.

Within the non-chargeable service, there is a projected net underspend of £61k, this is mainly the result of part year vacancies and reduced hours.

2. Land Charges Cr £18k

There is a projected deficit of £20k for income within the Charging Account due to vacancies which is partly offset by underspends on staffing and running expenses of £13k. The net deficit of £7k will be carried forward as the cumulative balance in the Charging Account. If the income continues to drop, officers will have to consider increasing the current charges.

There is a projected underspend of £18k on the Non-Chargeable budget due to part year vacancies.

3. Planning Dr £124k

Income from non-major planning applications is above budget for the first six months of the year, and a surplus of £100k is projected for 2017/18. For information, actual income received from April to September is at a similar level compared to income received for the same period last year.

For major applications, £102k has been received as at 30th September, which is £52k lower than for the same period in 2016/17. Planning officers within the majors team have advised there is significant activity expected in the coming months, and therefore the income target for 2017/18 is expected to be met.

Currently there is projected surplus income of £60k from pre-application meetings due to higher than budgeted activity levels. For information, £105k has been received for the first six months of the year, which is £8k higher than for the same period in 2016/17.

Additional income of £20k is expected from other miscellaneous income within Planning, mostly from the street naming and numbering service.

Specialist consultancy costs of around £60k are expected to be incurred relating to three planning enquiries to be held in early 2018. There will also be an overspend of £20k for planning staff, due to additional temporary staff in order to assist with the current increase in volumes of planning applications and enforcement. These costs have been funded from the additional income.

Costs of £224k are expected relating to costs awarded against the Council for planning appeals that have been lost. There is a sum of £60k held in the central contingency that could be drawn down to partly offset these costs, however as there may be further appeal costs that may come through later in the year, the total sum to be drawn down will be finalised at the year end.

Summary of variations within Planning:	£'000
Surplus of income from non-major applications	Cr 100
Surplus pre-application income	Cr 60
Surplus from miscellaneous income	Cr 20
Specialist consultancy costs	60
Additional temporary planning staff	20
Planning appeals claims	224
Total variation for Planning	<u>124</u>

4. Libraries £0k

Overall a nil variance is projected for the Library service, however there will be a shortfall of income of £17k from fee & charges which is offset by an underspend of staffing totalling £17k.

5. Town Centre Management & Business Support Cr £14k

A net underspend of £14k is forecast for Town Centre Management & Business Support. This includes £6k on staff vacancies and additional income of £8k from pop-up shop rental and promotional space.

6. Non-controllable Cr £41k

There is a projected surplus income of £41k within the property rental income budget. Property division are accountable for these variations.

Waiver of Financial Regulations:

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempted from the normal requirement to obtain competitive quotations, the Chief Officer has to obtain the agreement of the Director of Resources and Finance Director and (where over £100,000) approval of the Portfolio Holder, and report use of this exemption to Audit Sub committee bi-annually. Since the last report to the Executive, no waivers have been actioned:

Virements Approved to date under Director's Delegated Powers

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder. Since the last report to Executive, no virements have been actioned.

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Report No.
FSD17071

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: RENEWAL & RECREATION PORTFOLIO HOLDER

Date: For pre-decision scrutiny by the Renewal & Recreation PDS Committee on 1st November 2017

Decision Type: Non-Urgent Executive Non-Key

Title: CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2017/18

Contact Officer: James Mullender, Principal Accountant
Tel: 020 8313 4292 E-mail: James.Mullender@bromley.gov.uk

Chief Officer: Director of Finance

Ward: All Wards

1. Reason for report

On 19th July 2017, the Executive received the 1st quarterly capital monitoring report for 2017/18 and agreed a revised Capital Programme for the four year period 2017/18 to 2020/21. The report also covered any detailed issues relating to the 2016/17 Capital Programme outturn, which had been reported in summary form to the June meeting of the Executive. This report highlights in paragraphs 3.2 to 3.8 changes agreed by the Executive in respect of the Capital Programme for the Renewal & Recreation Portfolio. The revised programme for this portfolio is set out in Appendix A, detailed comments on scheme progress as at the end of the first quarter of 2017/18 are shown in Appendix B and details on the 2016/17 outturn are included in Appendix C.

2. **RECOMMENDATION**

The Portfolio Holder is asked to note and confirm the changes agreed by the Executive on 19th July 2017.

Corporate Policy

1. Policy Status: Existing Policy: Capital Programme monitoring is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. For each of our portfolios and service priorities, we review our main aims and outcomes through the AMP process and identify those that require the use of capital assets. Our primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Building a Better Bromley".
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: Total increase of £8.5m over the 4 years 2017/18 to 2020/21, mainly due to £4.9m transfer of Site G project, £2.7m on Biggin Hill Memorial Museum, and £0.6m on Crystal Palace Park – Alternative Management Options.
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £16.7m for the Renewal & Recreation Portfolio over four years 2017/18 to 2020/21
 5. Source of funding: Capital grants, capital receipts and earmarked revenue contributions
-

Staff

1. Number of staff (current and additional): 1 fte
 2. If from existing staff resources, number of staff hours: 36 hours per week
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Capital Monitoring – variations agreed by the Executive on 19th July 2017

3.1 A revised Capital Programme was approved by the Executive in July, following final outturn figures for 2016/17 and a detailed monitoring exercise carried out after the 1st quarter of 2017/18. The base position was the revised programme approved by the Executive on 8th February 2017, as amended by variations approved at subsequent Executive meetings. All changes to schemes in the Renewal & Recreation Programme are itemised in the table below and further details are included in paragraphs 3.2 to 3.8. The revised Programme for the Renewal & Recreation Portfolio is attached as Appendix A. Appendix B shows actual spend against budget in the first quarter of 2017/18, together with detailed comments on individual schemes. Appendix C includes details of the final outturn for 2016/17.

	2017/18	2018/19	2019/20	2020/21	TOTAL 2017/18 to 2020/21
	£000	£000	£000	£000	£000
Programme approved by Executive 08/02/17	4,586	10	10	10	4,616
Bromley High Street Improvements (Executive 22/03/17)	564	1,000	1,000	1,000	3,564
Approved Programme prior to 1st Quarter's Monitoring	5,150	1,010	1,010	1,010	8,180
<u>Variations approved by Executive 19/07/17</u>					
Deletion of £1k residual balance on Crystal Palace Park Subway (see para 3.2)	Cr 1	0	0	0	Cr 1
Crystal Palace Park Improvements (see para 3.3)	Cr 10	242	0	0	232
Increase of £625k on Crystal Palace Park - Alternative Management Options (see para 3.4)	625	0	0	0	625
Increase of £2,666k on Biggin Hill Memorial Museum (see para 3.5)	963	1,464	120	119	2,666
Net underspends in 2016/17 re-phased into 17/18 (see para 3.6)	119	0	0	0	119
Total amendments to the Capital Programme	1,696	1,706	120	119	3,641
Transfer of Site G scheme from Care Services portfolio into R&R portfolio (see para 3.8)	4,894	0	0	0	4,894
Total Revised R&R Programme	11,740	2,716	1,130	1,129	16,715

3.2 Deletion of residual balance on Crystal Palace Park Subway (£1k reduction in 2017/18)

On 3rd April 2013 Executive agreed to add 'The Parks for People' scheme for special work required to develop projects to support the preparation of a first round application to the Heritage Lottery Fund for Crystal Palace Park, and in December 2015, Members agreed to the revised funding for project towards the feasibility works specifically for the Crystal Palace Park subway project. The feasibility work for this project has been completed, and in July 2017 Members agreed that the residual balance of £1k be deleted.

3.3 Crystal Palace Park Improvements (£232k net increase)

In July 2016, the Executive agreed for a £116k grant from Historic England to be added to the Crystal Palace Park Improvements scheme for conservation works at Crystal Palace Park, including conservation of the South Terrace Steps, and the Sphinxes conservation. The work has now been completed and the final Historic England grant claim total is £106k, a £10k reduction compared to the original Historic England Grant budget.

At its meeting in July 2017, the Executive approved a report relating to the regeneration plan for Crystal Palace Park (DRR17/029), which included an increase of £242k funded from capital receipts for the Crystal Palace Park Improvement scheme to deliver the Crystal Palace Park Café project.

3.4 Crystal Palace Park – Alternative Management Options (£625k increase in 2017/18)

The Crystal Palace Park Regeneration Plan report referred to in paragraph 3.3 above also included the addition of £625k to Crystal Palace Park – Alternative Management Option scheme, funded from capital receipts, in order to proceed to Phase 2 of the regeneration plan.

3.5 Biggin Hill Memorial Museum (£2,666k increase)

At its meeting in July 2017, the Executive approved an increase of £2,666k to the Biggin Hill Memorial Museum scheme (DRR17/032) to reflect the additional funding available, which will allow the project to commence delivery. The Heritage Lottery Fund grant application has been successful and the Council has been awarded £1,998k. The project was also previously successful in the grant application to the Treasury's LIBOR fund (DRR17/001).

3.6 Net underspends in 2016/17 re-phased into 2017/18

The 2016/17 Capital Outturn was reported to the Executive on 20th June 2017. The final outturn for Renewal & Recreation Portfolio schemes was £2,141k compared to a revised budget of £2,270k approved by the Executive in February. After allowing for adjustments in respect of schemes that were not re-phased, a total of £119k was re-phased into 2017/18. Details of the 2016/17 outturn for this Portfolio are set out in Appendix C.

3.7 Schemes re-phased from 2017/18 into future years

There were no re-phrasings carried out during the 1st quarter monitoring exercise. This quarterly report will monitor the future position and will highlight any schemes where rephasing is required.

3.8 Transfer of the Site G scheme from Care Services portfolio to Renewal & Recreation portfolio (£4,894k increase in 2017/18)

On 19th July 2017, the Executive approved a report relating to Housing S106 Payment In Lieu Contributions, which was subsequently approved by Council on 25th July. The report requested that the existing capital scheme relating to the Housing Zone be reallocated for affordable Housing in Bromley Town Centre to reflect that whilst the sites remain unchanged, the Housing Zone no longer exists. As a result of this, the Site G element of the scheme which has £4,894k budget remaining has been transferred from Care Services portfolio into Renewal and Recreation portfolio.

Post-Completion Reports

3.9 Under approved Capital Programme procedures, capital schemes should be subject to a post-completion review within one year of completion. After major slippage of expenditure in prior years, Members confirmed the importance of these as part of the overall capital monitoring framework. These reviews should compare actual expenditure against budget and evaluate the achievement of the scheme's non-financial objectives. Post-completion reports on the following schemes are currently due for the Renewal & Recreation Portfolio before the end of the 2017/18 monitoring cycle:

- Central Library/Churchill Theatre – replace of chillers and control

4. POLICY IMPLICATIONS

4.1 Capital Programme monitoring and review is part of the planning and review process for all services.

5. FINANCIAL IMPLICATIONS

- 5.1 These were reported in full to the Executive on 19th July 2017. Changes agreed by the Executive for the Renewal & Recreation Portfolio Capital Programme are set out in the table in paragraph 3.1.

Non-Applicable Sections:	Legal, Personnel and Procurement Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	Approved Capital Programme (Executive 19/07/17) Capital Outturn report (Executive 20/06/17) Q1 monitoring report (Executive 19/07/17) Crystal Palace Park: Regeneration Plan (19/07/17) Update: Biggin Hill Memorial Museum (11/01/17) Biggin Hill Memorial Museum (Executive 19/07/17) Housing S106 Payment in Lieu Contributions (19/07/17)

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APPENDIX A

RENEWAL & RECREATION PORTFOLIO - APPROVED CAPITAL PROGRAMME 19 JULY 2017									
Code	Capital Scheme/Project	Total Approved Estimate	Actual to 31.3.17	Estimate 2017/18	Estimate 2018/19	Estimate 2019/20	Estimate 2020/21	Responsible Officer	Remarks
		£'000's	£'000's	£'000's	£'000's	£'000's	£'000's		
LIBRARIES & MUSEUMS									
941826	Central Library/Churchill Theatre - chillers and controls	450	442	8	0	0	0	Colin Brand	
941535	Penge/Anerley Libraries - 46 Green Lane	669	668	1	0	0	0	Colin Brand	Approved by Executive 06/02/13
941537	Anerley Town Hall - Library Provision	41	5	36	0	0	0	Colin Brand	Approved by Executive 22/07/14
941538	Relocation of Exhibitions - Bromley Musuem	395	352	43	0	0	0	Colin Brand	Approved by Executive 10/06/15
941542	Biggin Hill Memorial Museum	3,086	261	1,122	1,464	120	119	Colin Brand	Approved by Executive 02/12/15. £106k funding from Treasury Grant, Executive 15/06/16 £157.4k Treasury Grant, £3.2k Trust
	TOTAL LIBRARIES & MUSEUMS	4,641	1,728	1,210	1,464	120	119		
LEISURE TRUST CLIENT - RECREATION									
941887	Bromley MyTime Investment Fund	3,088	1,607	1,481	0	0	0	Colin Brand	Revenue contribution to capital works
	TOTAL LEISURE TRUST CLIENT - RECREATION	3,088	1,607	1,481	0	0	0		
OTHER									
917000	Feasibility Studies	40	0	10	10	10	10	Colin Brand	
941530	Bromley North Village Public Realm Improvements	6,652	6,549	103	0	0	0	Kevin Munnely	Renewal and improvement of Bromley North; £3,298k TfL; £1,829k GLA Outer London Fund; £25k private sector; £1,500k Capital receipts.
941540	Penge Town Centre	746	77	669	0	0	0	Kevin Munnely	Approved Executive 24/03/15 - funded by New Homes bonus and High Street Fund
941541	Orpington Town Centre - Walnut Centre & New Market infrastructure	631	136	495	0	0	0	Kevin Munnely	Approved Executive 24/03/15 - funded by New Homes bonus and High Street Fund
941544	Bromley High Street Improvements	3,564	0	564	1,000	1,000	1,000	Kevin Munnely	Approved Executive 22/03/17 - funded from Growth Fund / S106
950823	Site G - Payment in Lieu Fund	3,000	1,006	1,994	0	0	0	Kevin Munnely	Funded from PIL (S106) receipts
950823	Site G - Growth Fund	2,900	0	2,900	0	0	0	Kevin Munnely	Funded from Growth Fund
941894	Crystal Palace Park Improvements	2,508	816	1,450	242	0	0	Colin Brand	£160k LBB £2m GLA funded (Executive 22/07/14) £116k Historic England grant
941895	Crystal Palace park - Alternative Management Options	1,120	361	759	0	0	0	Colin Brand	
941981	Chipperfield Road Development - St Paul's Cray	105	0	105	0	0	0	Micheal Watkins	Approved by Executive 18/10/16
	TOTAL OTHER	21,266	8,945	9,049	1,252	1,010	1,010		
	TOTAL RENEWAL & RECREATION PORTFOLIO	28,995	12,280	11,740	2,716	1,130	1,129		

RENEWAL & RECREATION PORTFOLIO - APPROVED CAPITAL PROGRAMME 2017/18 - 1ST QUARTER MONITORING				
Capital Scheme/Project	1st QUARTER 2017/18			Responsible Officer Comments
	Approved Estimate Feb 2017	Actual to 17.08.17	Revised Estimate July 2017	
	£'000's	£'000's	£'000's	
LIBRARIES & MUSEUMS				
Central Library/Churchill Theatre - chillers and controls	0	0	8	Scheme completed.
Penge/Anerley Libraries - 46 Green Lane	0	0	1	Project has finished and we are waiting for final invoices. The final account has been agreed at £669k.
Anerley Town Hall - Library Provision	0	0	36	Purchase and installation of libraries hardware at Anerley Town Hall. Scheme completed and we are waiting for final invoices.
Relocation of Exhibitions - Bromley Museum	40	Cr 9	43	Approved by Executive 10/06/15 - £395k allocation from capital receipts for the relocation of exhibitions from Priory, Orpington to Central Library. The two exhibitions and community exhibition space was installed in August and September 2016. Officers anticipate the remaining £43k will be spent in 17/18 on committed conservation works and salary costs.
Biggin Hill Memorial Museum	198	104	1,122	Scheme Approved 02/12/15. Executive approval on 20/06/17, for project to proceed with delivery.
TOTAL LIBRARIES & MUSEUMS	238	95	1,210	
LEISURE TRUST CLIENT - RECREATION				
Bromley MyTime Investment Fund	1,674	476	1,481	A report will be submitted to R&R PDS around Nov'17 on Mytime Active Annual Review which will include Mytime's proposals for the Investment Fund for 2018/19. It is anticipated the current remaining budget will be spent this financial year, however, this will depend on scoping work currently taking place in respect of the scheme at the Pavillion Leisure Centre.
TOTAL LEISURE TRUST CLIENT - RECREATION	1,674	476	1,481	
Feasibility Studies	10	0	10	
OTHER				
Site G	n/a	331	4,894	Executive 24.03.15 - Housing Zone bid and Site G report 24/03/15 - £3m PIL and £2.7m from Growth fund (Bromley Town Centre). The Housing Investment Group of the GLA considered the Council's HZ bid on 10th November 15. Four properties within the red line site have been purchased to date with potentially further purchases in the current financial year. Further profiling of funding will be subject to the outcome of a report formalising the Development Agreement with the preferred development partner and the Compulsory Purchase Strategy for the site will be submitted to the Executive.
Bromley North Village Public Realm Improvements	0	0	103	Final accounts confirmation received from Conway. A total of £70k underspend was reported to Executive on 02/12/15 to fund the enhancement projects as part of the contingency options. The scheme is near completion.
Penge Town Centre	681	1	669	The New Homes Bonus funded project consisting of public realm improvements, Shopfront improvements, Business Support, and Wayfinding. The scheme is to be implemented alongside planned TfL bus route and carriageway improvements. It would not be practical to implement the public realm scheme until these improvements are finalised. The bulk of the capital spend will take place early 17/18 once the TfL works have commenced. The New Homes Bonus Funding agreement concludes on Mar 18
Orpington Town Centre - Walnuts Centre & new market infrastructure	355	206	495	High Street Fund and New Homes Bonus funded project to enhance the pedestrian experience of the prime shopping areas to increase footfall. This includes paving, lighting, treatment for trees, new street furniture, and new market infrastructure. The New Homes Bonus Funding agreement concludes on Mar 18.
Bromley High Street Improvements	0	0	564	Approved Executive 22/03/17 a total of £3.564m funded from Growth fund. The programme of improvements to the public realm of Bromley High Street is a continuation of the Bromley North Village scheme which aims to enhance the pedestrian experience of the prime shopping areas to increase footfall in the town centre. It is anticipated that works will commence in August 2017 with an expected completion of Phase 1 by end November 2017.
Crystal Palace Park Subway	0	0	0	Scheme complete, residual balance removed in Qtr 1 FY17/18
Crystal Palace Park Improvements	1,373	2	1,450	Approved by Executive 22/07/14 £2,160k (£2m GLA, £160k LBB) GLA funding can only be used for capital works - improving the park landscape. Grant of £116k from Historic England in addition for conservation of the south terrace steps. Work has completed and the budget was reduced by £10k to reflect the works coming in under budget/ funding claimed. Turnstiles work completed, dinosaur and dinosaur landscape conservation works completed, and sphinxes and south terrace steps works completed. Café works expected to start in autumn 2017 following the contract awarded by Executive in July 2017. Skatepark contract awarded, design work in final stages and work expected to start on site late summer 2017.
Crystal Palace Park - Alternative Management Options	150	6	759	Approved by Executive 24/03/15 - to explore and develop a sustainable regeneration plan, and business plan, for the establishment of an alternative management option for the park. It is anticipated that the remaining £134k will be spent in 17/18. This spend will include committed salary and legal costs.
Chipperfield Road Development - St Paul's Cray	105	0	105	Approved by Executive 18/10/16 - £45k to be spent on clarification of development potential and viability, £60k for marketing. Report for next step recommendations on planning. Further updates will be provided in Qtr 2 monitoring.
TOTAL OTHER	2,674	546	9,049	
TOTAL RENEWAL & RECREATION PORTFOLIO	4,586	1,117	11,740	

APPENDIX C

RENEWAL & RECREATION PORTFOLIO - CAPITAL PROGRAMME OUTTURN 2016/17								
		2016/17 OUTTURN						
Capital Scheme/Project	Actual to 31.03.17	Approved Estimate Feb 2017	Final Outturn	Variation	Comments / action taken			
	£'000's	£'000's	£'000's	£'000's				
LIBRARIES & MUSEUMS								
Central Library/Churchill Theatre - chillers and controls	442	24	16	Cr	8	2016/17 underspend rephased into 2017/18		
Penge/Anerley Libraries - 46 Green Lane	668	1	0	Cr	1	2016/17 underspend rephased into 2017/18		
Anerley Town Hall - Library Provision	5	30	Cr	6	Cr	36	2016/17 underspend rephased into 2017/18	
Relocation of Exhibitions - Bromley Musuem	352	315	311	Cr	4	2016/17 underspend rephased into 2017/18		
Biggin Hill Memorial Museum	261	220	260		40	2016/17 overspends met from 2017/18		
TOTAL LIBRARIES & MUSEUMS	1,728	590	581	Cr	9			
LEISURE TRUST CLIENT - RECREATION								
Pavilion Leisure Centre - redevelopment & refurbishment	4,957	10	10		0	scheme completed		
Bromley MyTime Investment Fund	1,607	450	643		193	2016/17 overspends met from 2017/18		
TOTAL LEISURE TRUST CLIENT - RECREATION	6,564	460	653		193			
Feasibility Studies	0	10	0	Cr	10	Budget not required in 2016/17 and not rephased into 2017/18		
OTHER								
Bromley North Village Public Realm Improvements	6,549	148	46	Cr	102	2016/17 underspend rephased into 2017/18		
Penge Town Centre	77	33	45		12	2016/17 overspends met from 2017/18		
Orpington Town Centre - Walnut Centre & New Market infrastructure	136	200	60	Cr	140	2016/17 underspend rephased into 2017/18		
Crystal Palace Park Subway	57	12	11	Cr	1	2016/17 underspend rephased into 2017/18		
Crystal Palace Park Improvements	816	500	413	Cr	87	2016/17 underspend rephased into 2017/18		
Crystal Palace Park - Alternative Management Options	361	317	332		15	2016/17 overspends met from 2017/18		
TOTAL OTHER	7,996	1,220	907	Cr	313			
TOTAL RENEWAL & RECREATION PORTFOLIO	16,288	2,270	2,141	Cr	129	#		

£119k of total net underspend rephased into 2017/18

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Report No.
DRR17/051

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

**FOR PRE-SCRUTINY BY THE RENEWAL & RECREATION
POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: R&R PDS - Wednesday 1 November 2017
Executive - Tuesday 7 November 2017

Decision Type: Non-Urgent Executive Non-Key

Title: BECKENHAM AND PENGE BUSINESS IMPROVEMENT
DISTRICT (BID) PROPOSAL FOR 2018-2023

Contact Officer: Martin Pinnell, Head of Town Centres,
Tel: 020 8 313 4457 E-mail: martin.pinnell@bromley.gov.uk

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

Ward: Penge and Cator, Kelsey and Eden Park, Copers Cope, Clockhouse

1. Reason for report

This report updates Members on the progress to date on the development of a proposed Business Improvement District (BID) in Beckenham and Penge Town Centres and its potential implications for the Council; Introduces the outline Beckenham and Penge BID Proposal 2018 – 2023 which has been presented to the Council by the BID Steering Groups in each town and requests delegated authority for the Portfolio Holder for Renewal and Recreation to review the final versions of the BID Proposals in order to authorise a Ballot to be held of the establishment of the Beckenham and Penge BIDs in February 2018.

2. **RECOMMENDATION(S)**

Members of the Executive are asked to:

- 2.1 **Note the draft Beckenham and Penge BID Proposals 2018 – 2023 (summarised in 3.10 below but provided in full as part of a report on Part 2 of this agenda) and the progress to date on the development of the BIDs, including the level of consultation with businesses, outline BID levy rules and emerging key priorities of the proposed BID**
- 2.2 **Agree in principle, on the basis of the draft outline BID Proposals that the Council's Ballot Holder may be instructed to hold ballots in February 2018, according to the**

Business Improvement District Regulations (England) 2004, being satisfied that the draft BID Proposals do not conflict with any of the Council's priorities and plans, and that the geographic scope of each is within the boundaries of the London Borough of Bromley (see maps of draft BID boundaries in Appendix 2A and 2B).

- 2.3 Agree delegated authority to the Portfolio Holder for Renewal & Recreation to review the FINAL version of the BID Proposals which are expected to be delivered to the Authority by 17 November 2017 and provided that these still meet the criteria outlined in 2.2 above, instructs the Ballot Holder to run the BID ballots, on behalf of the Executive.**
- 2.4 Agree 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 areas (these are listed in paragraph 5.2).**
- 2.5 Subject to a BID 'yes' vote, authorise the Director of Corporate Services to enter into all legal agreements necessary to operate the BID, and that the agreements ensure that the BID companies formed in both locations act at all times in the best interests of the town centres. The draft agreements, which are still to be finalised, are included as part of Appendix 1A and 1B.**
- 2.6 Note that potential net savings of £44k could result from the establishment of BIDs in Beckenham and Penge Town Centres outlined in section 5.**

Corporate Policy

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

Financial

1. Cost of proposal: £110k including £9.5k for ballot costs and one-off system set up costs
 2. Ongoing costs: Potential annual savings of £51k offset by costs of £6.9k per annum for the BID Levy payable
 3. Budget head/performance centre: Town Centre Management
 4. Total current budget for this head: £153k and £110k
 5. Source of funding: Existing Controllable Revenue Budget 2017/18 and Growth Fund
-

Staff

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

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Businesses within Beckenham Town Centre, especially up to 312 business rates payers who are likely to be BID Levy Payers from April 2018 – March 2023. Businesses within Penge Town Centre, especially up to 237 business rates payers who are likely to be BID Levy Payers from April 2018 – March 2023
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: At time of finalising this report, comments have been received from two ward Councillors: Cllr Michael Tickner (Copers Cope) - who said that he was supportive of the proposals asked for an update on the BID to be provided to next Beckenham Working Group meeting – and Cllr Kathy Bance (Penge & Cator), who said that the proposals seemed positive. No further comments had been received at time of finalising this report – but any Member comments received after report publication will be reported orally at the committee meeting.

3. COMMENTARY

Background

- 3.1 Following initial feasibility work in June 2016, the Executive approved the setting aside of £110k to assist with the establishment of a Business Improvement District (BID) in Beckenham and Penge Town Centres.
- 3.2 The Beckenham and Penge BID Steering Groups were established in Spring 2017 with the intention of harnessing the enthusiasm and commitment of business people representing both large and small enterprises and encompassing retail, leisure and office sectors.
- 3.3 In proposing and developing BIDs in Beckenham and Penge, the Council's Town Centre Management Team appointed Central Management Services (CMS) in November 2016 to undertake the complex and time consuming tasks involved in preparing a BID proposal and taking the proposal to ballot. CMS is highly experienced in the practice of setting up and operating BIDs across the UK and indeed has a 100% success record in delivering successful BID ballots. They use a standard and well proven 5-stage approach to setting up a BID, consisting of the following:
- Feasibility Stage – involving establishing the need for a BID, assessing business interest, testing the financial feasibility based on business rates data and raising awareness of the process
 - Planning Stage – including establishing the vision, undertaking research and in-depth consultation, modelling the potential BID levy rules and creating the Proposal
 - Local Authority Stage – including developing Operating and Baseline agreements, agreeing and setting up the ballot process and agreeing a ballot timetable, creating a voter database and agreeing BID levy collection processes. This Stage involves some input from various Council teams, with the lead taken by the Head of Town Centre Management & Business Support.
 - Campaign Stage – Involving establishing the voters at each business, communications with voters, ballot monitoring and agreeing contingency for failure at ballot
 - Establishment Stage – including preparation for launch, setting up billing procedures, governance arrangements, staffing and recruitment

Because the timescales for delivery are short, the Planning Stage and the Local Authority Stage activities are being run in parallel to ensure that the statutory deadlines for undertaking BID ballots and setting up the BIDs are met within a timescale to enable the ballot to take place in February 2018.

Council decision-making for the establishment of the BID

- 3.4 The Business Improvement District Regulations (England) 2004 require a BID proposer to request that the Local Authority holds a ballot on the BID Proposal. The parameters of this decision are framed by the legislation – and these are set out in paragraph 6.1. However, because of the short timescales involved, the BID Proposal is not yet finalised. The draft BID Proposal will be refined by a further round of consultation with local businesses and key stakeholders, with a view to providing the Council with the final BID Proposal and Business Plan by 17 November 2017.

- 3.5 The BID Proposer is requesting that the BID Ballot is held from 1 February to 28 February 2018. Therefore the formal Notice of Ballot will need to be issued in mid-January. Because of the Council's timetable of meetings there would not be another opportunity before that time for the Renewal & Recreation PDS Committee to review the final version of the Proposal and Business Plan in advance. Therefore, although this report recommends that the Executive agrees in principle with the running of a BID Ballot on the basis of the Outline BID Proposal, Members are also requested to approve delegated authority for the final decision to be accorded to the Portfolio Holder for Renewal & Recreation, who would be provided with the final version of the BID Proposal and Business plan and would therefore be able to instruct the Ballot Holder to proceed at the appropriate time. Additionally the Portfolio Holder will need delegated authority to mandate an Officer to vote in favour of the final BID Proposal in the ballot in respect of hereditaments which are occupied by the Council.

Consultation of Beckenham and Penge businesses

- 3.6 The Feasibility Stage was completed in June 2016. The total number of business hereditaments included within the proposed Beckenham BID area was 506 and in the proposed Penge BID area 361. In total 185 businesses responded to the feasibility survey, representing 21% of the total. The responders were broadly representative of the retail, leisure and office split in the towns. Business responses highlighted a number of priorities in Beckenham these included car parking, marketing and events and in Penge car parking, safety and marketing. This feasibility study was reviewed by CMS following their appointment in November 2016 and it was agreed to formally establish the Steering Groups in each town centre and proceed with the Planning and Local Authority stages.
- 3.7 The Steering Groups in each town centre were established in Spring 2017 with the Planning Stage commencing in June 2017, in conjunction with The Local Authority Stage, and will be completed with the delivery of a final BID Proposal to the Council in November 2017. The required notification of proposed ballot to the Secretary of State was sent and acknowledged on 23rd October 2017 (which is more than the minimum 84 days prior to Notice of Ballot).
- 3.8 As part of the Planning Stage a more detailed business survey and business workshops were conducted to ascertain the priorities for each of the town centres. The response rate in Beckenham was 50% (156 businesses) and in Penge was 49% (117 businesses). In the early stage consultation, businesses have not been specifically asked as to whether they would vote in favour of a BID since at this stage there was no BID Proposal for them to decide upon. However, those undertaking the work have reported a generally very positive approach to the concept of a BID for Beckenham and Penge which suggests that the BID will be successful at ballot. Within the next stage of the project (Campaign Stage) businesses will be approached to ascertain their voting intentions and the results of this canvassing will be fed back to the Council on a regular basis.

Outline of Beckenham BID Business Plan

- 3.9 Arising out of this in depth consultation there were 4 work themes which were clearly supported by the businesses, which would be the main thrust of the BID's proposed delivery programme over the 5 year term to March 2023. The below provides a brief description of each theme.

Marketing Beckenham

- 3.10 The BID will develop a coordinated marketing strategy with targeted campaigns to engage with specific sectors and age groups. The BID will create a user-friendly website and proactively develop social media engagement across all channels. An online loyalty scheme will offer tactical marketing opportunities to raise brand awareness and drive footfall throughout the year.

A great customer experience

- 3.11 The BID will provide a series of events, promotions and campaigns throughout the year, aimed at attracting local residents to shop locally and get the most out of Beckenham as a shopping destination and a social space. Events will be targeted during the quietest periods in the year and also at core bank holidays to help support businesses when trading is most needed. In addition the BID will fund a more extensive annual Christmas lights scheme to the town centre to help attract shoppers.

A warmer welcome

- 3.12 A new team of street ambassadors will be the friendly face of Beckenham town centre. They'll provide advice and directions as well as promote events in the town. They'll report graffiti, vandalism, and other on-street issues ensuring they are dealt with promptly by the authorities. The Street Ambassadors will also provide a vital link between the BID Management Team and the business community. In addition the BID will play a coordinating role in linking various town centre safety initiatives, including the Purple Flag scheme (for the night-time economy).

A stronger business voice for Beckenham

- 3.13 The BID will provide a strong and consistent voice for businesses to the Council and other organisations, ensuring business views, suggestion and observations on town centre issues are listened to and taken in account before major policymaking decisions are made. The BID will commission research focusing on town centre transport and parking issues, measuring impact on local businesses. A joint plan of action will be implemented to ensure parking restrictions are appropriate and that visitors are aware of the best and most cost effective ways of accessing the town centre.

It should be noted that the draft business plan states that, to comply with industry guidelines, it is recommended that overheads (operating costs) be maintained at 20% of expenditure or less. Further information on each of the above themes and the possible activities included is provided as an appendix to the Part 2 committee report on the same subject.

Outline of Penge BID Business Plan

- 3.14 Arising out of the in depth consultation there were 4 work themes which were clearly supported by the businesses, which would be the main thrust of the BID's proposed delivery programme over the 5 year term to March 2023. The below provides a brief description of each theme. Members should note that at time of writing the draft business plan had not been reviewed by the Penge BID Steering group – so the below summary is provisional.

Improving safety and security

- 3.15 The BID will provide a reassuring on-street presence as well as supporting initiatives to reduce crime and anti-social behaviour. A new team of police-accredited Street Rangers, focusing on crime reduction, will not only provide people with advice and directions, and promote events in the town but also help to ensure on-street issues are dealt with efficiently and effectively promptly escalating any crime or anti-social behaviour incidents to the Police as appropriate. They will also be a vital link between the BID Management team and the business community. The BID will fill any gaps in CCTV coverage and look to develop and implement other appropriate retail crime initiatives.

Street Smart

- 3.16 The BID will support projects that improve the cleanliness and tidiness of the on street environment. The BID will aim to provide a reactive fly tipping removal and disposal service exclusively for local business with no callout fees. The BID will work to set up a group recycling and waste disposal scheme for members increasing purchase power and reducing business costs. The BID will provide extra litter bins in areas that frequently suffer from unsightly littering issues. An annual street clean will bring together local businesses, community groups and residents to take action and give the BID area a thorough tidy-up.

Marketing Penge

- 3.17 The BID will aim to enhance the town's online presence with a dedicated website and an intensive social media engagement strategy. The BID will support and promote events in the town centre. By re-establishing the town centre as a vibrant social space, community spirit can be rekindled attracting visitors from a wider catchment area.

Improving parking

- 3.18 The BID will work with Bromley Council and any other appropriate organisations to formulate a local parking strategy to help ensure parking restrictions are fair. The BID will also work with the Council and private car park owners to explore ways to increase awareness of the available parking and on-street restrictions.

As with the Beckenham BID business plan, to comply with industry guidelines, it is expected that overheads (operating costs) for the Penge BID be maintained at 20% of expenditure or less. Further information on each of the above themes and the possible activities included is provided as an appendix to the Part 2 committee report on the same subject.

- 3.19 As both BID Proposers are independent private companies and their plans for the delivery of services are still under consultation with their own members and levy payers – the BIDs has asked for the full draft Business Plan and 5-year Budget for the period 2018 – 2023 to be kept confidential at this stage. For this reason the full draft documents are provided to Members as an appendix to a report under Part 2 of this agenda.
- 3.20 For the Beckenham BID it has been assumed that there would be a threshold of £5,000 rateable value beneath which businesses within the area would not be subject to a levy and so would not be balloted. The reason for this is that the levy collected from these very small premises will be so low as to make collection uneconomical.

The recommended headline BID Rules for Beckenham BID are:

The levy rate to be paid by each hereditament is to be calculated at 2% of its rateable value as at the Chargeable Day (1 st April in each year).
All hereditaments with a Rateable Value of £5,000 or above will be eligible for payment of the levy. (The number of hereditaments liable for payment of the levy is expected to be 312)
Each year the levy rate will be increased by a fixed rate of inflation of 2% per annum.
The levy will be charged annually in advance for each chargeable period, to be April to March each year. No refunds will be made.
Owners of untenanted buildings would be liable for the levy.

Charitable organisations that are not a retail or leisure trading organisations will pay 80% of the levy
The London Borough of Bromley will be responsible for collection of the levy. The parameters of this responsibility, including collection charges to the BID, are to be set out in the Operating Agreement.

On this basis, a Beckenham BID would have Year 1 levy income of £188k (assuming a collection rate of 98%), increasing by 2% per annum thereafter. This would be sufficient to deliver the programme of improvements and activities which are outlined above, although in common with other BIDs there would be future opportunities to generate additional income (for example through sponsorship, trading and grants).

3.21 For the Penge BID it has been assumed that, as with Beckenham, there would be a threshold of £5,000 rateable value beneath which businesses within the area would not be subject to a levy and so would not be balloted.

The recommended headline BID Rules for Penge BID are:

The levy rate to be paid by each hereditament is to be calculated at 2% of its rateable value as at the Chargeable Day (1 st April in each year).
All hereditaments with a Rateable Value of £5,000 or above will be eligible for payment of the levy. (The number of hereditaments liable for payment of the levy is expected to be 237)
Each year the levy rate will be increased by a fixed rate of inflation of 2% per annum.
The levy will be charged annually in advance for each chargeable period, to be April to March each year. No refunds will be made.
Owners of untenanted buildings would be liable for the levy.
Charitable organisations that are not a retail or leisure trading organisations will pay 80% of the levy
The London Borough of Bromley will be responsible for collection of the levy. The parameters of this responsibility, including collection charges to the BID, are to be set out in the Operating Agreement.

On this basis, a Penge BID would have Year 1 levy income of £122k (assuming a collection rate of 98%), increasing by 2% per annum thereafter. This would be sufficient to deliver the programme of improvements and activities which are outlined above, although in common with other BIDs there would be future opportunities to generate additional income (for example through sponsorship, trading and grants).

Although each town will have their own independent BID companies set up it the recommendation from our consultants is that they share operational elements to reduce costs, such as staff and office space. This, however, would be a decision for the Boards of the new BIDs, which will be independent companies.

Implications of BID establishment

3.22 Based on the proposed BID levy rules above, and barring any significant changes in the rateable values within the BID areas, the total investment which would arise from the Beckenham BID levy will be £940k over the 5 year term and for the Penge BID levy this will be £600k over the 5 year term. This is a significant level of private sector investment to help ensure that both Beckenham and Penge town centres remains competitive within London and the South East. In terms of financial impact on the businesses, although there are a small number of national businesses who will be making a significant contribution to the BID budget, the average annual levy bill in Beckenham will be just under £603 per hereditament and in Penge the average annual levy bill will be just under £517 per hereditament.

It is important to note that for a BID Proposal to be successful at ballot it must meet two key criteria:

a. More than 50% of votes counted must be in favour

AND

b. More than 50% of the rateable value represented by the vote must be in favour

This means that not only must there be more than 50% of the voters voting in favour, but also those businesses with multiple hereditaments or properties with large rateable values support the BID in the ballot. One-to-one engagement is already under way with managers and potential voters at these higher rateable value organisations to understand their needs and requirements for a BID.

3.23 Should the BID ballot be successful, delivery of the activities outlined in the BID Business Plan would be the responsibility of Beckenham BID and Penge BID. Companies Limited by Guarantee will be set up following a successful BID ballot. A board of Directors for these Companies will be drawn from amongst a range of businesses – large and small – within the BID area. A full list of the current BID Steering Group members will be included in the final BID Business Plan. The Council is expected to have non-voting advisory members on the Board – with one Officer and one Councillor playing this role. These arrangements are to be confirmed as part of the Operating Agreement for the BID.

3.24 The Operating Agreement, a draft of which is included as **APPENDIX 1A and 1B**, will govern how the London Borough of Bromley and the proposed BID will cooperate on the operation of the BID – including how the BID levy will be collected and passed across to each of the BID companies. Included with the Operating Agreement is what is known as the Baseline Agreement which defines the services being delivered by the Council within Beckenham and Penge Town Centres which are expected to continue during the BID term. These will remain the responsibility of the Council but the BID may introduce additional services to enhance the existing baseline – for example additional or specialist cleansing patrols. Further information on the legal aspects of the BID set up is provided in the Legal Implications section below.

4. POLICY IMPLICATIONS

4.1 The Beckenham and Penge BIDs fundamental role will be to improve, enhance and promote their respective town centres. Therefore the respective BID Proposals are expected to assist in the Council's ambition to encourage Vibrant Thriving Town Centres. It is therefore recommended that the Council supports the Beckenham and Penge BIDs as the best means of ensuring that these town centres continue to be managed effectively – to enable them to flourish and develop positively into the future, in partnership with the Council.

4.2 The Council's policy of withdrawing Council funded Town Centre Management Services whilst supporting the establishment of BIDs has been the subject of an Equality Impact Assessment (EIA), entitled 'Town Centre proposals and BIDs Development Strategy', undertaken in January 2016 and published on the Council website. The conclusion of the EIA was that the policy has been identified as equality neutral as it will have no adverse impacts on the public or on the businesses based in TCM managed towns or in larger or smaller towncentres in the Borough. This is because the existing Town Centre Management service does not currently offer targeted services aimed at the equalities groups. The establishment of BIDs will improve facilities for both large and small businesses and for all members of the public using Beckenham and Penge Town centres including the equalities groups. Practical experience of BIDs in Bromley and Orpington has shown that they are able to offer a wider range of services to users of their towns than was possible through the Council's Town Centre Management team.

5. FINANCIAL IMPLICATIONS

- 5.1 As part of the Council's statutory duty under the BID Regulations, it has to fund the cost of any BID ballot. For the Beckenham and Penge BIDs, this is estimated to be £5k (£2.5k per town). It is also proposed that the Council meets the one-off set up cost for the BID levy collection system for the BID term, which is expected to be £4.5k for both BIDs. In total the ballot and start-up costs for the Beckenham and Penge BIDs will be £9.5k and this has been earmarked from the £110k allocated from the Growth Fund.
- 5.2 The main revenue implication for the Council over the 5 years of the BID, is the liability to pay the BID levy on Council-occupied hereditaments which are located within the BID area. These are listed below – with their rateable value and likely BID levy charge during the first year of operation. Assuming no changes to the Council's occupation of commercial premises the total potential charge to the Council over the five year period for both towns is expected to be £34.5k. This total includes the levy for the 3 Library hereditaments which will become the responsibility of Greenwich Leisure Ltd as the contractor delivering the library service with effect from 1 November 2017. Should both BIDs be established, a contract variation will be drawn up to increase the contract sum by the BID levy payable.

Table 1 below has details of the levy payable on Council properties within the potential Beckenham BID area, on the basis that £5,000 threshold is applied: -

Council Hereditament	Portfolio	R.V (£)	BID levy in Year One (£)	Estimated 5 year total (£)
Library - Beckenham Road	Environment	41,000	820	4,100
Library - Beckenham Road	Environment	31,750	635	3,175
Car Park - Village Way	Environment	67,500	1,350	6,750
Car Park - Fairfield Road	Environment	26,000	520	2,600
Car Park - St Georges Road	Environment	34,750	695	3,475
Car Park - Dunbar Avenue	Environment	7,000	140	700
Car Park - Lewis House, Beckenham Road	Environment	6,300	126	630
Total		214,300	4,286	21,430

Table 2 below has details of the levy payable on Council properties within the potential Penge BID area, on the basis that £5,000 threshold is applied: -

Council Hereditament	Portfolio	R.V (£)	BID levy in	Estimated 5 year total (£)
Library - Green Lane	Environment	35,250	705	3,525
Public toilets - High Street*	Environment	7,600	152	760
Car Park - Penge East Station	Environment	12,500	250	1,250
Offices - Croydon Road	Resources	75,500	1510	7,550
Total		130,850	2,617	13,085

***NOTE:** The public toilets in Penge High Street are due to go to auction, after which point the Council will no longer be liable for the levy, saving £152 per annum. The totals provided above are therefore a 'worst case scenario'.

- 5.3 The Beckenham BID is expected to generate nearly £188k in the first year of operation and will invest approximately £940k into the town centre in the new 5-year term. The Penge BID is expected to generate nearly £122k in the first year of operation and will invest approximately £610k into the town centre in the new 5-year term. In common with other BIDs there would be future opportunities to generate additional income (for example through sponsorship, trading and grants).
- 5.4 The current controllable budget for Town Centre Management, excluding the BID levy payable for Bromley and Orpington is £153k. Subject to the success of the ballot for the proposed BIDs there would be a potential gross saving of £51k per annum from the TCM revenue fund. This is because there would no longer be a requirement for the Council to fund Town Centre Management activities in Beckenham and Penge after the BID has been established. However, the Council would be liable to pay BID levy of £7k on certain properties, as shown in the tables above, and therefore a net saving of up to £44k per annum could be achieved from 2018/19. This is a lower saving than included in the previous report to Members in July 2016 because a level of staffing would still be required to continue to develop BIDs across the borough.
- 5.5 As a BID can only be established by a secret postal ballot, there is a risk that this will not result in a favourable outcome in one or both towns and in this worst case scenario the potential savings outlined in paragraph 5.4 above would not be realised and the Council's investment in the project would have already been spent or committed. If only one town is successful at ballot this would have an impact on the set up costs for BID levy collection and also the annual fee. These costs are outlined in paragraph 5.1 above.

6. LEGAL IMPLICATIONS

- 6.1 Whilst there is no statutory obligation on the Council to establish BIDS there is a statutory process to follow if the decision is made to promote one. These are set out in the Business Improvement District Regulations (England) 2004. This requires approval of the Council be given for a ballot on the proposed BID and this approval is being sought from the Executive Committee. Through this process the Authority is to satisfy itself that the BID Proposal does not conflict with any Council policies or priorities, has been generated in accordance with the BID Regulations and is within its jurisdiction (i.e. the proposed BID boundary falls wholly within the Local Authority's boundary). These are the only criteria on which a Local Authority can reject an application for a BID ballot or veto the outcome of a ballot.
- 6.2 The two BID companies will be responsible for the delivery of the Beckenham and Penge BIDs, and are the entities that will be formally requesting the Council approval to go to ballot for the 5 year term – from April 2018 to March 2023.

- 6.3 Additionally Council Officers have been working with the BID companies to draft and finalise two legal agreements which are required for the formation of each BID, as follows:
- Operating Agreement – The Operating Agreement covers the arrangements for the billing, collection and payment of the BID levy collected to each BID Company. This will place an obligation on the Council to take certain steps to secure payment of the levy and in the event of failure to follow the specified steps to pay the relevant sums to the BID Companies. A draft version of this Agreement is provided in APPENDIX 1A and 1B
 - Baseline Agreement – The Baseline Agreement forms a Schedule to the Operating Agreement and summarises those statutory and standard non-statutory services provided by the Council which may potentially overlap with services to be provided by the BID. This provides reassurance to the BID companies and their levy payers that the levy income is funding additional services, not those currently being provided. The baseline agreement describes the services provided by the Council at this point in time and will not, save to the extent that any services amount to a statutory requirement, constitute a binding commitment on the Council to continue to provide these in the future. A draft version of the Baseline Agreement is included in APPENDIX 1A and 1B.
- 6.4 Should there be a requirement for the BID Companies to take up any other services from the Council, then Legal will draft a further agreement for any additional services which the Council may provide.

7. PERSONNEL IMPLICATIONS

- 7.1 Depending upon the outcome of the BID Ballot any staffing implications arising from the establishment of the BID would be dealt with in accordance with the Council's Managing Change procedures. Staff and their representatives would be fully consulted.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	BUSINESS IMPROVEMENT DISTRICT STRATEGY FOR TOWN CENTRES (Report No. DRR16/050)

DATED

2017

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BROMLEY

AND

BECKENHAM BID LIMITED

OPERATING AGREEMENT FOR A BUSINESS IMPROVEMENT DISTRICT IN
BECKENHAM

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SCHEDULE 1: BASELINE AGREEMENT

SCHEDULE 2: BID LEVY RULES

THIS DEED is made the [REDACTED] day of [REDACTED] 2017

BETWEEN

- (1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BROMLEY of Civic Centre, Stockwell Close, Bromley BR1 3UH (the "Council"); and
- (2) **BECKENHAM BID LIMITED** (the "BID Company") registered as company limited by guarantee in England with number [REDACTED] whose registered office is at [REDACTED]

RECITALS

- A. The Council is the billing authority for the purposes of the Local Government Act 2003 and is responsible for the imposition, collection, recovery and application of the BID Levy and administering the BID Revenue Account which shall be used towards the operation of the BID within the area in the local authority and the funding of the BID Arrangements
- B. The BID Company is responsible for the operation of the BID and for using the BID Levy for the purposes of achieving the objectives and aspirations set out in the BID Arrangements
- C. Both parties wish to confirm the arrangements by which the BID Levy shall be collected, together with general arrangements as to the relationship to be established between the Council and the BID Company for the duration of the BID.
- D. The purpose of this agreement is to:
- Establish the procedure for setting the BID Levy
 - Confirm the basis upon which the Council or its agents will be responsible for collecting the BID Levy
 - Set out the enforcement mechanisms available for collection of the BID Levy
 - Set out the procedures for accounting the transfer of the BID Levy
 - Provide for the monitoring and review of the collection of the BID Levy
 - Confirm the manner in which the Council's expenses incurred in collecting the BID Levy shall be paid.

IT IS HEREBY AGREED:

1. Definitions

Administrative Expenses means costs incurred by the Council and/or its agents in the imposition, administration, collection and recovery of the BID Levy and all reasonable costs incurred by the Council arising out of compliance with its obligations under this agreement and the Regulations during each year of the duration of this agreement.

the Annual Report means a report to be prepared by the Council or its agent which details the following:

- (i) the total amount of the BID Levy collected during the relevant Financial Year;
- (ii) details of the success rates for the collection of the BID Levy;
- (iii) the Council's proposals (if any) to help improve its efficiency in the collection and enforcement of the BID Levy;
- (iv) details of those BID Levy Payers who have paid the BID Levy and those who have not paid the BID Levy; and
- (v) the Council's proposals for bad or doubtful debts

Bad or Doubtful Debts for the purposes of this agreement means any unpaid BID Levy in respect of which the Council has sought recovery in accordance with clause 8.3 of this agreement and that BID Levy remains unpaid.

the BID has the meaning given in the Regulations that is the Business Improvement District and is that area within which the BID operates as edged red on the plan attached to this Agreement in Schedule 1.

BID Area means the area within which the BID operates as edged red on the plan attached to this Agreement in Appendix 2A

BID Arrangements means those arrangements to be put in place pursuant to the Regulations for the operation of the BID Company

BID Business Plan means the Beckenham BID Business Plan 2018-2023

the BID Company's Report means a report for each Financial Year to be prepared by the BID Company which detail the following:

- (i) The total income and expenditure of the BID Levy;
- (ii) Other income and expenditure of the BID Company not being the BID Levy;
- (iii) A statement of actual and pending deficits; and
- (iv) The various initiatives and scheme upon which the BID Levy has been expended by the BID Company

BID Levy means the charge to be levied and collected within the BID area pursuant to the Regulations

the BID Company's Termination Notice means a notice to be served by the BID Company on the Council pursuant to clause 12.7

BID Levy Payer(s) means the non-domestic rate payers who are liable for paying the BID Levy

BID Levy Rules means the rules set out in the BID Proposals, which defines how the BID Levy will be calculated, details of Exempt or Discounted Properties and other requirements related to the BID Levy. For the sake of clarity these have been set out in Schedule 3 of this Agreement.

BID Proposals has the same meaning as in the Regulations

BID Revenue Account means the account to be set up in accordance with Regulation 14 of the Regulations

BID Term means 1st April 2018 – 31st March 2023

BID Financial Year means the period from 1 April to 31 March

the Council's Termination Notice means the notice to be served by the Council on the BID Company pursuant to Clause 12.1

Chargeable Day means any one of the following days

- 1 April 2018
- 1 April 2019
- 1 April 2020
- 1 April 2021
- 1 April 2022

Commencement Date is the date of signing of this Agreement.

Contributors means the BID Levy Payers or other Contributors making voluntary contributions or funds available to the BID Company.

Demand Notice shall have the same meaning given in paragraph 3 of Schedule 4 of the Regulations

District Auditors Costs means the sum charged by an auditor appointed by the Audit Commission or any successor in carrying out an audit of the BID Revenue Account

Enforcement Expenses means the costs which are incurred by the Council in obtaining Liability Orders and Summons and all associated administrative expenses which may be incurred in recovering unpaid BID, including Bailiff charges.

Electronic Communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or visa versa):

- (i) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or
- (ii) by other means but while in electronic form].

the Exceptions means the circumstances in which the Council shall not be required to seek to enforce payment of the BID Levy where a BID Levy Payer has failed to make payment pursuant to a Demand Notice. The exceptions shall be as agreed by the parties from time to time.

Exempt or Discounted Properties means that class, or classes of, property as identified in the BID Levy Rules which shall be either exempt from any requirement to pay the BID Levy or are permitted a discount on the BID Levy.

Heredity shall have the same meaning as defined in the Regulations

Heredity Start Date means the date when the amendment to the Valuation List takes effect

Liability Order has the meaning given in the Regulations

Maximum Amount For any particular Financial Year means the amount of BID Levy for which Demand Notices are issued (excluding replacement or amended Demand Notices)

Monitoring Group means the group to be set up to monitor the collection and enforcement of the BID Levy (as referred to in Clause 11); the group is to consist of representatives of the Council and the BID Company

NNDR means National Non-Domestic Rates under the Local Government Finance Act 1988

NNDR Payer means the person or organisation who has a liability to pay the non-domestic rate

Proposal means the plan voted for by the BID Levy Payers in a ballot which sets out the objectives of the BID and identifies the various projects which will be undertaken using funds raised by the BID Levy and/or Contributions to achieve those objectives and 'Renewal Proposals' has the same meaning save that 'ballot' shall be replaced with 'renewal ballot' and "Alteration Proposals" has the same meaning save that 'ballot' shall be replaced with 'alteration ballot'

the Levy Payers Meeting means the meeting to be held of all BID Levy Payers pursuant to a Notice issued under clause 12

the Regulations means the Business Improvement Districts (England) Regulations 2004 and such amendments made by the Secretary of State pursuant to Section 48 of the Local Government Act 2003 (from time to time).

Revaluation The revaluation of the rateable values of all business and non-domestic property in England and Wales which takes place from time to time.

Single Instalment Due Date means the date by which the BID Levy as set out in the Demand Notice must be paid

Sum(s) Unpaid means the amount of the BID Levy which is unpaid after the Single Instalment Due Date.

Summons means the process issued in the Magistrates' Court upon Complaint by the Council or by the County Court upon application by the Council regarding unpaid BID Levy

Valuation List means a list of all NNDR properties in the local authority area

Valuation Officer means the person appointed by the Commissioners of the Inland Revenue to compile and maintain the Valuation List

Winding Up means an order pursuant to s125 of the Insolvency Act 1986

Write Off means a decision by the Council that an unpaid BID Levy will not be recovered.

Working Day means any day of the week other than a Saturday, a Sunday or a Bank Holiday

Data Processor shall have the same meaning as set out in the Data Protection Act 1998.

Data Protection Legislation the Data Protection Act 1998, the EU Data Protection Directive 95/46/EC, the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699), the Electronic Communications Data Protection Directive 2002/58/EC, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all applicable laws and regulations relating to processing of personal data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner.

Personal Data: shall have the same meaning as set out in the Data Protection Act 1998.

Staff means all (if any) persons employed by the BID to perform its obligations under the agreement together with the BID's servants, agents, suppliers and Sub-Contractors used in the performance of its obligations under the agreement.

2. Statutory Authorities

2.1. This Agreement is made pursuant to Section 2 and Part IV of the Local Government Act 2003 and Section 111 of the Local Government Act 1972 and all other enabling powers.

3. Commencement

3.1. This Agreement shall be effective from the Commencement Date and in any event shall determine and cease to be of any further effect in the event that:

3.1.1. The BID Term expires.

3.1.2. Either party exercises its discretion to terminate the BID Arrangements in exercise of powers under Clause 12.

4. Setting the BID Levy

4.1. As soon as possible after the Commencement of this agreement the Council shall:

(i) calculate the BID Levy in accordance with the Regulations and the BID Levy Rules.

(ii) Confirm in writing to the BID Company the BID Levy payable annually by each BID Levy Payer.

5. The BID Revenue Account

5.1. Pursuant to Clause 47 of the Local Government Act 2003, the Council shall establish a BID Revenue Account by the start of the BID Term.

6. Payments of the Council's Administrative Expenses

6.1. The Council shall invoice the BID Company in advance for the administrative charges as set out below. This will be done on an annual basis at the start of each BID Year. The invoice shall provide the BID Company with a breakdown of the costs incurred including VAT.

6.2. The expected annual administrative charges will include the following:

(i) Cost of collection of BID levy based upon circa 312 bills raised will be up to £7,120

(ii) Annual accountancy and management fee of up to £600

6.3. These charges will be adjusted on an annual basis at a rate equal to RPIX.

7. Collecting the BID Levy

7.1. The Council shall use all reasonable endeavours to collect the BID Levy on the Chargeable Day and thereafter on an annual basis throughout the BID Term in a manner consistent with its usual

procedures for the collection of non-domestic rates and in accordance with the procedure set out in Schedule 4 of the Regulations.

- 7.2. Pursuant to clause 7.1 the Council shall serve a Demand Notice or Amended Demand Notice on each BID Levy Payer and thereafter shall continue to calculate the BID Levy and serve the Demand Notices throughout the BID Term.
- 7.3. It is the responsibility of the Council to ensure that the BID Levy Rules are applied accurately.
- 7.4. The Council shall maintain a list that identifies payment and/or non-payment of the BID Levy that shall be made available to the BID Company at intervals of not less than once a quarter.
- 7.5. The Council shall liaise with the BID Company in carrying out an annual review of each Hereditament within the BID Area and in the event of any change in the occupier of each Hereditament or the merger or division of a Hereditament (or provision of an additional Hereditament) shall serve an updated list of BID Levy Payers upon the BID Company. Such changes will be reflected in the next annual calculation of the BID Levy and subsequent Demand Notices.
- 7.6. The BID Company shall be responsible for reviewing any appeals received against the payment of the BID Levy and the application of the BID Levy Rules.
- 7.7. Notwithstanding clauses 7.4 and 7.5 information provided to the BID Company pursuant to clauses 7.4 and 7.5 shall not include the provision of any Personal Data other than that which the Council may provide pursuant to the Regulations

8. Procedures available to the Council for enforcing payment of the BID Levy

- 8.1. In the event that the BID Levy is not paid in full within fourteen days from the Chargeable Day, then (subject to the Exceptions or as may otherwise be agreed by the parties) the Council shall, at no cost to the BID Company, serve up to two reminder notices ('Reminder Notices') on the defaulting BID Levy Payer, each of which shall:
 - (i) identify the sum payable;
 - (ii) provide a further 14 (fourteen) days for payment to be made; and
 - (iii) confirm the Council may thereafter make an application to the Magistrates Court for a Liability Order to recover the unpaid sum (together with costs).
- 8.2. In the event that the BID Levy is not paid in full within 14 (fourteen) days of the service of the 2nd Reminder Notice in accordance with clause 8.1, then the Council shall immediately inform the BID

Company of such further failure to pay (subject to the Exceptions). The Council will consider any comments made by the BID Company before deciding whether to make an application to the Magistrates Court for a Liability Order. The Council will normally then make an application to the Magistrates Court for a Liability Order to recover the outstanding sum of the BID Levy as is permitted by the Regulations and by the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989, as amended. The Council will bear the cost of any application for summons and will recover these costs from the revenue generated through any such action.

8.3. In the event that the BID Company requests that the Council does not undertake the full range of recovery action against a defaulting BID Levy Payer (as outlined in 8.1 and 8.2) the Council may write off the outstanding Bad or Doubtful Debt. Should any outstanding Enforcement Expenses remain unrecovered due to a request for the cancellation of recovery action by the BID Company, the Council will recover these costs from the BID Company.

8.4. In the event that, after all recovery action has taken place, any portion of the BID Levy is still unrecovered, the remaining Bad or Doubtful Debt may be written off. Any related Enforcement Expenses which remain unrecovered will be chargeable to the BID Company.

8.5. Where payments become due to the Council pursuant to clause 8.3 and 8.4, the Council must provide an account of the proposed charges to the BID Company. The Council will provide a VAT invoice to the BID Company to request payment of these charges.

9. Refunds on the BID Levy

9.1 Refunds will be payable by the Council on the BID Levy in the event of the over payment of the Levy by a BID Levy payer. Examples of reasons for over payment include:

9.1.1 Payment of same Levy bill more than once in error

9.1.2 Where, subsequent to payment, the Valuation Office Agency (VOA) reviews a hereditament and reduces the Rateable Value (RV), and backdates this change to before the billing date. This may result in a reduced BID levy liability or (where new RV is below the BID Levy threshold) a removal of the affected hereditament from BID Levy billing altogether.

9.1.3 Were hereditaments within the BID are split or merged prior to the chargeable day, and one or more of the properties are removed from the ratings list, but the Levy bill related to these removed properties has already been paid.

9.2. In the event that refunds become due to a Levy Payer on the basis of the reason set out in 9.1 these shall be payable only upon receipt of a written request from the Levy Payer, or their agents.

9.3. The amounts paid out during financial years 1 to 4 will be deducted from the BID Levy Account – and the payments made to the BID Company will be net of these refunds.

9.4. In final year of the BID Term, the Council will retain up to £5,000 from the BID Revenue Account to be held against the possible need to pay levy refunds after the end of the BID term. This will be paid to the BID Company upon completion of a successful renewal ballot.

10. Payment of the BID Levy to the BID Company

10.1. The Council shall pay to the BID Company in accordance with the Regulations:

- i. For the first three quarters in each BID Year (starting 1 April, 1 July and 1 Oct) 25% of the invoiced debt less any repayments to BID Levy Payers under clause 9 of this agreement.
- ii. On 1st January, an interim final payment of further balance collected less any repayments to BID Levy Payers under clause 9 of this agreement.
- iii. By 31st March a final payment of balance collected less any repayments to BID Levy Payers under clause 9 of this agreement.
- iv. At the end of the 2nd year of the BID Term, the Council will make known to the BID Company the number of accounts and amount of Levy still in arrears from the 1st year of the BID Term, and will request agreement of the BID Company for write off of all of these aged debts (except where ongoing discretionary payment arrangements are in place). Where the BID Company request further reconciliation for any of the debts incurred during this year, the Council reserves the right to levy an administration charge to cover staffing which may be required to administer these aged debts during the 3rd and subsequent years. The same procedure will be in place at the end of the 3rd year (in respect of the 2nd year accounts), at the end of the 4th year (in respect of the 3rd year accounts) and so on until the final year of the BID term. In each case, where the BID requests continued chasing and administration of aged debts, the Council will estimate the likely additional staff time required and levy a separate administration charge on the BID Company (the amount to be agreed between the parties).

The following worked example seeks to clarify this clause:

- Assuming the start date of the BID term is 1 April 2018, at the end of the financial year 2019/20 (year 2) the Council will reconcile all the BID monies from bills related to the financial

years 2019/20 and 2020/21 (net of refunds). However, unless requested to by the BID Company, arrears outstanding on bills raised for the 2018/19 financial year will no longer be pursued or reconciled during 2020/21 (year 3) or subsequent years.

- 10.2. The BID Company shall issue to the Council a VAT invoice for the payment of the BID Levy income upon advice from the Council of the amount due.
- 10.3. The BID Company shall provide the Council with details of its own bank account into which the BID Levy shall be transferred electronically
- 10.4. In the event that a BID Levy Payer is entitled to a repayment of a BID Levy pursuant to paragraph 8(4) of Schedule 4 of the Regulations and in the event that the Council has paid such BID Levy to the BID Company including all of the contingency relating to that BID Levy the Council shall request such repayment sum from the BID Company and the BID Company shall pay the repayment sum to the Council by way of reduction in the quarterly payments, as scheduled in 10.1, and the Council shall thereafter repay the repayment sum to the BID Levy Payer.
- 10.5. The BID Company may only spend the BID Levy in accordance with the BID Proposals; except that if the BID is varied then from the date of the variation takes effect the BID Company may only spend the BID Levy in accordance with the varied BID Proposals.
- 10.6. In the event of an overpayment by the Council to the BID Company, the Council will subtract the owed amount from the next scheduled payment of the BID Levy. In the event that the overpayment falls due after the Council has paid the last quarterly payment within the BID Term, the BID Company shall reimburse the Council forthwith unless the amount is less than £1,000.

11. Accounting Procedures and Monitoring

- 11.1. In addition to the information outlined in clauses 7.4 and 7.5, every quarter during the BID Term, the Council shall provide the BID Company with a breakdown of:
 - (i) the amount of the BID Levy for each individual BID Levy Payer
 - (ii) the BID Levy collected in relation to each BID Levy Payer
 - (iii) details, together with the outstanding unpaid sum) of those BID Levy Payers who have not paid the BID Levy during the course of that month,

PROVIDED THAT this clause shall not apply to the provision of any Personal Data other than that which the Council may provide pursuant to the Regulations

- 11.2. The BID Company shall request information from the Council that it considers relevant to their business and the Council shall consider disclosure and shall not unreasonably withhold such information.
- 11.3. Upon the expiry of the sixth month of the BID Term and every 6 (six) months thereafter (for the duration of the BID Term) the BID Company shall provide the Council in respect of those 6 (six) month periods with:
 - (i) the amount received by the BID Company from Contributors and BID Levy Payers;
 - (ii) the total expenditure of the BID Company.
- 11.4. Within 1 (one) month from the start of the BID Term, the parties shall set up the Monitoring Group.
- 11.5. The Monitoring Group shall meet no less than quarterly in any one BID Year.
- 11.6. At each meeting, the Monitoring Group shall:
 - (i) Review the effectiveness of the collection and enforcement of the BID Levy; and
 - (ii) review and assess the information provided by the parties regarding the progress being made in achieving the aims set out in the BID Business Plan.
- 11.7. Within 1 (one) month after the date of the end of the Financial Year, the Council shall provide the Annual Report to the BID Company
- 11.8. The BID Company shall provide the BID Company Report to the Council two weeks prior to the Annual General Meeting of the BID Directors and Members.
- 11.9. The Council will provide at least one, and no more than two, representatives to the Board of the BID Company. The Council representatives will be non-voting advisory members of the Board.
- 11.10. Within 60 days of a successful ballot to establish the BID, the BID Company and the Council will enter into a Service Level Agreement which will define in more detail matters related to collection and enforcement of the levy and any other details related to the operation of the BID including staffing and accommodation arrangements, as required.

12. Termination

12.1. In the event that either Party is of the opinion:

- (i) they are unable to due to a cause beyond their control to provide the works or services secured as part of the BID arrangements: or
- (ii) they believe that there are insufficient finances available to the BID Company to meet its liabilities for the purposes of any BID Arrangements; or
- (iii) the works or services under the BID Arrangements are no longer required;

then they shall serve a Levy Payers Meeting Notice on the other Party and the BID Levy Payers and the meeting shall take place no later than 14 days after service of that Notice.

12.2. The Levy Payers Meeting Notice shall contain the agenda for the meeting which shall be limited to the following items:

- (i) a review by all present of the inadequacy of works or services that can be done, why they cannot be done and whether those works and services are so fundamental that the BID cannot continue; and
- (ii) whether other works or services will be an acceptable alternative to the BID Company; and
- (iii) the financial position and whether there are sufficient funds to continue as well as whether additional funds can be raised; and
- (iv) a time scale (if appropriate) within which these issues can be resolved.

12.3. In the event that those present at the meeting cannot resolve the issue, then the Party calling the meeting shall table a motion that the BID be wound up no sooner than 28 days after such a resolution is passed by a simple majority of those present and entitled to vote.

12.4 In the event of termination of the BID Arrangements the Council shall forthwith review whether there is any credit standing to the account of the BID Revenue Account. If there is sufficient credit to pay to each of the BID Levy Payers not less than £5 (after deduction of any outstanding administrative costs to include the costs of winding up), the Council shall:

- (i) calculate the amount to be refunded to each BID Levy Payer, and
- (ii) ensure that the amount to be refunded is calculated by reference to the contribution of that Levy Payer for the last full chargeable period, and
- (iii) arrange for the amount to be set against outstanding liabilities of that BID Levy Payer (if any), and

- (iv) refund the net amount to the BID Levy Payer.

12.5 Upon termination of the BID Arrangements for any reason, the BID Company shall forthwith notify the Council of such termination in accordance with Regulation 18(5) and the Council will notify the BID Levy Payers in accordance with Regulation 18(6). The Council will simultaneously advise the BID Levy Payers as to the repayment of any part of the BID Levy in accordance with clause 12.4

13. Confidentiality

13.1 Subject to Clause 19 below the parties shall agree to keep confidential and not to divulge to any person without the prior written consent of the other party all information (written or oral) concerning the business affairs of the other nor any information which has been exchanged about the BID Levy Payers or Contributors or about any third parties which it shall have obtained or received as a result of operating the BID. This obligation shall survive the termination or lapse of the BID Arrangements.

14. Notices

14.1 Any Notice or other written communication to be served or given to or upon any party to this Agreement or the other shall be in writing and shall be sent to the address provided for above or such substitute address in England as may from time to time have been notified by that party

14.2 A Notice may be served by

- (i) delivery to the Director of Environment & Community Services, London Borough of Bromley at the address specified above
- (ii) delivery to the Directors at the BID Company's address specified above
- (iii) first class post
- (iv) Electronic Communication (provided that it is in legible form and is capable of being used for subsequent reference) to such addresses which shall require a confirmed read receipt, save that no court proceedings arising from this contract may be served electronically.

14.3 Any notice served shall be deemed to have been validly served or given at the time any ordinary business would have received such post.

15. Miscellaneous

15.1 For the avoidance of doubt where any part of this Agreement is incompatible with the Regulations or any other regulations which the Secretary of State may issue pursuant to Part IV of the Local Government Act 2003 then such part shall be struck out and the balance of this agreement shall remain.

- 15.2 The heading appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement
- 15.3 For the avoidance of doubt the provisions of this Agreement (other than those contained in this clause) shall not have any effect until this document has been signed and delivered.
- 15.4 Where reference is made to a clause, part, or recital, such reference (unless the context requires otherwise) is a reference to a clause, part, plan or recital attached to this Agreement
- 15.5 References to the Council include any successors to its functions as a local authority
- 15.6 References to statutes, bye-laws, regulations, orders, delegated legislation shall include any such instrument re-enacting or made pursuant to the same power.

16. Exercise of the Council's Powers

- 16.1 Nothing contained in this Agreement or implied in it shall prejudice or affect the rights, discretions, powers, duties and obligations of the Council under all statutes, bye-laws, statutory instruments, orders and regulations in the exercise of its functions as a local authority.

17. Contracts (Rights of Third Parties)

- 17.1 The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

18. Law and Dispute Resolution

- 18.1. The Agreement is made under and shall be construed by reference to English Law.
- 18.2. Should any dispute arise between the Parties, it shall first be referred to a Director of the Council and to the Directors of the BID and they shall use their best endeavours to resolve the issue by negotiation.
- 18.3. If they are unable to resolve the dispute within 28 days of the referral, then the Parties shall appoint a Mediator. If the Parties cannot agree on the identity of as Mediator, then they shall apply to the Centre for Effective Dispute Resolution ("CEDR") to make such an appointment.
- 18.4. Within 14 days of the appointment of a Mediator, the Parties representatives shall meet together with the Mediator to agree a programme for the conduct of the mediation, including (but not limited

to) a timetable, exchange of documents and the structure for meetings as well as the costs of the mediation.

- 18.5. All proceedings of the mediation shall be held in strict confidence and shall be Without Prejudice to any future proceedings that may become necessary.
- 18.6. Nothing in this mediation procedure shall prevent either Party from seeking from a Court of competent jurisdiction an interim order to the other Party either preventing or compelling the commission of some act.
- 18.7. If the Parties reach an agreed resolution of the dispute in the mediation, that agreement shall be reduced to writing, signed by representatives of both Parties and shall be binding on both Parties.
- 18.8. If the mediation fails to achieve an agreed resolution, then the Parties hereby irrevocably agree that the dispute shall be referred to the English Courts.
- 18.9. The performance of all services shall continue during the mediation process

19. Freedom of Information

- 19.1 The BID Company acknowledges that the Council is subject to the requirements of the Freedom of Information Act 2000 (FOIA) and shall assist and cooperate with the Council (at the BID Company's expense) to enable the Council to comply with its disclosure requirements and the Council shall notify the BID Company of any such requests.
- 19.2 The Council may determine in its absolute discretion whether any information is exempt from disclosure in accordance with the provisions of FOIA or is to be disclosed in response to a request for information, and for the avoidance of doubt where the Council has received a request under the FOIA and it has notified the BID Company of the request, in no event shall the BID Company respond directly to a request for information connected with such a request to the Council unless expressly authorised to do so by the Council.
- 19.3 The BID Company acknowledges that the Council may, acting in accordance with the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part 1 of FOIA, be obliged under FOIA to disclose information following consultation with the BID Company and having taken its views into account.
- 19.4 The BID Company shall ensure that all information produced in the course of or relating to this Agreement is retained for disclosure and

shall permit the Council to inspect such records as requested from time to time.

- 19.5 The BID Company acknowledges that any lists of confidential information provided by it are of indicative value only and that the Council may nevertheless be obliged to disclose confidential information in accordance with this clause.
- 19.6 The obligations set out in clause 19 of this Agreement shall survive the termination or lapse of the BID Arrangements

20. Data Protection

- 20.1 The BID shall (and shall procure that any of its Staff involved in the provision of the agreement) comply with any notification requirements under the Data Protection Legislation and both parties will duly observe all their obligations under the Data Protection Legislation, which arise in connection with this Agreement.
- 20.2 Notwithstanding the general obligation in clause 20.1, where the BID is processing Personal Data as a Data Processor for the Council, the BID shall ensure that it has in place appropriate technical and contractual measures to ensure the security of the Personal Data (and to guard against unauthorised or unlawful processing of the Personal Data and against accidental loss or destruction of, or damage to, the Personal Data), as required under the Seventh Data Protection Principle in Schedule 1 to the Data Protection Act 1998; and
- (a) provide the Council with such information as the Council may reasonably require to satisfy itself that the BID is complying with its obligations under the Data Protection Legislation;
 - (b) promptly notify the Council of any breach of the security measures required to be put in place pursuant to clause 20.2; and
 - (c) ensure it does not knowingly or negligently do or omit to do anything which places the Council in breach of the Council's obligations under the Data Protection Legislation.
- 20.3 The provisions of this clause shall apply during the continuance of the agreement and indefinitely after its expiry or termination.

21 BID Baseline Agreement

- 21.1 The Council agrees to carry out the services contained in the BID Baseline Agreement, set out in Schedule 2.

In witness whereof this Agreement has been executed by the parties hereto as a Deed and delivered on the day and year first before written

Executed as a Deed by affixing the Common Seal of The Mayor and Burgesses of the London Borough of Bromley in the presence of:

Mayor/Councillor

Director of Corporate Services/Senior Solicitor

Executed as a Deed by **Beckenham** BID Limited
In the presence of

Director

Director/Company Secretary

SCHEDULE 1: BASELINE AGREEMENT

The London Borough of Bromley delivers the following services within the BID area where the BID intends to provide additional services.

The London Borough of Bromley will endeavour to continue to deliver the following services within the BID area. Where any of the listed services are planned to be reduced or discontinued, the Council agrees not to reduce provision of its services disproportionately, compared to any changes made elsewhere within the Borough for the duration of the BID term.

Baseline activity: Highways Management (High Street Area)
Responsible authority: London Borough of Bromley
Head of Service: Garry Warner

<p>Current level of service provided including aim of service, and frequency of service provision</p>	<ul style="list-style-type: none"> • Maintain public highway areas to remain fit for purpose. This includes statutory highway safety inspections, condition surveys, recording of defects and complete repairs to maintain public safety, including emergency repairs within and outside normal working hours. • Street lighting maintenance. • Highways and street lighting term contracts are available as required both for reactive and planned maintenance. • Technical surveys of all lamp columns to assess structural integrity and electrical function. Night surveys to assess defective lighting. • Routine maintenance of signs, lines and highway drainage assets. • Enabling and managing parking provision and control including taxi ranks, disabled parking. • Winter maintenance operations include treatment to prevent ice from forming and clearance of snow from pre-defined priority routes
<p>Specification</p>	<ul style="list-style-type: none"> • Defect repairs undertaken within investigatory levels of the Highways Code of Practice. • Frequency of highway safety inspections align with Highways Code of Practice. • Management of Public Utility Street Works within the framework of the Traffic Management Act 2004 and the New Roads and Street Works Act.
<p>Performance Measure</p>	<p>Service measured by:</p> <ul style="list-style-type: none"> • Regular inspections, compliance with completion times of works, quality of repairs • Response to customer enquiries • Contractors' key performance indicators.
<p>Non-compliance procedure</p>	<ul style="list-style-type: none"> • Contractor may be required to re-do work. • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
<p>Future level of service provision</p>	<ul style="list-style-type: none"> • Maintenance of the highways structure and fabric as well as street furniture to existing standards. • Current service provision for reactive repairs provided through a contract valid until March 2019.
<p>Other relevant information</p>	<p>There are no plans to reduce or increase current level of service.</p>

Baseline Activity: Street Cleansing (High Street Area)
Responsible Authority: London Borough of Bromley
Responsible Officer: John Bosley

<p>Current level of service provided including aim of service, and frequency of service provision</p>	<ul style="list-style-type: none"> • Routine schedules of daily-street cleaning provided between normal working hours 06:00 and 22:00 hours, utilising both mechanical and manual cleaning operations. • Litterbin emptying once or more per day, and washed (internal and external) three times per year. • Graffiti removal service including proactive and reactive removal from street furniture and private buildings that are on, or are within 50metres of, a street boundary regardless of whether it is on property that is in public or private ownership. • Provision of an urgent or emergency response service for cleaning related matters, during the normally permitted working hours as stated. • Tasks which constitute provision of additional plant and labour, during the normally permitted working hours, in support of voluntary groups and other organisations engaged in “one-off clean-ups” for environmental or charitable purposes. • Street works co-ordination and approval for maintenance activities, and licencing of temporary structures on highways including, scaffolding, skips, banners and other structures. • Manage rising bollards for controlling access to and from the High Street. • Signage preventing cycling in the pedestrianised area.
<p>Specification</p>	<ul style="list-style-type: none"> • The minimum quality standard of cleanliness which the Contractor shall deliver through each routine scheduled activity shall be commensurate with Grade A as defined in the Code of Practice on Litter & Refuse 2006 (EPA 1990). Any fly-tipping, fly-posting and materials on the highway shall be removed as part of the scheduled activity for cleansing of the street. The contractor shall maintain the standard of cleanliness from immediately after completion of the first scheduled daily cleanse until 22:00 hours, on each day of the week including Public Holidays (excl. Christmas Day). Completion of the first scheduled cleanse shall be 8:00 hours. • The standard of cleanliness shall not be allowed to fall to Grade B (as defined in the CoP on Litter & Refuse) for more than two hours thereafter before restoring to Grade A. If the cleanliness falls to Grade C or below, at any time during normal working hours, the area shall be restored to Grade A within one hour. • Removal of unwanted vegetation. • Standard of graffiti removal set as 95% completion of all reactive works within two working days. Racist or offensive graffiti shall be removed within two hours or any period instructed between two hours and 24 hours. • Removing debris following road accidents including the provision of sand and or oil dispersants as required to ensure the cleanliness and safety of the affected area; • Removing all fly-posting including commercial advertising signs and fixing materials from any street furniture.
<p>Performance Measures</p>	<p>Service measured by:</p> <ul style="list-style-type: none"> • Regular inspections, compliance with completion times of works, quality of cleaning. • Response to customer enquiries • Contractors’ key performance indicators.

Non-Compliance procedures	<ul style="list-style-type: none"> • Contractor may be required to re-do work. • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
Future level of service provision	<ul style="list-style-type: none"> • Cleansing standards of the highways as well as street furniture to existing standards. • Street washing would be an enhanced additional service requirement. • Current service provision provided through a contract valid until March 2019.
Other relevant information	There are no plans to reduce or increase current level of service.

Baseline Activity: Regulatory Services
Responsible Authority: London Borough of Bromley
Responsible Officer: Paul Lehane Head of Food, Safety & Licensing
Robert Vale Head of Trading Standards

Service provided, number of staff & equipment	<p>Regulatory Services</p> <p>The Council's Public Protection Division offer a statutory minimum service focusing on enforcement and significant complaint investigation with limited provision of support and advice to the local business community. These services are offered across the borough and include the following:</p> <ul style="list-style-type: none"> • Licensing • Food Safety , Food Standards & Infectious disease • Health & Safety • Trading Standards • Environmental Protection <p>Officers undertake work in accordance with risk based inspection programmes as well as using complaint and other information to prioritise service delivery in an increasingly intelligence-led approach, which targets resources to the highest risk activities. Advice services for consumers in respect of Trading Standards matters is provided via a national call centre operated by the Citizens Advice Bureau.</p> <p>Officers work extensively with partners including the Police, Community Safety Teams and other internal and external partners to collectively tackle issues affecting crime and disorder, anti-social behaviour and other matters relating to the overall aims of the Council</p> <p>The Council has published policies relating to the licensing of alcohol/regulated entertainment and late night refreshment (Licensing Act 2003) and Gambling premises (Gambling Act 2005).</p>
Specification	<ul style="list-style-type: none"> • Statutory and other nationally agreed frameworks for risk based inspection programmes • Regulatory Services service delivery in accordance within statutory framework • Relevant involvement in Local / Regional / National intelligence led project work • Investigations undertaken in accordance with the published Enforcement Policy

Future level of service provision	<ul style="list-style-type: none"> • Service provision will continue to be undertaken within the statutory framework and other nationally agreed frameworks • Local and national regulatory priorities will dictate priority service delivery
Performance Measures	<ul style="list-style-type: none"> • Compliance with risk based inspection programmes • Response to customer complaints / requests for service • Complaint investigations compliance with Enforcement Policy
Non Compliance procedures	<ul style="list-style-type: none"> • Regular performance monitoring • Flexible approach to targeting resources to priority work areas
Boundary area	<ul style="list-style-type: none"> • London Borough of Bromley

Baseline Activity: CCTV
Responsible Authority: London Borough of Bromley
Responsible Officer: William Ogg, CCTV Manager

Service provided, number of staff & equipment	<ul style="list-style-type: none"> • 12 fully functioning digital CCTV cameras covering Beckenham Town Centre BID area, operational 24 hours a day 7 days a week. The Council may add, remove or reposition cameras within the BID area at its own discretion. • 2 full time staff monitoring all the CCTV cameras in the borough 24 hours a day, seven days a week. Plus one CCTV Supervisor, who is also a trained operator, working 8am – 5pm 5 days a week. • CCTV staff also monitor the Town Centre Shop Safe Radios and the Police Radio.
Specification	<ul style="list-style-type: none"> • The cameras are used for monitoring and recording incidents of crime and disorder as well as for moving traffic and parking offences. • Governed and protected by the Data Protection Act 1998 and the Operating Guidelines issued by the Information Commissioner. Recorded images can only be released to those legally entitled to them. All recordings are kept for a period of 31 days. Documentation detailing CCTV recorded incidents is archived for a period of 3 years.
Future level of service provision	<ul style="list-style-type: none"> • Current service provision provided through a contract valid until 31 March 2019.
Performance Measures	<p>Service measured by:</p> <ul style="list-style-type: none"> • Contractors' key performance indicators.

Non Compliance procedures	<ul style="list-style-type: none"> • Regular performance monitoring • Managed through Contract meetings
Boundary area	<ul style="list-style-type: none"> • London Borough of Bromley

Baseline Activity: Grounds Maintenance
Responsible Authority: London Borough of Bromley
Responsible Officer: Robert Schembri

Current level of service provided including aim of service, and frequency of service provision	<ul style="list-style-type: none"> • Grounds Maintenance Routine schedules of grass cutting and floral display maintenance working hours 07:00 and 4pm.. • <u>Hanging baskets</u> Beckenham High Street Summer provision - 30 hanging baskets Winter provision – 30 hanging baskets Beckenham Green Summer provision – 16 hanging baskets Winter provision – 16 hanging baskets Beckenham Road Clockhouse Summer provision – 6 hanging baskets
Specification	<ul style="list-style-type: none"> • Hanging basket to be watered to ensure that the plants are in good conditions • Maintain parks & greenspace areas within the contract specification including grass cutting, floral bedding areas, shrub areas, bin emptying, litter picking and collection and path cleaning
Performance Measures	Service measured by: <ul style="list-style-type: none"> • Regular inspections to monitor quality. • Response to customer enquiries • Contractors' key performance indicators.
Non-Compliance procedures	<ul style="list-style-type: none"> • Contractor may be required to re-do work. • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
Future level of service provision	<ul style="list-style-type: none"> • Current service provision provided through a contract valid until 31 March 2019.

Baseline activity: Parking Enforcement and Car Park Management
Responsible authority: London Borough of Bromley
Head of Service: Ben Stephens

Current level of service provided including aim of service, and frequency of service provision	<ul style="list-style-type: none"> • To achieve compliance of parking restrictions by the enforcement of on street parking restrictions and off street council car parks. • Managing bay suspensions and parking dispensations, including processing applications and erecting signs. • Car park maintenance, including cleaning, repairing pot holes, height barriers, safety barriers. • Salting, gritting and snow clearance in council car parks. • Management and repair of pay and display machines.
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	<ul style="list-style-type: none"> • Processing parking permits and visitors voucher applications. • Cashless parking provision. • Enforcement of Blue Badge misuse.
Specification	<ul style="list-style-type: none"> • Enforcement carried out within the framework of the Traffic Management Act 2004 and associated legislation. • Cleaning of car parks as defined in the Code of Practice on Litter and Refuse issued under section 89(7) of the Environmental Protection Act 1990.
Performance Measure	<ul style="list-style-type: none"> • Various key performance indicators on contracted levels of performance.
Non-compliance procedure	<ul style="list-style-type: none"> • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
Future level of service provision	<ul style="list-style-type: none"> • There are no plans to reduce or increase current level of service. • Current service provision for contract is valid until April 2027.
Other relevant information	New parking contract was awarded to APCOA Ltd and started on the 3 rd April 2017

Baseline Activity: Planning
Responsible Authority: London Borough of Bromley
Responsible Officer: Jim Kehoe

Current level of service provided including aim of service, and frequency of service provision	<ul style="list-style-type: none"> • Planning applications • Planning Enforcement • Building Control Applications • Long term development plans and policies
Specification	<ul style="list-style-type: none"> • Statutory and other nationally agreed frameworks for service provision • Regulatory Services delivery in accordance within statutory framework • Investigations undertaken in accordance with the published Enforcement Policy • Enforcement carried out within the framework of the Planning Acts and associated legislation.
Performance Measures	Service measured by: <ul style="list-style-type: none"> • National targets • Response to customer complaints / requests for service • Complaint investigations consistent with Planning Enforcement Policy
Non-Compliance procedures	<ul style="list-style-type: none"> • Regular performance monitoring. • Corrective actions as necessary
Future level of service provision	<ul style="list-style-type: none"> • Service provision will continue to be undertaken within the statutory framework and other nationally agreed frameworks

SCHEDULE 2: BID LEVY RULES

In developing the rules that will apply to the BID, consideration has been given to 'The Industry Criteria and Guidance Notes for BIDs' published by British BIDs jointly for the British Retail Consortium, the Inter Banking Rating Forum, the British Council of Shopping Centres and the Federation of Small Businesses.

The Ballot

1. The Electoral Reform Society (ERS), on behalf of The London Borough of Bromley, will send those responsible for properties or hereditaments to be subject to the BID a ballot paper prior to Thursday 1st February 2018.
2. Each property or hereditament subject to the BID will be entitled to one vote in respect of this BID proposal in a 28 day postal ballot which will commence on Thursday 1st February 2018, and close at 5pm on Wednesday 28th February 2018. Ballot papers received after 5pm on Wednesday 28th February 2018 will not be counted. The result of the ballot is due to be announced on the following day.
3. In order for the proposal to be successful at ballot the result will need to meet, as a minimum, two independent criteria which are: (a) of those ballots returned by the close, those voting in favour of the proposal must exceed those voting against it, and (b) of those ballot papers returned by the close, the total rateable value of those properties or hereditaments which vote in favour, must exceed the total of those voting against.
4. If successful at ballot, the BID will aim for an operational start in April/May 2018 and will continue for a period of 5 years to March/April 2023.

The Levy

1. The levy rate to be paid by each property or hereditament is to be calculated as 2% of its rateable value as at the 'chargeable day' (notionally 1st April each year).
2. Only properties or hereditaments with a rateable value of £5,000 or more will be eligible for payment of the levy.
3. The number of properties or hereditaments liable for the levy is approximately 312.
4. Each year the levy rate will be increased by the fixed rate of inflation of 2% per annum.
5. The levy will be charged annually in advance for each chargeable period to be April to March each year, starting in 2018. No refunds will be made.
6. The owners of untenanted properties or hereditaments will be liable for payment of the levy. This includes listed buildings.
7. Charities that are not retail or leisure trading organisations will pay 80% of the levy.
8. London Borough of Bromley will be responsible for collection of the levy. The collection charge will up to £7,120 this equates to 3.78% of anticipated billed levy and £22.82 per hereditament.

Accountability and Transparency

1. The Company to operate the BID (**Beckenham BID Ltd**) has already been established as part of the development stages. This is a not-for-profit Company and its Directors (the Board) are from the private sector.
2. In addition, a working group, primarily made up of potential levy payers and council representatives, has been formed to assist on all aspects of the development of the BID. It is envisaged that this working group will become the BID Advisory Group to assist in the effective delivery of all proposed services.
3. The Board shall continue to appoint a Chair annually and the Chair will also act as Chair of the Advisory Group.
4. The Board will have responsibility for governance matters such as financial arrangements, contractual obligations, human resources, standards and compliance. The Board will report activities and decisions to the Advisory Group prior to each of its meetings.
5. The Advisory Group will advise on operational and service delivery issues, oversee performance measurement, and more generally act as the primary consultative and advisory body on BID services. It will meet quarterly. It will be made up of representatives of levy paying businesses and will be elected periodically. Additional members may be co-opted in a non-voting capacity, as required. The nominated representatives of The London Borough of Bromley will not be subject to re-election processes.
6. Provided that the BID is meeting its overall objectives and subject to full consultation with the Advisory Group, it shall have the ability to vary service delivery and expenditure allocation according to the changing demands of levy payers. However, any change to the BID boundary or to the headline levy rate would require a formal alteration ballot.
7. The BID will file annual accounts compiled by independent accountants with Companies House. The accounts will be available to all levy payers. An annual report on activities, including finances, will be published. An annual meeting for levy payers will be held.
8. An Operating Agreement, which includes the Council's baseline service commitments, has been agreed with Bromley Borough Council. A copy can be found at <http://www.beckenhambid.com>.
9. Notification of the intention to hold a ballot was sent to the Secretary of State on 23rd October 2017.

Finances

1. A cautious approach has been adopted to budgeting for the BID term, based upon national averages.
2. A levy collection rate of 97% has been assumed and this is in line with national trends.
3. The average annual levy available to be spent by the BID for the term is £188,233.

4. A contingency provision on expenditure, together with the availability of reserves, provides for an anticipated surplus of £75,672 by the end of the renewed term. This equates to 2.5% of expenditure.
5. Operating costs of the BID are estimated as 19% of total expenditure.

DRAFT

DATED

2017

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BROMLEY

AND

PENGE BID LIMITED

OPERATING AGREEMENT FOR A BUSINESS IMPROVEMENT DISTRICT IN
PENGE

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SCHEDULE 1: BASELINE AGREEMENT

SCHEDULE 2: BID LEVY RULES

THIS DEED is made the _____ day of _____ 2017

BETWEEN

- (1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BROMLEY of Civic Centre, Stockwell Close, Bromley BR1 3UH (the "Council"); and
- (2) **PENGE BID LIMITED** (the "BID Company") registered as company limited by guarantee in England with number [NUMBER] whose registered office is at [ADDRESS]

RECITALS

- A. The Council is the billing authority for the purposes of the Local Government Act 2003 and is responsible for the imposition, collection, recovery and application of the BID Levy and administering the BID Revenue Account which shall be used towards the operation of the BID within the area in the local authority and the funding of the BID Arrangements
- B. The BID Company is responsible for the operation of the BID and for using the BID Levy for the purposes of achieving the objectives and aspirations set out in the BID Arrangements
- C. Both parties wish to confirm the arrangements by which the BID Levy shall be collected, together with general arrangements as to the relationship to be established between the Council and the BID Company for the duration of the BID.
- D. The purpose of this agreement is to:
 - Establish the procedure for setting the BID Levy
 - Confirm the basis upon which the Council or its agents will be responsible for collecting the BID Levy
 - Set out the enforcement mechanisms available for collection of the BID Levy
 - Set out the procedures for accounting the transfer of the BID Levy
 - Provide for the monitoring and review of the collection of the BID Levy
 - Confirm the manner in which the Council's expenses incurred in collecting the BID Levy shall be paid.

IT IS HEREBY AGREED:

1. Definitions

Administrative Expenses means costs incurred by the Council and/or its agents in the imposition, administration, collection and recovery of the BID Levy and all reasonable costs incurred by the Council arising out of compliance with its obligations under this agreement and the Regulations during each year of the duration of this agreement.

the Annual Report means a report to be prepared by the Council or its agent which details the following:

- (i) the total amount of the BID Levy collected during the relevant Financial Year;
- (ii) details of the success rates for the collection of the BID Levy;
- (iii) the Council's proposals (if any) to help improve its efficiency in the collection and enforcement of the BID Levy;
- (iv) details of those BID Levy Payers who have paid the BID Levy and those who have not paid the BID Levy; and
- (v) the Council's proposals for bad or doubtful debts

Bad or Doubtful Debts for the purposes of this agreement means any unpaid BID Levy in respect of which the Council has sought recovery in accordance with clause 8.3 of this agreement and that BID Levy remains unpaid.

the BID has the meaning given in the Regulations that is the Business Improvement District and is that area within which the BID operates as edged red on the plan attached to this Agreement in Schedule 1.

BID Area means the area within which the BID operates as edged red on the plan attached to this Agreement in Appendix 2B

BID Arrangements means those arrangements to be put in place pursuant to the Regulations for the operation of the BID Company

BID Business Plan means the Penge BID Business Plan 2018-2023

the BID Company's Report means a report for each Financial Year to be prepared by the BID Company which detail the following:

- (i) The total income and expenditure of the BID Levy;
- (ii) Other income and expenditure of the BID Company not being the BID Levy;
- (iii) A statement of actual and pending deficits; and
- (iv) The various initiatives and scheme upon which the BID Levy has been expended by the BID Company

BID Levy means the charge to be levied and collected within the BID area pursuant to the Regulations

the BID Company's Termination Notice means a notice to be served by the BID Company on the Council pursuant to clause 12.7

BID Levy Payer(s) means the non-domestic rate payers who are liable for paying the BID Levy

BID Levy Rules means the rules set out in the BID Proposals, which defines how the BID Levy will be calculated, details of Exempt or Discounted Properties and other requirements related to the BID Levy. For the sake of clarity these have been set out in Schedule 3 of this Agreement.

BID Proposals has the same meaning as in the Regulations

BID Revenue Account means the account to be set up in accordance with Regulation 14 of the Regulations

BID Term means 1st April 2018 – 31st March 2023

BID Financial Year means the period from 1 April to 31 March

the Council's Termination Notice means the notice to be served by the Council on the BID Company pursuant to Clause 12.1

Chargeable Day means any one of the following days

- 1 April 2018
- 1 April 2019
- 1 April 2020
- 1 April 2021
- 1 April 2022

Commencement Date is the date of signing of this Agreement.

Contributors means the BID Levy Payers or other Contributors making voluntary contributions or funds available to the BID Company.

Demand Notice shall have the same meaning given in paragraph 3 of Schedule 4 of the Regulations

District Auditors Costs means the sum charged by an auditor appointed by the Audit Commission or any successor in carrying out an audit of the BID Revenue Account

Enforcement Expenses means the costs which are incurred by the Council in obtaining Liability Orders and Summons and all associated administrative expenses which may be incurred in recovering unpaid BID, including Bailiff charges.

Electronic Communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or visa versa):

- (i) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or
- (ii) by other means but while in electronic form].

the Exceptions means the circumstances in which the Council shall not be required to seek to enforce payment of the BID Levy where a BID Levy Payer has failed to make payment pursuant to a Demand Notice. The exceptions shall be as agreed by the parties from time to time.

Exempt or Discounted Properties means that class, or classes of, property as identified in the BID Levy Rules which shall be either exempt from any requirement to pay the BID Levy or are permitted a discount on the BID Levy.

Heredity shall have the same meaning as defined in the Regulations

Heredity Start Date means the date when the amendment to the Valuation List takes effect

Liability Order has the meaning given in the Regulations

Maximum Amount For any particular Financial Year means the amount of BID Levy for which Demand Notices are issued (excluding replacement or amended Demand Notices)

Monitoring Group means the group to be set up to monitor the collection and enforcement of the BID Levy (as referred to in Clause 11); the group is to consist of representatives of the Council and the BID Company

NNDR means National Non-Domestic Rates under the Local Government Finance Act 1988

NNDR Payer means the person or organisation who has a liability to pay the non-domestic rate

Proposal means the plan voted for by the BID Levy Payers in a ballot which sets out the objectives of the BID and identifies the various projects which will be undertaken using funds raised by the BID Levy and/or Contributions to achieve those objectives and 'Renewal Proposals' has the same meaning save that 'ballot' shall be replaced with 'renewal ballot' and "Alteration Proposals" has the same meaning save that 'ballot' shall be replaced with 'alteration ballot'

the Levy Payers Meeting means the meeting to be held of all BID Levy Payers pursuant to a Notice issued under clause 12

the Regulations means the Business Improvement Districts (England) Regulations 2004 and such amendments made by the Secretary of State pursuant to Section 48 of the Local Government Act 2003 (from time to time).

Revaluation The revaluation of the rateable values of all business and non-domestic property in England and Wales which takes place from time to time.

Single Instalment Due Date means the date by which the BID Levy as set out in the Demand Notice must be paid

Sum(s) Unpaid means the amount of the BID Levy which is unpaid after the Single Instalment Due Date.

Summons means the process issued in the Magistrates' Court upon Complaint by the Council or by the County Court upon application by the Council regarding unpaid BID Levy

Valuation List means a list of all NNDR properties in the local authority area

Valuation Officer means the person appointed by the Commissioners of the Inland Revenue to compile and maintain the Valuation List

Winding Up means an order pursuant to s125 of the Insolvency Act 1986

Write Off means a decision by the Council that an unpaid BID Levy will not be recovered.

Working Day means any day of the week other than a Saturday, a Sunday or a Bank Holiday

Data Processor shall have the same meaning as set out in the Data Protection Act 1998.

Data Protection Legislation the Data Protection Act 1998, the EU Data Protection Directive 95/46/EC, the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699), the Electronic Communications Data Protection Directive 2002/58/EC, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all applicable laws and regulations relating to processing of personal data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner.

Personal Data: shall have the same meaning as set out in the Data Protection Act 1998.

Staff means all (if any) persons employed by the BID to perform its obligations under the agreement together with the BID's servants, agents, suppliers and Sub-Contractors used in the performance of its obligations under the agreement.

2. Statutory Authorities

2.1. This Agreement is made pursuant to Section 2 and Part IV of the Local Government Act 2003 and Section 111 of the Local Government Act 1972 and all other enabling powers.

3. Commencement

3.1. This Agreement shall be effective from the Commencement Date and in any event shall determine and cease to be of any further effect in the event that:

3.1.1. The BID Term expires.

3.1.2. Either party exercises its discretion to terminate the BID Arrangements in exercise of powers under Clause 12.

4. Setting the BID Levy

4.1. As soon as possible after the Commencement of this agreement the Council shall:

(i) calculate the BID Levy in accordance with the Regulations and the BID Levy Rules.

(ii) Confirm in writing to the BID Company the BID Levy payable annually by each BID Levy Payer.

5. The BID Revenue Account

5.1. Pursuant to Clause 47 of the Local Government Act 2003, the Council shall establish a BID Revenue Account by the start of the BID Term.

6. Payments of the Council's Administrative Expenses

6.1. The Council shall invoice the BID Company in advance for the administrative charges as set out below. This will be done on an annual basis at the start of each BID Year. The invoice shall provide the BID Company with a breakdown of the costs incurred including VAT.

6.2. The expected annual administrative charges will include the following:

(i) Cost of collection of BID levy based upon circa 237 bills raised will be up to £5,570.

(ii) Annual accountancy and management fee of up to £600

6.3. These charges will be adjusted on an annual basis at a rate equal to RPIX.

7. Collecting the BID Levy

7.1. The Council shall use all reasonable endeavours to collect the BID Levy on the Chargeable Day and thereafter on an annual basis throughout the BID Term in a manner consistent with its usual

procedures for the collection of non-domestic rates and in accordance with the procedure set out in Schedule 4 of the Regulations.

- 7.2. Pursuant to clause 7.1 the Council shall serve a Demand Notice or Amended Demand Notice on each BID Levy Payer and thereafter shall continue to calculate the BID Levy and serve the Demand Notices throughout the BID Term.
- 7.3. It is the responsibility of the Council to ensure that the BID Levy Rules are applied accurately.
- 7.4. The Council shall maintain a list that identifies payment and/or non-payment of the BID Levy that shall be made available to the BID Company at intervals of not less than once a quarter.
- 7.5. The Council shall liaise with the BID Company in carrying out an annual review of each Hereditament within the BID Area and in the event of any change in the occupier of each Hereditament or the merger or division of a Hereditament (or provision of an additional Hereditament) shall serve an updated list of BID Levy Payers upon the BID Company. Such changes will be reflected in the next annual calculation of the BID Levy and subsequent Demand Notices.
- 7.6. The BID Company shall be responsible for reviewing any appeals received against the payment of the BID Levy and the application of the BID Levy Rules.
- 7.7. Notwithstanding clauses 7.4 and 7.5 information provided to the BID Company pursuant to clauses 7.4 and 7.5 shall not include the provision of any Personal Data other than that which the Council may provide pursuant to the Regulations

8. Procedures available to the Council for enforcing payment of the BID Levy

- 8.1. In the event that the BID Levy is not paid in full within fourteen days from the Chargeable Day, then (subject to the Exceptions or as may otherwise be agreed by the parties) the Council shall, at no cost to the BID Company, serve up to two reminder notices ('Reminder Notices') on the defaulting BID Levy Payer, each of which shall:
 - (i) identify the sum payable;
 - (ii) provide a further 14 (fourteen) days for payment to be made; and
 - (iii) confirm the Council may thereafter make an application to the Magistrates Court for a Liability Order to recover the unpaid sum (together with costs).
- 8.2. In the event that the BID Levy is not paid in full within 14 (fourteen) days of the service of the 2nd Reminder Notice in accordance with clause 8.1, then the Council shall immediately inform the BID

Company of such further failure to pay (subject to the Exceptions). The Council will consider any comments made by the BID Company before deciding whether to make an application to the Magistrates Court for a Liability Order. The Council will normally then make an application to the Magistrates Court for a Liability Order to recover the outstanding sum of the BID Levy as is permitted by the Regulations and by the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989, as amended. The Council will bear the cost of any application for summons and will recover these costs from the revenue generated through any such action.

8.3. In the event that the BID Company requests that the Council does not undertake the full range of recovery action against a defaulting BID Levy Payer (as outlined in 8.1 and 8.2) the Council may write off the outstanding Bad or Doubtful Debt. Should any outstanding Enforcement Expenses remain unrecovered due to a request for the cancellation of recovery action by the BID Company, the Council will recover these costs from the BID Company.

8.4. In the event that, after all recovery action has taken place, any portion of the BID Levy is still unrecovered, the remaining Bad or Doubtful Debt may be written off. Any related Enforcement Expenses which remain unrecovered will be chargeable to the BID Company.

8.5. Where payments become due to the Council pursuant to clause 8.3 and 8.4, the Council must provide an account of the proposed charges to the BID Company. The Council will provide a VAT invoice to the BID Company to request payment of these charges.

9. Refunds on the BID Levy

9.1 Refunds will be payable by the Council on the BID Levy in the event of the over payment of the Levy by a BID Levy payer. Examples of reasons for over payment include:

9.1.1 Payment of same Levy bill more than once in error

9.1.2 Where, subsequent to payment, the Valuation Office Agency (VOA) reviews a hereditament and reduces the Rateable Value (RV), and backdates this change to before the billing date. This may result in a reduced BID levy liability or (where new RV is below the BID Levy threshold) a removal of the affected hereditament from BID Levy billing altogether.

9.1.3 Were hereditaments within the BID are split or merged prior to the chargeable day, and one or more of the properties are removed from the ratings list, but the Levy bill related to these removed properties has already been paid.

9.2. In the event that refunds become due to a Levy Payer on the basis of the reason set out in 9.1 these shall be payable only upon receipt of a written request from the Levy Payer, or their agents.

9.3. The amounts paid out during financial years 1 to 4 will be deducted from the BID Levy Account – and the payments made to the BID Company will be net of these refunds.

9.4. In final year of the BID Term, the Council will retain up to £5,000 from the BID Revenue Account to be held against the possible need to pay levy refunds after the end of the BID term. This will be paid to the BID Company upon completion of a successful renewal ballot.

10. Payment of the BID Levy to the BID Company

10.1. The Council shall pay to the BID Company in accordance with the Regulations:

- i. For the first three quarters in each BID Year (starting 1 April, 1 July and 1 Oct) 25% of the invoiced debt less any repayments to BID Levy Payers under clause 9 of this agreement.
- ii. On 1st January, an interim final payment of further balance collected less any repayments to BID Levy Payers under clause 9 of this agreement.
- iii. By 31st March a final payment of balance collected less any repayments to BID Levy Payers under clause 9 of this agreement.
- iv. At the end of the 2nd year of the BID Term, the Council will make known to the BID Company the number of accounts and amount of Levy still in arrears from the 1st year of the BID Term, and will request agreement of the BID Company for write off of all of these aged debts (except where ongoing discretionary payment arrangements are in place). Where the BID Company request further reconciliation for any of the debts incurred during this year, the Council reserves the right to levy an administration charge to cover staffing which may be required to administer these aged debts during the 3rd and subsequent years. The same procedure will be in place at the end of the 3rd year (in respect of the 2nd year accounts), at the end of the 4th year (in respect of the 3rd year accounts) and so on until the final year of the BID term. In each case, where the BID requests continued chasing and administration of aged debts, the Council will estimate the likely additional staff time required and levy a separate administration charge on the BID Company (the amount to be agreed between the parties).

The following worked example seeks to clarify this clause:

- Assuming the start date of the BID term is 1 April 2018, at the end of the financial year 2019/20 (year 2) the Council will reconcile all the BID monies from bills related to the financial

years 2019/20 and 2020/21 (net of refunds). However, unless requested to by the BID Company, arrears outstanding on bills raised for the 2018/19 financial year will no longer be pursued or reconciled during 2020/21 (year 3) or subsequent years.

- 10.2. The BID Company shall issue to the Council a VAT invoice for the payment of the BID Levy income upon advice from the Council of the amount due.
- 10.3. The BID Company shall provide the Council with details of its own bank account into which the BID Levy shall be transferred electronically
- 10.4. In the event that a BID Levy Payer is entitled to a repayment of a BID Levy pursuant to paragraph 8(4) of Schedule 4 of the Regulations and in the event that the Council has paid such BID Levy to the BID Company including all of the contingency relating to that BID Levy the Council shall request such repayment sum from the BID Company and the BID Company shall pay the repayment sum to the Council by way of reduction in the quarterly payments, as scheduled in 10.1, and the Council shall thereafter repay the repayment sum to the BID Levy Payer.
- 10.5. The BID Company may only spend the BID Levy in accordance with the BID Proposals; except that if the BID is varied then from the date of the variation takes effect the BID Company may only spend the BID Levy in accordance with the varied BID Proposals.
- 10.6. In the event of an overpayment by the Council to the BID Company, the Council will subtract the owed amount from the next scheduled payment of the BID Levy. In the event that the overpayment falls due after the Council has paid the last quarterly payment within the BID Term, the BID Company shall reimburse the Council forthwith unless the amount is less than £1,000.

11. Accounting Procedures and Monitoring

- 11.1. In addition to the information outlined in clauses 7.4 and 7.5, every quarter during the BID Term, the Council shall provide the BID Company with a breakdown of:
 - (i) the amount of the BID Levy for each individual BID Levy Payer
 - (ii) the BID Levy collected in relation to each BID Levy Payer
 - (iii) details, together with the outstanding unpaid sum) of those BID Levy Payers who have not paid the BID Levy during the course of that month,

PROVIDED THAT this clause shall not apply to the provision of any Personal Data other than that which the Council may provide pursuant to the Regulations

- 11.2. The BID Company shall request information from the Council that it considers relevant to their business and the Council shall consider disclosure and shall not unreasonably withhold such information.
- 11.3. Upon the expiry of the sixth month of the BID Term and every 6 (six) months thereafter (for the duration of the BID Term) the BID Company shall provide the Council in respect of those 6 (six) month periods with:
 - (i) the amount received by the BID Company from Contributors and BID Levy Payers;
 - (ii) the total expenditure of the BID Company.
- 11.4. Within 1 (one) month from the start of the BID Term, the parties shall set up the Monitoring Group.
- 11.5. The Monitoring Group shall meet no less than quarterly in any one BID Year.
- 11.6. At each meeting, the Monitoring Group shall:
 - (i) Review the effectiveness of the collection and enforcement of the BID Levy; and
 - (ii) review and assess the information provided by the parties regarding the progress being made in achieving the aims set out in the BID Business Plan.
- 11.7. Within 1 (one) month after the date of the end of the Financial Year, the Council shall provide the Annual Report to the BID Company
- 11.8. The BID Company shall provide the BID Company Report to the Council two weeks prior to the Annual General Meeting of the BID Directors and Members.
- 11.9. The Council will provide at least one, and no more than two, representatives to the Board of the BID Company. The Council representatives will be non-voting advisory members of the Board.
- 11.10. Within 60 days of a successful ballot to establish the BID, the BID Company and the Council will enter into a Service Level Agreement which will define in more detail matters related to collection and enforcement of the levy and any other details related to the operation of the BID including staffing and accommodation arrangements, as required.

12. Termination

12.1. In the event that either Party is of the opinion:

- (i) they are unable to due to a cause beyond their control to provide the works or services secured as part of the BID arrangements: or
- (ii) they believe that there are insufficient finances available to the BID Company to meet its liabilities for the purposes of any BID Arrangements; or
- (iii) the works or services under the BID Arrangements are no longer required;

then they shall serve a Levy Payers Meeting Notice on the other Party and the BID Levy Payers and the meeting shall take place no later than 14 days after service of that Notice.

12.2. The Levy Payers Meeting Notice shall contain the agenda for the meeting which shall be limited to the following items:

- (i) a review by all present of the inadequacy of works or services that can be done, why they cannot be done and whether those works and services are so fundamental that the BID cannot continue; and
- (ii) whether other works or services will be an acceptable alternative to the BID Company; and
- (iii) the financial position and whether there are sufficient funds to continue as well as whether additional funds can be raised; and
- (iv) a time scale (if appropriate) within which these issues can be resolved.

12.3. In the event that those present at the meeting cannot resolve the issue, then the Party calling the meeting shall table a motion that the BID be wound up no sooner than 28 days after such a resolution is passed by a simple majority of those present and entitled to vote.

12.4 In the event of termination of the BID Arrangements the Council shall forthwith review whether there is any credit standing to the account of the BID Revenue Account. If there is sufficient credit to pay to each of the BID Levy Payers not less than £5 (after deduction of any outstanding administrative costs to include the costs of winding up), the Council shall:

- (i) calculate the amount to be refunded to each BID Levy Payer, and
- (ii) ensure that the amount to be refunded is calculated by reference to the contribution of that Levy Payer for the last full chargeable period, and
- (iii) arrange for the amount to be set against outstanding liabilities of that BID Levy Payer (if any), and

- (iv) refund the net amount to the BID Levy Payer.

12.5 Upon termination of the BID Arrangements for any reason, the BID Company shall forthwith notify the Council of such termination in accordance with Regulation 18(5) and the Council will notify the BID Levy Payers in accordance with Regulation 18(6). The Council will simultaneously advise the BID Levy Payers as to the repayment of any part of the BID Levy in accordance with clause 12.4

13. Confidentiality

13.1 Subject to Clause 19 below the parties shall agree to keep confidential and not to divulge to any person without the prior written consent of the other party all information (written or oral) concerning the business affairs of the other nor any information which has been exchanged about the BID Levy Payers or Contributors or about any third parties which it shall have obtained or received as a result of operating the BID. This obligation shall survive the termination or lapse of the BID Arrangements.

14. Notices

14.1 Any Notice or other written communication to be served or given to or upon any party to this Agreement or the other shall be in writing and shall be sent to the address provided for above or such substitute address in England as may from time to time have been notified by that party

14.2 A Notice may be served by

- (i) delivery to the Director of Environment & Community Services, London Borough of Bromley at the address specified above
- (ii) delivery to the Directors at the BID Company's address specified above
- (iii) first class post
- (iv) Electronic Communication (provided that it is in legible form and is capable of being used for subsequent reference) to such addresses which shall require a confirmed read receipt, save that no court proceedings arising from this contract may be served electronically.

14.3 Any notice served shall be deemed to have been validly served or given at the time any ordinary business would have received such post.

15. Miscellaneous

15.1 For the avoidance of doubt where any part of this Agreement is incompatible with the Regulations or any other regulations which the Secretary of State may issue pursuant to Part IV of the Local Government Act 2003 then such part shall be struck out and the balance of this agreement shall remain.

- 15.2 The heading appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement
- 15.3 For the avoidance of doubt the provisions of this Agreement (other than those contained in this clause) shall not have any effect until this document has been signed and delivered.
- 15.4 Where reference is made to a clause, part, or recital, such reference (unless the context requires otherwise) is a reference to a clause, part, plan or recital attached to this Agreement
- 15.5 References to the Council include any successors to its functions as a local authority
- 15.6 References to statutes, bye-laws, regulations, orders, delegated legislation shall include any such instrument re-enacting or made pursuant to the same power.

16. Exercise of the Council's Powers

- 16.1 Nothing contained in this Agreement or implied in it shall prejudice or affect the rights, discretions, powers, duties and obligations of the Council under all statutes, bye-laws, statutory instruments, orders and regulations in the exercise of its functions as a local authority.

17. Contracts (Rights of Third Parties)

- 17.1 The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

18. Law and Dispute Resolution

- 18.1. The Agreement is made under and shall be construed by reference to English Law.
- 18.2. Should any dispute arise between the Parties, it shall first be referred to a Director of the Council and to the Directors of the BID and they shall use their best endeavours to resolve the issue by negotiation.
- 18.3. If they are unable to resolve the dispute within 28 days of the referral, then the Parties shall appoint a Mediator. If the Parties cannot agree on the identity of as Mediator, then they shall apply to the Centre for Effective Dispute Resolution ("CEDR") to make such an appointment.
- 18.4. Within 14 days of the appointment of a Mediator, the Parties representatives shall meet together with the Mediator to agree a programme for the conduct of the mediation, including (but not limited

to) a timetable, exchange of documents and the structure for meetings as well as the costs of the mediation.

- 18.5. All proceedings of the mediation shall be held in strict confidence and shall be Without Prejudice to any future proceedings that may become necessary.
- 18.6. Nothing in this mediation procedure shall prevent either Party from seeking from a Court of competent jurisdiction an interim order to the other Party either preventing or compelling the commission of some act.
- 18.7. If the Parties reach an agreed resolution of the dispute in the mediation, that agreement shall be reduced to writing, signed by representatives of both Parties and shall be binding on both Parties.
- 18.8. If the mediation fails to achieve an agreed resolution, then the Parties hereby irrevocably agree that the dispute shall be referred to the English Courts.
- 18.9. The performance of all services shall continue during the mediation process

19. Freedom of Information

- 19.1 The BID Company acknowledges that the Council is subject to the requirements of the Freedom of Information Act 2000 (FOIA) and shall assist and cooperate with the Council (at the BID Company's expense) to enable the Council to comply with its disclosure requirements and the Council shall notify the BID Company of any such requests.
- 19.2 The Council may determine in its absolute discretion whether any information is exempt from disclosure in accordance with the provisions of FOIA or is to be disclosed in response to a request for information, and for the avoidance of doubt where the Council has received a request under the FOIA and it has notified the BID Company of the request, in no event shall the BID Company respond directly to a request for information connected with such a request to the Council unless expressly authorised to do so by the Council.
- 19.3 The BID Company acknowledges that the Council may, acting in accordance with the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part 1 of FOIA, be obliged under FOIA to disclose information following consultation with the BID Company and having taken its views into account.
- 19.4 The BID Company shall ensure that all information produced in the course of or relating to this Agreement is retained for disclosure and

shall permit the Council to inspect such records as requested from time to time.

- 19.5 The BID Company acknowledges that any lists of confidential information provided by it are of indicative value only and that the Council may nevertheless be obliged to disclose confidential information in accordance with this clause.
- 19.6 The obligations set out in clause 19 of this Agreement shall survive the termination or lapse of the BID Arrangements

20. Data Protection

- 20.1 The BID shall (and shall procure that any of its Staff involved in the provision of the agreement) comply with any notification requirements under the Data Protection Legislation and both parties will duly observe all their obligations under the Data Protection Legislation, which arise in connection with this Agreement.
- 20.2 Notwithstanding the general obligation in clause 20.1, where the BID is processing Personal Data as a Data Processor for the Council, the BID shall ensure that it has in place appropriate technical and contractual measures to ensure the security of the Personal Data (and to guard against unauthorised or unlawful processing of the Personal Data and against accidental loss or destruction of, or damage to, the Personal Data), as required under the Seventh Data Protection Principle in Schedule 1 to the Data Protection Act 1998; and
- (a) provide the Council with such information as the Council may reasonably require to satisfy itself that the BID is complying with its obligations under the Data Protection Legislation;
 - (b) promptly notify the Council of any breach of the security measures required to be put in place pursuant to clause 20.2; and
 - (c) ensure it does not knowingly or negligently do or omit to do anything which places the Council in breach of the Council's obligations under the Data Protection Legislation.
- 20.3 The provisions of this clause shall apply during the continuance of the agreement and indefinitely after its expiry or termination.

21 BID Baseline Agreement

- 21.1 The Council agrees to carry out the services contained in the BID Baseline Agreement, set out in Schedule 2.

In witness whereof this Agreement has been executed by the parties hereto as a Deed and delivered on the day and year first before written

Executed as a Deed by affixing the Common Seal of The Mayor and Burgesses of the London Borough of Bromley in the presence of:

Mayor/Councillor

Director of Corporate Services/Senior Solicitor

Executed as a Deed by **Penge BID Limited**
In the presence of

Director

Director/Company Secretary

SCHEDULE 1: BASELINE AGREEMENT

The London Borough of Bromley delivers the following services within the BID area where the BID intends to provide additional services.

The London Borough of Bromley will endeavour to continue to deliver the following services within the BID area. Where any of the listed services are planned to be reduced or discontinued, the Council agrees not to reduce provision of its services disproportionately, compared to any changes made elsewhere within the Borough for the duration of the BID term.

Baseline activity: Highways Management (High Street Area)
Responsible authority: London Borough of Bromley
Head of Service: Garry Warner

<p>Current level of service provided including aim of service, and frequency of service provision</p>	<ul style="list-style-type: none"> • Maintain public highway areas to remain fit for purpose. This includes statutory highway safety inspections, condition surveys, recording of defects and complete repairs to maintain public safety, including emergency repairs within and outside normal working hours. • Street lighting maintenance. • Highways and street lighting term contracts are available as required both for reactive and planned maintenance. • Technical surveys of all lamp columns to assess structural integrity and electrical function. Night surveys to assess defective lighting. • Routine maintenance of signs, lines and highway drainage assets. • Enabling and managing parking provision and control including taxi ranks, disabled parking. • Winter maintenance operations include treatment to prevent ice from forming and clearance of snow from pre-defined priority routes
<p>Specification</p>	<ul style="list-style-type: none"> • Defect repairs undertaken within investigatory levels of the Highways Code of Practice. • Frequency of highway safety inspections align with Highways Code of Practice. • Management of Public Utility Street Works within the framework of the Traffic Management Act 2004 and the New Roads and Street Works Act.
<p>Performance Measure</p>	<p>Service measured by:</p> <ul style="list-style-type: none"> • Regular inspections, compliance with completion times of works, quality of repairs • Response to customer enquiries • Contractors' key performance indicators.
<p>Non-compliance procedure</p>	<ul style="list-style-type: none"> • Contractor may be required to re-do work. • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
<p>Future level of service provision</p>	<ul style="list-style-type: none"> • Maintenance of the highways structure and fabric as well as street furniture to existing standards. • Current service provision for reactive repairs provided through a contract valid until March 2019.
<p>Other relevant information</p>	<p>There are no plans to reduce or increase current level of service.</p>

Baseline Activity: Street Cleansing (High Street Area)
Responsible Authority: London Borough of Bromley
Responsible Officer: John Bosley

<p>Current level of service provided including aim of service, and frequency of service provision</p>	<ul style="list-style-type: none"> • Routine schedules of daily-street cleaning provided between normal working hours 06:00 and 22:00 hours, utilising both mechanical and manual cleaning operations. • Litterbin emptying once or more per day, and washed (internal and external) three times per year. • Graffiti removal service including proactive and reactive removal from street furniture and private buildings that are on, or are within 50metres of, a street boundary regardless of whether it is on property that is in public or private ownership. • Provision of an urgent or emergency response service for cleaning related matters, during the normally permitted working hours as stated. • Tasks which constitute provision of additional plant and labour, during the normally permitted working hours, in support of voluntary groups and other organisations engaged in “one-off clean-ups” for environmental or charitable purposes. • Street works co-ordination and approval for maintenance activities, and licencing of temporary structures on highways including, scaffolding, skips, banners and other structures. • Manage rising bollards for controlling access to and from the High Street. • Signage preventing cycling in the pedestrianised area.
<p>Specification</p>	<ul style="list-style-type: none"> • The minimum quality standard of cleanliness which the Contractor shall deliver through each routine scheduled activity shall be commensurate with Grade A as defined in the Code of Practice on Litter & Refuse 2006 (EPA 1990). Any fly-tipping, fly-posting and materials on the highway shall be removed as part of the scheduled activity for cleansing of the street. The contractor shall maintain the standard of cleanliness from immediately after completion of the first scheduled daily cleanse until 22:00 hours, on each day of the week including Public Holidays (excl. Christmas Day). Completion of the first scheduled cleanse shall be 8:00 hours. • The standard of cleanliness shall not be allowed to fall to Grade B (as defined in the CoP on Litter & Refuse) for more than two hours thereafter before restoring to Grade A. If the cleanliness falls to Grade C or below, at any time during normal working hours, the area shall be restored to Grade A within one hour. • Removal of unwanted vegetation. • Standard of graffiti removal set as 95% completion of all reactive works within two working days. Racist or offensive graffiti shall be removed within two hours or any period instructed between two hours and 24 hours. • Removing debris following road accidents including the provision of sand and or oil dispersants as required to ensure the cleanliness and safety of the affected area; • Removing all fly-posting including commercial advertising signs and fixing materials from any street furniture.
<p>Performance Measures</p>	<p>Service measured by:</p> <ul style="list-style-type: none"> • Regular inspections, compliance with completion times of works, quality of cleaning. • Response to customer enquiries • Contractors’ key performance indicators.

Non-Compliance procedures	<ul style="list-style-type: none"> • Contractor may be required to re-do work. • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
Future level of service provision	<ul style="list-style-type: none"> • Cleansing standards of the highways as well as street furniture to existing standards. • Street washing would be an enhanced additional service requirement. • Current service provision provided through a contract valid until March 2019.
Other relevant information	There are no plans to reduce or increase current level of service.

Baseline Activity: Regulatory Services
Responsible Authority: London Borough of Bromley
Responsible Officer: Paul Lehane Head of Food, Safety & Licensing
 Robert Vale Head of Trading Standards

Service provided, number of staff & equipment	<p>Regulatory Services</p> <p>The Council's Public Protection Division offer a statutory minimum service focusing on enforcement and significant complaint investigation with limited provision of support and advice to the local business community. These services are offered across the borough and include the following:</p> <ul style="list-style-type: none"> • Licensing • Food Safety , Food Standards & Infectious disease • Health & Safety • Trading Standards • Environmental Protection <p>Officers undertake work in accordance with risk based inspection programmes as well as using complaint and other information to prioritise service delivery in an increasingly intelligence-led approach, which targets resources to the highest risk activities. Advice services for consumers in respect of Trading Standards matters is provided via a national call centre operated by the Citizens Advice Bureau.</p> <p>Officers work extensively with partners including the Police, Community Safety Teams and other internal and external partners to collectively tackle issues affecting crime and disorder, anti-social behaviour and other matters relating to the overall aims of the Council</p> <p>The Council has published policies relating to the licensing of alcohol/regulated entertainment and late night refreshment (Licensing Act 2003) and Gambling premises (Gambling Act 2005).</p>
Specification	<ul style="list-style-type: none"> • Statutory and other nationally agreed frameworks for risk based inspection programmes • Regulatory Services service delivery in accordance within statutory framework • Relevant involvement in Local / Regional / National intelligence led project work • Investigations undertaken in accordance with the published Enforcement Policy

Future level of service provision	<ul style="list-style-type: none"> • Service provision will continue to be undertaken within the statutory framework and other nationally agreed frameworks • Local and national regulatory priorities will dictate priority service delivery
Performance Measures	<ul style="list-style-type: none"> • Compliance with risk based inspection programmes • Response to customer complaints / requests for service • Complaint investigations compliance with Enforcement Policy
Non Compliance procedures	<ul style="list-style-type: none"> • Regular performance monitoring • Flexible approach to targeting resources to priority work areas
Boundary area	<ul style="list-style-type: none"> • London Borough of Bromley

Baseline Activity: CCTV
Responsible Authority: London Borough of Bromley
Responsible Officer: William Ogg, CCTV Manager

Service provided, number of staff & equipment	<ul style="list-style-type: none"> • 12 fully functioning digital CCTV cameras covering Penge Town Centre BID area (9 cameras in High Street, 3 at Penge East Station), operational 24 hours a day 7 days a week. The Council may add, remove or reposition cameras within the BID area at its own discretion. • 2 full time staff monitoring all the CCTV cameras in the borough 24 hours a day, seven days a week. Plus one CCTV Supervisor, who is also a trained operator, working 8am – 5pm 5 days a week. • CCTV staff also monitor the Town Centre Shop Safe Radios and the Police Radio.
Specification	<ul style="list-style-type: none"> • The cameras are used for monitoring and recording incidents of crime and disorder as well as for moving traffic and parking offences. • Governed and protected by the Data Protection Act 1998 and the Operating Guidelines issued by the Information Commissioner. Recorded images can only be released to those legally entitled to them. All recordings are kept for a period of 31 days. Documentation detailing CCTV recorded incidents is archived for a period of 3 years.
Future level of service provision	<ul style="list-style-type: none"> • Current service provision provided through a contract valid until 31 March 2019.
Performance Measures	<p>Service measured by:</p> <ul style="list-style-type: none"> • Contractors' key performance indicators.

Non Compliance procedures	<ul style="list-style-type: none"> • Regular performance monitoring • Managed through Contract meetings
Boundary area	<ul style="list-style-type: none"> • London Borough of Bromley

Baseline Activity: **Grounds Maintenance**
Responsible Authority: **London Borough of Bromley**
Responsible Officer: **Robert Schembri**

Current level of service provided including aim of service, and frequency of service provision	<ul style="list-style-type: none"> • Grounds Maintenance Routine schedules of grass cutting and floral display maintenance working hours 07:00 and 4pm.. • <u>Hanging baskets</u> Penge High Street Summer provision - 36 hanging baskets Winter provision – 36 hanging baskets Maple Road Summer provision – 16 hanging baskets Winter provision – 16 hanging baskets
Specification	<ul style="list-style-type: none"> • Hanging basket to be watered to ensure that the plants are in good conditions • Maintain parks & greenspace areas within the contract specification including grass cutting, floral bedding areas, shrub areas, bin emptying, litter picking and collection and path cleaning
Performance Measures	Service measured by: <ul style="list-style-type: none"> • Regular inspections to monitor quality. • Response to customer enquiries • Contractors' key performance indicators.
Non-Compliance procedures	<ul style="list-style-type: none"> • Contractor may be required to re-do work. • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
Future level of service provision	<ul style="list-style-type: none"> • Current service provision provided through a contract valid until 31 March 2019.

Baseline activity: **Parking Enforcement and Car Park Management**
Responsible authority: **London Borough of Bromley**
Head of Service: **Ben Stephens**

Current level of service provided including aim of service, and frequency of service provision	<ul style="list-style-type: none"> • To achieve compliance of parking restrictions by the enforcement of on street parking restrictions and off street council car parks. • Managing bay suspensions and parking dispensations, including processing applications and erecting signs. • Car park maintenance, including cleaning, repairing pot holes, height barriers, safety barriers. • Salting, gritting and snow clearance in council car parks. • Management and repair of pay and display machines.
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	<ul style="list-style-type: none"> • Processing parking permits and visitors voucher applications. • Cashless parking provision. • Enforcement of Blue Badge misuse.
Specification	<ul style="list-style-type: none"> • Enforcement carried out within the framework of the Traffic Management Act 2004 and associated legislation. • Cleaning of car parks as defined in the Code of Practice on Litter and Refuse issued under section 89(7) of the Environmental Protection Act 1990.
Performance Measure	<ul style="list-style-type: none"> • Various key performance indicators on contracted levels of performance.
Non-compliance procedure	<ul style="list-style-type: none"> • Corrective actions/training with contractors/staff. • Financial penalties issued to the contractor. • Managed through Contract Meetings.
Future level of service provision	<ul style="list-style-type: none"> • There are no plans to reduce or increase current level of service. • Current service provision for contract is valid until April 2027.
Other relevant information	New parking contract was awarded to APCOA Ltd and started on the 3 rd April 2017

Baseline Activity: Planning
Responsible Authority: London Borough of Bromley
Responsible Officer: Jim Kehoe

Current level of service provided including aim of service, and frequency of service provision	<ul style="list-style-type: none"> • Planning applications • Planning Enforcement • Building Control Applications • Long term development plans and policies
Specification	<ul style="list-style-type: none"> • Statutory and other nationally agreed frameworks for service provision • Regulatory Services delivery in accordance within statutory framework • Investigations undertaken in accordance with the published Enforcement Policy • Enforcement carried out within the framework of the Planning Acts and associated legislation.
Performance Measures	Service measured by: <ul style="list-style-type: none"> • National targets • Response to customer complaints / requests for service • Complaint investigations consistent with Planning Enforcement Policy
Non-Compliance procedures	<ul style="list-style-type: none"> • Regular performance monitoring. • Corrective actions as necessary
Future level of service provision	<ul style="list-style-type: none"> • Service provision will continue to be undertaken within the statutory framework and other nationally agreed frameworks

SCHEDULE 2: BID LEVY RULES

In developing the rules that will apply to the BID, consideration has been given to 'The Industry Criteria and Guidance Notes for BIDs' published by British BIDs jointly for the British Retail Consortium, the Inter Banking Rating Forum, the British Council of Shopping Centres and the Federation of Small Businesses.

The Ballot

1. The Electoral Reform Society (ERS), on behalf of The London Borough of Bromley, will send those responsible for properties or hereditaments to be subject to the BID a ballot paper prior to Thursday 1st February 2018
2. Each property or hereditament subject to the BID will be entitled to one vote in respect of this BID proposal in a 28 day postal ballot which will commence on Thursday 1st February 2018, and close at 5pm on Wednesday 28th February 2018. Ballot papers received after 5pm on Wednesday 28th February 2018 will not be counted. The result of the ballot is due to be announced on the following day.
3. In order for the proposal to be successful at ballot the result will need to meet, as a minimum, two independent criteria which are: (a) of those ballots returned by the close, those voting in favour of the proposal must exceed those voting against it, and (b) of those ballot papers returned by the close, the total rateable value of those properties or hereditaments which vote in favour, must exceed the total of those voting against.
4. If successful at ballot, the BID will aim for an operational start April/May 2018 and will continue for a period of 5 years to March/April 2023.

The Levy

1. The levy rate to be paid by each property or hereditament is to be calculated as 2% of its rateable value as at the 'chargeable day' (notionally 1st April each year).
2. Only properties or hereditaments with a rateable value of £5,000 or more will be eligible for payment of the levy.
3. The number of properties or hereditaments liable for the levy is approximately 236.
4. Each year the levy rate will be increased by the fixed rate of inflation of 2% per annum.
5. The levy will be charged annually in advance for each chargeable period to be April to March each year, starting in 2018. No refunds will be made.
6. The owners of untenanted properties or hereditaments will be liable for payment of the levy. This includes listed buildings.
7. Occupiers within covered shopping centres (in this case The Blenheim Shopping Centre) that are subject to a service charge will pay 80% of the levy that would otherwise apply.

8. Charities that are not retail or leisure trading organisations will pay 80% of the levy.
9. London Borough of Bromley will be responsible for collection of the levy. The collection charge will be up to £5,570 this equates to 4.5% of anticipated billed levy and £23.50 per hereditament.

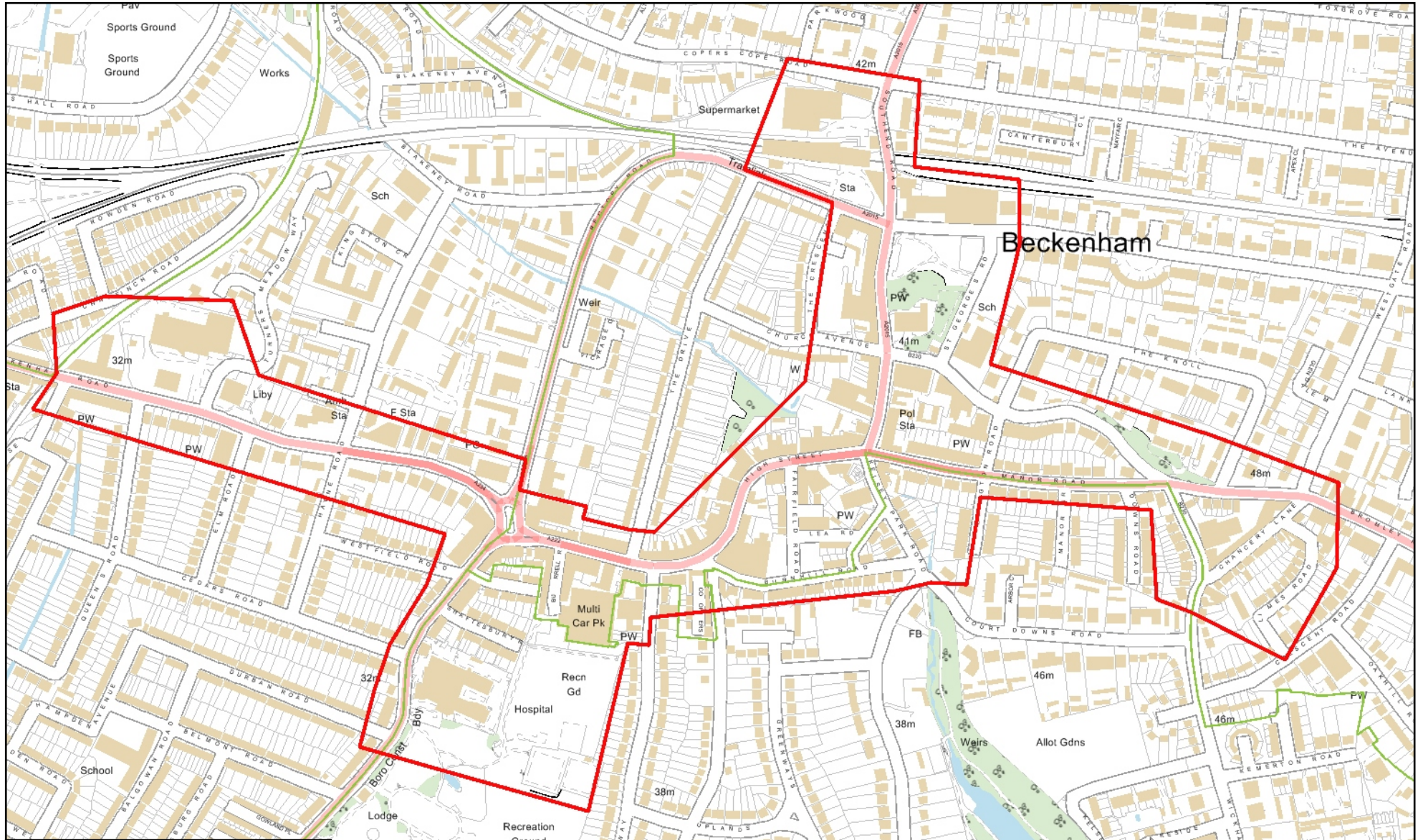
Accountability and Transparency

1. The Company to operate the BID (**Penge BID Ltd**) has already been established as part of the development stages. This is a not-for-profit Company and its Directors (the Board) are from the private sector.
2. In addition, a working group, primarily made up of potential levy payers and council representatives, has been formed to assist on all aspects of the development of the BID. It is envisaged that this working group will become the BID Advisory Group to assist in the effective delivery of all proposed services.
3. The Board shall continue to appoint a Chair annually and the Chair will also act as Chair of the Advisory Group.
4. The Board will have responsibility for governance matters such as financial arrangements, contractual obligations, human resources, standards and compliance. The Board will report activities and decisions to the Advisory Group prior to each of its meetings.
5. The Advisory Group will advise on operational and service delivery issues, oversee performance measurement, and more generally act as the primary consultative and advisory body on BID services. It will meet quarterly. It will be made up of representatives of levy paying businesses and will be elected periodically. Additional members may be co-opted in a non-voting capacity, as required. The nominated representatives of The London Borough of Bromley will not be subject to re-election processes.
6. Provided that the BID is meeting its overall objectives and subject to full consultation with the Advisory Group, it shall have the ability to vary service delivery and expenditure allocation according to the changing demands of levy payers. However, any change to the BID boundary or to the headline levy rate would require a formal alteration ballot.
7. The BID will file annual accounts compiled by independent accountants with Companies House. The accounts will be available to all levy payers. An annual report on activities, including finances, will be published. An annual meeting for levy payers will be held.
8. An Operating Agreement, which includes the Council's baseline service commitments, has been agreed with Bromley Borough Council. A copy can be found at <http://www.pengebid.com>.
9. Notification of the intention to hold a ballot was sent to the Secretary of State on 23rd October 2017.

Finances

1. A cautious approach has been adopted to budgeting for the BID term, based upon national averages.
2. A levy collection rate of 97% has been assumed and this is in line with national trends.
3. The average annual levy available to be spent by the BID for the term is £122,704.
4. A contingency provision on expenditure, together with the availability of reserves, provides for an anticipated surplus of £75,672 by the end of the renewed term. This equates to 2.5% of expenditure.
5. Operating costs of the BID are estimated as 19% of total expenditure.

DRAFT



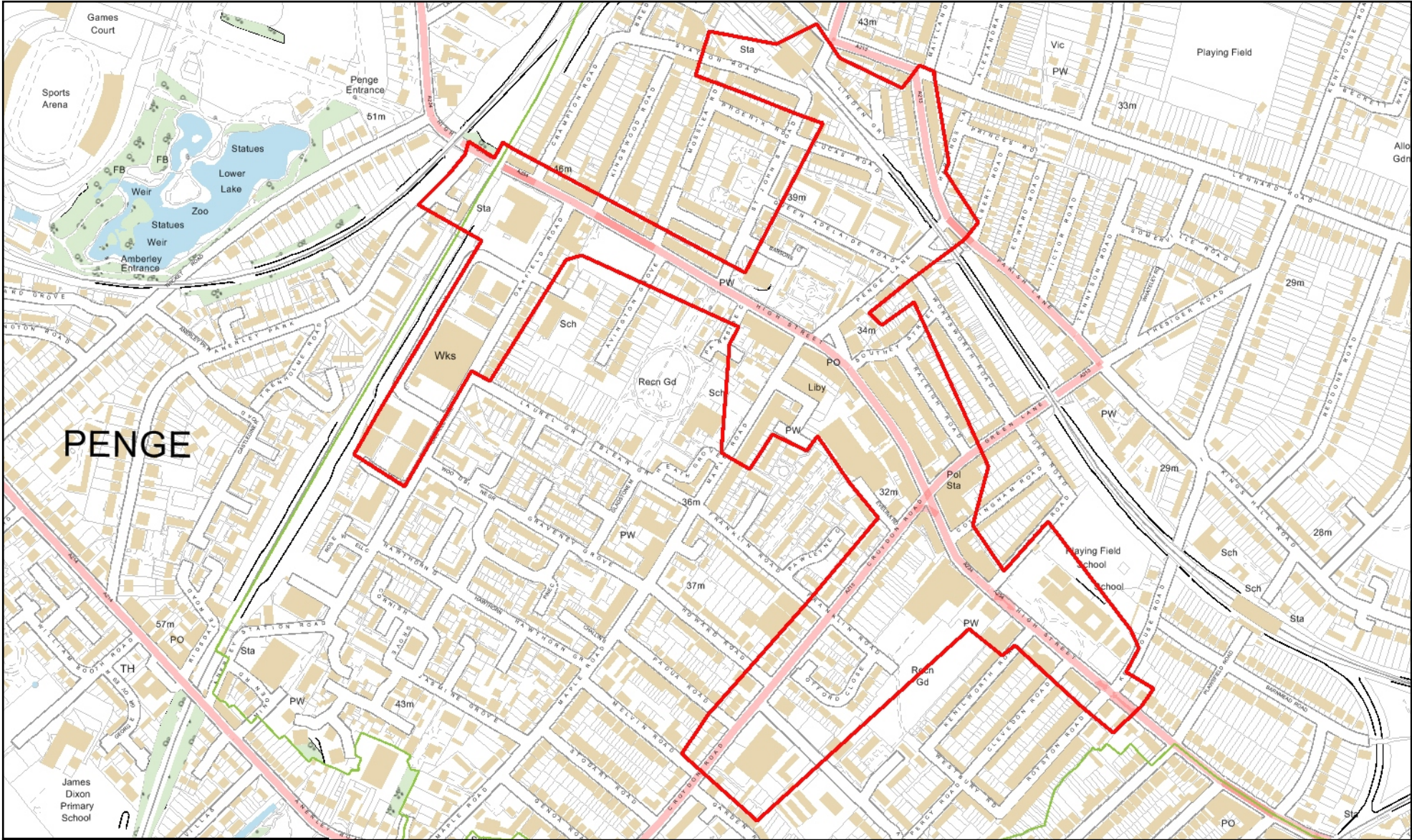
Town Centre Management

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Tuesday, October 10, 2017 1:6800

Beckenham Town Centre Boundary

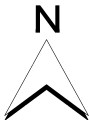
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Town Centre Management



Penge Town Centre Boundary



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Report No.
DRR17/058

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE
7 November 2017

Date: For Pre-Decision Scrutiny by the Renewal and Recreation Policy Development and Scrutiny Committee on 1 November 2017

Decision Type: Non-Urgent Executive Key

Title: BROMLEY TOWN CENTRE MARKET REPORT & IMPROVEMENT UPDATE

Contact Officer: Kevin Munnely, Head of Renewal; Tel: 020 8313 4582
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John Bosley, Contracts Manager, Tel: 020 8313 4852
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Chief Officer: Executive Director of Environment & Community Services

Ward: Bromley Town;

1. Reason for report.

- 1.1 The Executive on 22 March 2017 approved the detailed designs and costing for the next phase of the Bromley Town Centre improvements, which are currently being implemented. Officers were requested to bring back for Executive approval the detailed designs and costing for the proposed market kiosks, which forms the basis of this report.
- 1.2 The Executive on 22 March 2017 also approved plans to re-organise, rebrand and relocate the existing market as part of the improvement works. This report provides an update on progress to date.
-

RECOMMENDATION(S)

That Members of the Executive:

- 2.1 **Approve the detailed design and implementation costs for market kiosks and pop up stalls to be located at Market Square, agree that £580k is allocated from the Growth Fund to meet the costs and is added to the Bromley High Street Improvement capital scheme.**
- 2.2 **Delegate to the Director of Regeneration and the Portfolio Holder for Renewal & Recreation approval of any minor amendments to the kiosk design.**
- 2.3 **Seek authority to submit a planning application/s for the development of the relocated market and market infrastructure, including kiosks.**

- 2.4 Approve the allocation of additional S106 funding of £152k for a programme of architectural lighting improvements, and add to the Bromley High Street improvement capital scheme.**
- 2.5 To note that there will be an overall increase of £732k for the Bromley High Street Improvement scheme within the Capital Programme, resulting in a total scheme cost of £3.576m.**
- 2.6 Note the progress to date on implementing the agreed option for relocating, reorganising and relaunching the weekly market in Bromley, as outlined in paragraphs 3.11 - 3.17.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: The scheme design will take into account measures for the mobility and visually impaired.
-

Corporate Policy

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

Financial

1. Cost of proposal: Increase in capital costs of £732k
 2. Ongoing costs: Net nil at this stage
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £2.844m
 5. Source of funding: Growth Fund and S106 funding
-

Personnel

1. Number of staff (current and additional): 5 FTE
 2. If from existing staff resources, number of staff hours:
-

Legal

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

Procurement

1. Summary of Procurement Implications: It is proposed that the all the civil engineering and public realm improvement works, including all lighting will be completed by FM Conway under the current Highway Engineering Term Contract. It is proposed that Council's TFM term contractor AMEY will deliver the procurement of the Market Kiosks.
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes

Summary of Ward Councillor's comments: Ward Councillors were invited to take part in stakeholder consultations during the development of the scheme. Ward Councillors have been consulted on the design of the market kiosks.

3. COMMENTARY

Background

- 3.1 The Executive Committee on the 22nd March 2017 and Full Council on 10th April 2017 approved the detailed design, funding and programme for the ground plane works extending from Market Square to the Elmfield Junction, for the next phase of the Bromley town centre improvements. Officers were requested to bring back for Executive approval the detailed designs and costing for the proposed market kiosks, which forms the basis of this report.
- 3.2 The Council's Highway Engineering term contractor FM Conway have commenced implementation of Phase 1 of the improvement works between Market Square and Marks and Spencer. Phase 2 of the improvements is programmed to commence in January 2018, following the break for the Christmas and New Year trading period. The current programme sees the market relocated to its new position around Market Square taking place around the end of February 2018. Planning consent will need to be secured for both the market relocation and the new market kiosks.
- 3.3 The Executive also approved on 22 March 2017 Option C for the relocation, reorganisation and relaunch of Bromley market. To recap Option C seeks a relocated and reconfigured market to reduce the current number of stalls but focus on a higher quality offer – including more food (retail and catering) than at present. This option includes introducing 8 market kiosks in addition to the 21 pop up stalls. Given the proposed physical re-positioning of the market this option provided a unique opportunity to refocus the market offer rather than maintain the existing regime. This option would enable the Council to maintain the same level of income. To help implement this option the Council has re-commissioned market specialist Quarterbridge and a update on this workstream is contained later in this report.

Market Kiosk and Market Infrastructure

- 3.4 The design and procurement process for the market kiosks is being managed on behalf of the Council by Total Facilities Management Contractor AMEY, who have appointed ECD Architects to produce the design and costings for the market kiosks. The designs of the kiosks has been based on a modular design and this has been tested with a manufacturer to ensure that that it meets the necessary building specifications. The design and internal specifications have also been informed by input from market specialist Quarterbridge, who have provided information on the detailed requirements of potential tenants. Also given the sensitive location of the kiosks with the Bromley Town Centre Conservation Area officers has consulted on the emerging design with Ward Councillors and the Bromley Civic Society.
- 3.5 The resultant design consists of a contemporary structure clad in treated cedar finish which can be adapted to meet the requirements for general retail and the sale of hot and cold food. The detailed design for the kiosks are set out in Appendix 1. The kiosks will be procured in matching pairs, back to back, based on a modular frame. The smaller pair of units, which will be located south of the Primark entrance will measure 6m x 3m. The larger pair of units measuring 9m x 3m will be located north of the Primark entrance. In total there will be four pairs of kiosks comprising 8 individual units, although there is the potential to let a pair of units as a single unit subject to internal modification. The design and layout has also been determined by ensuring pedestrian and visual permeability in Market Square. It will be possible to trade from both main facades of the larger kiosks and the smaller units will have glazed units on the rear elevation to ensure that there is an active frontage and visibility through to the Primark store and guard against creating a tunnelling effect. The units have also been sited to maximise the gaps between the kiosks and the Primark entrance to ensure the remains plenty of circulation space and views of the window displays. The manufacturer has offered two potential finishes to the proposed kiosks openings, one being a glazed window and the other a roller shutter. It is

proposed that the final finish is agreed with potential tenants and approval of this design detail is delegated to the Director of Regeneration and Portfolio Holder for Renewal & Recreation.

Kiosk Costings

- 3.6 The kiosks have been costed on the basis of basic fit out that enables the occupiers the flexibility of customising the unit for their own commercial needs. This basic fit out includes mechanical and electrical engineering, a work top and sink, all plumbing and water boilers for providing hot water and foul sewage connections. The design team have also made provision in the budget for additional internal fittings to provide for hot food catering which have been included in the budget as an optional cost. Quarterbridge have advised that this additional fit specification will need to be discussed and agreed on an individual basis with potential occupiers. The manufacturing lead in time for the kiosks is 12 weeks and they will need to be installed on a pad foundation, the costs of which have been included in the connection costs. The report to Executive on the 22nd March 2017 costed the kiosks and pop up market stalls at £720k, the revised costings are therefore a reduction of £140k.
- 3.7 It is proposed that a tender package for the kiosks will be produced using a design and build procurement route/form of contract – this will be tendered to the open market in line with CPR’s and public contract regulations. The current advised procurement route anticipates appointing a main contractor who will undertake the procurement and management of the installation of kiosks and manage any groundworks and connections with the units subcontracted by them to the specialist suppliers.

Table 1

Kiosk and Pop Up Stall Costs	£'000
4 kiosks size (9m x 3m x 3.15m) Unit cost £42k per kiosk incl delivery & installation.	168
4 kiosks size (6m x 3m x 3.15m) Unit cost £32k per kiosk incl delivery & installation.	128
Utility services & kiosk infrastructure	64
Sub-Total of build cost	360
Main Contractor costs	81
Contingency @ 15% of build cost	54
Additional full fit out for catering per individual unit (£8k per unit)	64
Total cost for Kiosks	559
Cost of 21 pop-up market stalls (£1k per stall)	21
Total cost for Kiosks & Pop Up Stalls	580

Marketability

- 3.8 As well as the design and costing information Members also requested information on the likely demand for the market kiosks to justify the level of capital investment required. Feedback from market specialist Quarterbridge is that the current design and specification of the market kiosks is commercially attractive to potential tenants. They have estimated that fully let the 8 kiosks could generate an annual income of £100k. This would represent a maximum commercial yield of 17.2%, before any allowance is made for voids or any potential rental discounts. As part of the wider market reorganisation workstream Quarterbridge have undertaken a soft market

testing campaign to help gauge the potential response to the proposed market kiosk offer. Whilst this report has been written prior to the end of the campaign, Quarterbridge have stated that the results to date have shown that there is commercial interest in existing businesses operating a food retail or catering business from a kiosk in the High Street. Quarterbridge believe there has been good levels of interest overall including strong expressions of interest from existing market traders. During the soft market testing, Quarterbridge contacted existing market traders seeking expressions of interest, undertook a direct email campaign to regional businesses and launched a Facebook marketing campaign which reached over 75,000 people, with over 4100 post clicks.

- 3.9 Expressions of interest received to date through the campaign encompass a wide range of potential users, including artisan and traditional food retailers and specialist street food, representing a variety of cuisines.
- 3.10 Quarterbridge have advised that to reduce the financial risk to the Council, whilst planning permission for the market reorganisation and infrastructure is sought, a separate exercise is undertaken to prelet the kiosks. This will involve Quarterbridge marketing the kiosks and securing agreement for lease. Once these have been secured then the kiosks can be procured either as a group or single pair.

Update on market review project including stakeholder consultation

- 3.11 Following the decision to reconfigure the Market based on Option C endorsed by Members in March 2017, and allocation of a £40k implementation fund, the Council appointed the specialist markets consultants Quarterbridge to undertake work in preparation for the market move. The brief for the consultants includes the following elements of work:
- Lead consultation and engagement with all stakeholders including existing market traders, and establishing a Markets Consultative Panel.
 - Undertake detailed market research for the new market – to help confirm the business case
 - Advise on physical and spatial design development
 - Provide advice and coordinate the necessary steps required to amend the legal basis of the market and street trading pitches and undertake the relocation of existing traders.
 - Ensuring that the new market has the necessary Planning Permission (subject to Member approval)
 - Setting up management framework – including developing appropriate quality standards and application and vetting processes for traders on the new market
 - Plan and coordinate the launch of the new market
- 3.12 A key part of the role of the consultant has been to lead on the consultative process. Street market traders have been approached directly with regards to relocating while Conway continue the infrastructure and resurfacing works of the high street. A section in the Street Trading License allows London Borough of Bromley to relocate while works are completed.
- 3.13 Quarterbridge have set up a Steering Group, consisting of relevant Council managers alongside Quarterbridge staff, designed to make informed decisions with regards to the market relocation workstream and feed back into the Market Consultative Panel. In creating The Market Consultative Panel, Quarterbridge and the Local Borough of Bromley have the opportunity to update market stakeholders with the latest news surrounding design, progress and legal matters relating to the market. The panel will enable members to understand, consider and

comment upon strategic and practical issues associated with the redevelopment of Bromley High Street and the market. The members of the panel congregate on a monthly basis, and the panel consists of three market traders and one street trader. Both street and market traders were invited via email, with limited response we were able to invite all the traders who responded. Also included on the panel is the Chairman of the R&R PDS Committee – also a Bromley Town Centre ward Councillor, along with Council officers involved in the management of the market.

- 3.14 In addition to the consultative aspects of the project and soft market testing campaign, Quarterbridge have also submitted the first draft of the application pack for the new market, which will be presented at the next Market Consultative Panel meeting. The user clause mix is also being drafted along with the trader application pack. They have also prepared a briefing note to assist the Council in obtaining appropriate opinion on the legal status of the market and the options open to the Council associated with the High Street – and have also provided technical advice with regards to the design of the kiosks.
- 3.15 The proposed kiosks within Market Square will, assuming good design principles are followed, enhance the overall function and aesthetic of the Square. They will provide an opportunity to complement the mostly non-food retail nature of the units around the square with high quality specialist food retailing and catering, and will also enabling trading into the evening and for up to 7 days per week, thereby drawing increased footfall into Market Square for a longer period.
- 3.16 Members should note that further formal consultation will take place during the next few weeks as part of the need to obtain Planning Permission for the new site of the Market – and also in relation to the proposal to potentially amend the legal basis of the market. It is proposed that the planning application to relocate the market will be submitted before the middle of December to ensure that consent is granted before phase 2 of the improvement works can commence. It is proposed that the planning applications for the kiosks will also be submitted by the end of the year.

Potential changes to market management

- 3.17 At present the Council provides direct management of the existing 3-day market in Bromley through officers in Street Services with the Environment and Community Services Department. This involves a number of activities which may potentially be undertaken by an external operator and initial soft market testing suggests that there could be interest from commercial market operators in such a contract. However, because the possible commissioning of the market involves a number of complex issues, Officers will bring a separate Gateway report on the market testing of this service for a decision by Members in 2018 to ensure that the Council is achieving best value for the provision of market services.

Indicative implementation programme

- 3.18 The term contractor for street works have indicated that the High Street improvements will take a total duration of 20 months (excluding weekend working). The proposed changes to the market will necessarily have to follow the programme for the Public Realm works.

Phase	Timescale	Public Realm	Market Development
Phase 1 Duration of 5 months.	July to November 2017.	Market Square to Marks & Spencer. The precise cut off point will be subject to timing restrictions.	Concept and detailed design of new market kiosks (including further market testing) Commencement of work to amend legal basis of Market Submission of Planning Applications for new market location and kiosks December 2017 Planning approval for market relocation and kiosk designs February 2018 Purchasing of new pop up stalls
Phase 2 Duration of 8 months	January 2018 to August 2018	Churchill Theatre to the most southern raised planter (approximately outside Café Nero).	Launch of new market in new position (Jan / Feb 2018) Installation of Market Square kiosks Commence market testing of market management
Phase 3 Duration of 3 months	Scheme completion November 2018	The Elmfield arrival space	

Proposed feature Lighting

- 3.19 The original concept design for the High Street improvements included an aspiration to introduce an element of feature lighting into the High Street. This was to complement the feature lighting undertaken to the façade of the Churchill Theatre completed in 2012 as part of the Mayor of London's Outer London Fund. To support this a feasibility study was undertaken by a specialist firm to install architectural feature lighting to significant facades in the High Street buildings between Market Square and Marks and Spencer. The freeholders of all properties in this part of the High Street have been contacted about the proposals. The study included mock up trials, lighting buildings including Top Shop and Primark with coloured spot lights that can project a variety of colours and sequences, by remote control (Photographs of the mock up trials are shown in Appendix 2). The study has identified additional infrastructure requirements and has successfully tested a wireless data network which would allow all the lights to be controlled from an existing lighting controller in the Churchill Theatre.
- 3.20 A programme of lighting to a series of significant facades in the High Street, listed below, will cost £152k, which will be added to the existing High Street improvement scheme. It is proposed that the S106 payment of £152k secured from the Travelodge development in Bromley for town centre improvements is added to the overall scheme budget. Costings for the following buildings, which have been identified as they are particularly prominent and will create positive precedents for a potential expansion of the scheme. The programme will be delivered in two phases to match the receipt of the S106 monies. The second and final tranche is expected to be received during the Spring/Summer of 2018.

Table 2

Feature Lighting Costs	£'000
Primark (162 - 178 High Street)	40
JD Sports to Top Shop (145 - 151 High Street)	40
Marks and Spencer (123 High Street)	43
Wireless transmission devices	8
Legal Fees	7
10% Contingency	14
Total Cost for Feature Lighting	152

4. POLICY IMPLICATIONS

- 4.1 Proposals are in support of developing and maintaining the vibrancy of Bromley Town Centre, and as such contributes to the Building a Better Bromley key priority of Vibrant, Thriving Town Centres. The scheme will improve the economic sustainability of Bromley High Street encouraging footfall both during the day and evenings, and on quieter days of the week due to the 7 day per week operation of the kiosks.

5. FINANCIAL IMPLICATIONS

- 5.1 The Executive on 22 March 2017 approved the detailed design and programme for the Bromley Town Centre improvements and agreed that £2.844m be allocated from the Growth Fund to cover this cost. The decision to approve funding for the market kiosks was deferred until details of the design and costing were submitted for Executive approval.
- 5.2 The detailed designs and scheme costs for the market kiosks has now been fully completed and a summary of the costs are set out in Table 1 above. The total costs are expected to be £580k which is £140k less than previously reported. Approval is sought to allocate £580k from the Growth Fund and to add to the capital scheme.
- 5.3 It should be noted that physical works will not commence on the market until planning permission for the new site has been obtained.
- 5.4 At this stage of the scheme, the net controllable income is expected to be maintained at current levels for the market stalls and kiosks. Officers need to ensure that the services are market tested to ensure that best value for money is obtained.
- 5.5 It is proposed that the Section 106 contribution of £152k from the Elmfield Road Travelodge development for the public realm, will be added to the overall capital scheme budget to meet the costs of the Feature Lighting as detailed in Table 2. £76k was received in June 2017 and the remaining balance is expected to be received in Spring/Summer of 2018. The lighting works will be split into two Phases to coincide with the receipt of the payments.
- 5.6 Overall the Capital Programme will be increased by £732k and the total cost for the High Street Improvement scheme will be £3.576m.
- 5.7 It should be noted that a sum of £287k was allocated from the Investment Fund to meet the cost of the detailed design work and additional survey work. To date £204k has been spent/committed, leaving a balance of £83k.

5.8 A further report will be brought back to Members with details of the design and costs of the larger commercial units and the canopy.

6. PERSONNEL IMPLICATIONS

6.1 None for this report

7. LEGAL CONSIDERATIONS

7.1 The Council implemented the London Local Authorities Act 1990 (LLAA) in 1991 to regulate street trading in the Borough. This legislation also covers the Friday and Saturday market and the individual street traders. The Thursday Charter Market is exempt from street trading legislation.

7.2 The Council is not permitted to make a profit from a market registered under this legislation; it can only recover its costs. There is however no such statutory limitation on the costs chargeable for the Charter Market. Consequently, it is proposed that the market (other than the Charter Market) could potentially in future be licensed under the Food Act 1984 to enable the Council to maximise income. Officers are working with Quarterbridge to obtain appropriate legal advice to understand the options available to the Council.

7.3 The 5 existing permanent street traders, currently licensed under the London Local Authorities Act (LLAA), will also need to be transferred to the Food Act licensing regime and, as indicated above, possibly relocated. If they are to be relocated, it will be necessary to consult them and go through a statutory process to terminate their current licences before issuing new ones. There is an appeal procedure including a right of appeal to the Magistrates Court. It is intended that this procedure will also be run in parallel with the remainder of the programme. Because of the complexities of the procedures it may prove necessary to obtain Counsel's advice at some point as to the detail of the Council's handling of the necessary steps. It is also possible that one or more of the market or street traders may challenge the Council's action, leading to court proceedings which could affect timescales. There is therefore a possibility of incurring additional costs in the course of the project.

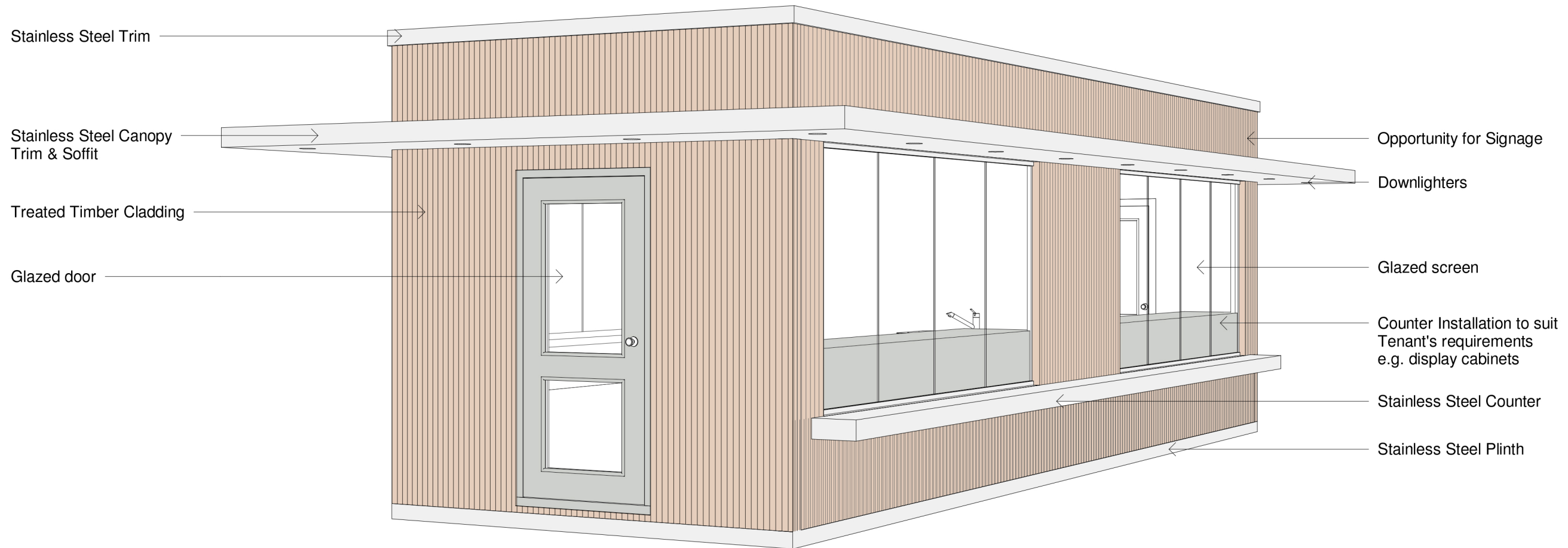
7.4 In addition to the proposals to amend the licencing regime, it should be noted that the new location for the Market will require full Planning Permission, authorisation for which is being sought from Members.

7. PROCUREMENT IMPLICATIONS

7.1 The procurement process will be managed by the Total Facilities Management Term Contractor, AMEY. It is proposed that the kiosks will be installed only when there is a pre-contractual agreement with tenants.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	

APPENDIX 1: BROMLEY MARKET KIOSKS



ECD COMPUTER FILE

NOTES

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8. This drawing is to be read in conjunction with the NBS Specifications.

D	SK	LP	23.10.17	COLOUR ADDED
C	SK	LP	20.10.17	REVISED TO COMMENTS RECEIVED 20.10.17
B	SK	DJ	19.10.17	REVISED TO COMMENTS RECEIVED 18.10.17
A	SK	DJ	16.10.17	ISSUED FOR CLIENT SIGN OFF
-	SK	DJ	03.10.17	FIRST ISSUE

REVISION	DRAWN BY	CHECKED	DATE	DESCRIPTION

DRAWING ISSUE

CONCEPT

CLIENT

LONDON BOROUGH OF BROMLEY



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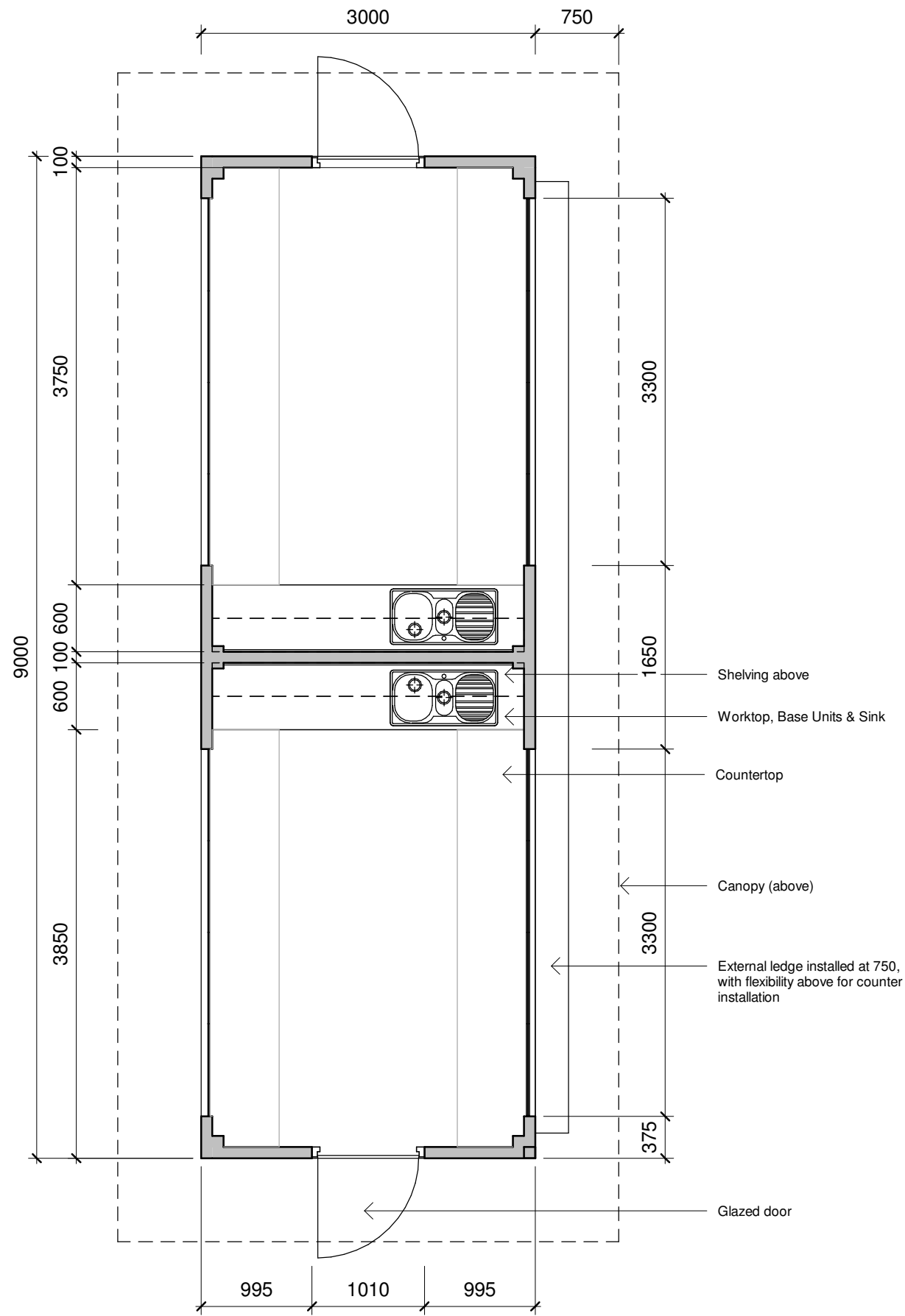
PROJECT TITLE

BROMLEY HIGH STREET

DRAWING TITLE

PROPOSED 3D VIEW - LARGE KIOSK

SCALE	DRAWN
@ A3	SK
DATE	CHECKED
28/09/17	DJ
DWG REF	REVISION
P-17-AB0304- 201	D



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B	SK DJ	16.10.17	ISSUED FOR CLIENT SIGN OFF
A	SK LP	06.10.17	REVISED TO COMMENTS 03.10.17
	SK DJ	03.10.17	FIRST ISSUE

REVISION	DRAWN BY	CHECKED	DATE	DESCRIPTION

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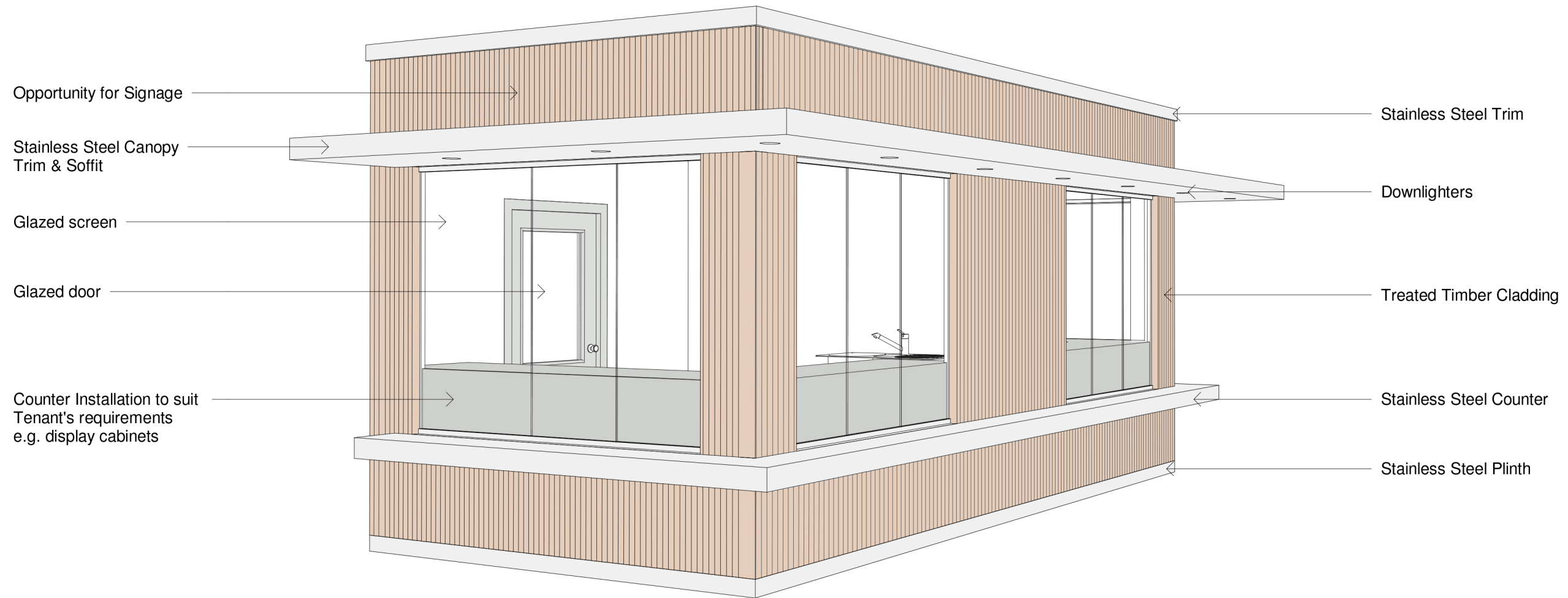
PROJECT TITLE
BROMLEY HIGH STREET

DRAWING TITLE
PROPOSED LAYOUT - LARGE KIOSK

SCALE	DRAWN
1 : 50 @ A3	SK
DATE	CHECKED
09/28/17	DJ
DWG REF	REVISION
P-17-AB0304- 101	C

NOTES

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-	SK	DJ	03.10.17	FIRST ISSUE

DRAWING ISSUE

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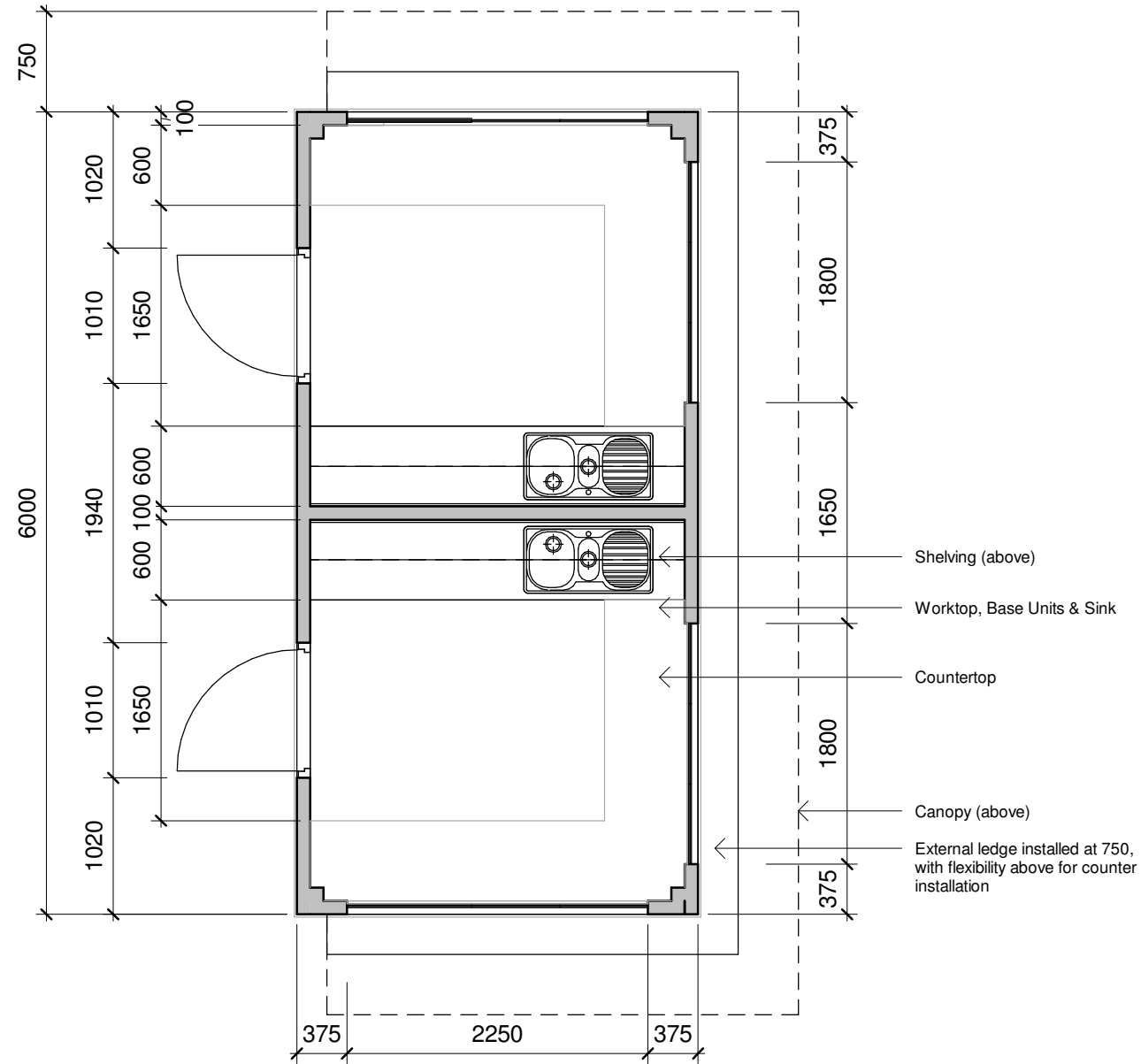
PROJECT TITLE

BROMLEY HIGH STREET

DRAWING TITLE

PROPOSED 3D VIEW - SMALL KIOSK

SCALE	DRAWN
@ A3	SK
DATE	CHECKED
09/28/17	DJ
DWG REF	REVISION
P-17-AB0304- 200	E



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A	SK LP	06.10.17	REVISED TO COMMENTS 03.10.17
	SK DJ	03.10.17	FIRST ISSUE

REVISION	DRAWN BY	CHECKED	DATE	DESCRIPTION

DRAWING ISSUE
CONCEPT
 CLIENT

LONDON BOROUGH OF BROMLEY

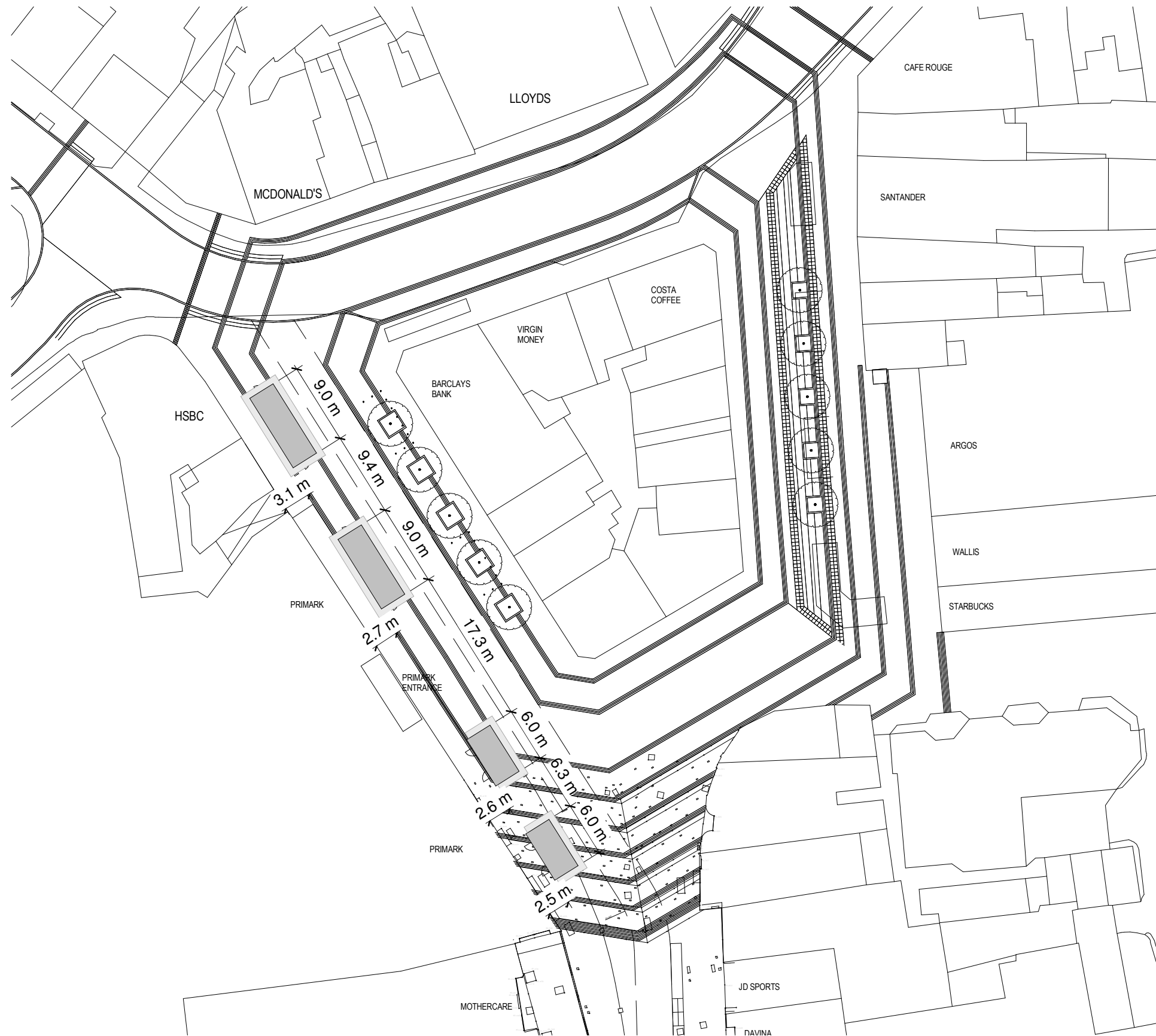


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PROJECT TITLE
BROMLEY HIGH STREET

DRAWING TITLE
PROPOSED LAYOUT - SMALL KIOSK

SCALE	DRAWN
1 : 50 @ A3	SK
DATE	CHECKED
09/28/17	DJ
DWG REF	REVISION
P-17-AB0304- 100	C



ECD COMPUTER FILE

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A	SK	LP	20.10.17	REVISED TO COMMENTS RECEIVED 20.10.17
-	SK	DJ	17.10.17	PROPOSED KIOSK LAYOUT ISSUED

REVISION	DRAWN BY	CHECKED	DATE	DESCRIPTION
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DRAWING ISSUE
CONCEPT
 CLIENT

LONDON BOROUGH OF BROMLEY



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PROJECT TITLE
BROMLEY HIGH STREET

DRAWING TITLE
PROPOSED SITE LAYOUT - KIOSKS

SCALE	DRAWN
1 : 500 @ A3	SK
DATE	CHECKED
10/17/17	DJ
DWG REF	REVISION
P-17-AB0304-001	B

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APPENDIX 2: STREET LIGHTING MOCK UP TRIALS

	
<p>No. 145 High Street (JD Sports to Top Shop)</p>	<p>No. 145 High Street (JD Sports to Top Shop)</p>
	
<p>No. 162 -178 High Street (Primark)</p>	<p>No. 162 -178 High Street (Primark)</p>
	
<p>No.157 High Street (Off Spring)</p>	<p>No.157 High Street (Off Spring)</p>

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Report No.
DRR17/060

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: 1 November 2017

Decision Type: Non-Urgent Non-Executive Non-Key

Title: TOWN CENTRES DEVELOPMENT PROGRAMME UPDATE

Contact Officer: Kevin Munnelly, Head of Renewal
Tel: 020 8313 4519 E-mail: kevin.munnelly@bromley.gov.uk

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

Ward: All Wards

1. Reason for report

- 1.1 To update Members on progress in delivering the Town Centres Development and Growth Programme.
-

2. RECOMMENDATION(S)

- 2.1 That Members note the progress on the delivery of the Town Centres Development and Growth Programme.
- 2.2 That Members note the addition of a further £163k of Section 106 funding from the Old Orpington Police Station Development towards the Walnut Shopping Centre Public Realm Improvements project, subject to Executive approval.

Corporate Policy

1. Policy Status: Existing Policy: Bromley Town Area Action Plan
 2. BBB Priority: Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A:
 3. Budget head/performance centre: Renewal budget, Capital Programme and S106 Funding
 4. Total current budget for this head: £14.050m
 5. Source of funding: Town Centre Development Fund, Growth Fund, Investment Fund, S106 resources, NHB/GLA High Street funding and TfL funding
-

Staff

1. Number of staff (current and additional): 5
 2. If from existing staff resources, number of staff hours:
-

Legal

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

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillor's comments: Officers hold regular update meetings with Ward Councillors.

3. COMMENTARY

Development Programme

- 3.1 As agreed at R&R PDS on 1 April 2014 this report provides updates for only those individual projects where progress has been made.

Site G: West of the High Street

- 3.2 On the 19th July 2017, the Executive approved the terms of the proposed development agreement and lease with Countryside Properties (UK) Ltd and the Council has now conditionally exchanged the development agreement.
- 3.3 Countryside will be undertaking further pre-application meetings with the Council and GLA and a further round of public consultation on the scheme design in November. It is anticipated that a full planning application will be made in March next year.
- 3.4 As required by the AAP Inspector the Council is preparing to publish and consult on a Masterplan for Opportunity Site G in January 2018. This will inform the location, mix and amount of development for the next phases within the allocation in order to ensure the development targets are met. The Master Plan will be subject to a six week public consultation and the results of this consultation will be reported back to the Executive for consideration and approval.

The following development programme has been prepared based on Countryside submitting a full planning application for the scheme by the end of March 2018. The resulting milestones have been drafted based on this submission date and illustrate the estimated length of each stage in the process.

- Exchange Development Agreement – Sept 17
- Public Planning Consultation on Countryside Scheme – Nov 17
- Consultation on Wider Site G Masterplan Jan 18
- Executive Approval of Scheme March 2018
- Submit Planning Application March 2018
- Prepare Compulsory Purchase Order documentation March 2018
- Secure Planning Consent Sept 2018
- Make Compulsory Purchase Order Winter 2018
- Compulsory Purchase Inquiry Autumn 2019
- Commence Development Spring 2020
- Completion Spring 2025

- 3.5 Further details of the Site G acquisition strategy are the subject of a separate Part 2 Executive report covering the financial aspects of the project. Future updates on the progress of the development programme for Site G will be regularly reported to the R&R PDS committee and reported on a quarterly basis to the Executive.

Site A: Bromley North Station

- 3.6 The Draft Local Plan – with the allocation for Bromley North Station as it stood in the consultation document was submitted to the Executive on the 20th of June and ratified by Full Council on 26th June. Following on from this, the Draft Local Plan was submitted on the 11th of August to the Planning Inspectorate for Examination. The Local Plan Examination will commence on 4th December 2017 and has been timetabled for 2 weeks.

- 3.7 The Examination will commence with an initial investigation into whether the Council have complied with basic regulations and will conclude with the receipt of the Inspector's final report. The Council should then move to adopt the new Local Plan which will replace the Unitary Development Plan in its entirety and selected elements of the Bromley Town Centre Area Action Plan.
- 3.8 To date developers BE, formerly Prime Place, have reported that they had entered into a development agreement with Network Rail and they proposed to submit a planning application for the first phase of development on the Sherman Road portion of the site for a residential led mixed use scheme. The have undertaken public consultation on this scheme prior to a submission of a planning application.

Bromley Town Centre High Street Public Realm Improvements

- 3.9 This will be the subject of a separate report at the R&R PDS and Executive committees on 1st and 7th November 2017 respectively.

Beckenham Town Centre Public Realm Improvements

- 3.10 The Council's Highway term contractor FM Conway have completed the initial phase of works at the High Street junction with Albemarle, Rectory and Southend Road and the New kerb alignments and paving have been completed for the High Street between Beckenham Junction and Thornton's Corner (phases 1 and 2 of the improvements). Phase 3 is well under way with improvements to Thornton's Corner complete and new paving on the southside of the High Street programme. The rebuilding of the planters on Beckenham Green has largely been completed. The remainder of the works on the Green are due to be completed by the 2nd December.
- 3.11 A weekly newsletter is currently sent to a data base of local businesses and interested parties and a FM Conway's business liaison officer is continuing to meet local businesses to discuss their concerns and advise of forthcoming works that may affect them. The project team are continuing to provide regular updates to both the Beckenham Town Centre Working Party and Beckenham Business Association meetings. Another meeting with the local traders was held on the 25th September 2017.

Beckenham Green Canopy

- 3.12 As part of the Beckenham public realm scheme, Beckenham Green's stone paved stage will form part of an architectural competition for the concept design of a canopy. This was supported by members on 26th January 2017, during the R&RPDS.
- 3.13 To date, this proposal has been presented to the Beckenham Town Centre Working Group and it is anticipated the competition brief will be released later this month through the LBB website. This will be aimed at architectural students and young architectural professionals throughout London. The deadline for canopy design entries will be the 15th of January 2018 and entries will be presented to the Beckenham Town Centre Working Group late January 2018. Judging will include Beckenham Town Centre Working Group members to shortlist 6 designs and the Head of Renewal will be the final judge. The winning entry will be award a cash prize of £500, and their entry will inform a brief for the design and manufacture of the canopy.

Orpington Walnut Shopping Centre Public Realm Scheme

- 3.14 Paving for Market Square is complete and the contractors are currently working on cladding the new fire escape and installing the benches in the square. Work will be paused for the Christmas period with the contractors returning in the New Year to commence phase 2.
- 3.15 At a progress meeting with the stakeholders (subject to confirming budget), the Council proposed to repave Areas B, C & D in Appendix 1 as the Phase 2 programme of work to achieve the desired continuity and aesthetic of the scheme. The Cinema Square (Area E) was repaved circa 18 months ago and has not been included in the current scope of works
- 3.16 Officers advise the Phase 2 work as scheduled to commence from the week commencing 8th January 2018. The work could take up to 4 months to complete (if the arms are done sequentially) as indicated in the following Outline Programme:

Phase 2 Areas	Tentative Start Date	Duration
Area D - 709.20m ²	08 th January 2018	5 weeks
Area C - 819.30m ²	12 th February 2018	6 weeks
Area B - 552.2m ²	26 th March 2018	4 weeks

- 3.17 The January start has been agreed with the Walnuts Centre (so as not to interfere with the December shopping period and their planned seasonal events), with Berkeley Homes (while they await their hoarding to be struck) and with the term Contractors FM Conways, who have indicated that there are current delivery delays to further materials.
- 3.18 Discussions are also continuing to take place between officers and Berkeley Homes to agree the phasing and funding of the next phase of improvements to the arms radiating from the Square. As part of the discussions, Berkeley Homes have agreed and subsequently made an advance payment of their first three stages of Section 106 contributions totalling £244k, towards the Walnut's Public Realm to facilitate the progress of the project.

Orpington Business Support and Regeneration Strategy

- 3.19 The remaining part of the New Homes Bonus programme to be delivered by Orpington First is running of a Pop Up Shop in Orpington High Street until October 2017 – for which no additional fees will be paid by the Council.
- 3.20 Cushman and Wakefield, the Council's appointed real estate advisers have been instructed to prepare a review of the opportunities in Orpington town centre. This work has commenced and will in due course be presented to Members and the Executive with appropriate recommendations as to a strategic approach for Orpington.

Penge Town Centre Improvements

- 3.21 Implementation of the New Homes Bonus programme of improvement works to Penge High Street, commenced in October with the removal of the long standing canopy structure and partitioning wall in Empire Square. Work is scheduled to move to Arpley Square over the November/December period pausing for Christmas. The contractors will return to Empire Square in January to lay the new paving, install furniture and plant trees. Following this, the contractors will move on to the Penge Triangle area and ultimately implement the junction works. All work is anticipated to be completed by March 2018. The Stage 4 drawings of the two squares are attached as Appendix 2 along with an indicative image of the completed Empire Square.

3.22 As part of the New Homes Bonus-funded business support programme for Penge the 'Penge Tout' pop up shop continues to operate. It has played host to up to 9 small and new businesses offering a range of art, handmade craft, clothing, accessories, furnishings and giftware. It is expected that the shop will operate, managed by the traders themselves, until mid-February 2018, when the Council's lease expires.

Growth Projects Update

3.23 Officers have submitted an Expression of Interest bid to the Mayor's Good Growth Fund for a Bromley Co-working Hub pilot. If successful, this may result in the submission of a full bid in early December. The Good Growth Fund is the Mayor of London's new regeneration programme delivered through the London Economic Action Partnership (LEAP). A successful bid to the fund will provide funding to secure and create workspace and business support hub to deliver balanced growth and vibrancy in the Town Centre. Successful projects will be announced in January 2018 with delivery to commence in March 2018.

3.24 As part of this exercise, officers are exploring the potential of a proposal utilising the vacant Adventure Kingdom site for a pilot co-working space hub project. It is proposed that this will be a temporary project that will run for a year with the objective of providing a testing model to support a wider strategy for securing workspace within new mixed-use developments coming forward in the town centres as part of the Council's Growth initiatives.

Shortland's War Memorial Repair

3.25 The cross has been repaired and it will be reinstated at the site during week commencing 16th October in time for Remembrance Day events.

Victoria Cross Commemorative Ceremony

3.26 Officers are currently looking to organise with the Royal Navy the commemorative ceremony for Lieutenant Commander Geoffrey White, with the view of laying his paving stone at Bromley War Memorial, St Martins Hill on 29th January 2018. Department for Communities and Local Government which sponsors the commemorative paving stone for every recipient of the Victoria Cross (VC) during WW1, will be delivering two of these stones to the Council before the 100th anniversary of all VC recipients, who are currently confirmed as:

- Lieutenant Commander Geoffrey White Royal Navy being posthumously awarded the VC on 28 January 1918 for his actions as Commanding Officer of HM Submarine E14. He was born in what is today 8 Durham Rd Bromley BR2 0SG, within Shortlands.
- Private Herbert Columbine, Machine Gun Corps, British Army being posthumously award the VC on 22 March 1918 for his actions in the 9th Squadron. He was born in Penge.

Bromley North Gate

3.27 On 2 February 2017, the Planning Sub-Committee granted planning permission for the installation of a gate on the footpath between Naval Walk and Edison Road. As required within the planning decision notice all properties within Edison Road and St Paul's Square and business owners on Church Road were given the access code late August for entry and egress through the gate. The gate became fully operational on the 26th September. The Town Team will be monitoring the operation of the gate and its effect on footfall on High Street North while the Parking Department will monitor its impact on the use of the Hill Car Park.

4. POLICY IMPLICATIONS

- 4.1 Work delivering the Town Centres Development Programme is entirely consistent with Policy Objectives set out in Building A Better Bromley and the Renewal & Recreation Portfolio Business Plan 2016/17. The work of the Renewal team links to the Building a Better Bromley priorities by working towards the provision of Vibrant and Thriving Town Centres.

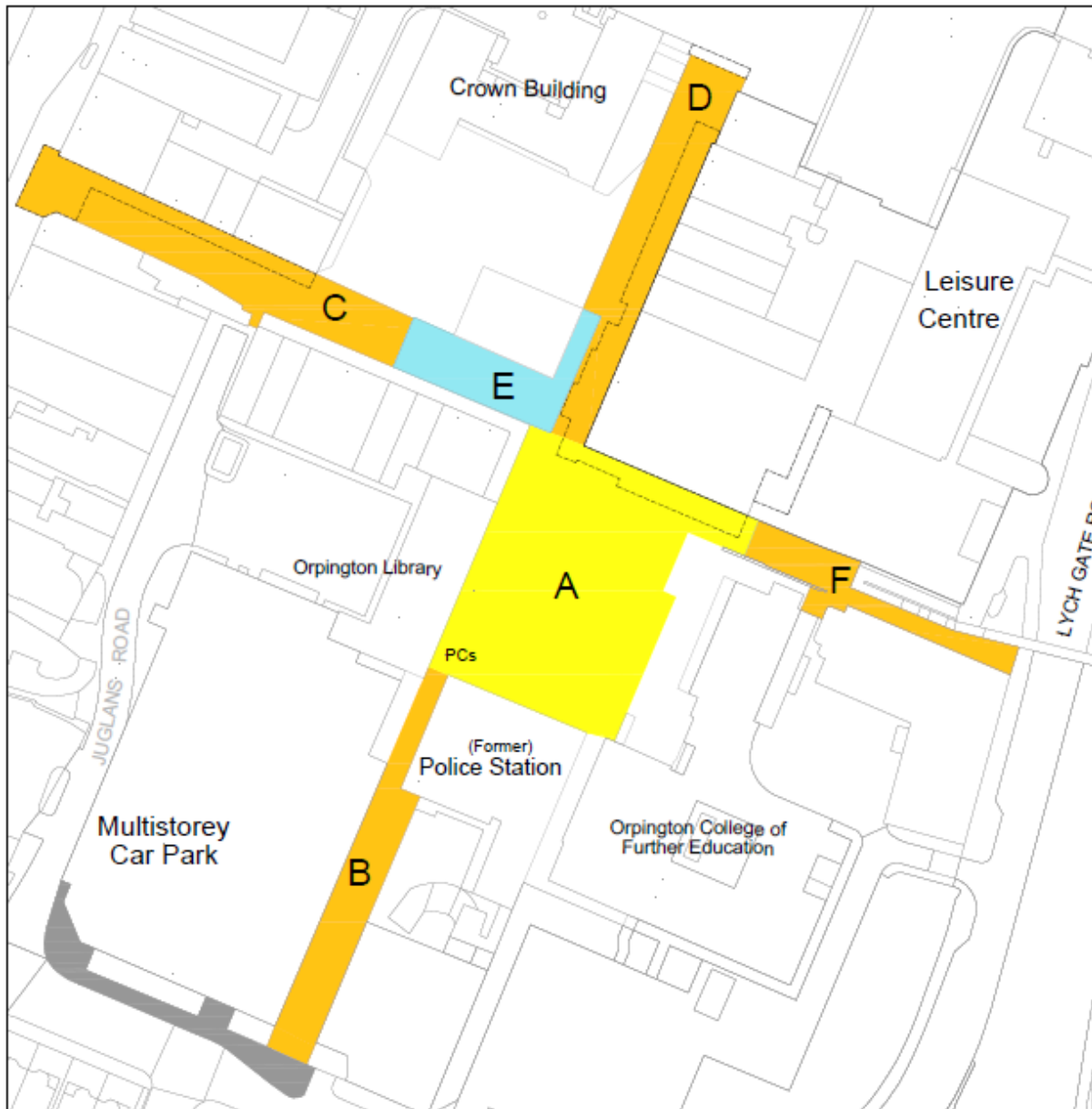
5. FINANCIAL IMPLICATIONS

- 5.1 Work relating to Opportunity Site G including site acquisition cost is funded from the Growth Fund. This includes £200k allocated for specialist development consultancy towards the conclusion of the development agreement of which £49k has been spent and committed leaving a balance of £151k.
- 5.2 Berkeley Homes have made a further payment of £163k of Section 106 contributions towards the Walnuts Public Realm Improvement project. This constitutes two of the three remaining stages of payment, leaving a final outstanding balance of £81.5k which will be paid on the occupation of the 42nd unit of the development. Executive approval is required to add the £163k to the Orpington scheme in the Capital Programme. It should be noted that the revenue maintenance costs of the Orpington Public Realm Scheme will be borne by the Head Leaseholder.
- 5.3 The cost of the repair strategy and physical works toward the restoration of the Shortland's War Memorial will be funded by the insurance company of the driver of the vehicle that caused the damage.
- 5.4 The Bromley High Street Public Realm scheme, approved by the Executive, will result in additional revenue costs of £60k per annum for enhanced cleaning of the area and maintenance costs for the trees and planting with effect from April 2018. The developers of the Travelodge Scheme in Elmfield Road have made a Section 106 payment of £76k towards Bromley Town Centre High Street improvements. This contribution will offset the Growth Fund contribution to the scheme.
- 5.5 The table below summarises the financial position for each Town Centre Development project. It shows individual budgets, funding streams, spend and commitments and the remaining balances, including the split between capital and revenue expenditure: -

Capital	Budget £'000	Spend Com'tmts £'000	£'000	Total £'000	Balance £'000
<u>Site G</u>					
Grow th Fund - Properties w ithin red line development site	2,700.0	929.3	0.0	0.0	2,700.0
Grow th Fund - Specialist legal & development advice	200.0	48.6	0.6	49.2	150.8
Private Developer contribution (Subject to Exeuctive approval)	100.0	0.0	0.0	0.0	100.0
S106 PIL	359.6	359.6	0.0	359.6	0.0
	3,359.6	1,337.5	0.6	408.8	2,950.8
<u>Beckenham Improvement Scheme *</u>					
TfL Funding (subject to approval)	2,846.0	1,158.4	401.5	1,559.9	1,286.1
TfL Funding - LIP allocation re Southend Rd/Rectory Rd	200.0	200.0	0.0	200.0	0.0
Capital receipts	995.0	0.0	0.0	0.0	995.0
Earmarked Reserve balance for Beckenham Improvements	150.0	0.0	0.0	0.0	150.0
Principal Road Maintenance TfL allocation (Subject to approval)	250.0	0.0	0.0	0.0	250.0
	4,441.0	1,358.4	401.5	1,759.9	2,681.1
<u>New Homes Bonus and High Street Funded Projects</u>					
Penge Tow n Centre Improvements	746.0	85.7	37.2	122.9	623.1
Orpington Tow n Centre	525.0	372.9	85.5	458.4	66.6
	1,271.0	458.6	122.7	581.3	689.7
<u>Orpington Tow n Centre</u>					
S106 funding tow ards Walnuts Shopping Centre area	106.0	106.0	0.0	106.0	0.0
S106 funding received (Subject to Executive approval)	163.0	0.0	0.0	0.0	163.0
	269.0	106.0	0.0	106.0	163.0
<u>Bromley Tow n Centre Public Realm Scheme</u>					
S106 funding (Subject to Executive approval)	76.0	0.0	0.0	0.0	76.0
Grow th Fund (may be replaced by S106 funding w hen available)	3,564.0	0.0	0.0	0.0	3,564.0
	3,640.0	0.0	0.0	0.0	3,640.0
Total Capital	12,980.6	3,260.5	524.8	2,856.0	10,124.6
Revenue					
<u>New Homes Bonus and High Street Funded Projects</u>					
Penge Tow n Centre Improvements	200.0	62.0	2.9	64.9	135.1
Orpington Tow n Centre	100.0	81.4	0.0	81.4	18.6
Biggin Hill Aviation Technology & Enterprise Centre	150.0	108.3	0.0	108.3	41.7
Cray Business Corridor	150.0	91.6	0.6	92.2	57.8
	600.0	343.3	3.5	346.8	253.2
<u>Bromley Tow n Centre High Street redevelopment programme</u>					
Investment Fund - Initial feasibilty cost of development programme	118.0	80.8	2.4	83.2	34.8
Investment Fund - Detailed design cost & survey w ork	287.0	126.1	78.0	204.1	82.9
Broadband Infrastructure Investment project	64.7	64.7	0.0	64.7	0.0
Sub-total High Street Redevelopment	469.7	271.6	80.4	352.0	117.7
Total Revenue	1,069.7	614.9	83.9	698.8	370.9
Total Funding - Capital and Revenue	14,050.3	3,875.4	608.7	3,554.8	10,495.5

Non-Applicable Sections:	Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	NA

APPENDIX 1: ORPINGTON WALNUTS PUBLIC REALM IMPROVEMENT AREAS DIAGRAM



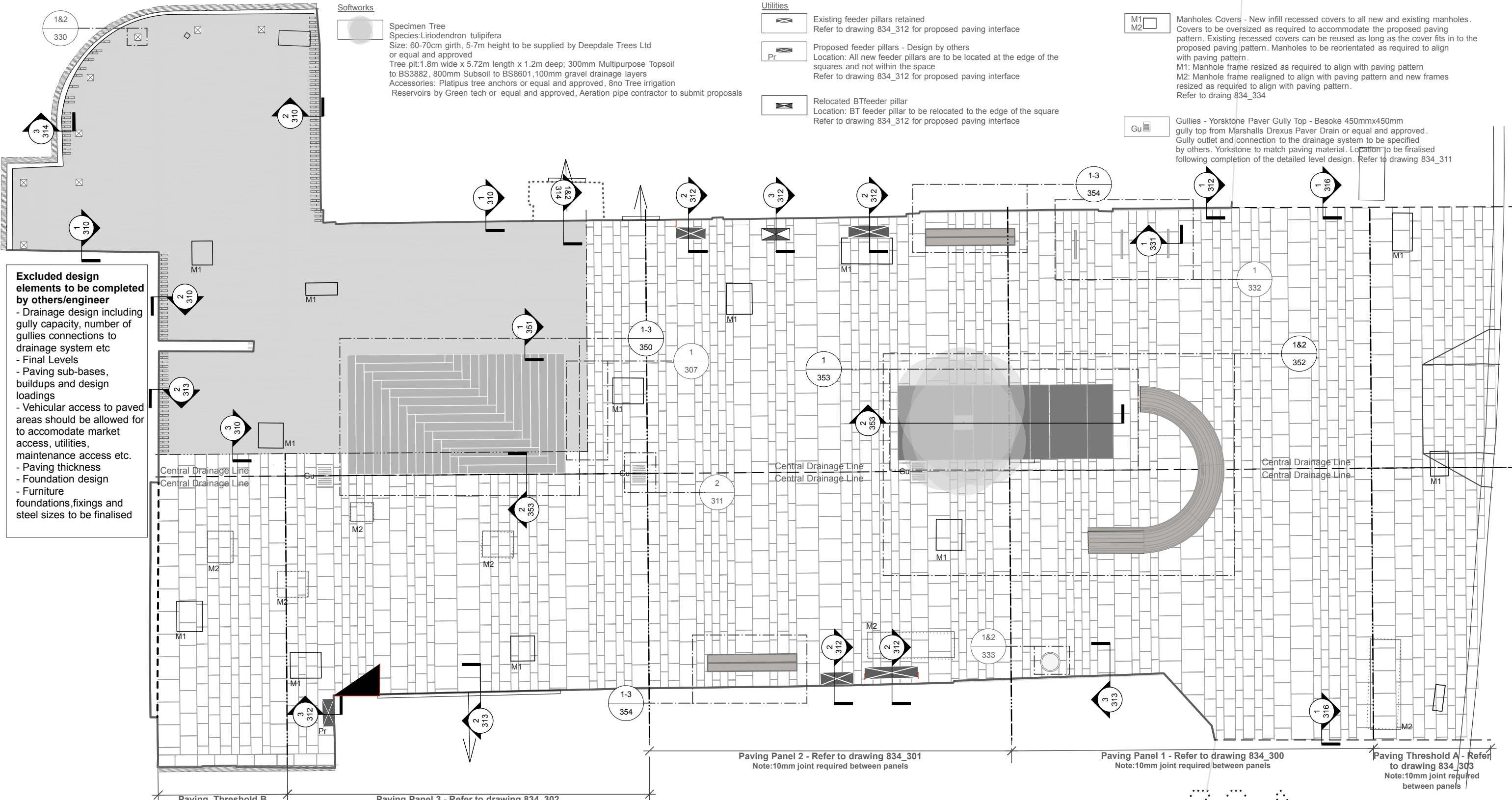
Area Key:

- A – Walnuts Square (Phase 1)
- B – Homefield Rise/Sainsburys Arm
- C – High Street Arm
- D – Shopping Centre Arm
- E – Cinema Square
- F – Lychgate Road Arm

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APPENDIX 2:
PENGE - EMPIRE SQUARE AND ARPLEY SQUARE
IMPROVEMENTS STAGE 4 DRAWINGS





Excluded design elements to be completed by others/engineer

- Drainage design including gully capacity, number of gullies connections to drainage system etc
- Final Levels
- Paving sub-bases, buildups and design loadings
- Vehicular access to paved areas should be allowed for to accommodate market access, utilities, maintenance access etc.
- Paving thickness
- Foundation design
- Furniture foundations, fixings and steel sizes to be finalised

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- Key**
- Hardworks**
- Moseldon Yorkstone Paving - Staggered bond in rows of varying width on a rigid construction in the following sizes; Joints:10mm joints Refer to drawings 834_300/301/302/303 for paving layout and 834_311 for row arrangements Subbase Design by others
 - Clay Pavers - Murcia Nostalgie 205mm x 50mm x 85mm laid on end in a linear staggered arrangement Joint:10mm Refer to drawings 834_307 for paving layout
 - Durbar finish to tree pit - 10mm steel durbar plate 2m x 5.94m rusted and treated with rust inhibitor Refer to drawings 834_352/353
 - Crossing Point - Design by others as part of the Highway Design. Crossing to be integrated into the paving pattern.
 - Making Good - Existing surface to be repaired as required and made good to create a flush interface with the proposed hardworks

Softworks

- Specimen Tree
Species: Liriodendron tulipifera
Size: 60-70cm girth, 5-7m height to be supplied by Deepdale Trees Ltd or equal and approved
Tree pit: 1.8m wide x 5.72m length x 1.2m deep; 300mm Multipurpose Topsoil to BS3882, 800mm Subsoil to BS8601, 100mm gravel drainage layers
Accessories: Platypus tree anchors or equal and approved, 8no Tree Irrigation Reservoirs by Green tech or equal and approved, Aeration pipe contractor to submit proposals

- Utilities**
- Existing feeder pillars retained Refer to drawing 834_312 for proposed paving interface
 - Proposed feeder pillars - Design by others Location: All new feeder pillars are to be located at the edge of the squares and not within the space Refer to drawing 834_312 for proposed paving interface
 - Relocated BTfeeder pillar Location: BT feeder pillar to be relocated to the edge of the square Refer to drawing 834_312 for proposed paving interface

- M1 M2 Manholes Covers - New infill recessed covers to all new and existing manholes. Covers to be oversized as required to accommodate the proposed paving pattern. Existing recessed covers can be reused as long as the cover fits in to the proposed paving pattern. Manholes to be reorientated as required to align with paving pattern.
M1: Manhole frame resized as required to align with paving pattern
M2: Manhole frame realigned to align with paving pattern and new frames resized as required to align with paving pattern. Refer to draing 834_334
- Gu Gullies - Yorkstone Paver Gully Top - Besoke 450mmx450mm gully top from Marshalls Drexus Paver Drain or equal and approved. Gully outlet and connection to the drainage system to be specified by others. Yorkstone to match paving material. Location to be finalised following completion of the detailed level design. Refer to drawing 834_311

- Site Furniture**
- Bespoke Timber Stage Construction - Refer to drawing 834_350/351
 - Bespoke Timber Curved Seat Construction - (Refer to drawing 834_352)
 - Bespoke Timber Bench - Refer to drawing 834_354
 - 3 no Existing Cycle parking - Existing cycle stands removed from Empire Square, cleaned and reinstalled with a concrete foundation set below the paving. Foundation design by others. Refer to drawings 834_331/332
 - 8 no Timber Bollards Specification: Hardwood Square Timber Bollard by Woodscape of equal and approved Size: 175mmx175mm, 1050mm above aground Foundation: Concrete foundation root design set below the paving, foundation design by others Refer to drawings 834_330
 - 1 no Galvanized Steel Litter Bin Specification: Halls Litter Bin by Artform or equal and approved Size: 90litre, 520mm wide and 990mm high; Material: Galvanized steel with polyester powder coated in RAL9005 Jet Black Fixing: Hidden fixing resined in to concrete foundation to manufacturer's recommendation; Refer to drawings 834_333



REV.	DESCRIPTION	BY	CHK	DATE
00	Stage 4	KLT	KLT	23.06.17

STAGE 4

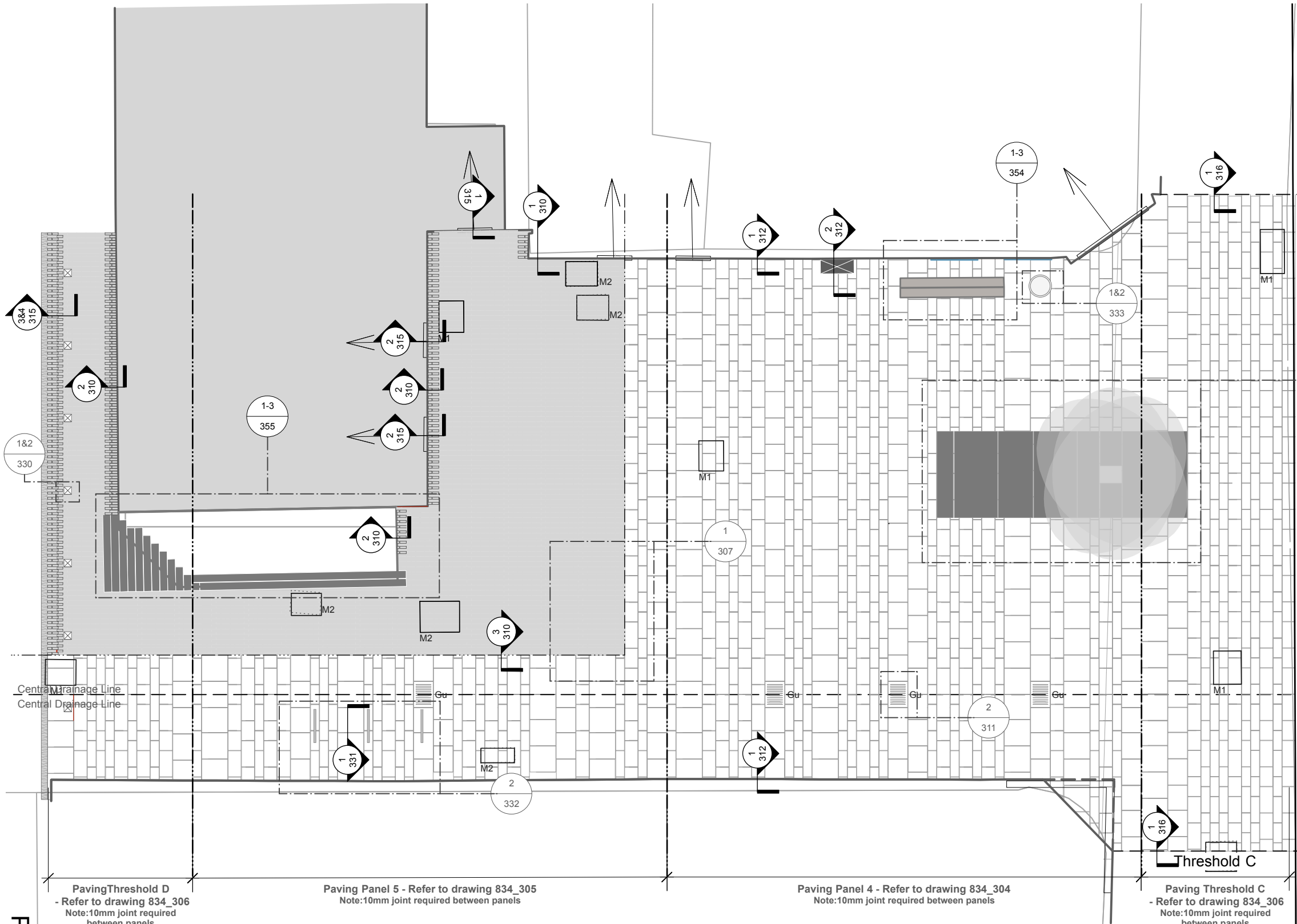
KINNEAR LANDSCAPE ARCHITECTS
3rd Floor West, 1-3 Coate Street, London E2 9AG
tel. 020 7729 7781, fax. 020 7729 8809, email.info@kland.co.uk

JOB 834_Penge Squares

TITLE Stage 4: Empire Square General Arrangement Plan

SCALE 1:100@A3 DRAWING NO. 834_110 REV. 00





- Softworks**
- Specimen Tree
Species: *Liriodendron tulipifera*
Size: 60-70cm girth, 5-7m height to be supplied by Deepdale Trees Ltd or equal and approved
Tree pit: 1.8m wide x 5.72m length x 1.2m deep; 300mm Multipurpose Topsoil to BS3882, 800mm Subsoil to BS8601, 100mm gravel drainage layers
Accessories: Platipus tree anchors or equal and approved, 8no Tree irrigation Reservoirs by Green tech or equal and approved, Aeration pipe contractor to submit proposals
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- Existing feeder pillars retained
Refer to drawing 834_312 for proposed paving interface
 - Proposed feeder pillars - Design by others
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Refer to drawing 834_312 for proposed paving interface
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- Paving thickness
- Foundation design
- Furniture foundations, fixings and steel sizes to be finalised

Page 175

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Subbase Design by others
 - Clay Pavers - Murcia Nostalgie 205mm x 50mm x 85mm laid on end in a linear staggered arrangement
Joint: 10mm
Refer to drawings 834_307 for paving layout
 - Durbar finish to tree pit - 10mm steel durbar plate 2m x 5.94m rusted and treated with rust inhibitor
Refer to drawings 834_353
 - Making Good - Existing surface to be repaired as required and made good to create a flush interface with the proposed hardworks

- Site Furniture**
- Bespoke Timber/Corten Planter Construction - Refer to drawing 834_355
 - Bespoke Timber Bench - Refer to drawing 834_354
 - 3 no Existing Cycle parking - Existing cycle stands removed from Empire Square, cleaned and reinstalled with a concrete foundation set below the paving. Foundation design by others.
Refer to drawings 834_331/332
 - 7 no Timber Bollards
Specification: Hardwood Square Timber Bollard by Woodscape of equal and approved
Size: 175mmx175mm, 1050mm above ground
Foundation: Concrete foundation root design set below the paving, foundation design by others
Refer to drawings 834_330
 - 1 no Galvanized Steel Litter Bin
Specification: Halls Litter Bin by Artform or equal and approved
Size: 90litre, 520mm wide and 990mm high
Material: Galvanized steel with polyester powder coated in RAL9005 Jet Black
Fixing: Hidden fixing resined in to concrete foundation to manufacturers recommendation
Refer to drawings 834_333



REV.	DESCRIPTION	BY	CHK	DATE
00	Stage 4	KLT	KLT	23.06.17

STAGE 4

KINNEAR LANDSCAPE ARCHITECTS
3rd Floor West, 1-3 Coate Street, London E2 9AG
tel. 020 7729 7781, fax. 020 7729 8809, email.info@kland.co.uk

JOB 834_Penge Squares

TITLE Stage 4: Arpley Square General Arrangement Plan

SCALE 1:100@A3 DRAWING NO. 834_111 REV. 00

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Report No.
DRR 17/053

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Renewal and Recreation PDS Committee

Date: 1st November 2017

Decision Type: Non-Urgent Non-Executive Non-Key

Title: Contract Register & Contracts Database Update

Contact Officer: Colin Brand – Director of Regeneration

Chief Officer: Colin Brand – Director of Regeneration

Ward: All Wards

1. Reason for report

- 1.1 This report presents an extract from September 2017's Contracts Register for scrutiny by PDS Committee – all PDS committees will receive a similar report each cycle.
- 1.2 This report is based on information, covering all Portfolios, which was presented to Contracts Sub Committee on 21 September 2017.
- 1.3 The Contracts Register appended to the corresponding 'Part 2' report (DR17/054) includes a commentary on each contract.
- 1.4 This report also updates PDS Committee on progress with the Council's new Contracts Database (which generates the Contract Registers among other things).

2. **RECOMMENDATIONS**

That PDS Committee:

- 2.1 reviews the appended £50k Contracts Register (which also forms part of the Council's commitment to data transparency) and
- 2.2 notes that the Contracts Register appended to the corresponding Part 2 report (DR17/054) contains additional, potentially commercially sensitive, information in its commentary.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Contracts Register covers services which may be universal or targeted. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts award and monitoring reports, and service delivery rather than this report.
-

Corporate Policy

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

Financial

1. Cost of proposal: - N/A
 2. Ongoing costs: - N/A
 3. Budget head/performance centre: Renewal and Recreation Portfolio
 4. Total current budget for this head: - £9.433m
 5. Source of funding: - Controllable budget for 2017/18
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Improves the Council's approach to contract management
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY


Contracts Register Background

- 3.1 The appended Contracts Register details key information concerning the Renewal and Recreation Portfolio contracts with a Total Contract Value (TCV) greater than £50k (as of 11 September 2017).
- 3.2 The Register is generated from the Council's new Contracts Database (CDB) which is administered by Commissioning & Procurement Directorate and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.3 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and registers are reviewed by the Commission Board, the Corporate Leadership Team, and Contracts Sub-Committee as appropriate.
- 3.4 It is anticipated that the information will be updated four times a year following Contract Sub Committee meetings in: September 2017; November 2017; March 2018 and June 2018.
- 3.5 Each PDS committee will undertake detailed scrutiny of its contracts – including scrutinising suppliers – and hold the Portfolio Holder to account on service quality and procurement arrangements.

Contract Register Summary


- 3.6 The table below summarises key data from September's £50k+ Contracts Register Report for all six portfolios (including this portfolio).

All Portfolios

Issue	Data	Number	Percentage
Contracts (>£50k)	All Portfolios	265	100%
Flagged as a concern 	All Portfolios	11	6.1%
Contracts by Portfolio	Care Services	106	40%
	Environment	20	7.5%
	Education, Children & Families	60	22.6%
	Public Protection & Safety	6	2.3%
	Renewal & Recreation	19	7.2%
	Resources	54	20.4%
TOTALS		265	100%
Contracts by Risk Index	Red	19	7.17%
	Amber	95	35.85%
	Yellow	123	46.42%
	Green	28	10.57%
TOTALS		265	100%
Contracts by Procurement Status	Red	96	29.25%
	Amber	73	31.13%
	Yellow	29	19.81%
	Green/Black/New	67	19.81%
TOTALS		265	100%


3.7 Key information, for this Portfolio, extracted from September's £50k+ Contracts Register.

Insert your Portfolio table here (from PDS Master Tables all portfolios file)

Issue	Data	Number	Percentage
Contracts	£50k+	19	100%
Concern Flag		0	
Risk Index	Red	1	
	Amber	4	
	Yellow	13	
	Green	1	
Portfolio Total		19	100%
Procurement Status	Red	11	
	Amber	4	
	Yellow	4	
	Green/Black/New	0	
Portfolio Total		19	100%

Contract Register Key

3.8 A key to the Corporate Contracts Register (which was output from the Contract Database for the first time on 11 September 2017) is set out in the table below.

Register Category	Explanation
Risk Index	A colour-ranking system reflecting eight automatically scored and weighted criteria providing a final score (out of 100) / colour (red, amber, yellow, green) reflecting the contract's intrinsic risk
Contract ID	Each contract has a unique reference which is to be used in related committee reports and authorisations
Owner	Manager / commissioner with budgetary / service responsibility
Approver	Owner's manager, responsible for approving information quality
Contract Title	Commonly used or formal title
Supplier	Main contractor or supplier responsible for service provision
Portfolio	Relevant portfolio for receiving procurement, contract monitoring and budget monitoring reports
Total Contract Value (TCV)	Contract's value from commencement to expiry of formally approved period (i.e. excluding any extensions which have yet to be approved)
Original Annual Value	Value of the contract its first year (which may be difference from the value in subsequent years due to contract commencement costs etc)
Budget	Approved budget for the current financial year
Projection	The expected spend by the end of the financial year
Procurement Status	Automatic ranking system based on value and proximity to expiry designed to alert Owners to take procurement action. Red ragging typically means the contract is nearing expiry.
Start & End Dates	Approved dates excluding extensions yet to be authorised
Months duration	Contract term in months
Attention 	Red flag to denote Commissioning & Procurement Directorate concern (also see Commentary)
Commentary	Owners provide a comment where Risk Index or Procurement Status is ragged red or amber. C&P Directorate has added a comment where appropriate <i>Commentary only appears in the Part 2 report</i>
Capital	Most of the Council's contracts are revenue-funded but capital contracts are separately identified (and listed at the foot of the register) because different reporting / accounting rules apply

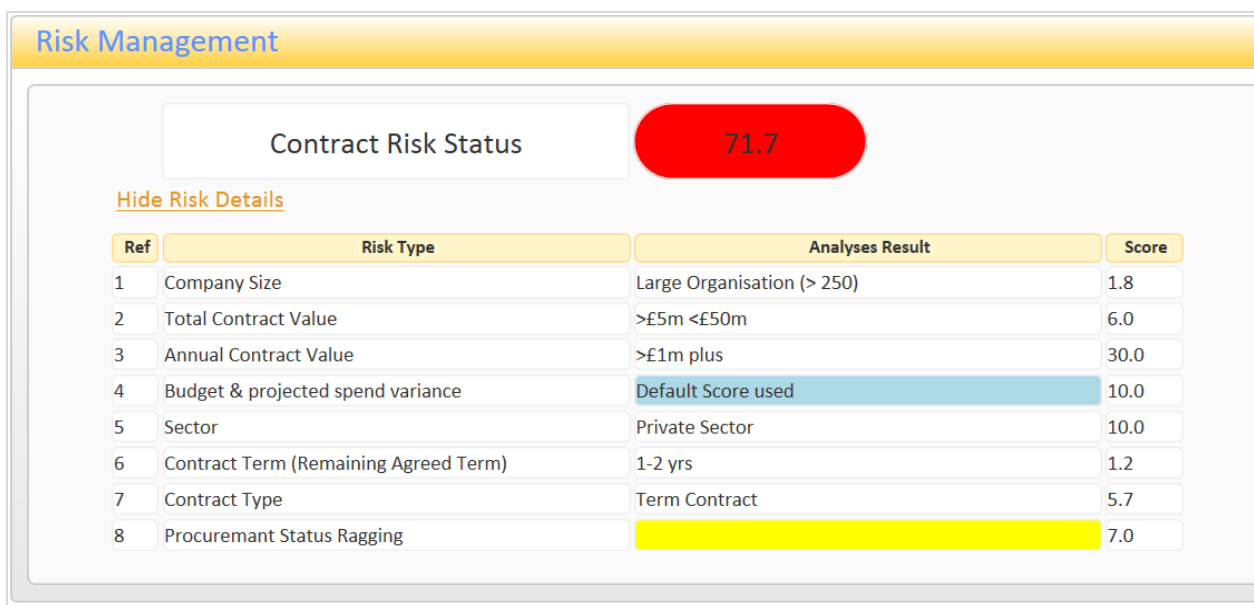
Contract Register Order

3.9 The Contracts Register is output in Risk Index order. It is then ordered by Procurement Status, Portfolio, and finally Contract Value. Capital contracts appear at the foot of the Register and contracts of concern (to Commissioning & Procurement Directorate) are flagged at the top.

Risk Index

3.10 The Risk Index is designed to focus attention on contracts presenting the most significant risks to the Council. All contracts involve some risk and these may be broadly categorised in relation to finance, service, health & safety, reputation or compliance.

3.11 Risk needs to be controlled to an acceptable level (our risk appetite) rather than entirely eliminated and so the issue is how best to assess and mitigate contract risk. Contract risk is assessed (in the CDB) according to eight separate factors and scored and weighted to produce a Risk Index figure (out of 100). These scores are ragged to provide a visual reference.



Procurement Status

3.12 A contract's Procurement Status is a combination of its Total Contract Value and number of months to expiry. The table below is used to assign a ragging colour. Contracts ragged red, amber or yellow require action – which should be set out in the Commentary.

		Procurement / Commissioning Status					
Period	3 months	Red	Red	Red	Red	Red	
	6 months	Amber	Amber	Red	Red	Red	
	9 months	Yellow	Yellow	Amber	Red	Red	
	12 months	Green	Yellow	Amber	Red	Red	
	18 months	Green	Green	Amber	Amber	Red	
		£5k - £50k	£50k - £100k	£100k - £173k	£173k - £500k	>£500k	
		Total Contract Value					

Contracts Database

3.13 The Contracts Database (CDB) was developed from the former contract registers previously received by Contracts Sub and the individual Contract Monitoring Summaries. Those documents, while useful, had limited utility and it was agreed to develop a database rather than rely on a collection of documents and spreadsheets.

- 3.14 The Contracts Database aims to improve the Council's contract management (in response to procurement rules not always being followed) and corporate memory by creating a live documentary system with all key contract information being accessible from one location.
- 3.15 The CDB can be accessed (directly or from Team Contract Management) from any LB Bromley computer (or via CITRIX) using the secure 'single sign-in' system. It is the Contract Owners' responsibility to ensure that contract records are kept up-to-date, accurate and fully populated. In particular, Contract Owners will ensure their records are updated for each contract reporting cycle. It is the 'Approvers' responsibility to approve the 'commentary' at each reporting cycle and to generally quality-assure the contract information.
- 3.16 The Contract Owners and Approvers were trained in how to use the Contracts Database during July and August 2017 and the activity was generally well received. Indeed, many suggestions were volunteered regarding how to improve the Database's utility and these may be incorporated into its future development.
- 3.17 Contracts are listed as a single line summary in a 'directory format' (not dissimilar to the Contracts Register). More detailed information is held for each contract in the following sections
- Main Contract Details
 - Dates & Values
 - Financials
 - Supplier Details
 - Council Contacts
 - Supplier Contacts
 - Contract Register Commentary
 - Contract Documents
 - Risk Management
 - Linked Services/Contracts (to be developed)
 - Linked Strategies/Plans (to be developed)
 - Regulatory Requirements (to be developed)
 - Approver Sign-off (to be developed)

Contract Database Next Steps

- 3.18 Now that Workstream One has been completed, the Programme Board will take a view on the priority order in which to address the Programme's next stages which include: alerting; authorisation; credit-checking; usability; monitoring; document storage; insurance and funding.

4. IMPACT ON VULNERABLE ADULTS & CHILDREN

- 4.1 The Corporate Contracts Register covers all Council services: both those used universally by residents and those specifically directed towards vulnerable adults and children. Addressing the impact of service provision on the vulnerable is a matter for the relevant procurement strategies, contracts, and delivery of specific services rather than this summary register.

5. POLICY IMPLICATIONS

- 5.1 The Council's renewed ambition for the borough is set out in the 2016-18 update to [Building a Better Bromley](#) and the Contracts Database (and associated Contract Registers) help in delivering all of the aims but especially in delivering the aim of being an 'Excellent Council'. For an 'Excellent Council', this activity specifically helps by 'ensuring good contract management to ensure value-for-money and quality services'.

6. PROCUREMENT IMPLICATIONS

- 6.1 Most of the Council's (£50k plus) procurement spend is now captured by the Contracts Database. The database will help in ensuring that procurement activity is undertaken in a timely manner, that Contract Procedure Rules are followed, and that Members are able to scrutinise procurement activity in a regular and systematic manner.

7. FINANCIAL IMPLICATIONS

- 7.1 The Contracts Database and Contract Registers are not primarily financial tools – the Council has other systems and reports for this purpose such as FBM and the Budget Monitoring reports.
- 7.2 However, the CDB and registers do contain financial information both in terms of contract dates and values and also budgets and spend for the current year.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no direct personnel implications but the Contracts Database is useful in identifying those officers directly involved in managing the Council's contracts.

9. LEGAL IMPLICATIONS

- 9.1 There are no direct legal implications but the Contracts Database does identify those contracts which have a statutory basis and also those laws which should be complied with in delivering the contracted services.
- 9.2 A list of all (irrespective of value) the Council's contracts may be found on Bromley.gov.uk to aid transparency.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	Contracts Register Reports to Contracts Sub-Committee

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Contract Register Report +£50k Renewal and Recreation: September 2017

Risk Index	Main Contract Data						Finance Data				Contract Terms					
	Contract ID	Owner	Approver	Contract Title	Supplier Name	Portfolio	Total Value	Original Annual Value	Budget	Projection	Proc. Status	Start Date	End Date	Months Duration	Attention	Capital
●	31	TIM WOOLGAR	COLIN BRAND	Library Book and AV Materials Supply Contract with Central Buying Consortium (CBC) Framework	Askews and Holts Library Services Ltd	Renewal and Recreation	699,500	349,750	175,000	175,000	■	01/04/2016	31/03/2018	24		
●	30	JOHN GLEDHILL	COLIN BRAND	Leisure Trust - Provision of Leisure Services	MyTime Active	Renewal and Recreation	25,131,740	1,471,590	842,970	842,970	■	01/04/2004	31/03/2024	240		
●	1402	MARY MANUEL	JIM KEHOE	Idox Document Management System and UNiform Property Software	Idox Software Ltd	Renewal and Recreation	372,756		93,290	93,290	■	01/04/1997	31/03/2018	252		
●	37	TIM WOOLGAR	COLIN BRAND	Data Lines to Bromley Library Branches	Virgin Media Ltd	Renewal and Recreation	240,931	32,044	35,870	35,870	■	01/04/2011	30/09/2017	78		
●	39	TIM WOOLGAR	COLIN BRAND	Cleaning of Libraries	New Concept General Cleaning Company Ltd	Renewal and Recreation	171,040	90,080	52,255	52,255	■	01/09/2015	30/09/2017	25		
●	34	MARTIN PINNELL	COLIN BRAND	Delivery of New Homes Bonus and High Street Fund Enterprise Support Programme in Orpington Town Centre 2015-2017	Orpington First Limited	Renewal and Recreation	125,000	50,000	21,550	21,550	■	15/07/2015	31/10/2017	27		
●	38	TIM WOOLGAR	COLIN BRAND	Library Security	1st A.C.E Security Ltd	Renewal and Recreation	119,650	53,000	32,970	32,970	■	01/01/2015	30/09/2017	33		
●	40	TIM WOOLGAR	COLIN BRAND	Library Management System (jointly procured with Bexley)	Axiell Library Ltd	Renewal and Recreation	118,750	23,750	28,000	23,094	■	01/12/2012	01/12/2017	60		
●	36	TIM WOOLGAR	COLIN BRAND	RFID Automated Sorter Equipment Maintenance Contract - Central, Beckenham and Orpington Libraries	Bibliotheca Ltd	Renewal and Recreation	64,434	16,495	16,494	16,494	■	20/12/2013	30/09/2017	45		
●	3659	MARTIN PINNELL	COLIN BRAND	Development of Business Improvement Districts in London Borough of Bromley	Central Management Solutions	Renewal and Recreation	87,785	87,785	85,000	85,000	■	10/11/2016	31/03/2018	16		
●	35	TIM WOOLGAR	COLIN BRAND	Excel Couriers	Excel Group Services Ltd	Renewal and Recreation	56,000	14,000	3,900	3,900	■	24/03/2014	23/03/2018	48		
●	3658	MARTIN PINNELL	COLIN BRAND	Penge Business Support Programme	Retail Revival Ltd	Renewal and Recreation	53,950	31,650	50,000	50,000	■	27/06/2016	31/03/2018	21		
●	32	JOHN GLEDHILL	COLIN BRAND	Biggin Hill Leisure Centre & Library Management	MyTime Active	Renewal and Recreation	2,012,159	123,349	151,180	151,180	■	30/04/2010	31/03/2024	167		
●	33	JOHN GLEDHILL	COLIN BRAND	Norman Park Athletics Track	Norman Park Track Management Ltd	Renewal and Recreation	375,000	37,680	38,360	38,360	■	01/04/2014	31/03/2024	120		
●	3615	LYDIA LEE	COLIN BRAND	Biggin Hill Memorial Museum works	Building Associates Ltd	Renewal and Recreation	1,326,343	1,326,343	1,326,343	1,326,343	■	28/08/2017	31/07/2018	11		Capital
●	41	LYDIA LEE	COLIN BRAND	Crystal Palace Park Improvement Scheme	Kinnear Landscape Architects Ltd	Renewal and Recreation	399,597	124,800	399,597	399,597	■	02/11/2014	31/07/2018	45		Capital
●	3614	LYDIA LEE	COLIN BRAND	Design and build of skatepark and associated landscaping works in Crystal Palace Park	canvas Spaces Ltd	Renewal and Recreation	332,457	332,457	332,457	332,457	■	14/08/2017	20/10/2017	2		Capital
●	1366	LYDIA LEE	COLIN BRAND	Biggin Hill Memorial Museum	Robin Lee Architecture LLP	Renewal and Recreation	235,823	235,823	235,823	235,823	■	15/03/2016	30/11/2018	32		Capital
●	1367	LYDIA LEE	COLIN BRAND	Biggin Hill Memorial Museum Exhibition Design	Redman Partnership LLP	Renewal and Recreation	87,863	87,863	87,863	87,863	■	28/04/2016	30/11/2018	31		Capital

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Report No.
CSD17140

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: **Wednesday 1 November 2017**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **EXPENDITURE ON CONSULTANTS 2016/17 AND 2017/18**

Contact Officer: Philippa Gibbs, Democratic Services Officer
Tel: 020 8461 7638 E-mail: Philippa.Gibbs@bromley.gov.uk

Chief Officer: Director of Corporate Services

Ward: All Wards

1. Reason for report

- 1.1 At its meeting on 7th September 2017, the Executive and Resources PDS Committee considered the attached report on expenditure on consultants across all Council departments for both revenue (appendix 2) and capital (appendix 3) budgets. The Committee requested that the report be considered by all PDS Committees.

2. **RECOMMENDATION(S)**

- 2.1 **That the Committee considers the information about expenditure on consultants relating to the Renewal and Recreation Portfolio contained in the attached report, and considers whether any further scrutiny is required.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Not Applicable:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

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

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Revenue expenditure on consultants in the Renewal and Recreation Portfolio is set out in Appendix 2, and is focussed on (i) one-off specialist advice, no-one with specialist skills and (ii) insufficient in-house skills/resources. Expenditure amounted to £265,099 in 2016/17 and £10,452 in 2017/18 to date.
- 3.2 Capital expenditure on consultants in the Renewal and Recreation Portfolio is set out in Appendix 3. Appendix 3A covers expenditure in 2016/17 (£500,922.76), and Appendix 3B covers the first quarter of 2017/18 (£90,789.71).

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy/Financial/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	None

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Decision Maker: EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: 7 September 2017

Decision Type: Non-Urgent Non-Executive Non-Key

Title: Expenditure on Consultants 2016/17 and 2017/18

Contact Officer: Claire Martin, Head of Finance
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Chief Officer: Peter Turner, Director of Finance

Ward: N/A

1. Reason for report

Members of ER PDS requested a full report on Consultant expenditure be submitted each year. Officers have therefore looked at total expenditure in 2016/17 and expenditure to date for 2017/18 for both Revenue and Capital Budgets.

2. **RECOMMENDATION(S)**

Members to:-

2.1 Note the overall expenditure on Consultants as set out in this report.

2.2 Refer this report onto individual PDS Committees for further consideration

Impact on Vulnerable Adults and Children

1. Summary of Impact: Any issues concerning vulnerable adults and children should be considered within each individual project brief.
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Not Applicable
-

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: All one-off expenditure met from allocated budgets
 3. Budget head/performance centre: Consultants
 4. Total current budget for this head: £N/A
 5. Source of funding: Revenue & Capital
-

Personnel

1. Number of staff (current and additional): N/A – one-off costs
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: Consultants should be appointed in accordance with CPRs 8.2 and 8.6. IR35 Tax implications also need to be considered.
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 ER PDS members requested information on the Councils expenditure on Consultants be reported each year. To do this officers have looked at the total expenditure in 2016/17 and also the expenditure for this financial year as at the end of June 2017. This work covered both Revenue and Capital expenditure.
- 3.2 The basic reason for the use of consultants is that at times the Council requires that specialised work is undertaken for specific projects. This is particularly valid when consultants are engaged to work on large scale projects. For completeness expenditure on Architects, Engineers, Surveyors and other consultants commissioned to work on Capital Projects have been included as these generally meet the definition of one-off projects. Proposed expenditure on Capital Projects will have been approved by Executive before being included in the Capital Programme.
- 3.3 The Councils Contract Procedure rules sets out the procurement process to be followed when appointing a consultant and there is also guidance available to staff about what needs to be included in the formal agreement when engaging a consultant, which as a minimum needs to confirm the overall cost, project deliverables, clear brief and reporting arrangements. Appendix 1 provides this in more detail.
- 3.4 There is an element of subjectivity as to what constitutes a “consultant” as a number of services could fall within this definition, however it is generally defined as “a person brought into the Council to carry out a specific job” which is not on-going. For the purposes of this report expenditure on medical fees, counsel and legal fees have been excluded as these are considered to be professional fees rather than consultants.
- 3.5 In looking at consultants, members need to be minded that officers will use them to carry out work on the Council’s behalf when:-
- There is no one internally with the relevant skills or experience
 - There is no capacity/resources available to undertake this work
 - Specialist skills are required
- 3.6 It is important when recruiting a consultant that the project brief sets out the reasons for the use of consultant, that officers have consider any alternative options and also to evaluate the effectiveness of the work undertaken by consultants within the authority.
- 3.7 The benefit of employing consultants is that the Council makes a saving in relation to employer National Insurance and pension contribution. Also in employing consultants the Council is under no obligation to pay consultants for days when they are not working for the Council e.g. sickness and holiday and they are only engaged for a specific period of time – however offsetting this is that these staff are often more expensive.
- 3.8 The risk in not using consultants is that the Council would have to recruit a more substantial and specialised workforce at a greater expense, and thus creating an employment relation or a “contract of service with the associated diversity of employment rights including unfair dismissal and redundancy payment rights, etc.
- 3.9 This report provides a detailed breakdown of all costs officers believe are consultants, broken down over Portfolio’s and service areas. This is shown in Appendix 2 (revenue) and Appendix 3 (capital). It also examines the procurement arrangements associated with engaging the consultants as part of that process.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Any issues concerning vulnerable adults and children should be considered within each individual project brief.

5. FINANCIAL IMPLICATIONS

- 5.1 Included in the body of the report.

6. LEGAL IMPLICATIONS

- 6.1 There is a considerable amount of legislation affording specific employment rights such as paid holiday, maternity leave and pay, entitlement to redundancy payments, minimum notice periods and protection from unfair dismissal, to name but a few to employees. In general terms Self-employed individuals consultants, on the other hand, are not entitled to these enhanced statutory rights or protections, because, arguably, they are not employees in the strict legal sense. However, given the distinction between an employee and a worker, in light of the recent high profile cases including the Uber and the Pimlico Plumber cases some self-employed individuals may be classified as workers with legal entitlement to paid holiday, national minimum wage, etc.
- 6.2 In addition to statutory rights, an employer/employee relationship also implies a duty of trust and confidence between the parties concerned and suggests that neither should act in such a way as to undermine it. This notion introduces the idea of reasonableness into the way in which employers treat their employees. But the relationship between an organisation and a self-employed consultant does not have the same implied duties, with the consultant's protection relying largely on the contractual terms in place.
- 6.3 Describing a role as a consultant will not provide a definitive position and as a starting point, there are three key areas that should be evaluated:
- (i) a requirement for personal service
 - (ii) the existence of mutuality of obligation
 - (iii) the level of control that the council has over an individual.
- 6.3.1 **Personal service** - Is the individual personally required to perform services for the company? An employee is someone who is employed under a contract of service, that is, a contract that requires them to personally turn up for work and carry out the duties requested of them. A consultant, on the other hand, is engaged under a contract for services, that is, a contract under which they agree to provide the company with particular services. But, while they are obliged to ensure that these services are provided, they are not necessarily required to carry out the work personally.
- 6.3.2 **Mutuality of obligation** - Are employers obliged to offer individuals work under their agreed contract? Equally, if an employer offers an individual work, are they obliged to accept it? If they are, it could indicate an employment relationship.
- 6.3.3 **Control** - How much control does the employer have over an individual? Who decides what work needs to be done, how it should be done and when?
- 6.4 HMRC uses different, albeit similar, criteria when determining individual's employment status or otherwise. This means that an individual could be considered an employee for tax purposes and yet remains a consultant from an employment perspective. As stated above, the

processes relating to the engagement of consultants is being tightened with the appropriate checks and balances, taking in account the impact of IR35 regulations. These will reduce or eliminate the obvious employment law risks including the accrual of the statutory protection rights set out in para 5.1 above. HR advice should be sought to ensure that each assignment/engagement is not likely to give rise to employment or "contract of services. Ultimately, who is an employee or a worker, or self- employed individual for employment law purposes is a matter for the court to decide.

7. PROCUREMENT IMPLICATIONS

7.1 Consultants should be appointed in line with CPR 8.6 which requires a detailed project brief to be included with specific outcomes identified. Chief Officers are responsible for ensuring that project briefs are in place and that no payments are made until the specific outcomes have been achieved.

8. POLICY IMPLICATIONS

8.1 Consultants may be used to assist officers in meeting the Council’s key priorities as set out in the updated “Building a Better Bromley 2016-18”.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Held in Finance teams

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CONSULTANT

Coding for Consultants/Agency/Temp Staff

The difference between agency/temporary staff and consultants is often confused and wrongly coded on Oracle. For clarity the difference is explained below:-

➤ Agency staff – Revenue Funded (0104)*

People appointed to cover vacant posts – and paid either by LBB or via comensera. Anyone that we employ but we pay as a company will need to be separately identified and for the purposes of LBB classified as working under a consultancy basis (see below).

➤ Temporary Staff – Revenue Funded (0104)*

People that are employed for less than 3 months to do a specific urgent piece of work, where no post exists, so a supernumerary post is allocated and virement rules apply. Once the post exceeds 3 months a post creation form will need to be set up (back dated to when the post commenced working with the council) and justification and funding identified.

➤ Consultants – Revenue/Capital (1708)**

Consultants should be used to undertake one-off projects, where there is no one internally with the relevant skills. There should be transparency around funding of the post which should be on a fixed fee and clear deliverable, which should be reviewed at the end of the project.

* 0104 codes – there may be a basket of temporary codes so please check the FCB

** 1708 codes – unless there is a good reason, at all times this is the code that should be used.

In general terms a **Consultant** is viewed as being: -

Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, which brings specialist skills or knowledge to the role, and where the council has no ready access to employees with the skills, experience or capacity to undertake the work.

A Consultant should be engaged on a fixed price contract and would not normally be employed on a day rate (this will ensure VFM).

Further details on these requirements and advice on the employment of Consultants can be found in the Council's Contract Procedure Rules (CPR 8.1 & 8.5) and the accompanying Practice Notes /Contract Document on the employment of Consultants, which can be found in the Procurement Toolkit.

Employing the Consultant

Audit Commission research has indicated that most consultancy work was not usually let on the basis of lowest price, although few authorities held records to justify their decisions. You must always take account of the available budget.

You should prepare a formal agreement before a consultancy assignment commences. This may range from a letter to a formal legal contract. As a minimum the agreement should:

- confirm agreed total costs (fixed price arrangements are usually preferable),
- description of all project deliverables
- make reference to the brief
- make reference to the consultant's submission
- confirm invoicing and payment arrangements
- set out termination and arbitration arrangements
- set out reporting arrangements

You must also ensure that sufficient provision is made for any necessary Insurances and Indemnities required to protect the Council's position. This includes a need to establish the tax position of the Consultant to ensure payments made under any commission placed are correctly treated.

Requirement for a Consultant

The initial requirements around the commissioning of Consultancy Services should include consideration of how service requirements are met and other approaches which might be used. For example can the requirement be met through the completion of work via Agency Staff, the employment of an interim manager (via a direct/temporary contract of employment with the Council), or Secondment arrangements. Only once the best "fit" has been identified should work be commissioned. The arrangement should also be subject to periodic review as, for example, an initial urgent requirement placed with a Consultant might not be better completed at a later date via a temporary contract of employment

There needs to be a clear **accountable** officer responsible for commissioning the consultants work, who monitors progress and delivery and ensures VFM is delivered at all times. The consultant would not normally manage any staff directly or be responsible for authorising spend.

Procurement – Competition Requirements (contract procedure rule 8.1) now incorporates the tender procedures for consultants with effect from September 2016.

8.2 Procurement – Competition Requirements

8.2.1 Where the Estimated Cost or Value for a purchase is within the limits identified in the in the first column below, the Award Procedure in the second column must be followed. Shortlisting shall be done by the persons specified in the third column.

Estimated Cost (or Value)	Tender procedure	Shortlisting
Up to £5,000 (£25,000 for Consultancy Services)	One oral Quotation (confirmed in writing where the Estimated Cost or Value exceeds £1,000) using the Using the Council's "Local Rules" Process where possible and other Approved Lists where Authorised	Officer
£5,000 - up to £25,000	3 written Quotations using the Council's "Local Rules" Process where possible and other lists as Agreed with the Head of Procurement.	Officer
£25,000 – £100,000	Request for Quotation using the Council's "Local Rules" Process where possible and other lists as Agreed with the Head of Procurement., to at least 3 and no more than 6 Candidates. If for whatever reason, a Request for Quotation is made using a Public Advertisement, the opportunity must also be included on "Contract Finder", with all Suitable Candidates responding, being considered. In both cases use must be made of the Council's E Procurement System, unless otherwise agreed by the Head of Procurement.	Officer and Line Manager
£100,000 up to the EU Threshold for Supplies and Services (applies to all activities)	Invitation to Tender making use of a Public Advertisement. The opportunity must also be included on "Contract Finder", with all Suitable Candidates responding, being considered. No Prior Qualification process is permitted Use must be made of the Council's E Procurement System, unless otherwise agreed by the Head of Procurement.	Officer, HOS and Head of Procurement, Head of Finance
Above EU Threshold for Supplies and Services (applies to all activities) and / or £500,000 arrangements.	The appropriate EU / Public Contract Procedure or, where this does not apply, Invitation to Tender by an Appropriate Notice /Advertisement to at least five and no more than eight Candidate.	As above + in Consultation with the Director of Corporate Services and Customer Services and Director of Finance – see Rules 7.2.3 & 8.1.4

Note – Where an intended arrangement is for the provision of Consultancy Type Service, including those for Construction related activity and the estimated value of the intended arrangement is above **£50,000** the relevant Portfolio Holder will be Formally Consulted on the intended action and contracting arrangements to be used.

8.2.2 Where it can be demonstrated that there are insufficient suitably qualified Candidates to meet the competition requirement, all suitably qualified Candidates must be invited.

8.2.3 An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Contract Procedure Rules or the Public Contract Regulations.

8.2.4 Where a Public Contract Regulations 2015 applies, the Officer shall discuss with the Head of Procurement and Consult with the Director of Corporate Services and Director of Finance to determine the arrangements to be used for the completion of the Procurement. In any case the Final Contract Documentation shall be available for viewing, via the internet, from the date of publication of any required Contract Notice, unless otherwise agreed.

8.6 The Appointment of Consultants to Provide Services

8.6.1 Consultant architects, engineers, surveyors and other professional Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these Contract Procedure Rules as outlined above.

8.6.2 The engagement of a Consultant shall follow the preparation of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment, using the Council's Standard Form of Consultancy Contract, unless otherwise agreed by the Director of Corporate Services.

8.6.3 Records of Consultancy appointments shall be kept in accordance with Rule 6.

8.6.4 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the relevant Head of Finance for the periods specified in the relevant agreement. The officer commissioning the employment of a Consultant and/or responsible for the Approval of their employment shall ensure that the Consultants tax arrangements or company structure are properly considered and do not result in any tax liability to the Authority.

It should be noted that Standard documents have now been amended to reflect IR35.

RENEWAL RECREATION PORTFOLIO

Category / Supplier Name	Division /Serv. Area	16-17 £	17-18 Description £	Procurement procedure followed	No. of quotes obtained	Date Reported to Members
One-off specialist advice, no one with relevant specialist skills						
AECOM INFRASTRUCTURE & ENVIRONMENT UK LTD	Planning	18,150	3,399	Professional services for Biggin Hill Airport Addendum to 2015 Studies and completion of SA Report & HRA Report for publication (Reg 19) for Bromley Local Plan	1	
ATKINS LTD	Planning	5,495	0	Bromley Town Centre Assessment Trip Generation and Distribution Analysis	1	
FMG CONSULTING LTD	Recreation	5,850	0	0 Feasibility Report for Norman Park Track Redevelopment	2	
H B S LTD	Regeneration	10,000	0	0 Architects for the production of a Masterplan for Biggin Hill	1	
KINNEAR LANDSCAPE ARCHITECTS LTD	Recreation	7,491	0	0 Landscape architecture multi-disciplinary team work for Crystal Palace Park	1	
MOSAIC FUTURES LTD	Recreation	4,400	0	0 To undertake a feasibility study for BIDs in Beckenham and Penge town centres.	4	
MRS C.R	Recreation	2,710	0	0 Paper conservator - item of museum artwork.	1	
SOLOMAN LTD	Regeneration	10,000	0	0 Business consultants for Gray Corridor Project Demand Survey (NHB)	1	
STUDIO EGRET WEST LTD	Regeneration	42,700	4,863	0 Architects for public realm improvements to Bromley High Street	1	
SYLVAN ARB	Regeneration	475	0	0 Arboriculture consultancy for high hedge assessment at Crofton Road	1	
THE BUILT HERITAGE CONSULTANCY LTD	Regeneration	2,470	0	0 Heritage consultants to produce a heritage assessment report for West Camp	1	
THE MORTON PARTNERSHIP LTD	Recreation	7,963	0	0 Steel frame engineering design drawings for Crystal Palace works	1	
TP BENNETT LLP	Recreation	1,420	0	0 Feasibility study for proposed Capital Development / Gym Centre - Chipperfield Road.	3	
One-off specialist work total		119,124	8,262			
Insufficient in-house skills / resources						
JB MARKET RESEARCH SERVICES LTD	Regeneration	0	1,000	0 Conduct research on workspaces as part of the Growth Initiative	1	
MONTAGU EVANS LLP	Regeneration	28,900	0	0 Specialist Development Consultancy Advice for Town centre site (including Site A and Orpington)	1	
SNAPPIN' TURTLE PRODUCTIONS LTD	Recreation	16,000	0	0 Biggin Hill Memories and History Filming Project.	1	
Insufficient in-house skills total		44,900	1,000			
Training						
SUCCESSFUL MUMS LTD	Recreation	4,000	-	0 Delivery of one-off business start-up course	1	
Training total		4,000	0			

RENEWAL RECREATION PORTFOLIO

Category / Supplier Name	Division /Serv. Area	16-17 £	17-18 £	Description	Procurement procedure followed	No. of quotes obtained	Date Reported to Members
Planning							
A R URBANISM LTD	Planning	20,976	0	Urban design work for appeal for Conquest House planning appeal	Single quote under CPR 8.5.1	1	
BOURNE RURAL PLANNING CONSULTANCY LTD	Planning	1,750	0	Agricultural advice on planning application and appeal for Yonder Farm	Single quote under CPR 8.5.1	1	
DIXON SEARLE PARTNERSHIP LTD	Planning	5,750	0	Community Infrastructure Levy Viability report (Stage 3 & 4)	Single quote under CPR 8.5.1	1	
DTZ DEBENHAM T L LTD	Planning	757	0	Planning appeal advice for Hassell Nursery	Single quote under CPR 8.5.1	1	
GLANVILLE CONSULTANTS LTD	Planning	1,150	0	Highways advice on planning application for St Hughes Playing Fields	Single quote under CPR 8.5.1	1	
KEMP & KEMP LLP	Planning	33,830	0	Planning appeals work and Planning witness for planning appeal for Conquest House	Single quote under CPR 8.5.1	1	
READING AGRICULTURAL CONSULTANTS LTD	Planning	1,492	0	Review of agricultural matters for planning application/appeal for Petleys Farm	Single quote under CPR 8.5.1	1	
LAND USE CONSULTANTS LTD	Planning	3,159	0	Land use Consultants for ecology surveys and reports re applications & appeals (bassetts applications/Ecology Support)	Single quote under CPR 8.5.1	1	
LANDMARK CHAMBERS	Planning	900	0	Legal advice for planning application at South Eden Park Road	Single quote under CPR 8.5.1	1	
PHD CHARTERED TOWN PLANNERS	Planning	7,894	0	Planning appeals work for Yonder Farm	Single quote under CPR 8.5.1	1	
READING AGRICULTURAL CONSULTANTS LTD	Planning	1,492	0	Agricultural advice on planning application for Petleys Farm	Single quote under CPR 8.5.1	1	
STRATEGIC LEISURE	Planning	5,675	0	Professional Service for Park Audits and reports	Single quote under CPR 8.5.1	1	
THE POWER SERVICE	Planning	9,000	1,190	Consultants Electrical Works to ascertain compliance with Part P - Building Regulation.	Single quote under CPR 8.5.1	1	
URBAN DELIVERY LTD	Planning	3,250	0	Advice on viability for planning application from Bromley Football Club and Old Town Hall	3 quotes in line with Financial Regulations	3	
Planning total		97,075	1,190				
GRAND TOTAL		285,099	10,452				

Capital Consultants - 2016/17

Supplier Name	Portfolio					Grand Total	Scheme	No. of quotes obtained	Procurement procedure followed	Date reported to Members
	Care Services	Education	Environment	Renewal & Recreation	Resources					
Architects										
AECOM INFRASTRUCTURE & ENVIRONMENT UK LTD				221,725.55		221,725.55				
				219,439.55		219,439.55	Crystal Palace park - Alternative Management Options	All suppliers on the framework were invited to quote	HCA technical panel framework	Report to 13 January 2016 meeting of the Executive
				2,286.00		2,286.00	Crystal Palace park - Alternative Management Options	All suppliers on the framework were invited to quote	HCA technical panel framework	Report to 13 January 2016 meeting of the Executive
EAST ARCHITECTURE LANDSCAPE URBAN DESIGN			12,391.00	1,760.00		14,151.00				
				1,760.00		1,760.00	Orpington Town Centre - Walnut Centre & New Market infrastructure	All suppliers within the relevant Lot were invited to quote	GLA/TFL Framework mini competition	
			12,391.00			12,391.00	Beckenham Town Centre Improvements	n/a	Waiver to extend commission	R&R PDS - September'16
KINNEAR LANDSCAPE ARCHITECTS LTD				17,825.57		17,825.57				
				5,104.57		5,104.57	Crystal Palace Park Improvements	All suppliers within the relevant Lot were invited to quote	ADUP Framework	
				646.00		646.00	Crystal Palace Park Subway	All suppliers within the relevant Lot were invited to quote	ADUP Framework	
				12,075.00		12,075.00	Penge Town Centre	All suppliers within the relevant Lot were invited to quote	GLA/TFL Framework mini competition	R&R PDS 27/10/2015
MOXLEY ARCHITECTS LTD		2,736.94				2,736.94				
		2,736.94				2,736.94	Basic Needs	4 Suppliers invited from relevant list.	Rotational EXOR List.	
PICK EVERARD		45,774.98				45,774.98				
		45,774.98				45,774.98	Glebe expansion works feasibility	The framework requires all suppliers within the relevant Lot to be invited to quote.	Construction Related Consultancy Services 2012 Framework	
ROBIN LEE ARCHITECTURE				143,642.00		143,642.00				
				143,642.00		143,642.00	Biggin Hill Memorial Museum	All suppliers within the relevant Lot were invited to quote	ADUP Framework	
Sub total - Architects	0.00	48,511.92	12,391.00	384,953.12	0.00	445,856.04				
Surveyors										
CAD MAP LTD			4,500.00			4,500.00				
			4,500.00			4,500.00	LIP Formula Funding	3	Mini competition	
RIVERSIDE ENVIRONMENTAL SERVICES LTD		20,130.00				20,130.00				
		20,130.00				20,130.00	Capital Maintenance in Schools	3	Tender	
RPS HEALTH SAFETY & ENVIRONMENT					1,575.00	1,575.00				
					1,575.00	1,575.00	Investment Fund - Property Acquisition	1	Single quote under Contract Procedure Rule 8.5.1	
Sub total - Surveyors	0.00	20,130.00	4,500.00	0.00	1,575.00	26,205.00				
Multi disciplinary consultant										
AECOM LTD		547.01	102,106.55			102,653.56				
			78,164.55			78,164.55	Maintenance	TfL Framework	TfL Framework (mini-tender)	Report to 16th June 2010 meeting of Executive (report ES 10081)
			23,942.00			23,942.00	LIP Formula Funding	TfL Framework	TfL Framework (mini-tender)	Report to 16th June 2010 meeting of Executive (report ES 10081)
		547.01				547.01	BSF (Building Schools for the Future)	TfL Framework	TfL Framework (mini-tender)	Report to 16th June 2010 meeting of Executive (report ES 10081)
ARCADIS CONSULTING (UK) LTD			4,225.07			4,225.07				
			4,225.07			4,225.07	LIP Formula Funding	3	Mini competition	

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Supplier Name	Portfolio					Grand Total	Scheme	No. of quotes obtained	Procurement procedure followed	Date reported to Members
	Care Services	Education	Environment	Renewal & Recreation	Resources					
ATKINS LTD			5,795.00			5,795.00				
			4,695.00			4,695.00	Flexi Lane (TfL funded)	3	Mini competition	
			1,100.00			1,100.00	LIP Formula Funding	4	Mini competition	
BAILEY PARTNERSHIP		508,483.85				508,483.85				
		506,625.35				506,625.35	Basic Needs	Appt made via Lewisham Consultants Framework	Tender	
		1,858.50				1,858.50	Security Works - Standards Fund	1	Construction Related Consultancy Services 2012 Framework	
BAILY GARNER LLP		123,438.58				123,438.58				
		123,438.58				123,438.58	Basic Needs	Appt made via Lewisham Consultants Framework	Tender	
BT GLOBAL SERVICES					13,387.50	13,387.50				
					13,387.50	13,387.50	Review of Corporate Customer Services I.T Systems	n/a	extension to the existing contract with BT	yes reported Executive 10/02/16 and follow up Executive 14/09/16
COLLIERS INTERNATIONAL UK PLC		920.00			68,966.50	69,886.50				
		920.00				920.00	Glebe expansion works feasibility	3 Suppliers invited	Quotes under Contract Procedure Rule 8.1	
					68,966.50	68,966.50	Acquisition - Properties Acquisition	3	ESPO Framework - 2700 Estate management Services, lot 5A	
DESIGNED BY GOOD PEOPLE LTD				4,950.00		4,950.00				
				4,950.00		4,950.00	Penge Town Centre	1	Single quote under contracts Procedure Rule 8.5.1	
FOURTH STREET PLACE CONSULTANTS				20,000.00		20,000.00				
				20,000.00		20,000.00	Crystal Palace park - Alternative Management Options	1	Single quote confirmed in writing	
FRANKHAM CONSULTANCY GROUP LTD		1,837.50		1,715.64		3,553.14				
		1,837.50				1,837.50	BSF (Building Schools for the Future)	Appointed 2007	LAs Framework Consultants	
				1,715.64		1,715.64	Central Library & Churchill Theatre - chillers & controls	The framework requires all suppliers within the relevant Lot to be invited to quote.	Mini competition under Construction Related Consultancy Services 2012 Framework	
IG9 LIMITED		19,704.80				19,704.80				
		19,704.80				19,704.80	Basic Needs	5	LCP Construction Related Consultancy Services 2012 Framework	
KEEGANS LTD		82,905.01				82,905.01				
		25,469.19				25,469.19	Beacon House Refurbishment	5	LCP Construction Related Consultancy Services 2012 Framework	
		47,378.32				47,378.32	Basic Needs	All suppliers within the relevant Lot to be invited to quote.	LCP Construction Related Consultancy Services 2012 Framework	
		5,087.94				5,087.94	Schools Access Initiative	All suppliers within the relevant Lot to be invited to quote.	LCP Construction Related Consultancy Services 2012 Framework	
		4,969.56				4,969.56	Glebe expansion works feasibility	All suppliers within the relevant Lot to be invited to quote.	Construction Related Consultancy Services 2012 Framework	
LIBERATA UK LIMITED					13,857.00	13,857.00				
					13,857.00	13,857.00	Review of Corporate Customer Services I.T Systems	n/a regulation 32 applies	additional work existing contract	Report to 14th September 2016 meeting of Executive
M&S TRAFFIC LTD			10,890.00			10,890.00				
			10,340.00			10,340.00	LIP Formula Funding	3	Mini competition	
			550.00			550.00	Beckenham Town Centre Improvements	3	Mini competition	
MONTAGU EVANS LLP	38,500.00					38,500.00				
	38,500.00					38,500.00	PIL - Housing Zone Bid and Site G	GLA's London Development Panel OJEU Notice 2012/S 69-113942	Waiver to extend commission	Report to 8th February 2017 meeting of Executive (report DRR 17/009)
ODGERS CONSERVATION CONSULTANTS LTD				2,650.00		2,650.00				
				2,650.00		2,650.00	Crystal Palace Park Improvements	1 (Single quote confirmed in writing)	Single quote under contracts Procedure Rule 8.5.1	

Supplier Name	Portfolio					Grand Total	Scheme	No. of quotes obtained	Procurement procedure followed	Date reported to Members
	Care Services	Education	Environment	Renewal & Recreation	Resources					
PELLINGS LLP	361.27	83,393.74				83,755.01				
		78,260.81				78,260.81	Basic Needs	All suppliers within the relevant Lot to be invited to quote.	Construction Related Consultancy Services 2012 Framework	
		4,307.93				4,307.93	Schools Access Initiative	Appt made via Lewisham Consultants Framework	Tender	
	361.27					361.27	Social Care Grant (Department of Health)	All suppliers within the relevant Lot to be invited to quote.	Mini competition, LCP Framework Lot 1	
		825.00				825.00	Security Works - Standards Fund	1	Single quote under contracts Procedure Rule 8.5.1	
PINNACLE ESP LTD		33,005.78				33,005.78				
		22,935.69				22,935.69	Basic Needs	Appt made via Lewisham Consultants Framework	Tender	
		10,070.09				10,070.09	Universal Free School Meals	Appt made via Lewisham Consultants Framework	Tender	
PLAYLE & PARTNERS LLP		26,744.65				26,744.65				
		7,629.55				7,629.55	Beacon House Refurbishment	All suppliers within the relevant Lot to be invited to quote.	LCP Construction Related Consultancy Services 2012 Framework	
		19,115.10				19,115.10	Basic Needs	All suppliers within the relevant Lot to be invited to quote.	LCP Construction Related Consultancy Services 2012 Framework	
REDMAN PARTNERSHIP LLP				81,686.00		81,686.00				
				30,101.00		30,101.00	Relocation of Exhibitions - Bromley Museum	2 received	Tender through Due North (twice, only two tenders received, Chief Officer approval to proceed). All tenders evaluated on price and quality using CIPFA model	
				51,585.00		51,585.00	Biggin Hill Memorial Museum	2 received	Tender through Due North (twice, only two tenders received, Chief Officer approval to proceed). All tenders evaluated on price and quality using CIPFA model	
REGENERIS CONSULTING LTD				4,968.00		4,968.00				
				4,968.00		4,968.00	Bromley North Village Public Realm Improvements	1	Single quote under contracts Procedure Rule 8.5.1	R&R PDS 26/01/2017
Sub total - Multi disciplinary consultant	38,861.27	880,980.92	123,016.62	115,969.64	96,211.00	1,255,039.45				
Grand total consultants	38,861.27	949,622.84	139,907.62	500,922.76	97,786.00	1,727,100.49				

Capital Consultants - Quarter 1 2017/18

Supplier Name	Portfolio					Grand Total	Scheme	No. of quotes obtained	Procurement procedure followed	Date reported to Members
	Care Services	Education	Environment	Renewal & Recreation	Resources					
Architects										
AECOM INFRASTRUCTURE & ENVIRONMENT UK LTD				5,683.09		5,683.09				
				5,683.09		5,683.09	Crystal Palace park - Alternative Management Options	All suppliers on the framework were invited to quote	HCA technical panel framework	
ROBIN LEE ARCHITECTURE				75,620.50		75,620.50				
				75,620.50		75,620.50	Biggin Hill Memorial Museum	All suppliers within the relevant Lot were invited to quote	ADUP Framework	
Sub total - Architects	0.00	0.00	0.00	81,303.59	0.00	81,303.59				
Surveyors										
RPS HEALTH SAFETY & ENVIRONMENT					650.00	650.00				
					650.00	650.00	Investment Fund - Property Acquisition	1	Single quote under contracts Procedure Rule 8.5.1	
Sub total - Surveyors	0.00	0.00	0.00	0.00	650.00	650.00				
Multi disciplinary consultant / Other Consultants										
AECOM LTD			67,721.86			67,721.86				
			58,483.32			58,483.32	Maintenance	TfL Framework	Mini tender undertaken within TfL Framework	Report to 16th June 2010 meeting of Executive (report ES 10081)
			9,238.54			9,238.54	LIP Formula Funding	TfL Framework	Mini tender undertaken within TfL Framework	Report to 16th June 2010 meeting of Executive (report ES 10081)
ATKINS LTD			31,720.00			31,720.00				
			31,720.00			31,720.00	LIP Formula Funding	4	mini competition	
BAILEY PARTNERSHIP		221,231.33				221,231.33				
		221,231.33				221,231.33	Basic Needs	Appt made via Lewisham Consultants Framework	Tender	
COLLIERS INTERNATIONAL UK PLC					2,500.00	2,500.00				
					2,500.00	2,500.00	Acquisition - Properties Acquisition	3	ESPO Framework - 2700 Estate management Services, lot 5A	
KEEGANS LTD		17,656.02				17,656.02				
		17,269.02				17,269.02	Basic Needs	All suppliers within the relevant Lot were invited to quote	Construction Related Consultancy Services 2012 Framework	
		387.00				387.00	Glebe expansion works feasibility	All suppliers within the relevant Lot were invited to quote	Construction Related Consultancy Services 2012 Framework	
MONTAGU EVANS LLP	10,000.00					10,000.00				
	10,000.00					10,000.00	PIL - Housing Zone Bid and Site G	GLA's London Development Panel OJEU Notice 2012/S 69-113942	Waiver extension	Report to 8th February 2017 meeting of Executive (report DRR 17/009)
PELLINGS LLP		20,188.55				20,188.55				
		6,749.19				6,749.19	Basic Needs	All suppliers within the relevant Lot were invited to quote	Construction Related Consultancy Services 2012 Framework	
		13,439.36				13,439.36	Schools Access Initiative	Appt made via Framework (Lewisham Consultants, approved by Exec)	Framework tender via mini-competition	
PINNACLE ESP LTD		29,393.65				29,393.65				
		23,769.06				23,769.06	Basic Needs	Appt made via Lewisham Consultants Framework	Tender	
		5,624.59				5,624.59	Universal Free School Meals	Appt made via Lewisham Consultants Framework	Tender	
PLAYLE & PARTNERS LLP		5,153.06				5,153.06				
		5,153.06				5,153.06	Beacon House Refurbishment	All suppliers within the relevant Lot were invited to quote	LCP Construction Related Consultancy Services 2012 Framework	

Supplier Name	Portfolio					Grand Total	Scheme	No. of quotes obtained	Procurement procedure followed	Date reported to Members
	Care Services	Education	Environment	Renewal & Recreation	Resources					
REDMAN PARTNERSHIP LLP				9,486.12		9,486.12				
				1,194.00		1,194.00	Relocation of Exhibitions - Bromley Museum	2 received	Tender through Due North (twice, only 2 tenders received, Chief Officer approval to proceed). All tender evaluated on price and quality using CIPFA model	
				8,292.12		8,292.12	Biggin Hill Memorial Museum	2 received	Tender through Due North (twice, only 2 tenders received, Chief Officer approval to proceed). All tender evaluated on price and quality using CIPFA model	
Sub total - Multi disciplinary consultant	10,000.00	293,622.61	99,441.86	9,486.12	2,500.00	415,050.59				
Grand total Consultants	10,000.00	293,622.61	99,441.86	90,789.71	3,150.00	497,004.18				

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Report No.
CSD17052

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Renewal and Recreation PDS Committee

Date: 1 November 2017

Decision Type: Non-Urgent Non-Executive Non-Key

Title: RENEWAL AND RECREATION PDS COMMITTEE WORK PROGRAMME (JANUARY-APRIL 2018)

Contact Officer: Lisa Thornley, Democratic Services Officer
Tel: 020 8461 7566 E-mail: lisa.thornley@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

1.1 This report updates the Committee's work programme.

2. **RECOMMENDATION**

2.1 The Committee is invited to review its work programme for the period January-April 2018.

Corporate Policy

1. Policy Status: Existing policy. PDS Committees are encouraged to review their work programmes.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £343,810
 5. Source of funding: Existing 2017/18 revenue budget
-

Staff

1. Number of staff (current and additional): There are 8 posts (6.87 fte) in the Democratic Services Team.
 2. If from existing staff resources, number of staff hours: Preparation of the Work Programme report can normally be expected to take 2-3 hours
-

Legal

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Not applicable. PDS 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? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 Each PDS Committee has a responsibility to develop and review its work programme balancing the key roles of:

- Holding the Executive to account;
- Policy development and review; and
- External scrutiny.

3.2 The Committee is invited to consider its work programme having regard to guidance at Section 8 of the Scrutiny Toolkit and in consultation with the Renewal and Recreation Portfolio Holder and Chief/Senior Officers.

3.3 The Committee's Work Programme for the period January-April 2018 is attached at **Appendix A**.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous Work Programme reports.

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Report Title	Report Author	PH Decision (Yes/No)
Renewal and Recreation Policy Development and Scrutiny Committee – 24 January 2018		
Matters Arising from Previous Meetings	LT	No
Renewal and Recreation PDS Work Programme	LT	No
R&R Budget Monitoring	CM	Yes
Draft Budget 2018/19	CM	No
Capital Programme Monitoring - 2 nd Quarter 2017/18	JM	Yes
Town Centres Development Programme Update	KM	No
Planning Performance and Planning Enforcement	JK	No
Renewal and Recreation Policy Development and Scrutiny Committee – 28 February 2018		
Matters Arising from Previous Meetings	LT	No
R&R PDS Work Programme	LT	No
R & R Budget Monitoring	CM	Yes
Portfolio Plan Review and Contracts Register	??	Yes/No
Town Centres Development Programme Update	KM	No
Chairman's Annual Report	Chairman	No
Spring 2018		
Member visit to Crystal Palace Park		
Penge High Street Report		

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