

EXECUTIVE

Minutes of the meeting held on 27 March 2019 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors Graham Arthur, William Huntington-Thresher,
Kate Lymer, Peter Morgan and Diane Smith

Also Present:

Councillor Nicholas Bennett J.P., Councillor Simon
Fawthrop and Councillor Angela Wilkins

125 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Cllr Peter Fortune.

126 DECLARATIONS OF INTEREST

There were no declarations of interest.

(During consideration of Minute 136, Councillor Kate Lymer declared an interest as her brother was employed by one of companies involved.)

127 QUESTIONS

Questions had been received from Mr Michael Hall and Councillor Angela Wilkins. The questions and replies are set out in Appendix A to these minutes.

128 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 13TH FEBRUARY 2019

RESOLVED that the minutes of the meeting held on 10th February 2019 (excluding exempt information) be confirmed.

129 BUDGET MONITORING 2018/19

Report FSD19039

The Executive considered the third budget monitoring report for 2018/19 on expenditure and activity levels up to the end of December 2018. The report also highlighted significant variations which would impact on future years as well as early warnings that could impact on the final year end position.

Supplementary information had been circulated in support of two additional recommendations - to recommend to Council that an additional £1.1m (total £2m) of Bromley CCG funding be set aside to support health and social care as an earmarked reserve, and that £57,742 be set aside for High Street Clean

up and £57,745 for a Parks Improvement Fund as an earmarked reserve to fund these initiatives following the announcement of one-off Government funding.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 19th March 2019, and the Committee had supported the recommendations.

RESOLVED that

- (1) The latest financial position be noted.**
- (2) It is noted that a projected net overspend on services of £648k is forecast based on information as at December 2018.**
- (3) The comments from Chief Officers detailed in appendix 2 to the report be noted.**
- (4) The projected variation of £221k credit from investment income as detailed in sections 3.5 and 3.6 of the report, be noted.**
- (5) The projected variation of £826k in the central contingency, as detailed in section 3.2 of the report, be noted.**
- (6) The projected increase to the General Fund balance of £1,096k as detailed in section 3.3 of the report be noted.**
- (7) The release of £376k from the 2018/19 Central Contingency relating to additional savings and income from the Amey contract as detailed in paragraph 3.2.3 of the report be agreed.**
- (8) The release of £200k for the staff merit award from the 2018/19 Central Contingency to an earmarked reserve as detailed in paragraph 3.2.3 of the report be agreed.**
- (9) The release of £200k for Civic Centre improvements from the 2018/19 Central Contingency to an earmarked reserve as detailed in paragraph 3.2.4 of the report.**
- (10) The release of £500k for the Transformation programme from the 2018/19 Central Contingency to an earmarked reserve as detailed in paragraph 3.2.5 of the report be agreed.**
- (11) The return to contingency of £227k of additional grant to the 2018/19 Central Contingency as detailed in paragraph 3.2.6 of the report.**
- (12) The return to contingency of £500k of grant to the 2018/19 Central Contingency and the recommended use of this grant as detailed in paragraph 3.2.7 of the report.**

(13) £187k of the Social Care grant for the implementation of Pre-paid cards in 2019/20 be set aside as detailed in paragraph 3.2.8 of the report.

(14) The release of £744k Adult Social Care grant income from the 2018/19 Central Contingency as detailed in paragraph 3.2.9 of the report be noted.

(15) The release of £1,190k for Social Care Investment to ease NHS Winter pressures from the 2018/19 Central Contingency as detailed in paragraph 3.2.10 of the report be agreed.

(16) Council be recommended that £7.5m be set aside in the Housing Investment Fund earmarked from underspends in the 2018/19 Central Contingency for the Council's Housing transformation strategy as detailed in paragraph 3.2.12 of the report.

(17) It is noted that reports elsewhere on the agenda request the drawdown of £2,489k relating to Housing from the central contingency as set out in paragraph 3.2.12 of the report.

(18) The Dedicated Schools Grant balance, the increased funding and the use of that funding as detailed in section 3.7 of the report be noted.

(19) Allocation of £75k from the Growth Fund to cover the costs of the West Wickham BID project as set out in paragraph 3.9 of the report be agreed.

(20) The full year cost pressures of £6.5m as detailed in 3.4 of the report be noted.

(21) Council be recommended to set aside £2m of Bromley CCG funding to support health and social care as an earmarked reserve (as detailed in section 3.11 of the report and the supplementary information.)

(22) Sums of £57,742 for High Street Clean Up and £57,745 for Parks Improvement Fund be set aside as an earmarked reserve in order to support these initiatives which will be fully funded from the recently announced one off Government funding.

130 CONTINGENCY DRAWDOWN: HOMELESSNESS AND TEMPORARY ACCOMMODATION PRESSURES
Report CS18209

The report updated Members on homeless numbers during 2018/19, the range of initiatives undertaken to, wherever possible, reduce the associated rising budget pressures, and forthcoming challenges arising from both the introduction of the Homelessness Reduction Act 2017 and the commencement of universal credit roll-out in Bromley. It was proposed that £2,489 be drawn down from central contingency for homelessness and welfare reform measures, and the impact of the Homeless Reduction Act.

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Members noted that the amount that needed to be drawn down was lower than had been expected.

The Leader noted that the number of homeless families had actually reduced and thanked the Director of Housing and her staff for their excellent work in mitigating housing pressures by acquiring properties and preventing homelessness. The Portfolio Holder for Renewal, Recreation and Housing added that work was continuing on the potential for a phase 2 of the More Homes Bromley project, and providing modular homes on Council owned land.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 6th May 2019.

RESOLVED that a sum of £2,489k be released from the 2018/19 Central contingency; £1,739k set aside to offset the current homelessness and temporary accommodation budget pressures and £750k for the impact of the Homeless Reduction Act.

**131 CONSTITUTION IMPROVEMENT WORKING GROUP - MINOR
 CONSTITUTIONAL CHANGES**
Report CSD19053

The Constitution Improvement Working Group had met on 21st January and had made a number of recommendations to update the Council's Constitution. The most significant changes related to the arrangements for dealing with formal questions at meetings, setting earlier deadlines for general questions, but allowing questions on matters on the agenda to be submitted closer to the meeting date. The Working Group had also asked officers to investigate the provision of smartphones to Members; one Executive member considered this unnecessary, and the Leader suggested that were any member to hold concerns on either this or any other issue they could of course be referred back to a future meeting of the Constitution Improvement Working Group for further consideration.

The report had been considered by the General Purposes and Licensing Committee at its meeting on 19th March 2019 and the Committee had supported the recommendations. However, the Committee had also made an additional recommendation that all committees and sub-committees should be required to receive a "matters outstanding" report on their agendas. The Director of Corporate Services advised that a report should be provided in each case (and not just an agenda heading) as access to information rules required that committees and sub-committees should only consider the matters before them in their agenda papers.

RESOLVED that

(1) Council be recommended to approve the changes to the Council's Constitution proposed by the Constitution Improvement Working Group.

(2) Council be recommended to approve the additional recommendation from General Purposes and Licensing Committee that a requirement be added to the Constitution that all Committees and Sub-Committees should be required to have a “matters outstanding” report on their agendas.

132 CONTRACT AWARD: INSURANCE POLICIES (PART 1)
Report FSD19044

At its meeting on 21st May 2018 the Executive approved a proposal to tender for the provision of insurance policies. The report set out the results of the tender process and recommended the award of contracts.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 19th March 2019, and the Committee had supported the recommendations. An additional report on the part 2 agenda included confidential details of the tenders received.

RESOLVED that

(1) Contracts for insurance policies be awarded for a period of five years from 1st May 2019 to 30th April 2024 with an option to extend for a further three years.

(2) It is confirmed that the Council should continue not to purchase “Pool re” Terrorism cover on the grounds of excessive cost, as detailed in section 5.7 of the report.

(3) It is noted that authority has been delegated to the Director of Finance to approve the optional three year extension in consultation with the Portfolio Holder for Resources, Commissioning and Contracts Management, Director of Commissioning and Director of Corporate Services.

133 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

The Chairman of the Executive, Resources and Contracts PDS Committee raised an issue about the new lockable pigeon holes that had been provided for Members. He considered that they would lead to additional printing costs as it would not be possible for substitute Members to collect agenda papers from the pigeon-holes of the Members that they replaced.

A brief conversation then ensued regarding the merits and demerits of the recent changes, with Executive Members whilst noting the Chairman’s concern, concluding that the new arrangements caused no significant inconvenience or problem to Members and should remain as are.

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

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

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

135 EXEMPT MINUTES OF THE MEETING HELD ON 13TH FEBRUARY 2019

The exempt minutes of the meeting held on 13th February 2019 were confirmed.

136 CONTRACT AWARD: INSURANCE POLICIES (PART 2)

The Executive awarded contracts for Insurance policies (see minute 132 above).

The Meeting ended at 7.59 pm

Chairman

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Questions and Replies

(A) Questions from members of the Public

**(1) From Mr Michael Hall to the Portfolio Holder for Children, Education & Families
(answered by the Leader of the Council)**

Given that more than 250 new secondary places have been made available at Eden Park High School, how do you explain 13 families from James Dixon Primary School and 8 pupils from schools in Penge being refused preferred schools and being sent out of Borough?

Reply:

Ninety-six per cent of children in Bromley have been offered one of their preferred secondary school places for this September, much higher than the average across London of 92 per cent and higher than the achievements of our neighbouring boroughs. Places are allocated by the Independent Pan-London Admissions Process and in line with the rigorous National Admissions Code.

In any borough there will sadly be a small number of pupils who will have to be directed to a specific school place because their location or situation in relation to their preferred schools means they do not secure one of their preferences. The only way to avoid this would be to create vastly more school places than would be required which is clearly not an option.

It should also be noted that a high number of families from neighbouring boroughs exercise their legal right to select one of Bromley's great schools for their child. This year, around 1,000 school place offers were made to children from outside this borough which puts added pressure on Bromley school places for Bromley residents. In comparison, only half that number of Bromley pupils were offered places for schools outside of the borough. Whilst challenging, it should be remembered this is a consequence of our success in overseeing a family of amazing schools for our young people and we are very proud of the teachers, pupils and governors who have made that the case.

I am acutely aware that does not help you or your situation and can only apologise for that fact.

Supplementary Question:

If Bromley has enough school places, why have thirteen children from the same school been allocated to the same unsafe, inadequate school, as the most recent Ofsted report clearly states, on all levels. Even though we followed all application procedures promptly and correctly, and well within the deadline. We ask that the procedures followed for allocation of secondary school places for us thirteen families from James Dixon, and eight families from schools in Penge, be looked into to ensure that allocation of places has been made correctly and that all procedures have been adhered to and followed without prejudice.

Reply:

The unfortunate situation facing yourself, and it used to be the case in wards more central in Bromley - Plaistow and Sundridge, which I represented at the time, had exactly the same problem - is that there is a black hole for school places at what many residents would describe as the desirable schools for their children. Unfortunately it does mean that if you are in one of those areas then you are subject to direction for your children. On a personal level, as a parent myself, I can only offer you an apology for that. Most local authorities in the country suffer that and it is not without irony that the reason that we have to take out of borough children into Bromley schools thereby denying people like you, as a taxpayer in Bromley, a place in a Bromley school, is the Greenwich Judgement. Of all the Councils in the country that fought for the principle that you are espousing - I am a Bromley ratepayer, I want a place in a Bromley school - Bromley is the Council that, back in the early 1990's * tested this in the High Court. Unfortunately we lost - that was the Greenwich Judgement, that drives legislation before it. Many people would agree, and I would be amongst them, that Bromley residents should be able to place their children into Bromley schools, yet the law of the country goes by circumference from the school, which means that people on the extreme of the borough, or within the borough but a long distance from the school, suffer the relative indignity that you are suffering now.

(Note: On checking after the meeting, the Leader requested that it be noted that the date of the Greenwich Judgement was actually 1989.)*

Additional Supplementary Question:

I understand all that. We have two siblings that go to James Dixon - it is a fantastic school and it has done a really good job with our kids. I'm not saying that it is because they are a Bromley school, but it just seems such a shame that my son will be forced to go to a school which is in Croydon borough and one that has received an abysmal report from Ofsted - the school should be closed down, from what I have been reading online. There has been knife-crime activity in the school and numerous bad things have gone on in that school. We are in a situation where we will not allow our child to go to that school, even if we face legal prosecution, because it is a terrible situation to be in. For thirteen other families to be in the same situation for one school seems a little bit out of the ordinary.

Reply:

That is noted. You have the genuine sympathy of those here.

Additional Supplementary Question from Cllr Angela Wilkins:

One of the key things here is that it is fourteen families from one school in Anerley. The figure of people getting one of their preferred choices is 96%; for this school it is 76%. I understand the background to this and the Greenwich Judgement, and it is particularly hard given the Croydon school being offered.

Given the increasing population, what could be done, and what is being done to try to make sure that we do not get this situation for pupils from James Dixon School in SE19 and SE20 in future years? Can I also make reference to the Budget Monitoring report where it is identified that one of the risks in the Department is shortage of school places.

Reply:

It will not shock you to hear that I will repeat the line that Cllr Fortune has taken on a number of occasions, that there is no projected school place shortage in Bromley. There are plans, in a timely fashion, to make sure that is the case. My personal view of how this could be handled better is that it is currently impacted by the Government's policy around free schools and academies which means that, fundamentally, where schools go is not the function of the Council. The Council cannot decide where schools go. If there was central planning it would be easier to match demand with supply. Unfortunately, that is not in the gift of the local authority. To me, that would be a big step forward. One of the things that may come too late for your children is that there is self-evidently a potential need for an additional school somewhere in the borough. I hope that people will be more inclined to listen to me than has hitherto been the case in this chamber when I suggest that this is the area where we need to plug gaps. That will potentially depend on whether central Government are minded to make money available for an educationalist to develop a school in an available place. Those conversations have happened and are ongoing.

Additional Comments:

Mr Hall commented that at least the future generations had got something to look forward to.

Councillor Simon Fawthrop added that everyone had sympathy with Mr Hall, and reminded him that selective schools were available at the other end of the borough. He encouraged parents to put their children in for the selective schools. He accepted that travelling distance could be an issue, although some children did travel from central London. He also mentioned that there were waiting lists for school places.

Mr Hall stated that he had been under the impression that there were enough school places. He did not want his children to go to a school miles away - they would have to be driven there and he did not want his children to have to get on a bus on their own for their first year of secondary school.

The Leader responded that he loosely understood, but emphasised that he could not be held to the suggestion, that there might still be places available at three schools in the Borough albeit on the periphery - Kemnal, Harris Orpington and Charles Darwin and that he would have that that possibility checked and investigated for Mr Hall as another potential option.

Mr Hall concluded by stating that he had not applied to South Norwood Academy.

(B) Questions from Members of the Council**1. From Cllr Angela Wilkins to the Portfolio Holder for Renewal, Recreation and Housing**

Please provide an update on:

- The status and work programme of the Trust managing Crystal Palace Park.
- Recent or proposed actions of the Council in relation to planning applications for housing developments in the park.

- The Council's negotiations with the Mayor of London/GLA in relation to social and affordable housing in the park.

Reply:

The Trust is currently considering 'hibernating' until the submission of the Outline Planning Application is made and a revised programme for the Regeneration Plan has been agreed.

After extensive review it has been determined that there is no solution for the Park that includes affordable housing at this time. The capital receipts generated would not be sufficient to deliver the works required to create a sustainable future for the Park, including conservation of the heritage assets. Therefore the outline planning application will be submitted this year with the housing developments as determined in 2017.

There have been meetings at officer level and discussions at political level which you have been involved in. The GLA has not said that they will accept no affordable housing, however we are prepared to make the case that the community benefits of delivering the Regeneration Plan outweigh the requirement for affordable housing. The consented Masterplan does not include affordable housing.

Supplementary question:

Cllr Wilkins stated that it was important that this information was in the public domain. She asked whether the Portfolio Holder agreed that there was a real need to push ahead? She understood the problems in the last year with resources and expressed concern with the approach being made to the GLA. The Council had to relate to the other boroughs in the area, and it did not have a good record for providing affordable housing.

Reply:

Before Cllr Morgan responded, the Leader commented that the Council would continue to develop policies for Bromley, as opposed to the design preferences of the Deputy Mayor for Housing, but he did agree that more affordable housing was needed.

The need to press ahead quickly is something that I thoroughly endorse. I have instructed my officers to do exactly that. Now that they have made up their minds that we cannot afford the affordable housing the architects have been instructed to draw up a plan. A planning application will be made as soon as we have something that we are happy with, and I am hoping that will be weeks rather than months. I think you know that the whole Masterplan is promulgated on the idea that we generate money from the sale of these housing sites on the perimeter of the Park which will enable us to create an endowment fund sufficient to maintain the Park to a good standard, better than now, into the future. That is the point of what I said earlier, that if we have too much affordable housing, or indeed my officers think any affordable housing, we simply will not generate the cash that we need to finance the sustainable future of the Park. That is the problem.

On the more general question of social housing, we are acutely aware of this and I think you know that I am very keen to get affordable housing delivered in this borough, particularly to take care of our homeless families, of which we have far too many. It is costing us a fortune. There will be proposals coming forward over the next few weeks for quite a lot of affordable homes and I think that the Deputy Mayor for Housing will be pleased with us, whereas our record over the last few years has not been as good as it ought to be. Now it is going to be very good.