

TO MEMBERS OF THE COUNCIL

Notice is hereby given that a meeting of the Council of the London Borough of Bromley is to be held in the Council Chamber at Bromley Civic Centre on Monday 15 July 2019 at 7.00 pm which meeting the Members of the Council are hereby summoned to attend.

Prayers

A G E N D A

- 1 Apologies for absence
- 2 Declarations of Interest
- 3 To confirm the Minutes of the meetings of the Council held on 8th and 22nd May 2019 (Pages 3 - 28)
- 4 Petitions
- 5 Questions

The deadline for questions was 5pm on Monday 1st July.

Questions specifically on reports on the agenda can be received until two working days after the normal publication date of the agenda. Please ensure that questions specifically on reports on the agenda are received by the Democratic Services Team by 5pm on Tuesday 9th July 2019

- (a) Questions from members of the public for oral reply.
- (b) Questions from members of the public for written reply.
- (c) Questions from members of the Council for oral reply.
- (d) Questions from members of the Council for written reply.

- 6 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees.

General Reports

- 7 Confirmation of Chief Executive Appointment (Pages 29 - 34)
- 8 Review of Corporate Leadership Structure - Updates to the Constitution and Scheme of Delegation to Officers (Pages 35 - 126)
- 9 Health and Wellbeing Board - Annual Report 2018/19 (Pages 127 - 130)

Recommendations from the Executive

- 10 Treasury Management - Annual Report 2018/19 (Pages 131 - 148)
- 11 Budget Monitoring 2019/20 (Pages 149 - 190)
- 12 Capital Programme Monitoring - 1st Quarter 2019/20 (Pages 191 - 208)
- 13 Replacement of the District Housing System Boilers and Related Works to the Walnuts Leisure Centre (Pages 209 - 216)
- 14 Award of Contract for the Build and Management of Modular Homes at the York Rise Site (Part 1) (Pages 217 - 230)

Recommendations from Policy Development and Scrutiny

- 15 Fifth Report of the Education, Children and Families Select Committee 2018/19: Life Long Learning in a Rapidly Changing World of Work (Pages 231 - 248)
- 16 To consider Motions of which notice has been given.
- 17 The Mayor's announcements and communications.
- 18 Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, and the Freedom of Information Act 2000

The Mayor to move that the Press and public be excluded during consideration of the item 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.

- 19 Award of Contract for the Build and Management of Modular Homes at the York Rise Site (Part 2) (Pages 249 - 260) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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Ao Adetosoye

Ade Adetosoye OBE
Interim Chief Executive
BROMLEY CIVIC CENTRE
BROMLEY BR1 3UH
Friday 5th July 2019
Vol.56 No.3

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the annual meeting of the
Council of the Borough
held at 6.30 pm on 8 May 2019

Present:

**The Worshipful the Mayor
Councillor Kim Botting FRSA**

**The Deputy Mayor
Councillor David Cartwright QFSM**

Councillors

Marina Ahmad	Peter Fortune	Keith Onslow
Gareth Allatt	Kira Gabbert	Tony Owen
Vanessa Allen	Hannah Gray	Angela Page
Graham Arthur	Will Harmer	Chris Pierce
Yvonne Bear	Christine Harris	Neil Reddin FCCA
Julian Benington	Colin Hitchins	Michael Rutherford
Nicholas Bennett J.P.	Samaris Huntington- Thresher	Richard Scoates
Mike Botting	William Huntington- Thresher	Colin Smith
Katy Boughey	Simon Jeal	Diane Smith
Mark Brock	David Jefferys	Gary Stevens
Kevin Brooks	Charles Joel	Melanie Stevens
Mary Cooke	Josh King	Harry Stranger
Aisha Cuthbert	Kate Lymer	Kieran Terry
Peter Dean	Robert Mcilveen	Michael Tickner
Ian Dunn	Russell Mellor	Pauline Tunncliffe
Nicky Dykes	Alexa Michael	Michael Turner
Judi Ellis	Peter Morgan	Stephen Wells
Robert Evans		Angela Wilkins
Simon Fawthrop		

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Kim Botting FRSA

Before the formal business started, the Mayor awarded certificates for 25 years' service to the borough to Councillors Russell Mellor, Alexa Michael and Tony Owen, and for 40 years' service to Cllr Michael Tickner.

102 To elect the Mayor of the Borough

It was moved by Councillor Tony Owen, seconded by Councillor Ian Dunn and

RESOLVED that Councillor Nicholas Bennett MA JP be elected Mayor of the Borough.

Councillor Bennett made and subscribed the Declaration of Acceptance of the Office of Mayor and thereupon adjourned from the chamber in company with the retiring mayor to receive the insignia of office.

In the chair, Cllr Nicholas Bennett MA JP.

On his return to the chamber, the Mayor expressed his thanks for the honour conferred on him.

103 To record the appointment of the Deputy Mayor signified to the Council in writing.

The Mayor signified orally and in writing his appointment of Cllr Kira Gabbert as the Deputy Mayor.

The Deputy Mayor was invested by the Mayor with the insignia of her office and expressed appreciation for the honour of her appointment.

104 The Retiring Mayor

On a motion from Councillor Graham Arthur, which was seconded by Councillor Pauline Tunnicliffe, it was

RESOLVED that at the conclusion of the year of office of Councillor Kim Botting FRSA as Mayor of the London Borough of Bromley, the Council places on record its appreciation of the able manner in which she has presided at meetings of the Council and the distinction with which she has maintained and discharged the high traditions and responsibilities of that office.

The Council also recognises the enthusiasm, commitment and dedicated manner in which she has carried out Mayoral duties when representing the borough, spreading awareness of the history and tradition of the Mayoralty with dignity, as well as strengthening our relationship with Mayoralty outside of the Borough.

In particular, it appreciates her work in marking the 30th anniversary of our long-standing relationship with our twinned town Neuwied on 8th September 2018, and her help in securing the future of our friendship by renewing the partnership founded three decades ago.

The Council gratefully acknowledges her continued dedication to developing cultural links with China through personal diplomacy and a system of school exchanges.

It records with pleasure her success in forging our connection with the Canadian city of Thunder Bay with the signing of the historic Friendship Agreement on 7th March 2019.

It appreciates her particular involvement and support of the Borough's voluntary groups, business associations, community groups, music and drama organisations, schools and colleges. Additionally, it notes her consideration for the welfare and wellbeing of residents from all age groups throughout the borough.

The Council further acknowledges her enthusiastic support and fund raising efforts through her Charity Appeal for The Royal British Legion Poppy Appeal and Bromley, Lewisham and Greenwich Mind.

That the Corporate Seal be affixed to an engrossment of this resolution for presentation to Councillor Kim Botting FRSA and a Past Mayor's Badge be presented to her in token of the appreciation hereby expressed.

Thereupon, the Mayor, on behalf of the Council, invested Councillor Kim Botting with a badge in token of the appreciation of her services as Mayor of the Borough.

Councillor Botting expressed her thanks for the terms of the resolution and the presentation, and for the support accorded to her which had contributed so greatly to her year in office.

RESOLVED that the Council

(1) records its appreciation of the able and courteous services of Councillor David Cartwright and Mrs Kathryn Cartwright when, as Deputy Mayor and Deputy Mayoress for they represented the Mayoralty and the Council; and

(2) provide them with an attested copy of this resolution.

Councillor Cartwright expressed his thanks for the terms of the resolution and for the support accorded to him during his year of office as Deputy Mayor.

105 Apologies for absence

Apologies for absence were received from Councillors Kathy Bance, Christopher Marlow and Will Rowlands.

106 Declarations of Interest

There were no declarations of interest.

**107 To confirm the Minutes of the meeting of the Council held on
8th April 2019**

RESOLVED that the minutes of the meeting held on 8th April 2019 be confirmed.

**108 To receive an address from the Leader of the Council if they
so elect**

In accordance with the constitutional arrangement that the Leader of the Council may elect to address the annual meeting, Councillor Colin Smith made a brief statement on his priorities and vision for the borough. He recognised housing and reducing homelessness as a major challenge, but emphasised that the Council was looking at a number of innovative initiatives, and for the first time in many years the housing list had actually gone down. Another major issue was the plight of elderly people. The Council had to ensure that the high standards for education and children's services were improved and never allowed to slip, while at the same time adults services were brought up to the similar standards. Strategies for mental health, older people and learning disabilities were being prepared, and there were real opportunities for combining health and social care. Loneliness was a theme through many issues facing the Council, and the Leader was determined to see that this was drawn together to drive out even better outcomes. The voluntary sector was particularly important and effective in Bromley.

The Leader briefly mentioned a number of other issues, such as the large number of people interested in public protection issues and attending Safer Bromley Partnership meetings and the need to provide good environmental services despite the budget pressures. He would continue to fight for fairer funding for the borough, and he considered that the Council's policy of investing its money to support frontline services had been vindicated.

**109 To appoint Committees and their Chairmen and Vice-
Chairmen and agree proportionality**

A schedule of proposed committee appointments had been circulated. A motion that the appointment of Councillors to Committees and the election of Chairmen and Vice-Chairmen as set out in the schedule circulated was moved by Councillor William Huntington-Thresher, seconded by Cllr Christine Harris and **CARRIED**.

After the end of the meeting, Committees met to appoint their Sub-committees and appoint chairmen and vice-chairmen. The final version of the schedule is attached as Appendix A to these minutes.

110 To receive the Scheme of Delegation of Executive Functions from the Leader of the Council, and to approve the Scheme of Delegation of Non-Executive Functions
Report CSD190071

A motion to note the Scheme of Executive Delegation and confirm the Scheme of Non-Executive Delegation was moved by Councillor Pauline Tunnicliffe, seconded by Councillor Stephen Wells and **CARRIED**.

111 Councillor Attendance 2018/19
Report CSD19072

In accordance with the agreed procedure, a report was received summarising Members' attendance at meetings during the 2018/19 Council year.

112 Reports from Councillors Appointed to Outside Bodies
Report CSD190073

Reports were received from Councillors appointed to serve on outside bodies during the 2018/19 Council year.

113 The Mayor's announcements and communications.

The Mayor confirmed that his Chaplain would be father Tom McHugh of St Joseph's and St Swithun's Church, and reminded Members that the Civic service would be held at St Joseph's on 2nd June at 11am.

The Mayor announced that his charities would be the LATCH Project and Careplus, and he invited a representative from each to give a brief outline of their work.

The Meeting ended at 8.33 pm

Mayor

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COUNCIL APPOINTMENTS 2019/20

1. POLICY DEVELOPMENT AND SCRUTINY COMMITTEES

(a) Proportionality and Size Of Committees

RECOMMENDED that the Committee sizes and proportionality indicated below be agreed.

	Size	Conservative	Labour	Independent
Executive, Resources and Contracts*	15	12	2	1
Adult Care and Health*	9	7	2	-
Children, Education and Families*	9	7	2	-
Environment and Community Services*	9	7	1	1
Public Protection and Enforcement*	9	7	1	1
Renewal, Recreation and Housing*	9	7	1	1

* Plus Co-opted members to be appointed at the first meeting of PDS Committees as appropriate

(b) Appointment of Members to Policy Development and Scrutiny Committees

RECOMMENDED that the following Schedule of Members to serve on Policy Development and Scrutiny Committees for the Municipal Year 2019/20 be agreed.

**(i) EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE
(To include the Chairmen of other PDS Committees)**

	<u>Councillors</u>
1	Simon Fawthrop (CH)
2	Christopher Marlow (VC)
3	Gareth Allatt
4	Julian Benington (IND)
5	David Cartwright
6	Mary Cooke
7	Ian Dunn (LAB)
8	Nicky Dykes
9	Robert Evans
10	Will Harmer
11	Russell Mellor
12	Michael Rutherford
13	Michael Tickner
14	Stephen Wells
15	Angela Wilkins (LAB)
**	Plus Co-opted Members as appropriate

(ii) ADULT CARE AND HEALTH PDS COMMITTEE

	<u>Councillors</u>
1	Mary Cooke (CH)
2	Robert Mcilveen(VC)
3	Gareth Allatt
4	Judi Ellis
5	Robert Evans
6	Simon Jeal (LAB)
7	David Jefferys
8	Keith Onslow
9	Angela Wilkins (LAB)
**	Plus Co-opted Members as appropriate

(iii) CHILDREN, EDUCATION & FAMILIES PDS COMMITTEE

	<u>Councillors</u>
1	Nicky Dykes (CH)
2	Judi Ellis (VC)
3	Marina Ahmad (LAB)
4	Yvonne Bear
5	Kevin Brooks (LAB)
6	Hannah Gray
7	Christine Harris
8	Neil Reddin
9	Will Rowlands
**	Plus Co-opted Members as appropriate

(iv) ENVIRONMENT & COMMUNITY SERVICES PDS COMMITTEE

	<u>Councillors</u>
1	Will Harmer (CH)
2	Kieran Terry (VC)
3	Mark Brock
4	Ian Dunn (LAB)
5	Colin Hitchins
6	Samaris Huntington-Thresher
7	Melanie Stevens (IND)
8	Harry Stranger
9	Michael Tickner
**	Plus Co-opted Members as appropriate

(v) PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

	<u>Councillors</u>
1	David Cartwright (CH)
2	Chris Pierce (VC)
3	Kathy Bance (LAB)
4	Julian Benington (IND)
5	Kim Botting
6	Mike Botting
7	Alexa Michael
8	Suraj Sharma
9	Harry Stranger
**	Plus Co-opted Members as appropriate

(vi) RENEWAL, RECREATION AND HOUSING PDS COMMITTEE

	<u>Councillors</u>
1	Michael Rutherford (CH)
2	Suraj Sharma (VC)
3	Gareth Allatt
4	Yvonne Bear
5	Julian Benington (IND)
6	Kim Botting
7	Josh King (LAB)
8	Alexa Michael
9	Gary Stevens
**	Plus Co-opted Members as appropriate

(c) **Appointment of Chairman and Vice-Chairman**

RECOMMENDED that the following Councillors be appointed as Chairman and Vice-Chairman of Policy Development and Scrutiny Committees for 2019/20.

	<u>Chairman</u>	<u>Vice-Chairman</u>
Executive, Resources and Contracts	Simon Fawthrop	Christopher Marlow
Adult Care and Health	Mary Cooke	Robert Mcilveen
Education, Children and Families	Nicky Dykes	Judi Ellis
Environment & Community Services	Will Harmer	Kieran Terry
Public Protection and Enforcement	David Cartwright	Chris Pierce
Renewal, Recreation and Housing	Michael Rutherford	Suraj Sharma

2. GENERAL PURPOSES AND LICENSING COMMITTEE

(a) Proportionality, Size of Committee and Terms of Reference

RECOMMENDED that the Committee size and proportionately indicated above be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
General Purposes and Licensing Committee	15	12	2	1

(b) Membership of the General Purposes and Licensing Committee

RECOMMENDED that the following Schedule of Members to serve on the General Purposes and Licensing Committee be agreed.

(i) GENERAL PURPOSES AND LICENSING COMMITTEE

	<u>Councillors</u>
1	Pauline Tunnicliffe (CH)
2	Stephen Wells (VC)
3	Gareth Allatt
4	Vanessa Allen (LAB)
5	Mary Cooke
6	Robert Evans
7	Kira Gabbert
8	Josh King (LAB)
9	Christopher Marlow
10	Russell Mellor
11	Tony Owen
12	Neil Reddin
13	Melanie Stevens (IND)
14	Harry Stranger
15	Michael Turner

(c) Appointment of Chairmen and Vice-Chairman

RECOMMENDED that the following Councillors be appointed as Chairman and Vice-Chairman of the General Purposes and Licensing Committee.

	<u>Chairman</u>	<u>Vice-Chairman</u>
GENERAL PURPOSES AND LICENSING COMMITTEE	Pauline Tunnicliffe	Stephen Wells

3. DEVELOPMENT CONTROL COMMITTEE

(a) Proportionality and size of Committee

RECOMMENDED: That the Committee size and proportionately indicated below be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Development Control Committee	17	14	2	1

(b) Membership of Development Control Committee

RECOMMENDED that the Schedule of Members to serve on Development Control Committee be agreed as follows.

(i) DEVELOPMENT CONTROL COMMITTEE

	<u>Councillors</u>
1	Alexa Michael (CH)
2	Yvonne Bear (VC)
3	Vanessa Allen
4	Katy Boughey
5	Mark Brock
6	Kevin Brooks
7	Peter Dean
8	Simon Fawthrop
9	Christine Harris
10	William Huntington-Thresher
11	Charles Joel
12	Russell Mellor
13	Tony Owen
14	Angela Page
15	Richard Scoates
16	Melanie Stevens (IND)
17	Michael Turner

(c) Appointment of Chairman and Vice-Chairman

RECOMMENDED: that the following Councillors be appointed as Chairman and Vice-Chairman of the Development Control Committee.

	<u>Chairman</u>	<u>Vice-Chairman</u>
DEVELOPMENT CONTROL COMMITTEE	Alexa Michael	Yvonne Bear

4. STANDARDS COMMITTEE (5 Councillors)

RECOMMENDED that

(1) Councillors Will Harmer, Michael Tickner and Stephen Wells (Conservative), Vanessa Allen (Labour) and Melanie Stevens (Independent) be appointed to serve on the Standards Committee for the 2019/20 Municipal Year

(2) Dr Simon Davey be appointed as a co-opted member of the Committee for 2019/20 (one vacancy).

5. STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (SACRE) (7 Councillors)

(a) Proportionality and size of SACRE

<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
6	5	1	0

(b) Membership of SACRE

RECOMMENDED that Councillors Robert Evans, David Jefferys, Kate Lymer, Keith Onslow and Chris Pierce (Conservative) and Kevin Brooks (Labour), be appointed to serve on SACRE for the 2019/20 Municipal Year (one Conservative vacancy).

6. APPOINTMENT PANELS

(a) Proportionality and size of Appointment Panels (as and when required)

RECOMMENDED that the Panel sizes and proportionality indicated below be agreed.

<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
8	7	1	0

(b) Membership of Appointment Panels

RECOMMENDED: that Appointment Panels to fill vacancies for Chief and Deputy Chief Officer posts should compose 8 Members as follows; the Leader of the Council, a majority Party Member of the Executive, a majority Party PDS

Chairman, the Chairman or Vice-Chairman of the General Purposes and Licensing Committee, one Labour Member and up to 3 other Majority Party Members nominated by the Leader of the Council.

7. CHIEF OFFICER DISCIPLINARY PANEL

(a) Proportionality And Size of Appointment Panel

RECOMMENDED that the Panel sizes and proportionality indicated below be agreed.

<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
7	6	1	0

(b) Appointment of Members and Alternates

RECOMMENDED: that Chief Officer Disciplinary Panels for Chief and Deputy Chief Officer posts should compose 7 Members as follows; the Leader of the Council, a majority Party Member of the Executive, a majority Party PDS Chairman, one Labour Member, and 3 Members from the following 4 choices:

Either the Chairman of the General Purposes and Licensing Committee, the Vice-Chairman of the General Purposes and Licensing Committee, a second Majority Party Member of the Executive or a second Majority Party Member PDS Chairman.

8. CHIEF EXECUTIVE ANNUAL REVIEW PANEL

(a) Proportionality and size of Review Panels (as and when required)

RECOMMENDED that the Panel sizes and proportionality indicated below be agreed.

<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
9	7	1	1

(b) Membership of Review Panels

RECOMMENDED: that the Chief Executive Remuneration Panel should compose 9 Members as follows; the Leader of the Council, the Deputy Leader of the Council, the Resources, Commissioning and Contracts Portfolio Holder, the Leaders of the Minority Groups (or their nominee) and up to four other Majority Party Members.

9. URGENCY COMMITTEE

To appoint 7 Councillors (comprising the Mayor, the Chairman of the General Purposes and Licensing Committee, the Chairman of the Executive, Resources and Contracts PDS Committee, the relevant Portfolio Holder or Committee Chairman and the Leaders of the three largest party groups) to deal with urgent non-executive decisions that are not of a sensitive nature.

RECOMMENDED: that the Urgency Committee be composed of the Mayor, the Chairman of the General Purposes and Licensing Committee, the Chairman of the Executive, Resources and Contracts PDS Committee, the relevant Portfolio Holder or Committee Chairman and the Leaders of the three largest party groups.

10. SAFER BROMLEY PARTNERSHIP

RECOMMENDED that Councillor Kate Lymer be appointed as the Council representative on the Safer Bromley Partnership.

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DEVELOPMENT CONTROL COMMITTEE APPOINTMENTS

1. PROPORTIONALITY OF SUB-COMMITTEES

RECOMMENDED that the following proportionality be agreed

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Plans Sub No. 1	9	8	1	0
Plans Sub No. 2	9	8	1	0
Plans Sub No. 3	9	8	1	0
Plans Sub No. 4	9	8	1	0

2. MEMBERSHIP OF SUB-COMMITTEES

RECOMMENDED that the following Schedule of Members to serve on the Sub-Committees of the Development Control Committee be agreed.

(i) PLANS SUB-COMMITTEE NO. 1

	<u>Councillors</u>
1	Alexa Michael (CH)
2	Angela Page (VC)
3	Kathy Bance (LAB)
4	Katy Boughey
5	Kira Gabbert
6	Christine Harris
7	Tony Owen
8	Will Rowlands
9	Suraj Sharma

(ii) PLANS SUB-COMMITTEE NO. 2

	<u>Councillors</u>
1	Peter Dean (CH)
2	Michael Turner (VC)
3	Mark Brock
4	Nicky Dykes
5	Simon Fawthrop
6	Colin Hitchins
7	Josh King (LAB)
8	Neil Reddin
9	Richard Scoates

(iii) PLANS SUB-COMMITTEE NO. 3

	<u>Councillors</u>
1	Katy Boughey (CH)
2	Tony Owen (VC)
3	Kevin Brooks (LAB)
4	Samaris Huntington-Thresher
5	Charles Joel
6	Alexa Michael
7	Keith Onslow
8	Angela Page
9	Kieran Terry

(iv) PLANS SUB-COMMITTEE NO. 4

	<u>Councillors</u>
1	Richard Scoates (CH)
2	Simon Fawthrop (VC)
3	Marina Ahmad (LAB)
4	Gareth Allatt
5	Aisha Cuthbert
6	Peter Dean
7	Nicky Dykes
8	Kate Lymer
9	Michael Turner

3. APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN

RECOMMENDED: that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee.

PLANS SUB-COMMITTEE NO. 1	Alexa Michael	Angela Page
PLANS SUB-COMMITTEE NO. 2	Peter Dean	Michael Turner
PLANS SUB-COMMITTEE NO. 3	Katy Boughey	Tony Owen
PLANS SUB-COMMITTEE NO. 4	Richard Scoates	Simon Fawthrop

GENERAL PURPOSES AND LICENSING COMMITTEE APPOINTMENTS

1. PROPORTIONALITY OF SUB-COMMITTEES

RECOMMENDED that the proportionality of Sub-Committees be agreed as follows -

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Audit Sub-Committee	7	6	1	0
Industrial Relations Sub-Committee	7	6	1	0
Local Joint Consultative Cttee	9	8	1	0
Pensions Investment Sub-Committee	7	6	1	0
Rights of Way Sub-Committee	7	6	1	0

2. MEMBERSHIP OF SUB-COMMITTEES

RECOMMENDED that the Schedule of Members to serve on the Sub-Committees of the General Purposes and Licensing Committee be agreed as below.

(i) AUDIT SUB-COMMITTEE

	<u>Councillors</u>
1	Neil Reddin (CH)
2	Robert Evans (VC)
3	Gareth Allatt
4	Ian Dunn (LAB)
5	Keith Onslow
6	Tony Owen
7	Stephen Wells

(ii) INDUSTRIAL RELATIONS SUB-COMMITTEE (to include Leader, Deputy Leader, Chairman and Vice-Chairman of the General Purposes and Licensing Committee.)

	<u>Councillors</u>
1	Colin Smith (CH)
2	Peter Fortune (VC)
3	David Cartwright
4	Simon Fawthrop
5	Josh King (LAB)
6	Pauline Tunnicliffe
7	Stephen Wells

(iii) LOCAL JOINT CONSULTATIVE COMMITTEE (to include Leader or named Deputy, Chairman of Executive & Resources, Policy Development and Scrutiny Committee or named Deputy and Chairman of the General Purposes and Licensing Committee or named Deputy)

	<u>Councillors</u>
1	Russell Mellor (CH)
2	David Cartwright
3	Simon Fawthrop
4	Will Harmer
5	Josh King (LAB)
6	Kate Lymer
7	Colin Smith
8	Pauline Tunnicliffe
9	Michael Turner

(iv) PENSIONS INVESTMENT SUB-COMMITTEE

	<u>Councillors</u>
1	Keith Onslow (CH)
2	Gareth Allatt (VC)
3	Simon Fawthrop
4	Simon Jeal (LAB)
5	David Jefferys
6	Christopher Marlow
7	Gary Stevens

(v) RIGHTS OF WAY SUB-COMMITTEE

	<u>Councillors</u>
1	Michael Rutherford (CH)
2	Mike Botting (VC)
3	Vanessa Allen (LAB)
4	Simon Fawthrop
5	Robert Mcilveen
6	Harry Stranger
7	Michael Tickner

3 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RECOMMENDED that the following Councillors be appointed as Chairman and Vice-Chairman of the Sub-Committees of the General Purposes and Licensing Committee.

AUDIT SUB-COMMITTEE	Neil Reddin	Robert Evans
INDUSTRIAL RELATIONS SUB-COMMITTEE	Colin Smith	Peter Fortune
LOCAL JOINT CONSULTATIVE COMMITTEE	Russell Mellor	(Staff-side appointment)
PENSIONS INVESTMENT SUB-COMMITTEE	Keith Onslow	Gareth Allatt
RIGHTS OF WAY SUB-COMMITTEE	Michael Rutherford	Mike Botting

4. APPOINTMENT OF APPEALS SUB-COMMITTEE

RECOMMENDED:

(1) that all Members of the Council, except Executive Members, be eligible for appointment to the Appeals Sub-Committee.

(2) three Members be drawn as required, to constitute an Appeals Sub-Committee.

5. APPOINTMENT OF LICENSING SUB-COMMITTEE

RECOMMENDED:

(1) that all Members of the General Purposes and Licensing Committee be eligible for appointment to the Licensing Sub-Committee;

(2) three Members be drawn as required, to constitute a Licensing Sub-Committee.

ADULT CARE AND HEALTH PDS COMMITTEE - APPOINTMENTS

1. PROPORTIONALITY OF SUB-COMMITTEE

RECOMMENDED that the following proportionality be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Health Scrutiny Sub-Committee	9	8	1	0

2. MEMBERSHIP OF SUB-COMMITTEE

RECOMMENDED that the following Schedule of Members to serve on the Sub-Committee of the Adult Care and Health PDS Committee be agreed.

(i) HEALTH SCRUTINY SUB-COMMITTEE

	<u>Councillors</u>
1	Mary Cooke (CH)
2	Robert Mcilveen (VC)
3	Gareth Allatt
4	Ian Dunn (LAB)
5	Judi Ellis
6	Robert Evans
7	David Jefferys
8	Keith Onslow
9	

Plus Co-opted Members as appropriate, and as appointed to the Care Services PDS Committee.

3. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

RECOMMENDED: that the following Councillors be appointed as Chairman and Vice Chairman of the Sub-Committee of the Adult Care and Health PDS Committee.

HEALTH SCRUTINY SUB-COMMITTEE	Mary Cooke	Robert Mcilveen
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**CHILDREN, EDUCATION & FAMILIES
PDS COMMITTEE - APPOINTMENTS**

1. PROPORTIONALITY OF SUB-COMMITTEE

RECOMMENDED that the following proportionality be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Children, Education & Families Budget and Performance Monitoring Sub-Committee	6	5	1	0

2. MEMBERSHIP OF SUB-COMMITTEE

RECOMMENDED that the following Schedule of Members to serve on the Sub-Committee of the Children, Education and Families PDS Committee be agreed.

- (i) CHILDREN, EDUCATION & FAMILIES BUDGET AND PERFORMANCE MONITORING SUB-COMMITTEE

	<u>Councillors</u>
1	Judi Ellis (CH)
2	Will Rowlands (VC)
3	Marina Ahmad (LAB)
4	Nicky Dykes
5	Neil Reddin
6	

Plus Co-opted Members as appropriate, and as appointed to the Children, Education & Families PDS Committee.

3. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

RECOMMENDED: that the following Councillors be appointed as Chairman and Vice Chairman of the Sub-Committee of the Children, Education and Families PDS Committee.

CHILDREN, EDUCATION & FAMILIES BUDGET AND PERFORMANCE MONITORING SUB-COMMITTEE	Judi Ellis	Will Rowlands
--	------------	---------------

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the special meeting of the
Council of the Borough
held at 7.00 pm on 22 May 2019

Present:

**The Worshipful the Mayor
Councillor Nicholas Bennett J.P.**

**The Deputy Mayor
Councillor Kira Gabbert**

Councillors

Marina Ahmad	Simon Fawthrop	Tony Owen
Gareth Allatt	Peter Fortune	Angela Page
Vanessa Allen	Hannah Gray	Chris Pierce
Graham Arthur	Will Harmer	Neil Reddin FCCA
Kathy Bance MBE	Colin Hitchins	Will Rowlands
Yvonne Bear	Samaris Huntington-	Michael Rutherford
Julian Benington	Thresher	Suraj Sharma
Kim Botting FRSA	William Huntington-	Colin Smith
Mike Botting	Thresher	Diane Smith
Katy Boughey	David Jefferys	Gary Stevens
Mark Brock	Charles Joel	Melanie Stevens
Kevin Brooks	Josh King	Harry Stranger
David Cartwright QFSM	Kate Lymer	Michael Tickner
Aisha Cuthbert	Robert Mcilveen	Pauline Tunnicliffe
Ian Dunn	Russell Mellor	Stephen Wells
Judi Ellis	Alexa Michael	Angela Wilkins
Robert Evans	Peter Morgan	

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Nicholas Bennett J.P.

114 Apologies for absence

Apologies for absence were received from Councillors Mary Cooke, Nicky Dykes, Christine Harris, Simon Jeal, Christopher Marlowe, Keith Onslow, Kieran Terry and Michael Turner, and from the Mayoress Mrs Ruth Bennett.

115 Declarations of Interest

There were no declarations of interest.

116 Questions on Reports on the Agenda

No questions had been received.

117 Provisional Final Accounts 2018/19
Report CSD19081

A motion to agree the recommendation from the Executive that a sum of £3,409k be set aside as a contribution to the Housing Invest to Save Fund reserve as detailed in paragraph 3.7.2 of the report was moved by Councillor Graham Arthur, seconded by Councillor Colin Smith and **CARRIED**.

An additional motion to express appreciation of the excellent work of Council staff was moved by Councillor Graham Arthur, seconded by Cllr Simon Fawthrop and **CARRIED**.

118 Capital Programme Outturn 2018/19
Report CSD19082

A motion to agree the recommendations of the Executive to approve the increase of £2,153k to the Disabled Facilities Grant scheme to reflect the 2019/20 allocation, as detailed in paragraph 3.3.1 of the report, and to approve an increase of £1,321k to the Housing Unallocated PIL scheme as detailed in in paragraph 3.3.2 of the report was moved by Councillor Graham Arthur, seconded by Councillor Colin Smith and **CARRIED**.

119 Gateway Report: Provision of Housing Supply in Anerley and Chislehurst
Report CSD19083

A motion to agree the recommendation of the Executive that the addition of £8.4m to the Capital Programme for the provision of up to 60 residential units for the provision off housing for the purposes of temporary accommodation on sites known as Bushell Way and Anerley Town Hall Overflow Car Park, with £7.5m funded from the Housing Investment Fund earmarked reserve and £0.9m identified in the 2018/19 provisional Final Outturn report, was moved by Councillor Peter Morgan, seconded by Councillor Colin Smith, and **CARRIED**.

120 Electoral Review
Report CSD19084

A motion to agree the recommendation from the General Purposes Committee and the Executive to approve the Council Size Submission to the Local Government Boundary Commission for England was moved by

Councillor Colin Smith, seconded by Councillor Graham Arthur and **CARRIED**.

121 Local Pension Board - Appointment of Board Members
Report CSD19085

A motion to appoint Pinny Borg and Emma Downie as Employer Representatives to the Local Pension Board for a four year term of office from 1st July 2019, as recommended by the General Purposes and Licensing Committee, was moved by Councillor Pauline Tunnicliffe, seconded by Councillor Stephen Wells and **CARRIED**.

122 The Mayor's Announcements and Communications

The Mayor reported that he and the Deputy Mayor would be visiting polling stations in all wards during the European Election on the next day, and reminded Members of the following events -

- The Civic Service at St Joseph's Church at 11am on Sunday 2nd June;
- Armed Forces day on Thursday 27th June
- Bromley Stars on Friday 28th June
- The Civic Reception for Voluntary Workers on Thursday 11th July

The Meeting ended at 7.42 pm

Mayor

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Report No.
CEO18012

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Council

Date: 15 July 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: Confirmation of Chief Executive Appointment

Contact Officer: Charles Obazuaye, Director of Human Resources & Customer Services
Tel: 020 8313 4355 E-mail: Charles.obazuaye@bromley.gov.uk

Chief Officer: Charles Obazuaye

Ward: N/A

1. Reason for report

- 1.1 The Council is required to appoint a Head of Paid Service pursuant to the Local Government Act. This report is asking full Council approval to convert the current interim appointment of Mr Ade Adetosoye OBE into a substantive appointment as Bromley Council's Head of Paid Service / Chief Executive, for the reasons set out in paragraph 3 below.
-

2. RECOMMENDATIONS

- 2.1 To confirm the appointment of Ade Adetosoye OBE as the Chief Executive with immediate effect following the Council resolution.
- 2.2 In line with the Localism Act 2010, full Council at its meeting on 10 December 2018 agreed the current salary, circa £184,000, of Mr Ade Adetosoye OBE as the interim Chief Executive. Members are asked to note and agree that a further review of his salary is considered by the Chairman of the Chief Executive Member Appraisal Panel on the advice of the Director of HR & Customer Services.

Impact on Vulnerable Adults and Children

1. Summary of Impact:

Corporate Policy

1. Policy Status: Existing policy:
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration Not Applicable: Further Details – The role of the Chief Executive is key to all these priorities. Being the Head of Paid Service and the most senior officer of the Council, the Chief Executive is expecting to lead on each of these priorities.
-

Financial

1. Cost of proposal: Estimated Cost Further Details –
 2. Ongoing costs: Recurring Cost: Further Details –
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding: Existing salary budget
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 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? Yes No Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 As Members are aware Mr Ade Adetosoye OBE was recruited in December 2016, having previously served well in other authorities, mainly in London, in very high leadership positions which unarguably has put him at the top of his career, as well as earned him well deserved recognition and respect in local government and public service in general.
- 3.2 As Members are also aware following the retirement of the previous Chief Executive in December 2018, Mr Ade Adetosoye OBE as the Deputy Chief Executive was offered the Chief Executive role by full council on 10 December 2018 on an interim basis. As the Deputy Chief Executive Mr Ade Adetosoye OBE was the highest senior officer in the Council at the time of the interim Chief Executive's appointment by Council. This remains the case to date.
- 3.3 Under the leadership of the interim Chief Executive, Mr Ade Adetosoye OBE, a new strategic vision 'Transforming Bromley' in the context of the on-going unprecedented financial challenge has been developed. The vision is being mapped as a 4-year transformation programme to deliver sustainable, cost effective and efficient services to Bromley residents. The roadmap (2019 – 2023) comprising of 6 transformation work streams, namely
- Housing
 - Adult Social Care
 - Children's Services and Education
 - Environment and Community Services
 - Professional Services
 - Workplace Modernisation

This work requires strong, stable leadership at the top of the workforce headed of course by the person with the vision, the current interim Chief Executive! It is crucial that Mr Ade Adetosoye OBE maintains the lead and focus on delivering transformation at pace while also maintaining and ensuring the quality of 'business as usual' activities. The transformation challenge requires exemplary strategic leadership from someone who understands the organisation design and culture and is able to forge quick, strong relationships with Members, staff and their representatives and key partners.

Having successfully established and implemented strong partnerships both internally and externally and collaborative working arrangements with colleagues at all levels, including 1-1 and group sessions with staff and their representatives, Mr Ade Adetosoye OBE offers continuity and stability at a time of significant change. He has created belief and confidence with the new strategic vision 'Transforming Bromley'.

- 3.4 A review of the Corporate and departmental leadership aimed at generating significant staff savings and improving the quality of joint working and the speed of decision making is key to 'Transforming Bromley'. Hence, Members will be aware that phase one of the organisation redesign is being implemented following the Leadership Realignment report recently presented to the Executive on 10 July 2019, having been scrutinised at the Executive & Resources PDS meeting on 3 July 2019. Consequently, a number of leaderships posts, including the interim Chief Executive's previous post of Deputy Chief Executive/Executive Director of Education, Care & Health Services, have been deleted resulting in circa £1.2m of savings. The figure includes the deletion of some non-leadership roles.
- 3.5 In that case, as in any potential displacement situation, irrespective of role or grade, the Council has a legal and moral duty of care to the affected individual – pursuant to the Employment

Rights Act 1996. Given the deletion of the Deputy Chief Executive/Executive Director of Education, Care & Health Services role, the interim Chief Executive is legally entitled to be considered, on merit of course, for the substantive Chief Executive role. The role is being ring-fenced to him on merit for the reasons covered in this report, but also because he is the only one internally legally eligible to be assimilated into the role. This is the legal position as well as the right procedural approach as per the Council's own Managing Change procedure.

3.6 The suitability of Mr Ade Adetosoye OBE for the role and his performance to date since his interim appointment was assessed by the Chief Executive Member Appraisal Panel at its recent meeting on 17 June 2019. The Panel comprised of the following Members, namely

- Leader of the Council
- Deputy Leader of the Council and Portfolio Member for Children & Education
- Portfolio Member for Resources
- Portfolio Member for Adult Services
- Chairman of the GP&L Committee
- Chairman of the Care Services Policy & Development Scrutiny Committee.
- Leader of the Labour Group
- Leader of the Independent Group

3.7 The Panel had the benefit of the 360-degree feedbacks from a number of stakeholders, including the interim Chief Executive's peers/colleagues and direct reports. In summary the 360-degree feedbacks consistently acknowledged the remarkable difference the interim Chief Executive has made since joining the Council, as well as his vision and determination to succeed and transform Bromley. The Panel also considered the interim Chief Executive's self-appraisal report and concluded that he is the right fit for the organisation. The Panel thanked him for an excellent appraisal and more importantly for his outstanding impact and contribution both in the last six months as interim Chief Executive and in the 18 months since joining the Council in December 2016.

3.8 In light of the above, it is procedurally right to seek Council's approval to convert the current interim arrangement into a substantive appointment. Having demonstrated his suitability for the role and being aware of the impact of the leadership realignment report, it is proposed that the Chief Executive appointment be made exclusively from within the organisation. As stated above in paragraph 3.5 the interim Chief Executive is the only eligible internal candidate.

3.9 It is a fact that the market is critically short of quality candidates for local government Chief Executive positions. In London a number of authorities are competing against each other to fill their Chief Executive positions with a knock-on effect on the salary package. Currently, the Chief Executive's role in Bromley Council is graded 'Management Board' ranging from £150,679 per annum to £226,012 per annum. The post holder is also entitled to a lease car.

4. POLICY IMPLICATIONS

4.1 Nothing specific to add except to reiterate that the council is required to appoint a Head of Paid Service. The role provides vital leadership within the Council and across the borough working well with other leaders in other local public services and the voluntary sector.

5. FINANCIAL IMPLICATIONS

5.1 None specific, the arrangement will be funded from the existing salary budget. As highlighted in paragraph 3.5 the arrangement will give rise to some savings.

6. PERSONNEL IMPLICATIONS

- 6.1 These are covered in the report. Suffice to say that the arrangement is consistent with our legal obligations under the Localism Act, and there no specific equality implications.

7. LEGAL IMPLICATIONS

- 7.1 Section 4 of the Local Government and Housing Act places a statutory duty on a local authority to designate one of its officers as Head of Paid Service. At Bromley the Chief Executive discharges the Head of Paid Service function. By virtue of Paragraph 4 of Part II to Schedule 1 of The Local Authorities (Standing Orders)(England) Regulations 2001 the appointment of the Head of Paid Service must either be made or confirmed by full Council as such it is a function which may be directly exercised by the Council.

8. PROCUREMENT IMPLICATIONS

N/A

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	

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Report No.
CSD19111

London Borough of Bromley
PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: REVIEW OF CORPORATE LEADERSHIP STRUCTURE -
UPDATES TO THE CONSTITUTION AND SCHEME OF
DELEGATION TO OFFICERS

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

1.1 At its meeting on 10th July 2019, the Executive will be receiving a report setting out changes to the Council's corporate leadership structure. Subject to the Executive's consideration, Council is recommended to agree a number of changes to the Council's Constitution, including to the Scheme of Delegation to Officers in particular, to reflect the new officer arrangements. Council is also requested to approve the necessary recruitment of chief officers to three vacant posts in the new structure where the remuneration exceeds £100k.

2. **RECOMMENDATIONS**

(1) That the Constitution be updated where necessary in accordance with the new officer structure and titles (see paragraph 3.3).

(2) That the revised Scheme of Delegation to Officers in respect of non-executive functions be approved.

(3) That the revised Scheme of Delegation to Officers in respect of executive functions be received from the Leader of the Council.

(4) That the Director of Corporate Services be authorised, in consultation with the Mayor and the Chairman of General Purposes and Licensing Committee, to make minor changes to the Constitution and Scheme of Delegation to Officers where officer titles need to be updated.

(5) That the Director of Human Resources and Customer Services be authorised to commence recruitment to the posts of Director of Children's Services, Director of Adult Services and Assistant Director, Children's Services on salaries exceeding £100k per annum.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Council wide
 4. Total current budget for this head: £60.8m
 5. Source of funding: All Council funded staffing budgets
-

Personnel

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

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: Council decision
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 As a consequence of the changes to the Council's corporate leadership structure, Council is requested to agree the necessary changes to officer titles in the Constitution and non-executive Scheme of Delegation to Officers.
- 3.2 The Scheme of Delegation to Officers is presented each year to the Council's annual meeting to receive the scheme of executive delegation from the Leader and to approve the scheme of non-executive delegation. The scheme as approved on 8th May 2019 has now been updated in accordance with the proposed new officer structures and is attached to this report. The opportunity has been taken to correct any minor errors that have become apparent and to check some apparent discrepancies identified by Members at the annual meeting. No extension of the level of delegation to officers is involved, except that it is recommended that the Director of Corporate Services be authorised to make routine updates to the Constitution (including the Scheme of Delegation to Officers) where officer titles change, in consultation with the Mayor and the Chairman of General Purposes and Licensing Committee. The changes will come into force on Monday 5th August 2019.
- 3.3 The Council's Constitution also needs some minor updating, in particular the following -
- Part 1 - Article 12 - Officers (page 38): Update titles
 - Part 3 - Responsibility for Functions (page 58): Change reference to the Unitary Development Plan to the Local Plan and Development Documents.
 - Part 4 - PDS Committee Terms of reference (page 115): Update to reflect current titles and responsibilities.
 - Appendix 5 (page 20): Update the diagram of the Departmental Structure of the Council.
- 3.4 Three senior leadership posts, including two chief officer posts, in the new structure remain unfilled - Director of Children's Services, Director of Adult Services and Assistant Director of Children's Services. As these posts require remuneration in excess of £100k, Members need to give approval for the recruitment process to start, pursuant to the Localism Act 2011. The markets for these posts are highly competitive with a few London Boroughs offering in excess of £150k for the two Director posts and more than £100k for the Assistant Director posts. It is recommended that Council authorises the Director of Human Resources and Customer Services to commence the recruitment processes for these posts.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy/Finance/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	Constitution of the London Borough of Bromley Scheme of Delegation to Officers, approved 8 th May 2019

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LONDON BOROUGH OF BROMLEY
CONSTITUTION – APPENDIX 10

**SCHEME OF EXECUTIVE AND NON-EXECUTIVE
DELEGATION TO OFFICERS**

* * * *

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<i>(August 2019)</i>	

* * *

PROPER OFFICERS

The Local Government Act 1972 introduced a requirement that the officer required to perform specified duties should be the 'proper officer' appointed by the Council for that purpose.

(1) Subject to any appointment for a specific purpose, the 'proper officer' for the purpose of the Local Government Act 1972 shall be as set out below:-

<u>Section</u>	<u>Purpose</u>	<u>Proper Officer</u>
39	Registration Officers	}
41(2) & (3)	Returning Officers at Local Government Elections	
83(1)	Declaration of Acceptance of Office	
		The Director of Corporate Services
		Chief Executive shall act as proper officer where the Director of Corporate Services is unable to act
84	Resignation of Members	}
88(2)	Filling of casual vacancies for Chairman	}
89(1)	Notice of casual vacancies	}
212	Local Land Charges	}
		Director of Housing, Planning and Regeneration
Schedule 12, Pt. 1 4(2)(b) & 4(3)	Notice of Meetings – for the issue of (i) summonses calling meetings of the Council	}
	(ii) agenda for meetings of Committees, Sub-Committees etc.	
		Chief Executive
		Director of Corporate Services
96(1) & (2) 225(1)	Notice of pecuniary interest Deposit of Documents	}
Schedule 14, Pt. 2 Para. 25(7)	Certification of Resolutions	}
229(5)	Photographic copies of documents	}
238	Evidence of Byelaws	}

<u>Section</u>	<u>Purpose</u>	<u>Proper Officer</u>
115(2)	Accountability of Officers	}
146	Transfer of securities on alteration of area	
151	Financial administration	}
	Notifiable diseases and food poisoning	}
Schedule 22, Para.17	Authentication of orders and notices, etc under the Housing Act	For such matters as he is authorised to deal with by the Council's Scheme of Delegation to Officers the Director of Housing, Planning and Regeneration, otherwise the Director of Corporate Services
Sections 28 and 29	Regulation of Investigatory Powers Act 2000	Director of Corporate Services
Section 29(b)	- ditto -	Director of Corporate Services to have general oversight of the use made of the source in respect of covert human intelligence sources.
Sections 29 (a), (c), (d) and (e)	- ditto -	Assistant Director, Planning, Director of Adult Services, Director of Children's Services, Director of Environment and Public Protection, Director of Finance and Head of Audit to have day-to-day responsibility for Sources and responsibility for the security and welfare of Sources.

(2) For all other functions the 'proper officer' shall be the Officer authorised in accordance with the Council's Scheme of Delegation to Officers or, where none is specified, the Chief Executive.

(3) Where written evidence of any such appointment as aforesaid is required the Chief Executive is hereby authorised to issue it, save for evidence of the appointment of the Chief Executive which will be issued by the Director of Corporate Services.

PART I

GENERAL CONDITIONS GOVERNING DELEGATION OF FUNCTIONS TO CHIEF OFFICERS

	Responsibility Delegated from
1. These General Conditions and any amendment of or addition to made by the Council, shall apply to the delegation of functions specified in Part II of this document, and to any amendment of or addition to made by the Council or the Leader or the Monitoring Officer under paragraph 12 of this Part.	-
2. Powers delegated shall be exercised in conformity with the Constitution, Standing Orders, Financial Regulations and other directives of the Council in force from time to time, and in accordance with the expressed policies and objectives of the Council, the Executive or Committees relevant to the matter upon which action is to be taken.	-
3. The delegation of authority to deal with any matter shall not derogate from the power of the Council, the Executive, or Committee, Sub-Committee or Panel to call for a report on any decision or action taken, or to require any such matter under consideration to be referred to the Council or to the appropriate Executive body or Committee Sub-Committee or Panel for determination so far as this accords with the law.	Council/Leader
4. A Chief Officer may refer a matter to the Executive, the appropriate Executive Portfolio Holder or to the Chairman of an appropriate Committee and will, in any event, ensure that care is taken to identify any case within his delegated authority where unusual circumstances or other reasons suggest the desirability of Member consideration.	Council/Leader
5. If a matter involves considerations not within the purview of the Chief Officer primarily concerned, he shall consider whether it is necessary to consult any other Chief Officer concerned before authorising action, shall do so if he concludes it is necessary and shall take due account of any views that are expressed.	Council/Leader
6. When the implementation of a decision taken under the delegated authority by a Chief Officer requires the preparation of formal documents, legal proceedings or other legal process or advice, the Chief Officer concerned shall refer the matter to the Director of Corporate Services for appropriate action.	Council

<p>7. Authority to take decisions and other action including but not limited to the signing of documents and the requirement to arrange consultations shall be exercised and undertaken on behalf of the Council in the name of the Chief Officer to whom the authority to act is given, but not necessarily personally by him.¹ Therefore, under this condition each Chief Officer has power to authorise others to exercise any power conferred on him provided that any such authorisation shall be subject to these General Conditions and be commensurate with the nature of the matters to be dealt with. Further, the Chief Executive may authorise any other Chief Officer to exercise any power delegated to him in this scheme which in his judgement is consistent with that other officer's responsibility. Authorisations given by Chief Officers to others to exercise powers delegated under this scheme should be recorded in writing in a list maintained by each Chief Officer. This shall be taken to mean that, provided a Chief Officer has authorised the person making a decision on his behalf to act, that person may sign in his own name or in his Chief Officer's name when he makes that decision.</p>	<p>Council/Leader</p>
<p>8. The Chief Executive may, after consultation with any Chief Officer, refer to the Executive, the appropriate Executive Portfolio Holder, or appropriate Committee for decision any matter which has been brought to his notice and which, in his opinion, because of special difficulty or otherwise, warrants such reference.</p>	<p>Council/Leader</p>
<p>9. For the purposes of these General Conditions and the general and specific authorities to act to which they apply, the expression 'Chief Officer' shall mean:- The Chief Executive, the Director of Adult Services, the Director of Children's Services, the Director of Public Health, the Director of Environment and Public Protection, the Director of Housing, Planning and Regeneration, the Director of Corporate Services, the Director of Finance and the Director of Human Resources and Customer Services.</p>	<p>Council</p>
<p>10. Reference to an enactment in a grant of delegation shall be deemed to extend to and include reference to any subsequent enactment having like or similar effect as though the delegation had been granted under the subsequent enactment.</p>	<p>Council/Leader</p>
<p>11. An officer exercising any power under this scheme of delegation shall ensure that some written or other permanent record is made of his decision and, in cases where a range of alternative decisions presented themselves, shall record why he made the particular decision.</p>	<p>Council/Leader</p>

¹ This shall be taken to mean that, provided a Chief Officer has authorised the person making a decision on his behalf to act, that person may sign in his own name or in his Chief Officer's name when he makes that decision.

² Under the provisions of the Local Government Act 2000 as amended, the Council undertakes executive and non-executive functions. The Leader is responsible for delegated executive functions. The Council delegates non-executive functions. Save where a contrary intention is stated, the Leader and the Council have delegated the necessary general functions as is stated in Part 1 of this scheme above.

<p>12. For the avoidance of doubt, the Council and the Leader hereby declare that any exercise of a power by a Chief Officer, or an officer authorised by him and which, if expressly provided for by this Scheme of Delegation, could have been lawfully exercised by an officer under powers delegated to him by the Council or a Committee, shall be deemed to be authorised by this Scheme notwithstanding such express provision may not have been made in it; PROVIDED THAT, where an officer relies on this paragraph, the Monitoring Officer shall be informed by the officer of this action and the Monitoring Officer shall make a report on the matter to the next ordinary meeting of the Council.</p>	<p>Council/Leader</p>
<p>13. For the avoidance of doubt, the Scheme will be reviewed as quickly as possible to take account of any changes to operational practice, legislative requirements or officer structures, but any responsibilities delegated shall be presumed to remain in place until the Scheme is updated.</p>	<p>Council/Leader</p>

PART II

Subject to the foregoing, and without derogation from the powers or duties now or hereafter conferred or imposed upon officers of the Council, by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or Executive body or any Committee shall be delegated as follows:-

A. GENERAL AUTHORITIES	Responsibility Delegated from
<p>1. To each Chief Officer, authority to:-</p> <p>(i) Take all necessary action for the effective day-to-day management, administration and supervision of their Department and of the services for which they are responsible, and for the efficient discharge of the professional responsibilities of their office.</p> <p>(ii) Within budgetary provision, take all necessary action for the effective day-to-day management, administration and supervision of the land and buildings for which they are responsible, such action to include for each property concerned and as far as practicable</p> <ul style="list-style-type: none"> (a) proper documentation; (b) appropriate occupation; (c) maintenance to retain value; (d) security and satisfactory appearance; (e) an annual review to ensure property is still required; and (f) prompt release if surplus to requirements. <p>(iii) That all powers delegated to Chief Officers include authority to take action in respect of any London Residuary Body matter transferred to Bromley by virtue of the London Residuary Body (Transfer of Property etc) Order 1990 in the same way and to the same extent that they have delegated powers in respect of any equivalent Bromley matters.</p> <p>(iv) Incur expenditure and accept tenders for items provided for in the approved revenue estimates or approved capital programme, in accordance with the Council's Contract Procedure Rules.</p> <p>(v) Select quotations and tenders for works, services and/or goods within approved budgetary provision on all contracts in accordance with the Council's Contract Procedure Rules.</p> <p>(vi) On the best terms obtainable, dispose of stores, plant, vehicles, equipment, furniture or other such items which are obsolete, or are unusable for or surplus to the Council's requirements, subject to the Director of Finance's prior agreement to any consequential writing off of balances of book value.</p> <p>(vii) Make adjustments of stock ledgers and accounts following</p>	<p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p>

<p>stocktaking, subject to the Director of Finance's prior agreement.</p>	
<p>(viii) Authorise officers under their control to attend conferences, courses and similar events appropriate to their personal, official responsibilities and to the work of the particular Department, in accordance with an approved list or agreed code of practice.</p>	<p>Leader Council/Leader</p>
<p>(ix) Vary annually fees and charges (except car parking) within policy established by an Executive body or Committee.</p>	
<p>(x) Deal with applications for re-grading in accordance with the Council's agreed procedures.</p>	<p>Council/Leader</p>
<p>(xi) Sign authorisation documents, with the exception of the Chief Officer's own personal authorisation, which shall be signed by the Director of Corporate Services.</p>	<p>Council</p>
<p>(xii) Where a complaint has been made through the Council's complaints system, decide whether there is a justifiable case for which the Council should apologise and pay compensation, up to a limit of £5,000 in any one case (or, in the case of the Chief Executive, £10,000).</p>	<p>Council Council/Leader</p>
<p>(xiii) Approve trips to EU countries made on Council business subject; in each case, to a subsequent report to the appropriate Executive body or Committee on the action taken.</p>	<p>Leader</p>
<p>(xiv) Enter into contracts with any voluntary sector organisation (VSO) for the provision of services by way of a service level agreement (SLA) without the necessity of competition, provided that:</p> <ul style="list-style-type: none"> (1) the Chief Officer is satisfied that the VSO is able to provide a satisfactory quality of service and that the sums payable under the SLA represent best value; (2) the relevant Portfolio Holder is notified of any new SLAs being entered into; (3) any approval, extensions or renewals of such SLAs comply with the provisions of rule 13.1 of the Contract Procedure Rules; 	<p>Council/Leader</p>
<p>(xv) Authorise expenditure of money received through Section 106 agreements, subject to any restrictions set out in the Council's Financial Regulations.</p>	<p>Council/Leader</p>

<p>2. To the Chief Executive, authority to:-</p> <p>(i) undertake all duties and responsibilities of the Council's Head of Paid Service as defined in the Local Government and Housing Act 1989;</p> <p>(ii) take all action necessary for the efficient management and execution of the Council's policies, services and functions;</p> <p>(iii) in the event that any chief officer post is vacant, exercise or delegate the functions of that post, as necessary.</p> <p>(iv) determine, in conjunction with the Director of Human Resources and Customer Services, starting salaries of staff on Management Grades 1 and 2;</p> <p>(v) authority to make detailed arrangements, in consultation with the Leader of the Council, for consultation with residents on service priorities and Council Tax implications.</p> <p>In exercising such authority the Chief Executive shall have full regard to the position where:-</p> <p>(a) Chief Officers are exercising responsibilities directly imposed on them by statute; or</p> <p>(b) the professional discretion or judgement of Chief Officers is involved subject to any difference of opinion between the Chief Executive and the Chief Officer being referred to the next available appropriate meeting of the Executive Portfolio Holder, Executive or committee for determination;</p> <p>(vi) settle any points requiring interpretation or clarification in the practical application of this code of delegated authorities to Chief Officers.</p> <p>(vii) Parliamentary Matters - Take urgent action to protect the Council's interest (through Members of Parliament and/or by petition or otherwise) in consultation with the Leader of the Council.</p>	<p>Council</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council/Leader</p>
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3. To the Director of Corporate Services, authority to:-	
(i) authorise proceedings before any Court of Summary jurisdiction in respect of any offence for which the Council by virtue of any Act of Parliament; , regulation, order or bye-law, is now or may hereafter be empowered to prosecute or to authorise the institution of such proceedings; except in cases where some other officer is specifically authorised to act;	Council/Leader
(ii) authorise proceedings for the recovery of debts of all kinds due to the Council (other than rates) and for the recovery of possession of premises;	Council/Leader
(iii) authorise the institution or defence of proceedings in the Courts to safeguard the Council's interest;	Council/Leader
(iv) obtain Counsel's Opinion to ensure adequate advice to the Council or Committees;	Council/Leader
(v) in accordance with instructions given, institute or defend any legal proceedings authorised to be taken or defended on behalf of the Council, or serve notices, including directions under section 77 of the Criminal Justice and Public Order Act 1994;	Council/Leader
(vi) take any action urgently required to settle legal proceedings during the course of a trial or other hearing;	Council/Leader
(vii) authorise permanent or temporary members of staff to represent the Council under Section 223 of the Local Government Act 1972 in proceedings before a Magistrates' Court or a Juvenile Court or Family Proceedings Court and under Section 60(2) of the County Courts Act 1984 to represent the Council in the County Court;	Council
(viii) issue written authorities to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties (as evidence of their bona fides); provided that any written authority to enter upon land or premises is in pursuance of a statutory power of entry or inspection;	Council/Leader
(ix) sign and serve on behalf of the Council notices authorised by statute to ascertain ownership and other interest in land;	Council
(x) sign and approve service of Notices to Treat in pursuance of confirmed compulsory purchase orders and, where possession is required without waiting for settlement of terms of acquisition, sign and approve the service of Notices of Entry;	Leader
(xi) approve the assignment of contracts;	Council/Leader

<p>(xii) take appropriate action in individual cases to enable him to effect registration as a registered charge of any local land charge arising by virtue of the statutory provisions set out below, or as amended in subsequent legislation:</p>	<p>Leader</p>	
<p>(1) the Housing Act 2004; (2) Public Health Act 1936, Section 291; (3) Building Act 1984, Section 107; (4) Greater London Council (General Powers) Act 1972, Section 19; and (5) Highways Act 1980, Section 212;</p>		
<p>(xiii) deal with applications for the use of the Borough Arms in accordance with arrangements as approved by the Committee;</p>		<p>Council</p>
<p>(xiv) act as Monitoring Officer;</p>		<p>Council</p>
<p>(xv) maintain a Register of Members' Interests under Section 81 of the Local Government Act 2000;</p>		<p>Council</p>
<p>(xvi) sign Chief Officer's authorisation documents;</p>	<p>Council</p>	
<p>(xvii) determine, in consultation with the relevant Chief Officer, where a complaint has been made to the Ombudsman whether there is a justifiable case for which the Council should apologise and pay compensation as part of a local settlement – up to a limit of £5,000 in consultation with the Director or £10,000 in consultation with the Director and Chief Executive;</p>	<p>Council</p>	
<p>(xviii) take any action urgently required to settle legal proceedings prior to a court hearing or to enter into a Compromise Agreement in potential Employment Tribunal cases where it is considered appropriate so to do;</p>	<p>Council/Leader</p>	
<p>(xix) be the proper officer for, and issue any notice, permission, authorisation or other document under, the Data Protection Act 2018, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000;</p>	<p>Leader</p>	
<p>(xx) maintain a list of politically restricted posts under Section 2 of the Local Government & Housing Act 1989 and consider and grant exemptions under Section 3 of the Act;</p>	<p>Council</p>	
<p>(xxi) authorise payments in respect of maladministration under Section 92 of the Local Government Act 2000.</p>	<p>Council/Leader</p>	
<p>(xxii) where written applications are received from Members of the Council, to grant dispensations to Members to take part in the business of the Authority if the Member has a disclosable pecuniary interest in that business, subject to consultation with Members of the Urgency Committee.</p>	<p>Council</p>	

<p>(xxiii) Electoral Fees - approve the annual revision of the scale of fees within the approved estimate provision, payable to canvassers, checkers and coders.</p>	<p>Council</p>
<p>(xxiv) make routine updates to the Constitution (including the Scheme of Delegation to Officers) where officer titles change, in consultation with the Mayor and the Chairman of General Purposes and Licensing Committee.</p>	<p>Council/Leader</p>
<p>4. To the Director of Adult Services, authority to:-</p> <p>Negotiate schedules of rates and other contractual provisions with registered residential and nursing home providers and/or care service providers to facilitate client choice within community care legislation. Clients should be directed to providers on such Approved Lists although the Director may agree to placement with a non approved provider provided that</p> <p>(i) the clients' choice is appropriate to their needs and</p> <p>(ii) the client meets the relevant eligibility criteria</p> <p>(iii) the costs fall within the rates accepted by the Council for accommodation and/or care for clients with their specific eligibility or a third party has entered into a binding contract with the provider and Council to meet any difference</p> <p>(iv) as far as possible inflationary increases in such rates should be negotiated at the outset.</p>	<p>Leader</p>
<p>5. To the Director of Public Health, authority to:-</p> <p>Undertake functions relating to Public Health, save where these are delegated to any other body or person.</p>	<p>Leader</p>
<p>6. To the Director of Environment and Public Protection, authority to:-</p> <p>(i) allocate the use of the Committee Suite subject to new applications for use by outside bodies being decided in consultation with the Leader of the Council.</p> <p>(ii) allocate and re-allocate existing offices, subject to reference to the Leader of the Council or the Committee in cases of significant changes involving transfer of a department or service from one part of the Council to another.</p> <p>(iii) authorise expenditure from the office improvements budget.</p>	<p>Leader</p>

B. AUTHORITIES RELATED TO THE FUNCTIONS OF INDIVIDUAL PORTFOLIO HOLDERS AND COMMITTEES

KEY REFERENCES TO OFFICERS

All	-	Chief Officers
CE	-	Chief Executive
DA	-	Director of Adult Services
DC	-	Director of Children’s Services
DPH	-	Director of Public Health
DCS	-	Director of Corporate Services
DF	-	Director of Finance
DHR	-	Director of Human Resources and Customer Services
DEPP	-	Director of Environment and Public Protection
DHPR	-	Director of Housing, Planning and Regeneration
ADP	-	Assistant Director, Planning

DEVELOPMENT CONTROL COMMITTEE

Officer(s) Authorised	Authority to:	Responsibility Delegated from
Building Regulations		
ADP (1)	Give consents where applications conform with Regulations.	Leader
ADP (2)	Refuse applications which do not conform with Regulations.	Leader
ADP (3)	Decide applications for relaxation where the Council have the power of decision.	Leader
ADP (4)	Decide upon the observations to be made to the appropriate Minister with applications for relaxation of the Regulations.	Leader
DCS/ADP (5)	Authorise and serve notices under Section 36 of the Building Act 1984 and the current Building Regulations.	Leader
DHPR (6)	The Director of Housing, Planning and Regeneration be authorised to amend the building control fees as required with the aim of ensuring the service is provided on a cost recovery basis in line with the 2010 Building (Local Authority Charges) Regulations and to change staffing levels to reflect changes to activity volume as required.	Leader
ADP (7)	To be designated as "Appointing Officer" under Section 10 (8) of the Party Wall etc Act 1996 and have delegated power to act in that capacity.	Leader
Dangerous Structures		
ADP (8)	Take appropriate action in respect of dangerous structures as set out in sections 60-70, 125, 126, and 142 of the London Building Acts (Amendments) Act 1939 Part VII including the removal of any danger where immediate action is required.	Leader

ADP	(9)	<p>To make appropriate charges regulations for dangerous structures as provided for within the relevant sections of the following Acts –</p> <p>London Building Acts (Amendment) Act 1939: Part VII. London County Council (General Powers) Act, 1955: Part II (including section 9 (power of entry with respect to dangerous and neglected structures). London County Council (General Powers) Act, 1958: Part III. London Local Authorities Act 1994.</p>	Leader
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AD0P	(10)	<p>To operate the new scale of fees for dangerous structure activities and to waive the fees in case of extreme hardship.</p>	Leader
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ADP	(11)	<p>Authorise and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain particulars of persons interest in land and where there is default in compliance with any such notice refer the matter to the Director of Corporate Services to consider taking legal proceedings.</p>	Council
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Operation of Tree Preservation Orders

ADP	(12)	<p>Consent with or without conditions, or refuse consent to the pruning, cutting down, topping, lopping or destruction of trees which are the subject of Tree Preservation Orders in accordance with the provisions of such orders.</p>	Council
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ADP	(13)	<p>Consent with or without conditions to the pruning, cutting down, topping, lopping or destruction of trees within designated Conservation Areas.</p>	Council
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ADP	(14)	<p>The making of Tree Preservation Orders and provisional TPOs Section 198 and 201 of the Town & Country Planning Act 1990, including the making of TPOs in Conservation Areas.</p>	Council
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ADP	(15)	Confirm opposed or unopposed TPOs.	Council
ADP	(16)	Agree to the revocation of TPOs.	Council
ADP	(17)	Issue tree planting notices.	Council
ADP	(18)	Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981.	Council
ADP/DHPR	(19)	Authorise legal proceedings to be taken in respect of breaches of TPOs and the legislation relating to trees in Conservation Areas, subject to the Director of Corporate Services being satisfied as to the evidence.	Council

Determination

ADP (Subject to consultation with DCS)	(20)	Determine applications for certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.	Council
ADP (Subject to consultation with DCS)	(21)	Determine applications for certificates of lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.	Council
ADP	(22)	Determine applications for prior approval under any part of the Town and Country Planning (General Permitted Development) Order 2015 including determination of whether prior approval is required and the granting or refusing of prior approval	Council
ADP	(23)	Determine applications for hazardous substances consent.	Council
ADP	(24)	The power to grant outline or full planning permission, approve reserved matters, approve details pursuant to or vary conditions, give advertisement and listed building consent, with or without conditions to planning applications or proposals excluding those in the following categories:	Council
	(i)	Applications submitted by or on behalf of the Council or on land substantially owned by the Council where the Council has a financial interest (but	Council

not details pursuant, reserved matters revised plans and proposals to renew deemed permissions).

- (ii) Permission to applications involving ten or more purpose-built new dwellings (but not other associated buildings, conversions, extensions and changes of use, reserved matters, details pursuant, revised plans and renewal permission applications. Council
- (iii) Permissions to applications for new commercial development such as industry, offices and shops (but not other associated buildings, conversions, extensions and change of use, reserved matters, details pursuant, revised plans and renewal applications). Council
- (iv) Applications submitted by members of staff in the Planning Division, or other Chief Officers, or submitted by or on behalf of Bromley Councillors or Members of Parliament. Council
- (v) Applications and other matters which one or more Members formally request in writing are put before a Committee or Sub-Committee of Members. Council
- (vi) Permission to applications for development that is subject to a current formal planning enforcement notice of the following types:- enforcement notice, breach of condition notice. Council

ADP

(25)

The power to:

- (i) refuse planning permission; Council
- (ii) refuse express consent for advertisements; Council
- (iii) refuse Listed Building Consent; Council
- (iv) not approve details submitted pursuant to a condition of a Council

		permission or consent;	
		(v) refuse revisions and amendments to plans and to specify reasons for so doing whatever representations are received for or against the application;	Council
		(vi) determine whether or not to contest an appeal against non-determination and where relevant provide grounds of appeal and contest all appeals, including all action necessary to prevent or reduce the likelihood of an award of costs against the Council;	Council
		(vii) observations on proposals for development by Government departments or in adjoining authority areas which would otherwise fall within the delegated categories.	Council
ADP/DCS	(26)	Power to authorise the issue of the following (the signing and actual issue of the notices to be dealt with by the Director of Corporate Services):	
		(i) Enforcement Notices under Section 172 of the Town & Country Planning Act 1990.	Council
		(ii) Stop Notices under Section 183 of the Town & Country Planning Act 1990.	Council
		(iii) Completion Notices under Section 94 of the Town & Country Planning Act 1990.	Council
		(iv) Unopposed revocations under Section 97 of the Town & Country Planning Act 1990 and Section 239 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
(with DHPR)		(v) Section 106 Agreements (Town & Country Planning Act 1990) and similar agreements concerning related legislation including modification and discharge.	Council
		(vi) Orders under Section 102 Town & Country Planning Act 1990 requiring	Council

discontinuance of use, or alteration, or removal of buildings and works.

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| (vii) | Unopposed revocations of Listed Buildings Consent under Section 23 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (viii) | Notices under Section 54 and 55 of the Planning (Listed Building & Conservation Areas) Act 1990 concerning urgent works and recovery of expenses. | Council |
| (ix) | Making and recovery of grants under Section 57 and 58 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (x) | Listed Building Enforcement Notices under Section 38 of the Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (xi) | The enforcement of Advertisement Control. | Council |
| (xii) | The authorisation of Rights of Entry to premises and any land for all the purposes of the Town & Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all these Acts as amended) and any Orders or Regulations made there under. | Council |
| (xiii) | The power to require information as to interests in land under Section 330 of the Town & Country Planning Act 1990. | Council |

and to give reasons in the Notice or Order for taking such action;

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|-------|---|---------|
| (xiv) | Planning Contravention Notices under Section 171C of the Town & Country Planning Act 1990 | Council |
| (xv) | Breach of Condition Notices under | Council |

Section 187A of the Town & Country
Planning Act 1990

- CP (27) The power to:
- (i) give directions and notifications under Regulation 4 of the Town & Country Planning (Applications) Regulations 1988 and Article 7 of the Town & Country Planning General Development Order 1988 to require applicants to submit further information to enable the Council to deal with an application or to verify any particulars; Council
 - (ii) make determinations as to whether planning applications are departures from the development plan; Council
 - (iii) make determinations as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised; Council
 - (iv) make determinations under Section 73 of the Planning (Listed Building & Conservation Areas) Act 1990 as to whether a proposal should be advertised as affecting the character or appearance of the Listed Building or Conservation Area; Council
 - (v) determine applications for non-material amendment to planning permission, minor material amendments to planning permission and extensions to time limits of existing planning permissions. Council

Notes:

- (i) No decision will normally be issued within 3 weeks of the date of the weekly lists supplied to Members.
- (ii) In relation to paragraph 19(ii) above the definition of “dwelling” includes bungalows, flats, maisonettes and

multi-occupied premises.

- (iii) "Details" as mentioned herein include siting, design, external appearance, materials, car parking, landscaping, site lines, access, levels and drainage.
- (iv) The Assistant Director, Planning will continue long established practice to deal administratively with very minor revisions, details, without formal registration, circular consultations or consultations from adjoining boroughs.

ADP/DCS	(28)	In relation to all delegated authorities listed under Development Control - Delegated authority shall not apply under any circumstances where an application, amendment, alteration, revision or other change (whether major or minor) to a planning application is called in to a Plans Sub-Committee by one or more Councillors.	Council
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Means of Escape in Case of Fire

ADP	(29)	Decide what means of escape in the case of fire are necessary at premises to which the Housing Acts 1985 and 2004 and Sections 24 and 71 of the Building Act 1984 apply; and serve a notice under those sections where these means are not provided.	Leader
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Buildings of Special Architectural or Historic Interest

ADP	(30)	Approach Historic England to spot list properties on the list of buildings of special architectural interest if they are threatened.	Leader
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Repeat Planning Applications

ADP	(31)	Authority to decline to determine repeat, overlapping or retrospective applications in accordance with the provisions of Sections 70A, 70B and 70C of the Town and Country Planning Act 1990.	Council
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Control of Unauthorised Advertisements

ADP	(32)	Authority to take action under Sections 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised advertisements.	Council
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Untidy Site Notices

ADP	(33)	Authority to issue Untidy Site Notices under Section 215 of the Town & Country Planning Act 1990, with such decisions being reported to the next available meeting of Plans Sub-Committee for information.	Council
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**CHILDREN, EDUCATION & FAMILIES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:-	Responsibility Delegated from
DC	(1) Direct the Authority's functions in its capacity as a local education authority, including all education duties as defined in s. 18 (2) of the Children's Act 2004 and all relevant Education Acts and supporting guidance and regulations, as updated from time to time, with specific reference to the School Staffing (England) Regulations 2009, the Academies Act 2010, the Education Act 2002, the Education Act 1996, the Education and Inspections Act 2006 and the Children and Families Act 2014.	Leader
DC	(2) Interpret conditions of service and all related matters for all teaching staff and non-teaching staff in schools in consultation with the Director of Human Resources where these concern matters which remain to be set by the LEA.	Council
DC	(3) Implement payment of teachers' pay awards and secure the LEA's responsibilities as the Relevant Body under the School Teachers' Pay and Conditions.	Council
DC	(4) Subject to any existing right of appeal to an Appeals Panel, to suspend, relegate or dismiss school based employees on all grades under the Education Act 2002 and any Regulations made there under.	Council
DC	(5) Review and fix, subject to provision of the approved estimates, the establishment of employees at all maintained educational services not covered by a scheme of local management.	Council
DC	(6) Exercise all of the statutory functions of the LEA as regards staffing matters in LEA maintained schools as provided for under the Education Act 2002 and any Regulations made there under with the exception of any exercise of discretion concerning the funding of discretionary	Council

early retirement with added years or redundancy costs which fall to be determined by the Executive Portfolio Holder.

DC	(7)	Manage the provision of training and support to the Education Service. (The element of training relating to an individual's terms and conditions is a non-executive matter. However, the Executive may recommend appropriate training within this framework.)	Council/Leader
DC	(8)	Approve requests from employees in all maintained educational institutions for special leave in accordance with the Council's policy.	Council
DC	(9)	Approve the payment of relocation and removal expenses to employees in all maintained educational institutions in accordance with the scheme agreed by the Executive Portfolio Holder.	Council
DC	(10)	Approve payment of grants to individuals and organisations in accordance with the Executive's policy.	Leader
DC	(11)	Agree annually increases in charges for service within the remit of the Executive Portfolio Holder.	Leader
DC	(12)	Manage the admissions procedure in accordance with the Executive's policy.	Leader
DC	(13)	Approve the placing of children with special educational needs in suitable schools as specified in a statement and including day, residential, independent and non-maintained special schools and special schools maintained by other authorities.	Leader
DC	(14)	Arrange for home or hospital tuition in appropriate cases.	Leader
DC	(15)	Fix school terms and holiday dates in consultation with teachers' organisations.	Leader
DC	(16)	Make arrangements for transport of pupils.	Leader

DC	(17)	Provide support services as requested by establishments.	Leader
DC	(18)	Approve the provision of free meals, essential clothing and school uniform in accordance with approved scales.	Leader
DC	(19)	Approve applications for children to be employed in work or in entertainment, in conformity with relevant bye-laws and statutory obligations.	Leader
DC	(20)	Take all action including services of notices, consultation, making and service of school attendance orders and to authorised institute and conduct legal proceedings under Sections 437, 438, 439, 440, 441, 443 and 444 of the Education Act 1996 and to make decisions relating to applications for Education Supervision Orders under Section 447 of the Education Act 1996	Leader
DC	(21)	Approve the making of parenting contracts, parenting orders and the issue of penalty notices under Sections 18 and 23 of the Anti-Social Behaviour Act 2003.	Leader
DC	(22)	Approve the issue of mini bus passes under Section 19 of the Transport Act 1985.	Leader
DC	(23)	Undertake the duty of the local education authority with regard to exclusions as specified by Section 51A of the Education Act 2002.	Leader
DC	(24)	Initiate renewals of temporary planning permissions.	Leader
DC	(25)	Authorise a fee remission policy for instrumental music tuition provided by Bromley Youth Music Trust in consultation with the Trustees.	Leader
DC	(26)	Authorise work by the Standards and Effectiveness Services on behalf of other Local Authorities, foundation schools (both within and outside the Borough), academies and independent schools in	Leader

accordance with the principles and procedures set out by the Council.

DC	(27)	In cases of urgency seek planning permission for mobile accommodation at primary and secondary schools in accordance with Regulation 3 of the Town & Country Planning General Regulations Act 1992 on the understanding that a full explanation for the need will accompany each application.	Leader
DC	(28)	To act in support of the Borough's Major Incident Controller in respect of emergency accommodation, provisions and staffing.	Leader
DC	(29)	Approve, after consultation with the Director of Corporate Services and the Head of Strategic Property, leasing arrangements in respect of educational premises where the terms of the lease or agreement do not exceed five years without a break clause.	Leader
DC	(30)	In consultation with the Director of Corporate Services and Director of Human Resources and Customer Services, interpret and apply the provisions of the Teachers' Pension Scheme Regulation in respect of current and ex employees where the LEA is deemed to be the employer for pension purposes.	Council
DC	(31)	Agree teachers' applications for early retirement without enhancement by way of added years.	Council
DC	(32)	Approve the appropriate use of the Priority Schools Budget, Schools Budget Central Contingency as approved by the School's Forum subject to their use being monitored by the budget review process and the relevant consultation with the School's Forum.	Leader
DC	(33)	Approve the arrangements for teachers who are to be awarded qualified teacher status after 7 th May 1999 to undertake an	Council

induction period in accordance with the provision of any regulations laid down by the Secretary of State and subsequent amendments; to grant extensions of the induction period as specified in the regulations and determine whether or not an induction period has been completed satisfactorily.

DC	(34)	Decide on action in response to individual OFSTED reports and, when the circumstances of the report are exceptional, submit the report to the Portfolio Holder for detailed consideration.	Leader
DC	(35)	To ensure the provision of Adult Education Services under Section 85 of the Further and Higher Education Act 1992 in accordance with Council policy.	Leader
DC	(36)	Authority to approve AMHP warrants.	Leader
DC	(37)	Ensure that the powers and duties to provide for the welfare and protection of children and young people are carried out in accordance with statutory requirements and Council policy.	Leader
DC	(38)	Provide preventative services and support for the care of mothers and young children.	Leader
DC	(39)	As Head of the Adoption Agency set up by the Local authority, ensure that the agency and the Adoption Panel functions in accordance with statutory requirements, save that this does not include a power to increase fostering allowances which exceed inflation.	Leader
DC	(40)	Direct the Authority's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children and the Local Authority's functions for children and young people leaving care.	Leader
DC	(41)	Direct any health-related functions exercised on behalf of an NHS body under Section 31 of the Health Act 1999, insofar as they relate to children.	Leader

DC	(42)	Direct the new functions of the Children's Services Authority set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation.	Council/Leader
DC	(43)	Make and sustain arrangements to promote co-operation between the Authority and its partner organisations to improve the well-being of children in the Authority's area.	Leader
DC	(44)	Maintain the database of basic information on all children in the Authority	Leader
DC	(45)	Maintain the Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Authority's area.	Leader
DC	(46)	Prepare and publish a Children and Young People's Plan (CYPP) to set out the Authority's strategy for discharging their functions in relation to children and young people,	Leader
DC	(47)	Second at least one children's social worker and at least one education professional to the Youth Offending Team.	Leader
DC	(48)	Promote the educational achievement of looked after children.	Leader
DC	(49)	Provide the Secretary of State, if he or she so directs the authority, with information on individual children.	Leader

**PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:	Responsibility delegated from
DCS	(1) In consultation with the Director of Children's Services, prosecution of offences for the selling of spray paint and graffiti implements to children under 16 under the Anti-Social Behaviour Act 2003 Section 54 and Environmental Protection Act 1990 Section 59.	Leader
DEPP	(2) The issue of fixed penalty notices to abate noise under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2.	Council
DEPP	(3) Enforcement of by-law breaches under the London Local Authorities' Act 2004.	Council
DCS	(4) In consultation with the Director of Environment and Public Protection, make parenting contracts and parenting orders in respect of criminal conduct and anti-social behaviour under sections 25 and 26 of the Anti-Social Behaviour Act 2003 (as amended).	Leader
Fireworks		
DEPP	(5) The grant of new applications and the renewal of a licence to retail fireworks outside prescribed periods in cases where (in the latter case) the applicant has not committed any offence prescribed in the Fireworks Regulations 2004 during the licence period.	Leader
Environmental Health/Weights and Measures/Consumer Protection		
DEPP	(6) Carry out the Council's functions with regard to weights and measures and other relevant trading standards and consumer protection legislation.	Leader
DEPP	(7) Administer the legislation listed in Part I of Appendix C of the report of the Director of Environmental Services to Environmental Services Committee on 7 th June 2000, (<i>as updated at appendix A to this scheme</i>) with the exception of any provision delegated exclusively by statute to another person or body, or any provisions the administration of which have already been delegated within this Authority.	Council/Leader

DEPP	(8)	Carry out the Council's functions with regard to public health, environmental protection control of pollution, food safety and quality, health and safety at work, pest control, communicable disease control, animal welfare, water supply and water quality, young persons and tobacco and other relevant environmental health legislation.	Council/Leader
DEPP	(9)	Institute enforcement action and, subject to the Director of Corporate Services being satisfied with the evidence in each case, legal proceedings, in respect of (6), (7) and (8) above.	Council/Leader
DEPP	(10)	Authorise employees and, where appropriate, inspectors to carry out functions in relation to (6), (7) and (8) above.	Council/Leader
DEPP	(11)	Authorise employees to sign statutory notices in respect of functions relating to (6), (7) and (8) above.	
DEPP	(12)	Authorise persons other than employees of the Council for the purposes of providing specialist advice and support in relation to (6), (7) and (8) above.	Council/Leader
DEPP	(13)	Grant, renew, transfer, vary, suspend, withdraw, or revoke licenses, registrations, permits, authorisations and approvals relating to food safety, animal welfare, special treatments, supply and retail of alcohol, public entertainment, late night refreshment, gaming, and gambling, sports grounds, sex establishments, caravan sites, hypnotism, environmental protection and houses in multiple occupation except where such powers and duties are governed by more specific schemes of delegation laid down in Council policies (e.g. the Council's statement on licensing policy) in which case the more specific schemes of delegation shall apply.	Council
DEPP	(14)	Manage caravan sites owned by the Council.	Leader
DEPP	(15)	Carry out the Council's functions under S.16 of the Local Government (Miscellaneous Provisions) Act 1976 and authorise officers to serve notices under S.16 of the Act.	Council
DEPP	(16)	Discharge functions relating to the detainment, examination and seizure of food under the Food	Council/Leader

Safety Act 1990 and regulations made under the European Communities Act 1972 both within the Borough and in all local authorities in England and Wales where reciprocal arrangements exist. (In addition all local authorities in England and Wales are authorised to discharge the above functions within Bromley Borough.)

DEPP	(17)	Take action under the Fire Safety and Safety at Places of Sport Act 1987 to approve but not refuse applications for certificates or licences under the Act.	Council
DEPP	(18)	Employ veterinary surgeons in conjunction with the Council's functions under diseases of animals, animal welfare and other related legislation.	Leader
DEPP	(19)	Authorise persons as competent engineers under Section 31 of the GLC (General Powers) Act 1973.	Council
DEPP	(20)	Carry out the Council's functions under Sections 27 and 29 to 32 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of blocked and defective drains and securing of buildings.	Leader
DEPP	(21)	Approve payment of compensation under the Public Health (Control of Diseases) Act 1984 as amended by the Health and Social Care Act 2008.	
DEPP	(22)	Authorise competent Council officers to act under the provisions of the Health Act 2006, Schedule 2 (powers of entry) and Section 9 (fixed penalty notices).	Leader
DEPP	(23)	Act as the "Proper Officer" under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 and appoint officers from the Council, public Health England (formerly the Health Protection Agency) or other organisations as necessary to exercise specific functions and powers as given to them (as set out in Appendix B to this scheme.)	Leader
Regulation of Investigatory Powers			
DEPP	(24)	Authorise action under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.	Leader
DEPP	(25)	Exercise functions and powers under the Scrap	Leader

- Metal Dealers Act 2013 including –
- (i) determining applications where refusal is being considered;
 2. granting licences where there is no prospect of refusal;
 3. imposing conditions as set out in section 4(5) where the site manager has relevant convictions;
 4. revoking licences under specific conditions;
 5. exercising the rights of entry and inspection;
 6. applying to a Magistrates Court for warrants of entry; and
 7. closing unlicensed sites.

CEX, (26)
DEPP and
DCS

Exercise functions related to the Anti-social Behaviour, Crime and Policing Act 2014 as set out in appendix 2 to the report of the Executive Director of Environment and Community Services to the Executive on 26th November 2014.

Leader

**ENVIRONMENT & COMMUNITY SERVICES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) authorised	Authority to:	Responsibility delegated from
New Streets		
DEPP	(1) Decide the question of liability or exemption under the Advance Payments Code, including decision on the amount of the payment to be made other than determinations under Section 219(4)(h) of the Highways Act 1980.	Leader
DEPP	(2) Agree requirements in relation to new street construction in planning applications.	Leader
DCS	(3) On recommendation of the Director of Environment and Public Protection, negotiate and complete agreements under Section 38 of the Highways Act 1980 for the construction of new streets.	Leader
Private Street Works		
DEPP	(4) Provide street trees where appropriate under Section 2 of the Local Government Act 2000.	Council/Leader
DF	(5) Sign and serve demands for payment under Sections 204-206 of the Highways Act 1980.	Leader
DCS	(6) Enter into agreements permitting frontagers to pay by instalments.	Leader
DCS	(7) Refer objections to Magistrates Court for determination.	Leader
DCS	(8) Arrange for the implementation of ministerial decisions on appeals by frontagers.	Leader
DEPP	(9) Designate the "proper officer" for the purposes of Sections 205, 210 and 211 of the Highways Act 1980.	Leader
Private Streets		
DEPP	(10) Within the limits of approved estimates determine priority and execute urgent repairs under Section 230 of the Highways Act 1980.	Leader

Street Naming and Numbering

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|-----|------|---|---------|
| ADP | (11) | Decide action on applications for approval of intended names of streets. | Leader |
| ADP | (12) | Make and sign orders under the London Buildings Acts to give effect to decisions on naming and numbering, including renaming and renumbering. | Council |

Private Direction Signs

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|------|------|--|----------------|
| DEPP | (13) | In appropriate circumstances, approve applications, subject to suitable indemnity and on condition that signs are fixed by the Environment and Community Services Department at the applicant's expense. | Council/leader |
| DEPP | (14) | In appropriate circumstances, approve applications received from the Automobile Association or the Royal Automobile Club for the erection of temporary signs. | Council/Leader |

Erection of hoardings and scaffolding during building operations and the temporary deposit of materials and excavation

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|------|------|--|---------|
| DEPP | (15) | Operate the provision of Sections 169, 171 and 172 of the Highways Act 1980. | Council |
|------|------|--|---------|

Grass Verges

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|------|------|--|--------|
| DEPP | (16) | Authorise and erect notices against parking of vehicles. | Leader |
| DEPP | (17) | Construct pedestrian access over. | Leader |

Overhanging Trees and Hedges

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|-----------|--|---|--------|
| DEPP (18) | | Authorise and serve notices and take action under the Highways Act 1980, Section 154. | Leader |
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Dangerous Trees

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| DEPP | (19) | Authorise and serve notices under Section 154 of the Highways Act 1980 requiring owners or occupiers to cut or fell trees that are dead, diseased or insecure and are likely to cause damage by falling on a highway or footpath. On default to carry out the work and recover the cost from the owner or occupier. | Leader |
|------|------|---|--------|

DEPP	(20)	Take appropriate action in respect of dangerous trees under section 23 and section 24 of the Local Government (Miscellaneous Provisions) Act 1976, including such steps as necessary to recover the costs incurred from the occupier.	Leader
Refuse Disposal (Amenity) Act 1978 (Removal of abandoned motor cars and removal and disposal of other refuse abandoned in open air or on land forming part of highway)			
DEPP	(21)	Authorise and serve notices, and take action under Sections 3 and 6 of the Refuse Disposal (Amenity) Act 1978.	Leader
DEPP	(22)	Remove forthwith from the highway and dispose of any vehicle obviously abandoned and ownership unidentifiable.	Leader
Car Parks			
DEPP	(23)	Allow refunds on car park season tickets.	Leader
DCS	(24)	Make supplementary orders to apply the Off-Street Parking Places Order to further parking places provided by the Council.	Leader
DEPP	(25)	Accept commuted payments in lieu of car parking within a scheme approved by the Council.	Leader
DEPP	(26)	Approve and provide means of access to any premises under Section 340, Highways Act 1980.	Leader
DCS	(27)	On the recommendation of the Director of Environment and Public Protection and on terms negotiated, complete agreements with owners and occupiers concerned.	Leader
Off-Street Car Parking			
DEPP	(28)	Authority to institute proceedings for contraventions of parking orders relating to the use of off-street car parks.	Leader
Parking Enforcement			
DEPP	(29)	Sign, on behalf of the Council, requests for information as to the identity of the driver of a vehicle alleged to be guilty of an offence to which Section 85 of the	Leader

Road Traffic Regulations Act 1967 applies, and sign notices under Sections 2 and 3 of the Road Traffic Act 1974 relating to excess parking charges.

DEPP	(30)	Authority to determine applications for exemption from the footway parking ban.	Leader
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Special Parking Areas

DEPP	(31)	Authority to institute or contest any action or administrative proceedings arising out of contraventions of traffic management orders relating to the Special Parking Area designated pursuant of the Road Traffic Act 1991.	Leader
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Private Sewers and Drains – Overflow Prevention

DEPP	(32)	Install and maintain anti-flood ball valves.	Leader
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Temporary Direction Signs, Street Banners etc

DEPP	(33)	Deal with all applications for temporary direction signs, street banners, etc, including seasonal and occasional decorations.	Council/leader
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Sight-Lines

DCS	(34)	Authorise and serve notices and act under Highways Act 1980, Section 79, to secure sight-lines recommended by the Director of Environment and Public Protection.	Leader
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Temporary Closure of Highways

DCS	(35)	Make orders for temporary closures recommended by the Director of Environment and Public Protection.	Leader
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Minor Improvements of Highways and Sewers

DEPP	(36)	Approve and execute minor schemes of improvement of all categories of highways and sewers maintainable at public expense, subject to all necessary consents, etc, being obtained and statutory action taken.	Leader
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Prescription of Building Lines

DCS	(37)	Prescribe building lines under Highways Act 1980, Section 74 recommended by the Director of Environment and Public Protection.	Leader
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Highway Adoptions

DEPP	(38)	After construction to his satisfaction declare streets to be highways maintainable at the public expense, and declare the associated drainage to be vested in the Council.	Leader
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Public Footpaths

DEPP	(39)	Approve the making of orders for the diversion of public footpaths where no objections are made following prior consultations with relevant owners and occupiers of land and with local and other interested organisations or statutory undertakers.	Council
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DCS	(40)	Make orders for diversion of public footpaths approved by the Director of Environment and Public Protection and confirm such orders where no statutory objections are made.	Council
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DCS	(41)	The Director of Corporate Services, in consultation with the Director of Environment and Public Protection, to confirm:	Council
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	(a)	all unopposed Orders for the creation, extinguishment, stopping-up or diversion of any footpaths, bridleways and byways; and	Council
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	(b)	all unopposed modification Orders made under the Wildlife and Countryside Act 1981 relating to footpaths, bridleways and byways.	Council
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DEPP	(42)	Make comments, on behalf of the Highway Authority, on the diversion of footpaths or bridleways necessitated to enable development for which planning consent has been given, to take place	Leader
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DEPP/DCS	(43)	Make Definitive Map Modification Orders and amendments to the Definitive Map and Statement of Public Rights of Way	Council
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Markets

DEPP	(43)	Deal with the day-to-day supervision and management of markets.	Council
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Walkways in Buildings

DCS	(44)	On terms recommended by the Director of Environment and Public Protection, complete agreements for the provision of dedication of footways or walkways under the provisions of Section 35, Highways Act 1980.	Leader
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Drainage of Highways

DEPP	(45)	Take all action necessary for the drainage or prevention of flooding of highways under the provisions of Sections 100, 299 and 339 of the Highways Act 1980.	Leader
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Control of Builders' Skips

DEPP	(46)	Operate the provisions of Section 139 and 140, Highways Act 1980 in respect of skips deposited on highways.	Council
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Retaining Walls near Streets

DEPP	(47)	Operate the provisions of Section 167 of the Highways Act 1980 in respect of the erection and condition of retaining walls.	Leader
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Construction of Buildings over Highways

DEPP	(48)	Issue licences for construction of buildings over any part of a publicly maintained highways under the provisions of Section 177 of the Highways Act 1980.	Leader
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Vehicle Crossings over Footways

DEPP	(49)	Operate the provisions of Section 184 of the Highways Act 1980 relating to the construction of vehicle crossings over footways and verges.	Leader
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DEPP	(50)	Authorise, the waiver of charges in respect of the provision of crossovers in association with other adaptations to disabled persons' properties, and in accordance with the recommendations of the Director of Adult Services (Occupational Therapy Service).	Leader
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Trees and Shrubs in a Highway

DEPP	(51)	Grant licences for the planting and maintenance of trees and shrubs under the provisions of Section 142 Highways Act 1980.	Council
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Powers of entry for Survey

DEPP	(52)	Authorise entry on to land for surveys in connection with highway functions under the provisions of Sections 289 and 290, Highways Act 1980.	Council
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Powers of Entry to Maintain Structures and Works

DEPP	(53)	Authorise entry on to land for the purpose of maintaining, altering etc, works or structures owned by the Highway Authority under the provisions of Section 291 of the Highways Act 1980.	Leader
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Provision of Dustbins

DEPP	(54)	Authorise and serve notices under Section 46 of the Environmental Protection Act 1990, as amended, requiring owners or occupiers of premises to provide the required number and type of covered dustbins for household refuse.	Leader
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Trade Refuse Disposal Facilities

DEPP	(55)	Authorise and serve notices on the owner or occupier of a building under Section 11 of the London County Council (General Powers) Act 1963 as amended requiring the carrying out of works or taking action to secure that the building is provided with trade refuse disposal facilities approved by the Director of Environment and Public Protection.	Council
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Offences involving the use of a vehicle

DEPP	(56)	Authorise and serve notices under Section 17 of the Greater London Council (General Powers) Act 1972 relating to an offence involving the use of a vehicle on a highway or parking area requiring information as to the identity to the driver or person in charge.	Council
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Dangerous Land Adjoining Streets

- DEPP (57) Authorise and serve notices and take action under Section 165, Highways Act 1980 in respect of dangerous land adjoining streets. Leader

Footbridges over Highways

- DEPP (58) Grant licences for the construction of footbridges over highways under provisions of Section 176 of the Highways Act 1980. Leader

Restriction on placing rails, beams, etc over highways

- DEPP (59) Determine applications and grant consents under Section 178, Highways Act 1980, to place rails, beams, pipes, cables, wires, or other similar apparatus over, along or across highways. Council

Cellars under Streets

- DEPP (60) Determine applications and grant consents under Section 179, Highways Act 1980 for the construction of cellars, etc under the carriageway of a street and authorise and serve notices for removal, or alteration, of any cellar, etc, constructed in contravention of that section. Council

Openings in footways into cellars and pavement lights and ventilation

- DEPP (61) Determine applications and grant consents under Section 180, Highways Act 1980, to make an opening in the footway of a street to a cellar, or vaults; or to carry out works in a street to provide means for the admission of air or light to premises situated under or abutting onto the street and authorise and serve notices where default arises in complying with statutory requirements as to repairs. Council

Minor Improvement Budget Schemes

- DEPP (62) Approve expenditure on schemes from within the minor improvement budget. Leader

Traffic Management Schemes – Civil Engineering Costs

- DEPP (63) Following agreement in principle to traffic management schemes by the Council, approve the detailed civil engineering element costs. Leader

Land Drainage and Watercourses

DEPP	(64)	(i)	Issue approvals under Section 11 (Restrictions as to buildings etc, in or over streams) and Section 13 (Restrictions on new connections with streams) of the River Ravensbourne etc (Improvements and Flood Prevention Act 1961.	Council
		(ii)	In accordance with the Land Drainage Acts 1991 and 1992 implement the Council's National Rivers Authority policies on:	Leader
		(a)	building over, adjacent to or in the flood plain of any watercourse;	Leader
		(b)	the use and maintenance of any watercourse;	
		(c)	the prevention of pollution to, and protection of the water environment;	
		(d)	in accordance with the Land Drainage Act 1991 Section 25, to serve notices on riparian owners for maintenance of watercourses and, if in default, carry out works and recharge the owner all reasonable costs.	

Bromley Town Centre – Closure of White Hart Slip

DEPP	(65)	Approve the issue of permits and determine any conditions that should be imposed thereon in respect of vehicles carrying out infrequent specialised maintenance or building activities and for infrequent delivery or collection of exceptional loads needing to gain access to White Hart Slip.	Leader
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Bromley Town Centre – Parades etc in High Street

DEPP	(66)	Determine applications for exemptions for parades and other similar events in the pedestrianised area of the High Street.	Council
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Disposal of small surplus highway sites

DEPP	(67)	Authority to declare as surplus to the requirements land held for highways purposes, being small areas of highway land not exceeding 500 square metres and to take such action as is necessary to extinguish highway rights associated with the land, subject to the receipt of planning consent for the change of use and the views of the local Ward Councillors being sought before any application is determined.	Leader
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Licences – use of highway land

DCS	(68)	On the recommendation of the Director of Environment and Public Protection, prepare licences under the provisions of the Highways Act 1980 to enable the owners of properties fronting public highways to use adjoining highway land as part of their gardens.	Leader
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Neighbourhood Watch Signs

DEPP	(69)	Authorise and/or refuse consent for the erection of Neighbourhood Watch signs on Council street furniture.	Council/Leader
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Street Trading

DEPP	(70)	To recommend legal proceedings subject to the Director of Corporate Services being satisfied as to the sufficiency of evidence.	Council
DEPP	(71)	To grant unopposed applications for full and temporary licences and applications for renewals of such licences where the terms and conditions are unchanged.	Council
DEPP	(72)	To refuse applications for street trading licences in circumstances where Section 25(4)(a) and (b) apply.	Council
DEPP	(73)	To grant unopposed applications by licence holders for variation of conditions attached to their licence.	Council
DEPP	(74)	To waive fees for temporary licences in	Council

respect of national charity events.

DEPP	(75)	To remit or refund fees or charges associated with street trading licences on production of a medical certificate or where because of road works etc a trader is unable to trade or for any other approved reason.	Council
DEPP	(76)	To accept applications for renewal of licences later than two months before expiry date (submitted before the expiry date).	Council
DEPP	(77)	To accept the surrender of a street trading licence.	Council
DEPP	(78)	To refuse the granting of a temporary licence for a street trader.	Council
DEPP	(79)	Confirm all experimental traffic regulation orders after an operational period of 12 months subject to: (i) the Ward Members concerned, the police and the public where appropriate being consulted; (ii) no objections being forthcoming; (iii) a report being made to the Executive Portfolio Holder in respect of those locations where objections have been received.	Leader
DEPP	(80)	Powers to control unlicensed street trading under the London Local Authorities' Act 2004 Section 20 and Schedule 4.	Council

School Keep Clear Markings

DEPP	(81)	Introduce mandatory school Keep Clear markings when the need is apparent and, the cost of each Traffic Order be funded from the block revenue provision for minor traffic management schemes.	Leader
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Central Islands/Refuges

DEPP	(82)	Approve the installation and removal of central islands/refuges subject to consultation with ward members.	Leader
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Environment Bromley – Grant

DEPP	(83)	Approve annual requests from Environment Bromley for grant funding.	Leader
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Graffiti Removal

DEPP	(84)	The power to require the removal of graffiti from shops, commercial properties, apparatus and plant under the London Local Authorities' Act 2004.	Council
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DEPP	(85)	Approve action to secure the removal of graffiti in consultation with the Director of Corporate Services.	Council/Leader
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Waiting and Loading Restrictions

DEPP	(86)	Authority to:	
	(i)	suggest the sites for the introduction or amendment of waiting and loading restrictions.	Leader
	(ii)	consult the Executive Portfolio Holder, Ward Members concerned, the Police and the public on the proposals.	Leader
	(iii)	subject to no objections being forthcoming, or where the scheme is less than £7,000 to introduce the restrictions; and	Leader
	(iv)	report to the Executive Portfolio Holder in respect of schemes costing over £7,000 where objections have been received but it is still considered that the restrictions should be implemented.	Leader

Disabled Persons Parking Bays

DEPP	(87)	Approve applications which meet all the following criteria and where no objections are received during consultation with the Ward Members, Police and local residents.	Leader
	(i)	only disabled drivers will be considered, except in exceptional circumstances;	Leader

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|-------|--|--------|
| (ii) | only applicants with no suitable off-street parking available to them will be considered; | Leader |
| (iii) | serious and frequent problems must be experienced in parking near the applicant's residence; | Leader |
| (iv) | applicants must undergo a medical assessment by the Council-appointed medical assessor; | Leader |
| (v) | applicants under 65 years of age should be receiving the higher mobility component of disability living allowance or Personal Independence Payment whilst applicants over 65 years of age would be assessed by the Council-appointed medical assessor only as in (iv) above. | Leader |
| (vi) | the exceptional circumstances referred to in (i) above be: | Leader |
| | (a) the application is on behalf of a minor; and | |
| | (b) the refusal of the application would cause hardship to the carers or the disabled person. | |

Street Works etc

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|------|------|--|---------|
| DEPP | (88) | Operate the provisions of Section 50 of the New Roads and Street Works Act 1991, for the granting of street works licences. | Council |
| DEPP | (89) | Operate the provisions of Section 56 of the New Roads and Street works Act 1991, for giving the undertaker such directions as to the times when works may or may not be carried out. | Leader |

Unauthorised Signs on the Highways

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|------|------|--|--------|
| DEPP | (90) | Operate the provisions of Section 132 of the Highways Act 1980 to remove unauthorised signs placed on the highway in roads which are on the Council's statutory list of maintained highways and rights of way in | Leader |
|------|------|--|--------|

the Definitive Map.

Wilful Obstruction of the Highway

DEPP	(91)	Operate the provisions of Section 148 of the Highways Act 1980 for the removal of unauthorised things on the highway which are on the Council's statutory list of highways and rights of way in the Definitive Map.	Leader
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Removal of Projections from Buildings

DEPP	(92)	Serve notice under Section 152 of the Highways Act 1980 in respect of any projection from a building which may endanger the public.	Leader
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White Bar Carriageway Markings

DEPP	(93)	Decide whether white bar markings should be laid to reduce the incidence of car parking obstruction in the following cases: (a) access to public places such as churches, halls and libraries; (b) accesses to groups of garages or similar situations where obstruction causes for delivery or loading including refuse collection; (c) access for individual disabled drivers who park off-street; (d) access to private driveways suffering from regular obstructive parking; and (e) to assist pedestrian access where vehicle parking obstruction takes place at crossing sites, excluding formal pedestrian crossings.	Leader
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Consultation Documents

DEPP	(94)	Consider and submit comments in respect of consultation documents received seeking the Council's views on all matters within the	Leader
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portfolio's purview subject to there being no policy issues or substantial expenditure, involved. In those instances, where the Executive Director of Environment and Community Services considers it appropriate prior consultation should be undertaken with the Executive Portfolio Holder before observations are submitted.

Signing to Places of Worship

DECS	(95)	Approve or refuse application for signing to places of worship, based on the criteria approved by the Executive Portfolio Holder – any complex or sensitive issues to be referred to the Executive Portfolio Holder for determination.	Leader
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Environmental Improvements

ADP	(96)	Select environmental improvement schemes for implementation, following consultation with the Ward Members concerned (the ADP also to report annually on the action taken).	Leader
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Blue Badge Scheme

DEPP	(97)	The issue and administration of the Blue Badge Scheme as provided for under the Chronically Sick and Disabled Persons Act 1970.	Leader
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Lease of Council Facility

DEPP	(98)	Let or lease a Council facility or part to a Council contractor to assist with the performance of their contract with the Council.	Leader
DEPP	(99)	Authority to approve highways and transport planning schemes for signs and disabled parking bays, including consultation and implementation stages, provided costs are within current budgets.	Council/Leader
DEPP	(100)	Authority, in consultation with the Director of Corporate Services, to make Orders in respect of waiting restrictions and loading bays.	Leader
DEPP	(101)	Decide on action in response to petitions related to environmental operational matters.	Council/Leader

Allotments

DEPP	(102)	Manage and let allotment plots (in conjunction with allotment society or association where management agreement exists between Council and the society or association).	Leader
DEPP	(103)	Waive all or part of the rent due in the initial year of a tenancy where in his opinion a plot requires additional work to put it into a satisfactory state for cultivation.	Leader
DEPP	(104)	Deal with applications for permission to erect buildings and structures, subject to consultation with local allotment society or association in the case of those exceeding two feet in height and not being the replacement of an existing building or structure.	Leader
DEPP	(105)	Authorise the signature of tenancy agreements on behalf of the Council.	Leader
DEPP	(106)	Authorise and service notices to quit or notices or re-entry on allotment tenants:- (a) where the Council determine alternative use of the land, and (b) for arrears of rent or other breach of tenancy agreement.	Leader
DEPP	(107)	In consultation with the Director of Corporate Services, approve changes of trustees appointed for the purposes of a management agreement between the Council and an allotment society or association.	Leader

Parks, recreation grounds, open spaces

DEPP	(108)	Approve occasional, general or individual variations of dates and opening hours.	Leader
DEPP	(109)	Allocate seasonal reservations in accordance with priorities approved.	Leader
DEPP	(110)	Restrict public use to accommodate lettings, reservations and other special occasions.	Leader
DEPP	(111)	Let all premises in accordance with policy and permitted uses approved by the Executive or Executive Portfolio Holder.	Leader

DEPP	(112)	Let catering rights in all premises, on the best available terms, in respect of arrangements of up to one year's duration only and where arrangements for a longer period have not previously been made, subject to consultation where necessary with the Director of Corporate Services and the signing by the Chief Executive of any consequent licence.	Leader
DEPP	(113)	Deal with applications for commercial purposes at a charge to be negotiated in each case.	Leader
DEPP	(114)	Let sports pitches and facilities.	Leader
DEPP	(115)	Set the dates of commencement and completion of sports seasons, including occasional, general or individual extension or contraction.	Leader
DEPP	(116)	Grant temporary use and letting of parks, open spaces and premises to outside organisations including temporary closure to the public so that admission charges may be levied.	Leader
DEPP	(117)	Accept gifts of memorial and other seats.	Leader
DEPP	(118)	(a) Decide conditions for suitable applicants to be allowed to use the Council's parks and open spaces for filming and commercial photography on payment of prescribed fees, but with power to waive the fee for filming or photography by an education authority, or in such a case, to charge a nominal fee of £1, at his discretion.	Leader
		(b) Refuse an application where the films or photographs are likely to be detrimental to the Council's interests.	Leader
DEPP	(119)	Deal with applications for use by circuses and small family fun fairs of areas within the Council's control which have been approved as suitable for such use.	Leader (Licensing decision Council)
DCS	(120)	Approve the use of the forecourt at the Churchill Theatre/Central Library for events.	Leader (Licensing decision Council)

Commons

DEPP	(121)	Deal with applications for fetes and other special activities on commons.	Leader (Licensing decision Council)
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Cemeteries

DEPP	(122)	Manage the Council's cemeteries including the allocation of burial space and the authorisation and execution of grave grants.	Leader
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Anti Social Behaviour

DEPP	(123)	In consultation with the Director of Corporate Services issue of fixed penalty notices in respect of graffiti and fly posting under the Anti-Social Behaviour Act 2003 Section 43.	Leader
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DEPP	(124)	Issue of graffiti removal notices under the Anti-Social Behaviour Act 2003 Section 48.	Leader
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DEPP	(125)	Powers to deal with the clearance of works and litter under the Anti-Social Behaviour Act 2003 Sections 55 and 56.	Leader
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ADP	(126)	Control of high hedges under the Anti-Social Behaviour Act 2003 Sections 68, 69 and 70.	Council
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DEPP	(127)	Propose the making of a Gating Order under the Clean Neighbourhoods and Environment Act 2005.	Leader
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Miscellaneous

DEPP	(128)	Deal with dangerous trees pursuant to Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.	Leader
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DEPP	(129)	Approve the purchase of selected horticultural stock, without recourse to competitive quotations.	Leader
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DEPP	(130)	Refer to the Director of Corporate Services for consideration with a view to prosecutions, cases under the Council's byelaws or other statutes.	Council
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DEPP	(131)	Manage the staff canteens and catering service without prejudice to the Director of	Council/Leader
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Finance's financial responsibilities referred to in Minute 1/356 (General Purposes Committee – 8.6.65) and subject to consultation as appropriate with and by the Director of Human Resources and Customer Services on staff welfare aspects.

DEPP	(132)	Issue of fixed penalty notices for fly posting under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2	Council
DEPP	(133)	Destruction of vehicles which are unlicensed, without a valid registration plate, or which have no registered keeper and associated powers under the London Local Authorities' Act 2004 Sections 3, 4, 6 and 7.	Council
DEPP	(134)	The control of car repairs on the street under the London Local Authorities' Act 2004 Section 11.	Council
DEPP	(135)	Pigeon proofing of bridges under the London Local Authorities' Act 2004 Section 9.	Council

**RESOURCES, COMMISSIONING & CONTRACT MANAGEMENT PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Where marked * exercise of an authority to act is conditional upon the authorised officer consulting with the Chief Executive.

Officer(s) authorised	Authority to:	Responsibility delegated from
Staff Appointments		
All	(1) With the exception of the post of Assistant Director, Planning, appoint staff in authorised posts of "Deputy Chief Officer" as defined by the Local Government Act 2002. A procedure for notifying the Executive will apply before a formal offer can be made.	Council
Suspension, relegation and dismissal of officers		
All	* (2) Subject to any existing right of appeal to an Appeals Panel to suspend, relegate or dismiss Deputy Chief Officers as defined by the Local Government Act 2002.	Council
	Consider appeals from employees against their dismissal, except where the Council's procedures provide for these to be heard by a Members' Appeal Panel	Council
DHR	(3) Authorise the release of statutory minimum redundancy payment and basic pension to eligible staff as provided for under redundancy payments legislation and the LGPS Regulations.	Council
Departmental Structures and Job Grade Reviews		
All	(4) (i) Authorise departmental restructurings and grading reviews in consultation with the Director of Human Resources and Customer Services, provided that these are in line with the overall strategic direction of the Council and do not involve redundancies or early retirement and are self financing.	Council/ Leader
CE	(ii) Authorise reorganisations and restructurings involving redundancies and /or early retirement after consultation with the Leader, relevant Director(s) and Portfolio Holder(s) on the service and financial implications where there is funding available to meet the associated costs.	Leader

Conditions of Service

All	(5)	Approve payment of, in accordance with procedures laid down from time to time:- Leased cars; Car allowances; Car purchase loans; Removal expenses for new staff; Telephone installation and rental charges; Travelling and subsistence expenses; Excess travelling expenses for transferred staff for up to 4 years; Interest free loans for annual season tickets.	Council
All	(6)	Permit, as appropriate, staff to undertake activities such as the giving of lectures or instruction associated with professional or analogous training which may fall partly within office hours.	Council/ Leader
DHR	(7)	Determine variations to local conditions of service in exceptional individual employee cases in consultation with the departmental Chief Officer and with the Director of Finance when direct costs are incurred.	Council
Early Retirement			
All and DHR	(8)	Authority to agree applications for early retirement outside the redundancy policy where this will lead to compensatory staff savings, and act as a member of the Chief Officer Early Retirement Panel to determine applications for early/flexible retirement under the Local Government Pension Scheme Regulations.	Council
DHR	(9)	Make all necessary arrangements for implementation of the Council's long service awards.	Council
Leave			
All	(10)	Grant annual and special leave in accordance with the Council's policy.	Council
Superannuation etc			
DF	(11)	Determine and apply the provisions of the Local Government Pension Scheme Regulations excluding matters relating to ill-health, as applicable to employees, pensioners, dependents and estates. Determine and apply the provisions of the Social Security Acts and Occupational Pension Scheme Regulations to leavers,	Council

pensioners, dependants and transfer values.

DHR	(12)	The determination and application of all matters relating to ill-health retirement under the Local Government Pension Scheme Regulations.	Council
DF and DHR	(13)	Authority to determine future applications for early payment of deferred benefits under the Local Government Pension Scheme Regulations.	Council
DCS, DHR and DF	(14)	To undertake the role of “nominated person” under the Internal Dispute Resolution Procedures of the Local Government Pension Scheme and the Teacher’s Pension Scheme	Council
DF and DHR	(15)	To implement the Council’s schemes for gratuities and severance payments.	Council
DF and DHR	(16)	With regard to automatic enrolment under the Pensions Act 2008 authority to - <ul style="list-style-type: none"> (i) use postponement for workers on short-term contracts and in circumstances where it aids administrative processes; and (ii) take all necessary action to ensure that the Council’s responsibilities under the requirements of automatic enrolment are met. 	Council

Implementation of Awards etc

DF	(17)	Implement payment of salary and wage awards by the Council.	Council
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Ex Gratia Payments

All	(18)	Authorise, in consultation with the Director of Finance,, ex gratia payments not exceeding £500 in any one case to persons in the employment of the Council in respect of loss of or damage to personal property sustained during the course of duty when reimbursement for such loss or damage is not recoverable from any other source.	Council
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Industrial Injuries Scheme

DHR	(19)	Determine, in consultation with the Director off Children’s Services so far as teachers are concerned, all applications under Paragraph 8 of the Greater London Whitley Council Industrial Injuries Scheme as at 31 March 2013.	Council
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Honoraria

All (20) Authorise the payment of honoraria to employees in accordance with conditions of service and the Council's scheme. Council

DHR (21) Determine any individual variations to the Council's scheme for the payment of honoraria to management grade staff. Review periodically the basis of the honoraria in the light of pay awards and any other relevant factors and revise the honoraria amounts accordingly. Council

Essential Car users – Car Loan Council

DF/DHR (22) Authority to carry out an annual review of the maximum sum the Authority is prepared to make available in the form of a loan to "essential car users" for the purpose of purchasing a car and to agree an increase in the maximum loan as necessary to reflect any increase in the cost of new cars, subject to an individual not being permitted to borrow more than 50% of their annual salary. Council

DCS (23) Determine the area over which rights alone should be acquired in respect of the Bromley Town Centre redevelopment. Leader

Benchmark Lease Cars

DECS/DF (24) Director of Environment and public Protection, in consultation with the Director of Finance, be authorised to revise benchmark lease car contributions as and when manufacturers vary prices during the course of the year. Council

DHR/DF (25) The Director of Human Resources and Customer Services, in consultation with the Director of Finance, be authorised to vary the mileage rates payable to leased car users. Council

Mortgages

DCS (26) Seal: Council

- (a) vacating receipts and discharges of mortgages;
- (b) mortgages where the advances are made by instalments;
- (c) mortgages to secure the external borrowing of money.

CE/DCS (27) Sign receipt on mortgages and discharges of registered charges where the Council's seal is not required. Council

DCS	(28)	Approve advances for the connection of houses to public sewers.	
DCS	(29)	Approve applications for the consent of the Council as mortgagee to: (i) the grant of rights of way and other easements, and licences; (ii) the carrying out of alterations and/or improvements to the mortgaged properties; subject in each case to being satisfied that the Council's security will not be adversely affected.	Leader
DCS	(30)	Authorise and institute proceedings for the recovery of arrears and/or possession of the property where mortgagors under the Council's Housing Act Advance Scheme have made default in payment of sums secured by the mortgage.	Leader
DCS	(31)	Authorise and give permission for short-term lettings of mortgaged property by mortgagors.	Leader
DHPR	(32)	Approve Housing Act advances in accordance with the scheme and criteria approved by the Executive.	Leader
DF	(33)	Approve increases or reductions in mortgage periods.	Leader
DCS/DF	(34)	Approve applications for the transfer of mortgages from the husband and/or wife to husband and/or wife subject to normal income limits.	Leader
DCS	(35)	Endorse extensions of mortgages executed by the Council in connection with external loans.	Leader
Private Street Works Charges, etc.			
DCS/DF	(36)	Approve the suspension of repayment of the principal element of private street works charges and loans for house connections to sewers for such period as the applicant is in receipt of Social Security income support	Leader
Loans			
DF	(37)	To make all necessary arrangements for efficient debt and cash management in accordance with any statutory requirements and the Treasury Policy Statement approved by the Council. In particular to:	Council/Leader

		(i) arrange loans, as required, on terms appropriate to market conditions in order to finance new capital expenditure or refinance maturing loans;	
		(ii) raise temporary loans and invest surplus cash:	
		(iii) arrange leasing finance as appropriate.	
DAS	(38)	Authority to approve maturity loans applications.	Leader
Rates of Interest			
DCS	(39)	Determine rates of interest of (a) local bonds and mortgages and (b) Housing Act mortgage advances, subject to referral to Committee of any proposal to vary existing practice in the relative treatment of pre- and post-1980 Act mortgages.	Council/Leader
Local Taxes			
DF	(40)	Authority to act on behalf of the Council in all matters concerning the administration, collection, recovery or community charges, Council Tax and non-domestic rates (including authority to authorise bailiffs to levy distress on behalf of the Council) and the administration of community charge and Council Tax benefits (including, for the avoidance of doubt, the consideration of any complaint or appeal by a Council tax payer).	Council/Leader
Value Added Tax			
DF	(41)	To take any necessary action to “opt to tax” exempt supplies where the third party is VAT registered.	Leader
Contractors Bonds			
All	(42)	Allow contractors to obtain their own bonds for due performance of any proposed contract, subject to the nominated bondsman being acceptable to the Director of Finance and to any additional cost being met by the contractor.	Leader
Carry Forward of Budgets			
DF	(43)	Authorise spending officers to carry forward from one financial year to the next any unspent General Fund or Housing Revenue Account budget provision, provided that the goods were ordered or the work was started in the expectation that the order would be completed by 31 st March.	Council/Leader

DF	(44)	The Director of Finance shall be the Chief Finance Officer for the purposes of Section 114 of the Local Government Finance Act 1988.	Council
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DF	(45)	In respect of benefit fraud, impose or request administration penalties as appropriate.	Leader
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Management of The Glades

DEPP	(46)	Following, where appropriate, consultations with the Director of Corporate Services to take decisions concerning the management of The Glades shopping centre so as to maintain the Council's overall interests.	Leader
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Property

DCS/DEPP	(47)	<p>Authority to:-</p> <ul style="list-style-type: none"> (i) approve purchases of properties in pursuance of confirmed compulsory purchase orders, on terms recommended and endorsed, when necessary, by the District Valuer; (ii) To approve the terms of any property transaction where there has been a decision of the Council, Executive, Executive Portfolio Holder, Committee or Sub-Committee, to acquire or dispose subject to a capital value less than £500,000 or rental value less than £50,000; (iii) To sell land not required for operational purposes with an area less than 500 sq. meters and value less than £10,000; (iv) To sell property or purchase it by private treaty when such action was included in the Asset Management Plan, subject to the financial limits set out in (ii) above; (v) Carry out all functions relating to the leasing and management of property, including landlords' consent, unless they fall outside the financial limits detailed in (ii) above, or the matter is particularly referred by Members to the Executive or Portfolio Holder; (vi) To take action on all London Residuary Body matters, subject to the financial limits set out in (ii) above. 	<p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p>
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- (vii) authorise the making of a Home Loss Payment in any case in which such a payment is appropriate;
- (viii) grant leases to public utility undertakings for land required for the erection of sub-stations or other similar purposes; Leader
- (ix) grant leases of Council land or properties not immediately required for the purposes for which they were originally acquired or are currently held, provided such leases are Leader
 - (a) for a period not exceeding seven years; or
 - (b) where the premium does not exceed £5,000 or the annual rent £500;
- (x) consent to the assignment of leases and tenancies of Council properties; Leader
- (xi) negotiate and agree terms in respect of easements, wayleaves, consents and licences affecting land and property; Leader
- (xii) approve applications for the consent of the Council, as landlord, for minor alterations or improvements to buildings; Leader
- (xiii) determine rent reviews and agree changes in use of commercial properties in Council ownership where the Council is acting as landlord; Leader
- (xiv) on terms determined in accordance with provisions of the Act, approve sales or the extension of leases under the Leasehold Reform Act 1967, as amended by the Housing Act 1980, where appropriate claims have been accepted as being legally valid and without grounds for counter-claim; Leader
- (xv) enter into an agreement, or agreements under Section 1 of the Local Authorities (Goods and Services) Act 1975, on such terms as he considers appropriate: Council/Leader
 - (1) with the London Fire and Emergency Planning Authority, to act on its behalf in respect of the sale of Beckenham Fire Station and any other property owned by

that body; and

(2) with any other public body which may request such service.

(xvi) Agree terms, in consultation with the Leader of the Council, for the disposal of the Council's reversionary interest in small areas of non-housing land and buildings on the former GLC Seaside and Country Home estates, subject to an upper price limit of £200,000. Leader

(xvii) Decisions on former London Residuary Board matters which do not involve expenditure by the Council and are not of a controversial or sensitive nature. Leader

(xviii) Approve transactions when the name of the purchaser or transferee changes, or the purchaser wishes the transfer to proceed in the name of another company within the same group but all other terms and conditions remain as originally approved; Leader

(xix) Dispose of small areas of former highway land not exceeding 500 square metres which have been declared surplus to the requirements of the Council and upon which highway rights have been extinguished subject to consultation with Ward Members. Leader

Energy Contracts

DF (48) In consultation with the DECH and relevant Executive Portfolio Holders, to accept energy tenders for gas and electricity for those schools which have opted into a corporate contract (in accordance with the decision of the Executive on 21st July 2008). Leader

DF (49) To accept energy tenders for gas and electricity for the remainder of the Council (in accordance with the decision of the Executive on 21st July 2008). Leader

Registration Service

DHR (50) Be "Proper Officer" in respect of the Births Deaths and Marriages Registration Service. Council

**ADULT CARE & HEALTH PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:-	Responsibility delegated from
DA	(1) Ensure that the powers and duties to provide for the social care of elderly people, people with a disability and/or chronic sicknesses are met in accordance with statutory Care Act requirements and Council policy.	Council/Leader
DA	(2) Exercise the statutory functions (including under the Mental Health Acts and Mental Capacity Act 2005) to safeguard the welfare of people suffering from a mental illness.	Leader
DA	(3) Arrange burials and cremations in cases where no other suitable arrangements have been made.	Leader
DA	(4) Undertake the general supervision and management of social work support services provided under the Local Authority Social Services Act 1970 (and any other enactment) not generally covered elsewhere in this scheme of delegation.	Leader
DA	(5) Ensure that reasonable costs are recovered for certain services in line with statutory regulations and Council policy.	Leader
DA	(6) Discharge the Council's transport functions in accordance with statutory requirements.	Council/Leader
DA	(7) Waive or abate charges and to take further action in relation to recovery of charges.	Leader
DHPR	(8) Approve applications for joint financing of less than £50,000.	Leader
DA	(9) In consultation with the Portfolio Holder and the Director of Corporate Services, approve Section 106 funding under formal grant arrangements for individual health proposals up to £250,000.	Leader

**RENEWAL, RECREATION & HOUSING PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:	Responsibility delegated from
Libraries		
DECS	(1) Select and purchase books and other library and museum materials and arrange loan exhibitions.	Leader
DECS	(2) Amend list of purchased periodicals, such amendments to be reported to the Portfolio Holder annually.	Leader
DECS	(3) Publish book lists.	Leader
DECS	(4) Decide on the closure of libraries at Christmas, Easter and public holidays.	Leader
DECS	(5) Decide on occasional variation of library opening hours.	Leader
DECS	(6) Deal with the letting of library halls.	Leader
DECS	(7) Carry out the Council's functions and duties under the Public Libraries and Museums Act 1964 and any amendments.	Leader
DECS	(8) Approve the secondment of trainee librarians for training, subject to the following: (a) such trainees to sign the usual undertaking in respect of staying in the Council's service for two years after completion of their studies; and (b) financial provision being agreed in the revenue budget annually.	Council
Local Land Charge Searches		
DECS	(9) Deal with local land charge searches.	Leader
Housing		
DHPR	(10) Consider the conditions and housing needs of the Borough.	Leader
DHPR	(11) Assess and arrange rehousing for homeless applicants in accordance with statutory requirements and Council policy.	Leader

DHPR	(12)	Nominate applicants to Housing Associations.	Leader
DHPR	(13)	Monitor the performance of Housing Associations and arrange for collection and production of statistical information.	Leader
DHPR	(14)	Consult with and provide advice to Housing Associations and other housing organisations on the housing needs of the Borough.	Leader
DHPR	(15)	Manage and provide temporary accommodation for homeless people and in cases of emergencies.	Leader
DHPR	(16)	Agree the terms and conditions for block booking arrangements for temporary accommodation.	Leader
DHPR	(17)	Manage the Council funded development programme in line with Council policy.	Leader
DHPR	(18)	Dispose of small plots of land which are surplus to requirements and which do not exceed 200 square metres in area, subject to consultation with local Ward Members.	Leader
DHPR	(19)	Authority to allocate Housing Association Programme funds in accordance with the criteria contained in Social Services and Housing Committee Minute 232(g) (21 st July 1997).	Leader
DHPR	(20)	Determine and pay claims for “well maintained” payments following directions given by the Secretary of State for the Environment.	Leader
DHPR	(21)	Negotiate with owners and accept tenancies of properties in compulsory purchase orders awaiting confirmation by the Secretary of State and from which immediate rehousing is considered necessary.	Leader
DEPP	(22)	Deal with the day-to-day management of all maisonettes associated with shop premises.	Leader
DF	(23)	Authorise payment of disturbance claims.	
DHPR	(24)	Approve all renovation, disabled facilities and other housing grants and loans in accordance with the schemes approved by the Executive Portfolio Holder.	Leader
DHPR	(25)	Require and enforce repayment of housing and	Leader

disabled facilities grants in accordance with the practice of the Executive. Approve the waiving of repayments where financial hardship to the owner would arise.

DHPR	(26)	Carry out the Council's functions relating to private sector housing in connection with hazard rating, disrepair, provision of amenity, means of escape in the case of fire, overcrowding, energy efficiency, empty property, management and control.	Leader
DHPR	(27)	Institute enforcement action and, subject to the Director of Corporate Services being satisfied with the evidence in each case, legal proceedings, and hearings in respect of (25) above.	Leader
DHPR	(28)	Authorise the carrying out of work in default in appropriate cases of non-compliance.	Leader
DHPR/ADP	(29)	Arrange for the demolition of properties for redevelopment purposes.	Leader
DF	(30)	Determine the amounts of rent rebates to be allowed under approved scheme.	Leader
DA	(31)	Authorise the approval of discretionary disabled facilities grants in exceptional circumstances.	Leader

Legislation enforced by Bromley Public Protection Division
(Public Protection and Enforcement Portfolio – Delegations 7 to 12)

PRIMARY LEGISLATION

ACT/REGULATION	DESCRIPTION OF DELEGATION
Accommodation Agencies Act 1953	To perform functions and investigate offences related to the practices of accommodation agencies
Administration of Justice Act 1970	To perform functions and investigate offences related to the harassment of debtors
Agriculture Act 1970 Refer to Schedule of secondary legislation (Regulations)	67(1) Duty Of local authority to enforce part IV of the Act in respect of fertilisers and animal feeding stuffs.67(4) Power to grant consent for inspectors of another enforcement authority to exercise powers within the London Borough of Bromley;67(3) Power to appoint agricultural analyst and deputies; to perform functions and investigate offences related to fertilisers and animal feeding stuffs;75(2) Power to require information and documentation; 76 – Power to enter premises and take samples
Animal Boarding Establishments Act 1963	Provisions relating to the commercial boarding of animals
Animal Health Act 1981	Provisions for welfare of farm animals in transit, on the farm and at market
Animal Welfare Act 2006	Powers relating to the control of animal welfare
Anti-Social Behaviour Act 2003	To perform functions and investigate offences related to the sale of aerosol paint to persons under age.
Anti-social Behaviour, Crime and Policing Act 2014	Provisions which introduce simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. It includes powers in relation to civil injunctions, criminal behaviour orders, public space protection orders and community protection notices and orders.
Architects Act 1997	To perform functions and investigate offences related to unregistered architects
Breeding and sale of dogs (welfare) Act 1999	Provisions to control the activities of commercial dog breeders
Breeding of dogs Act 1973 & 1991	Provisions to control the activities of commercial dog breeders
Building Act 1984	Provisions relating to adequate water supply, drainage and sanitary ware repair/improvement, in dwellings and emergency abatement of certain statutory nuisances.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Cancer Act 1939	To perform functions and investigate offences connected to advertisements relating to the treatment of cancer
Caravan Sites and Control of Development Act 1960	Provisions for granting licences to caravan sites, attachment of conditions and the provision of caravan sites.
Charities Act 1992	To perform functions and investigate offences connected with information to be provided, and false statements made by, professional fund raisers.
Charities Act 2006	To perform functions and investigate offences connected with unauthorised use of badges certificates and articles and of false statements made, in respect of charitable appeals.
Children and Families Act 2014 Refer to schedule of secondary legislation (Regulations)	Duty of weights and measures authority to enforce the Regulations made under this Act around the prohibition of sale of nicotine products to persons under 18, proxy sales and tobacco packaging.
Children & Young Persons Act 1933	To perform functions and investigate offences connected with the sale of tobacco and cigarette papers to persons under age and in respect of tobacco vending machines.
Children and Young Persons (Harmful Publications) Act 1955	Act prohibits sale or hire of harmful publications to children and young persons
Children & Young Persons (Protection Tobacco) Act 1991	Duty of local authority to consider a programme of enforcement action in respect of the sale of tobacco to persons under age, and to perform functions and investigate offences connected with the sale of single cigarettes [3(1)] and in respect of tobacco warning notices [4(1) & 4(2)].
Christmas Day (Trading) Act 2004	Act restricting store opening times on christmas day
Civil Contingencies Act 2004	Provisions relating to Civil Protection (more commonly known as Emergency Planning) including planning for and responding to emergencies and the discharge of duties and use of emergency powers as appropriate
Clean Air Act 1993	Provisions relating to control of smoke from chimneys and the chimney height; smoke grit and fumes from furnaces and the height of the furnace; the control of appliances and fuels in smoke control areas; controls over cable burning and the power to publish information thereof. Duty to enforce regulations concerning the composition and content of motor fuel [30(4)] and the sulphur content of oil fuel [31(4)] To perform functions and investigate offences connected to regulations made under section 30 & 31 related to the composition and content of motor fuel and fuel oil. To exercise powers of entry, inspection, seizure and test purchase in respect of motor fuel and fuel oil

ACT/REGULATION	DESCRIPTION OF DELEGATION
Companies Act 2006	Where relevant to other authorised functions, to perform functions and investigate offences related to the display and disclosure of company names [Part 5], fraudulent trading [part 29], display and disclosure of business names [part 41].
Consumer Credit Act 1974 as amended	Duty of enforcement by local weights and measures authority Powers of authorised officers related to entry[including making application for warrants], inspection, seizure etc [162] and test purchase [164]
Consumer Protection Act 1987	Duty of enforcement by local weights and measures authority of safety provisions [part II of Act] Power of authorised officers to issue suspension notices in respect of goods suspected of contravening safety provisions and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of goods contravening safety provisions. Powers of authorised officers to make test purchases [28(1)], of entry inspection & seizure etc [29], to apply for warrants of entry [30(2)], to request information & assistance [32(1)], to request information & assistance from Commissioners of Customs & Excise [37(1)].
Consumer Rights Act 2015	Power of officers to purchase products, observe carrying on of business, enter a premises with or without a warrant, inspect products, test equipment, require production of documents, seize and detail goods and documents, decommission or switch off fixed installations, break open containers and require assistance from persons on premises.
Control of Pollution Act 1974	Provisions relating to the control of certain paints and treatments; noise and vibration from building sites; noise in the streets; noise abatement zones and the carrying out of certain works by the Council.
Control of Pollution (Amendment) Act 1989	Powers relating to control of waste carriers and power to seize vehicles.
Copyright, Designs & Patents Act 1988	To perform functions and investigate offences related to making or dealing with infringing articles etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc To perform functions and investigate offences related to making dealing with or using illicit recordings etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc
Criminal Attempts Act 1981	To perform functions and investigate offences connected to attempts to commit an indictable offence, where relevant to other authorised functions.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Criminal Justice Act 1988	To perform functions and investigate offences connected to the supply of offensive weapons [141] and the sale of knives etc. to underage persons [141A]
Criminal Justice and Police Act 2001	Closure of certain classifications of premises
Criminal Justice and Public Order Act 1994	Power to remove unauthorised traveller encampments
Criminal Law Act 1977	To perform functions and investigate matters connected to conspiracy to commit offences where relevant to other authorised functions.
Crossbows Act 1987	To perform functions and investigate matters connected to– the supply of crossbows to persons underage.
Dangerous Wild Animals Act 1976	Provisions relating to control of dangerous wild animals and power to seize dangerous wild animals.
Dangerous Dogs Act 1991	Provisions relating to breeding, supply, control and abandonment of dangerous dogs.
Development of Tourism Act 1969 See also schedule of secondary legislation [orders & regulations]	To perform functions and investigate matters connected to the notification of pricing of accommodation.
Deer Act 1991	The provisions relating to control of the sale of deer and associated record keeping
Education Reform Act 1988	To perform functions and investigate offences connected to unrecognised degrees Duty of local weights and measures authority to enforce provisions of section 214 Trading Standards List 2 Powers of authorised officers in respect of premise entry, inspection search & seizure etc [215(2), 215(6)], to apply for warrants of entry [215(4).
Energy Act 1976 See also schedule of secondary legislation [orders & regulations]	Enforcement of orders relating to passenger car fuel consumption
Energy Conservation Act 1981	Power of local weights and measures authority to enforce provisions concerning the design, construction and operation of energy consuming appliances. Powers of authorised officers in respect of entry, inspection, seizure & detention etc [20(2),20(3),20(7) and warrants of entry [20(5)
Enterprise Act 2002	Designation and power of local weights and measures authority to act as a general enforcer in respect of certain consumer legislation. Power of authorised officers to seek undertakings in respect of domestic and community infringements. Power of authorised officers to give notice requiring that information be provided Duty of local weights and measures authority to give notice of intended proceedings under specified enactments or legislation.

ACT/REGULATION	DESCRIPTION OF DELEGATION
	Power to disclose specified information To investigate offences in respect of disclosure of specified information
Environment Act 1995	Provisions covering a wide range of pollution control arrangements and requirements both centrally and locally, including the power under s.108 of the Act to authorise persons with powers of entry, inspection, and investigation to determine the application of and compliance with pollution control requirements within the local authority's area. Part IV of the Act relates to Air Quality.
Environmental Protection Act 1990	This Act makes various provisions, powers, and duties for different aspects of Environmental Protection, including controlled waste, contaminated land, and litter. The Act also consolidates and expands on previous provisions relating to statutory nuisances, including the duty of Local authority to inspect its area for statutory nuisances and to investigate all complaints of statutory nuisance. Includes provisions for power of entry, power to require works, power to carry out works and powers to recover costs in relation to said statutory nuisance.
Estate Agents Act 1979	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers in respect of entry, inspection, seizure & detention etc and warrants of entry.
European Communities Act 1972 Refer to schedule of secondary legislation [orders and regulations].	Enforcement of <i>any</i> orders, regulations or other instruments made there under or relating thereto, or having effect by virtue of the Act, in as far as they relate to environmental protection, consumer protection, fair trading, weights and measures and any other matters considered to be trading standards functions.
Explosives Act 1875 to 1976	To perform functions and investigate offences connected to the sale of gunpowder [30, 32] and the sale of gunpowder to persons under age [31].
Fair Trading Act 1973	Duty of local weights and measures authority to enforce orders made under section 22 of the Act Power to make test purchases [28]. Powers of entry, inspection, seizure & detention etc 7 warrants of entry [29]
Farm & Garden Chemicals Act 1967	To perform functions and investigate offences connected to transactions in unlabelled products
Financial Services Act 2012	Designation of powers to weights and measures authorities
Financial Services & Markets Act 2000 Refer to schedule of secondary legislation [orders and regulations].	To exercise the functions of a 'relevant officer' under the Money Laundering Regulations 2007
Firearms Act 1968	To perform functions and investigate offences connected to the supply of air weapons to persons under age.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Fire Safety & Safety of Places of Sport Act 1987	Provisions relating to the safety of sports grounds
Fireworks Act 2003	Duty of local weights and measures authority to enforce provisions in respect of firework regulations Powers of entry and inspection etc [by reference to the Consumer Protection Act 1987]
Food Act 1984	Provisions relating to food safety.
Food & Environment Protection Act 1985	Duty of local weights and measures authority to enforce regulations relating to the sale, labelling and advertising of pesticides Exercise of enforcement powers by authorised officers
Food Safety Act 1990	To perform functions in relation to food safety
Forgery & Counterfeiting Act 1981	To perform functions and investigate offences connected to forgery and false instruments where relevant to other authorised functions.
Fraud Act 2006	To perform functions and investigate offences where relevant to other authorised functions.
Gambling Act 2005	Provisions for controls over gambling activities
Greater London (General Powers) Act 1966	Licensing of places concerned with exhibitions
Greater London (General Powers) Act 1967	Licensing of places concerned with hairdressers and barbers
Greater London (General Powers) Act 1984	To exercise powers in respect of the registration of premises used for sales by way of competitive bidding Powers of entry and inspection in connection with sales by way of competitive bidding
Guard Dogs Act 1975	Provisions for control of the use of guard dogs on premises.
Hallmarking Act 1973	Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers in respect of test purchasing, entry and inspection etc
Health Act 2006	The Act introduced the requirement for certain premises, places, and vehicles to be smokefree, and makes requirements for the management and signage of smokefree areas and provisions for enforcement
Health and Safety at Work etc Act 1974	Section 18(4) of Act – duty of local authority to enforce relevant provisions. Appointment of inspectors Authority to exercise power of inspector
Health and Social Care Act 2008	The obligations placed upon, and provisions empowering local authorities with regard to the control of disease

ACT/REGULATION	DESCRIPTION OF DELEGATION
Housing Act 1985	Section 17 in relation to compulsory purchase
Housing Act 2004	Duty of local weights and measures authority to enforce sections 155 to 159 inclusive and 167(4) [provisions related to home information packs]. Powers of authorised officers to require production of home information packs Powers of authorised officers to issue penalty charge notices in connection with breaches of 155 to 159 inclusive, 167(4), 172(1) Powers to confirm or withdraw a penalty charge notice. Powers to extend the period for complying with a penalty charge notice requirement. Duty to investigate, obtain information, inspect and take action in relation to housing conditions, houses in multiple occupation and empty property as set out in parts 1-1V and all associated schedules.
Housing Grants, Construction and Renovation Act 1996	Whole Act
Home Energy Conservation Act 1974	The provisions requiring local authorities to adopt a strategy for improving energy efficiency
Insurance Brokers (Registration) Act 1977	To perform functions and investigate offences connected to false registration
Intoxicating Substances (Supply) Act 1985	To perform functions and investigate offences connected to the sale of solvent based products to persons under age.
Knives Act 1997	To perform functions and investigate offences connected to the unlawful marketing of knives and the publication of associated material.
Legal Services Act 2007	To perform functions and investigate offences connected to carrying on restricted legal activities when not entitled [14] or carrying on those activities through persons not entitled [16] Powers of authorised officers to enter premises, powers to require production or take copies of documents, to request information. Power to apply for warrants of entry [198(6)]. To perform functions and investigate offences connected to obstruction and failing to provide information etc
Licensing Act 2003 and associated regulations	A consolidation of previous legislation relating to the sale and supply of alcohol and the provision of regulated entertainment and late night refreshment. Creates wide ranging duties in relation to the receipt, advertising, processing, and determination of applications and notices for licensable activities and the holding and conduct of hearings. In addition to Local Authority licensing functions the Act includes the duty of local weights and measures authority to enforce the provisions of section 146, 147, 147A in respect of the sale of alcohol to persons under age; to issue a closure notice in respect of persistently

ACT/REGULATION	DESCRIPTION OF DELEGATION
	selling alcohol to persons under age; to request a person under age to buy or attempt to buy alcohol, and to perform functions and investigate offences connected to the sale of liqueur confectionery to persons under age
Local Government (Miscellaneous Provisions) Act 1976	Power to require information, the provision of sanitary appliances, and the removal of obstructions from private sewers
Local Government (Miscellaneous Provisions) Act 1982	Powers relating to the protection of unoccupied buildings
London Local Authorities Act 1990	To enforce provisions in respect of street trading licences including the power to require production of a licence by a licence holder Powers in respect of the removal of receptacles. Enforcement of provisions in respect of unlicensed street trading including seizure of relevant articles and things. Powers of entry and inspection of authorised officers in connection with occasional sales Power to institute legal proceedings if a relevant person fails to furnish an authorised Officer with a name, or provides a false name or false address. The issuing of fixed penalty notices is authorised under the London Local Authorities Act 2004.
London Local Authorities Act 1991	The provisions relating to licensing premises where special treatments are carried out and provision for the control of burglar alarms
London Local Authorities Act 2004 Part 4	Administration of accounts for Fixed Penalty Notices, use of surplus, report to Secretary of State Power to enforce provisions including the Issuing of Fixed Penalty Notices in respect of contraventions of section 34(1 – 4) and 38(1) of Local Authorities Act 1990
Magistrates Courts Act 1980	Where relevant to other authorised functions, to perform functions and investigate offences related to the aiding, abetting, counselling or procuring the commission of offences.
Malicious Communications Act 1988	Where relevant to other authorised functions, to perform functions and investigate offences related to sending letters etc. with intent to cause distress or anxiety
Medicines Act 1968	Powers of authorised officers related to inspection, premise entry, taking of samples, seizure & detention etc related to medicated animal feed stuffs.
Motor Cycle Noise Act 1987	To perform functions and investigate offences related to the supply of motorcycle silencers and exhaust systems.
National Assistance Act 1948	Power of entry to inspect property
National Lottery Act 1993	To perform functions and investigate offences related to the supply of lottery tickets etc to persons under age

ACT/REGULATION	DESCRIPTION OF DELEGATION
Noise Act 1996	Power to issue warning notices and fixed penalty notices for noise and the power to enter premises and seize equipment
Noise & Statutory Nuisance Act 1993	Provisions for powers in relation to noise and nuisance in the street, control of alarms and recovery of costs
Offensive Weapons Act 1996	Prohibits sale of axes, knives and bladed articles to under 18s
Olympic Symbol etc (Protection) Act 1995	Power of local weights and measures authority to enforce provisions relating to relevant goods
Olympic Symbol etc (Protection) Act 1995	Powers of test purchase, entry, inspection & seizure of authorised officers
Pet Animals Act 1951 & 1983	Provisions for the control of sale of pet animals
Performing Animals (Regulation) Act 1925	Provisions for the control of the training or exhibition of performing animals
Pollution Prevention and Control Act 1999	Proscribes the regulation and control of polluting emissions into the environment by way of environmental permits covering a broad range of trade and industrial installations and processes.
Prevention of Damage by Pests Act 1949	Provides duties and powers relating to the control of rats and mice including powers to enter premises for the control of rodents, to require treatments or the provision of information, and to carry out works.
Prices Acts 1974 & 1975	Duty of local weights and measures authority to enforce orders made under sections 2, 4 & 5 in respect of the prices of goods. Powers of entry, inspection, seizure etc of authorised officers
Proceeds of Crime Act 2002	Matters in relation to the investigation and charging of money laundering offences
Protection From Harassment Act 1997	Where relevant to other authorised functions, to perform functions and investigate offences related to harassment and putting people in fear of violence
Protection of Animals Act 1911	Provisions relating to animal welfare
Public Health Act 1936	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health
Public Health Act 1961	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health
Public Health (Control of Diseases) Act 1984	The obligations placed upon, and provisions empowering local authorities with regard to the control of disease

ACT/REGULATION	DESCRIPTION OF DELEGATION
Registered Designs Act 1949 as amended	Provisions relating to the protection of registered designs
Restriction of Offensive Weapons Act 1959	Where relevant to other authorised functions, to perform functions and investigate offences related to the sale and supply of knives and other dangerous weapons.
Riding Establishments Act 1964 - 1970	Provisions relating to licensing of horse riding establishments
Road Traffic Act 1988	To perform functions and investigate offences related to the sale of motorcycle helmets To perform functions and investigate offences related to the supply of unroadworthy vehicles [75] and the fitting or supply of defective or unsuitable vehicle parts [76].
Road Traffic (Foreign vehicles) Act 1972	Provisions relating to the powers of authorised persons to prohibit overloaded vehicles
Safety of Sports Grounds Act 1975	The provisions relating to the safety of sports grounds
Scotch Whiskey Act 1988	Provisions relating to the supply and sale of products described as scotch whiskey.
Scrap Metal Dealers Act 2013	The provisions relating to the registration of scrap metal dealers
Solicitors Act 1974	To perform functions and investigate offences related to pretending to be a solicitor and engaging in various practices when unqualified. Powers of inspection, entry, seizure & detention, application for a warrant of entry of authorised officers
Sunbeds (Regulation) Act 2010	An Act to make provision about the use or supply of tanning devices that use artificial ultra-violet radiation, includes restriction on sales to under 18's
Sunday Trading Act 1994	Controls over hours of opening on Sundays and Easter for large shops.
Tattooing of Minors act 1969	The provisions relating to the tattooing of young persons
Telecommunications Act 1984	To perform functions and investigate offences related to the marking and labelling of telecommunications apparatus and information contained in advertisements for telecommunications apparatus.
Tenant Fees Act 2019	Duty of local weights and measures authority to enforce the provisions of the Regulations, which include provisions to prohibit landlords and letting agents from requiring certain payments to be made.
Theft Act 1968	Where relevant to other authorised functions, to perform functions and investigate offences related to false accounting [17] and going equipped to cheat [25].

ACT/REGULATION	DESCRIPTION OF DELEGATION
Timeshare Act 1992	Duty of local weights and measures authority to enforce the provisions of the Act. Power of authorised officers to request information and seize documents
Tobacco Advertising and Promotion Act 2002 Refer to schedule of secondary legislation (Regulations)	Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers to enter premises, perform inspections, seize items, apply for warrants of entry etc.
Trade Descriptions Act 1968	Duty of local weights and measures authority to enforce the provisions of the Act Offence provisions substantially replaced by CPUT 2008.
Trade Marks Act 1994	Duty of local weights and measures authority to enforce provisions of section 92 (unauthorised use of trade mark, etc. in relation to goods). Powers of authorised officers to inspect goods and enter premises etc, of seizure and detention, to apply for warrants of entry etc. Power to apply for forfeiture of goods To perform functions and investigate offences related to the falsification of the trademarks register etc [94] and falsely representing a trade mark as registered [95].
Trading Representations (Disabled Persons) Acts 1958 and 1972	To perform functions and investigate offences related to registration of sellers of goods made by persons with disabilities
Unsolicited Goods and Services Act 1971 & 1975	To perform functions and investigate offences related to unsolicited demand for payment etc
Veterinary Surgeons Act 1966	To perform functions and investigate offences related to the carrying out of veterinary practices by unqualified persons and the use of practitioners titles when unqualified.
Video Recordings Act 1984	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers to make test purchases, to enter premises, carry out inspections, powers of seizure & detention and to apply for warrants of entry etc To investigate outside of Bromley, offences suspected of being linked to or suspected to have been committed within the borough. To give consent to officers from other local authorities to investigate within Bromley, offences suspected of being linked to that other authority or suspected to have been committed within it.
Water Industry Act 1991	The provisions relating to the control of water to premises, including sufficiency, wholesomeness, and contamination; the control of waste water and duties placed upon the local authority.
Weights and Measures Act 1985	Designation of the London Borough of Bromley as a local weights and measures authority. <i>Power to provide consumer advice</i> Delegation of Chief Inspector of weights and measures To authorise an inspector to act as Deputy Chief Inspector of weights and measures To appoint inspectors of weights and measures To act as Deputy

ACT/REGULATION	DESCRIPTION OF DELEGATION
	Chief Inspector of weights and measures To perform functions related to passing weighing & measuring equipment as fit for use for trade To issue certificates to operate public weighing and measuring equipment Powers of inspector in connection to certain goods [38] and certain documents [39], goods on road vehicles [40] and check weighing of certain road vehicles [41]. <i>Power to make test purchases</i> General powers of inspector to enter, inspect, seize & detain & to apply for warrants of entry etc
Public Protection - General	All other legislation or parts thereof considered to be relevant to the Public Protection Division that may be in force from time to time including amendments and additions to existing legislation.

SECONDARY LEGISLATION

The secondary legislation detailed below is predominantly that enforced by the Weights and Measures authority and referred to in the list of primary legislation above. It is not an exhaustive list of all secondary legislation enforced by the Public Protection service.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Secondary legislation made under the European Communities Act 1972	
Advanced Television Services Regulations 1996	Provisions relating to supply & construction of television equipment.
Aerosol Dispensers (EEC Requirements) Regulations 2009	Powers of authorised officers related to entry (including making application for warrants), inspection, 'testing' etc... To perform functions and investigate offences/breaches under the Regulations
Animal Feed (England) Regulations 2010	Regulations on marketing and use of feed
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015	Enforcement / implementation of EU Regulations and Directives on feed safety
Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015	Duty of feed authority to enforce the Regulations. Power to enter premises, inspect, seize and detain suspect feed and serve notices

ACT/REGULATION	DESCRIPTION OF DELEGATION
Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013	Regulations on Biocidal Products and Chemicals, appointing authorities and enforcement
Biofuel (Labelling) Regulations 2004	Regulations on labelling of biofuels
Boiler (Efficiency) Regulations 1993	Duty of local weights and measures authority to enforce the provisions of the Regulations.
Business Protection from Misleading Marketing Regulations 2007	Duty of local weights and measures authority to enforce the provisions of the Regulations Power to request information by notice in writing. Power to make test purchases and enter into an agreement to secure the provision of a service. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant.
Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008	Regulations on import and export of cat and dog fur (enforcing EU Regulation 1523/2007)
Chemical (Hazard Information & Packaging for Supply) Regulations 2009	Duty of the local weights and measures authority to enforce where the supply is from any form of retail outlet and to enforce the provisions relating to the control of advertising (Reg 6) and child resistant packaging (Reg 11) Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Cigarette Lighter Refill (Safety) Regulations 1999/1844	Regulations on prohibition of sale of cigarette lighter refill cannisters to under 18's
Client Money Protection Schemes for Property Agents (Requirement to belong to a Scheme etc) Regulations 2019	Duty to enforce the provisions, which includes the requirement of property agents that hold money on behalf of a client to belong to an approved or designated client money protection scheme.
Companies (Trading Disclosures) Regulations 2008	Regulations on requirements for a company and business display of name and on business paper
Construction Products Regulations 1991	Duty of the local weights and measures authority to enforce the provisions of Part II of the Regulations (requirements relating to construction products). Power of authorised officers to issue suspension notices in respect of products suspected of contravening the regulations and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of products contravening the Regulations Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry, to request information & assistance.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013	Regulations on Consumer Contracts
Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2008	Duty of local weights and measures authority to enforce the provisions of regulations (offence relating to the failure to provide cancellation rights). Power of authorised officers to request production of documents and to seize documents.
Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2013	Duty of weights and measures authority to enforce.
Consumer Protection (Distance Selling) Regulations 2000	Duty of local weights and measures authority to consider complaints made to it about a breach. To perform functions and investigate offences/breaches under the Regulations
Consumer Protection from Unfair Trading Regulations 2008	Duty of local weights and measures authority to enforce the Regulations. Power to carry out test purchases or enter into arrangements to purchase products. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant.
Control of Misleading Advertisements Regulations 1988	To perform functions and investigate breaches under the Regulations
Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991	Power to require information in relation to waste carriers.
Cosmetic Products Enforcement Regulations 2013	Regulations on safety of cosmetic products
Cosmetic Products (Safety) Regulations 2004	To perform functions and investigate offences under the Regulations
Consumer Rights (Payment Surcharges) Regulations 2012	Regulations on the application of excessive surcharges
Crystal Glass (Descriptions) Regulations 1973	Duty of local weights and measures authority to enforce Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc , to apply for warrants of entry
Detergents Regualtions 2010	Regulations restricting placing on market of detergent products, enforcing EU Regulation 648/2004
EC Fertilisers (England and Wales) Regulations 2006	Regulations implementing EU rules on Fertilisers
Eggs (Marketing Standards) Regs 1995	Control provisions for quality, marking and grading of eggs

ACT/REGULATION	DESCRIPTION OF DELEGATION
Electrical Equipment (Safety) Regulations 1994	Safety provisions regarding electrical equipment
Electromagnetic Compatibility Regulations 2006	Duty of local weights and measures authority to enforce the Regulations (except the provisions relating to electricity water meters). Powers of authorised officers to make test purchases, of entry inspection & seizure etc), to apply for warrants of entry, to issue compliance and suspension notices and to request information & assistance.
Electro-medical Equipment (EEC Requirements) Regulations 1988	Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry Power to make test purchases, enter premises and inspect and seize goods and entry by warrant.
Electronic Commerce (EC Directive) 2002	The regulations stipulate information that must be provided by businesses providing information society services to consumers
Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information Regulations 2011	Regulations on Energy Information
Energy Information (Combined washer driers) Regs 1997	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Dishwashers) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household Air Conditioners) Regs 2005	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household electric ovens) Regs 2003	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant
Energy Information (Household refrigerators and freezers) Regs 2004	Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (lamps) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (tumble dryers) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure

ACT/REGULATION	DESCRIPTION OF DELEGATION
	and entry by warrant
Energy Information (Washing Machines) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007	Duty of local weights and measures authority to enforce regulations 5(2), 5(5), 6(2), 9(2), 10, 16(2), 21(1), 23, 24 and 39(4). Powers to request copies of documents to issue a penalty charge notice.
Energy Performance of Buildings (England and Wales) Regulations 2012	Regulations on Energy Performance of Buildings
Explosives Regulations 2014	Duty to grant licences in relation to the storage of explosives.
Fertilisers Regulations 1991	Provisions for labelling and sampling controls of fertilisers
Filament Lamps For Vehicles (Safety) Regulations 1982	Regulation on filament lamps in vehicles
Financial Services (Distance Marketing) Regulations 2004	Duty of local weights and measures authority to consider complaints about a breach of the Regulations To perform functions and investigate breaches/offences under the Regulations
Financial Services Act 2012 (Consumer Credit) Order 2013	Provides power for weights and measures authorities to prosecute consumer credit offences
Fireworks Regulations 2004	Regulations made under the Fireworks Act 2003, creating offences on supply of fireworks
Food Imitations (Safety) Regulations 1989	Regulations on Imitation Foods
Footwear (Indication of Composition) Labelling Regulations 1995	Duty of local weights and measures authority to enforce the Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry.
Furniture and Furnishings (Fire) (Safety) Regulations 1988	Safety regulations on Furniture and Furnishings for Fire Safety
Gas Appliance (Safety) Regulations 1995	Regulation on safety of Gas Appliances
General Product Safety Regulations 2005	Duty of local authority to enforce the provisions of the Regulations. Power to issue suspension notices, require to 'mark,' require to warn, issue a withdrawal notice, issue a recall notice, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants

ACT/REGULATION	DESCRIPTION OF DELEGATION
Household Appliances (Noise Emission) Regulations 1990/161	Regulations on Noise Emissions From Household Appliances
Materials & Articles in Contact with Food Regulations 2012	The provisions relating to materials that are to be in contact with food
Measuring Container Bottles (EEC Requirements) Regulations 1977	To perform functions and investigate offences related to the Regulations. Power of inspection, entry and testing.
Measuring Instruments (Automatic Catchweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Automatic Discontinuous Totalisers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Automatic Rail-weighbridges) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Beltweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Capacity Serving Measures) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Cold-water Meters) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (EEC Requirements) Regulations 1988	To perform functions and investigate offences related to the Regulations. Power to entry, inspection testing and search by warrant.
Measuring Instruments (Gravimetric Filling Instruments) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations
Measuring Instruments (Liquid Fuel and Lubricants) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Liquid Fuel Delivered from Road Tankers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Material Measures of Length) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry,

ACT/REGULATION	DESCRIPTION OF DELEGATION
	inspection testing and search by warrant
Medical Devices Regulations 2002	Powers of forfeiture, issue suspension notices, enter premises and seize goods and entry by warrant. Duty of local weights and measures authority to enforce these regulations in relation to devices that are consumer goods.
Medicines (Advertising) Regulations 1994	To perform functions and investigate breaches under the Regulations
Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988/1275	Regulations on weighing of goods vehicles and cargo with merchant shipping
Money Laundering Regulations 2007	In specified circumstances: Power to request information, records and attendance of persons to answer questions; powers of entry, inspection, to take copies of documents and entry by warrant; power to make an application to the courts requesting person to take certain action, and power to prosecute for offences.
Motor Fuel (Composition and Content) Regulations 1999	Duty to enforce Regs 5B (3), (5), (6) where it relates to fuel not intended for use in motor vehicles
Motor Vehicles Tyres (Safety) Regulations 1994	Regulations on Tyre Safety
National Lottery Regulations 1994	Regulations for the National Lottery
Natural Mineral Water, spring water and bottled drinking water Regs 1999	Provisions for the control of the bottling, supply and quality for natural mineral water
Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015	Duty of weights and measures authority to enforce Regulations
Nightwear (Safety) Regulations 1985	Regulations on safety of nightwear
N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995	Regulations on children's dummies
Non-Automatic Weighing Instruments (EEC Requirements) Regulations 2000	To perform functions and investigate offences related to the Regulations. Only local weights and measures authority can institute proceedings. Powers of entry, inspection, testing and entry by warrant.
Oil Heaters (Safety) Regulations 1977	Regulations on safety of oil heaters

ACT/REGULATION	DESCRIPTION OF DELEGATION
Olive Oil (Marketing Standards) Regulations 2003	Provisions for the control of the bottling, supply and quality for olive oils
Organic Products Regulations 2009/842	Regulations on Organic Products
Packaged Goods Regulations 2006	Duty of local weights and measures authority to enforce the Regulations. Powers of entry, inspection, testing and search by warrant.
Package Travel, Package Holidays and Package Tours Regulations 1992	Duty of local weights and measures authority to enforce the Regulations for the purposes of regs 5, 7, 8, 16 & 22. Powers of entry, seizure, production of documents and entry by warrant.
Packaging (Essential Requirements) Regulations 2003	Duty of local weights and measures authority to enforce the Regulations. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Passenger Car (Fuel Consumption & CO2 Emissions Information) Regulations 2001 and The Passenger Car (Fuel Consumption) Order 1983.	Duty of local weights and measures authority to enforce the Regulations. Power to enter premises to request production to seize a certificate of conformity. Power to search by warrant.
Personal Protective Equipment (EC Directive) Regulations 2002	Duty of local weights and measures authority to enforce the Regulations Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Pedal Bicycles (Safety) Regulations 2010	Safety regulations on Pedal Cycles
Petroleum (Consolidation) Act 1928	Act to Regulate Petroleum Storage
Plastic materials & Articles in Contact with Food Regulations 1992	The provisions relating to plastic materials that are to be in contact with food
Plugs and Sockets etc (Safety) Regulations 1994	Regulations on Plugs and Sockets
Pressure Equipment Regulations 1999	Duty of local weights and measures authority to enforce the Regulations in relation to pressure equipment or assemblies for private use or consumption. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Price Indications (Bureaux de Change) (No 2) Regulations 1992	Regulations on Price Indications at Bureau de Change
Price Marking Order 2004	Regulations on Pricing

ACT/REGULATION	DESCRIPTION OF DELEGATION
Pyrotechnic Articles (Safety) Regulations 2015	Duty of local weights and measures authority to enforce the Regulations. Power to enter premises, inspect and seize goods etc, carry out test purchases
REACH Enforcement Regulations 2008	Regulations on restrictions on chemicals, enforcing EU REACH regulation
Radio Equipment & Telecommunications Terminal Equipment Regulations 2000	Duty of local authority to enforce the Regulations. Power to serve enforcement notice. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Recreational Craft Regs 1996	The obligations placed upon, and provisions empowering local authorities with regard to the supply of recreational craft
Recreational Craft Regulations 2004	Duty of local weights and measures authority to enforce the Regulations. Power to service compliance notice. Power to issue suspension notices, apply for forfeiture and obtain information.
Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014	Requirement to join redress schemes. Made under Enterprise and Regulatory Reform Act 2013
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013	Regulations on Rights of Passengers in Bus and Coach Transport, enforcing EU Regulations. Reg 8 designates a local weights and measures authority (and others) as the enforcement authority for EU Reg 181/2011
Sale and Supply of Goods to Consumers Regulations 2002/3045	Regulations on sale and supply of good to consumers. Reg 2 designates WMA as enforcement authority which under Reg 15 are able to apply for injunctions regarding consumer guarantees
Simple Pressure Vessels (Safety) Regulations 1991	Duty of local weights and measures authority to enforce the Regulations where they relate to vessels and relevant assemblies as consumer goods. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Standardised Packaging of Tobacco Products Regulations 2015	To perform functions and investigate breaches under the Regulations from commencement date
Supply of Machinery (Safety) Regulations 1992	Duty of local weights and measures authority to enforce where it relates to relevant machinery as goods for private use or consumption Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Textile Products (Labelling and Fibre Composition) Regulations 2012	Regulations On Labelling and Fibre compsoition of Textile Products, enforcing EU regulations

ACT/REGULATION	DESCRIPTION OF DELEGATION
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010	Regulations on Timeshare Products and Contracts
Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010	To perform functions and investigate breaches under the Regulations
Tobacco Advertising and Promotion (Display) (England) Regulations 2010	To perform functions and investigate breaches under the Regulations
The Tobacco and Related Products Regulations 2016	To perform functions and investigate breaches under the Regulations relating to the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking and electronic cigarettes and refills
Tobacco for Oral Use (Safety) Regulations 1992	Regulations prohibiting sale of tobacco for oral use
Tobacco Products (Manufacture, Presentation and Sale) Regulations 2002	Regulations regarding tobacco products manufacture presentation and sale
Tourism (Sleeping Accommodation Price Display) Order 1977	Power of entry and inspection.
Toys (Safety) Regulations 2011	Regulations regarding safety of toys
Unfair terms in consumer contracts Regs 1999	Enforcement of unfair terms in consumer contracts

Legislation enforced by Bromley Public Protection Division
(Public Protection and Safety Portfolio – Delegation (26))

Public Health (Control of Disease) Act 1984
as amended by Health and Social Care Act 2008

Section	Power
45M	Apply for orders under part 2A
46	Duty of the La to bury or cremate a body where no other arrangements made
48	Power to apply to Court for an order removing a body to a mortuary
61	Power of entry for appointed 'Proper Officer'
62	Supplementary powers as to entry
64	Power to prosecute

The Health Protection (Local Authority Powers) Regulations 2010

Section /Regulation	Power
2	To serve / review vary or revoke a notice to keep a child away from school when a child is or may be infected or contaminated
3	To serve notice on a head teacher of school to provide names addresses and contact numbers of pupils
4	To disinfect or decontaminate things at the request of the owner and charge for the service
5	To disinfect or decontaminate things at the request of a person with custody or control of the things and charge for the service
6	To disinfect or decontaminate premises at the request of the owner and charge for the service
7	To disinfect or decontaminate things at the request of the tenant and charge for the service
8	Power to serve notice on a person or

	groups requesting co-operation for health protection purposes. Offer compensation
9	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting contact with the body
10	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting entry to the room in which the body is located
11	To relocate or cause to be relocated a dead body

Health Protection (Notification) Regulations 2010

Section / Regulation	Power
	Appointment of the 'Proper Officer' for the receipt of information and notifications
Regulation 6	Duty of the Proper Officer to disclose a notification to Public Health England (formerly the Health Protection Agency) and or Proper Officer of another LA or Port Authority

Health Protection (Part 2A Order) Regulations 2010

Regulation 7	Power to charge in connection with Part 2A orders relating to things and premises
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Report No.
CSD19118

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: HEALTH AND WELLBEING BOARD - ANNUAL REPORT
2018/19

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 At its meeting on 16th May 2019 the Health and Wellbeing Board received a report from its chairman, Cllr David Jefferys, summarising the Board's work during 2018/19. The Board noted the report and that it would be submitted to full Council.
-

2. **RECOMMENDATION**

Council is recommended to receive and note the Health and Wellbeing Board's annual report for 2018/19 from the Health and Wellbeing Board.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Not Applicable
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

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

Non-Applicable Sections:	All
Background Documents: (Access via Contact Officer)	Health & Wellbeing Board 16 th May 2019 - report and minutes.

Health and Wellbeing Board Chairman's Annual Report

Chairman: Cllr. David Jefferys
Vice-Chairman: Cllr. Robert Evans

The Health and Wellbeing Board met four times in 2018/19.

Areas of work that have been explored include the Iris Project (Identification and Referral to Improve Safety) in Bromley, a review of Winter Health and Social Care services and the development of Bromley's Homelessness Strategy. The Board continues to engage with a wide range of voluntary sector partners including receiving a presentation on the work of the Bromley Third Sector and Bromley Well.

The Board has considered a range of work related to the health and wellbeing of children and young people including health support to school-aged children, childhood obesity, the Vulnerable Adolescent Strategy and the Bromley Safeguarding Children Board's annual report. Infant mortality has been investigated by the Board following its identification as a key issue in the Joint Strategic Needs Assessment 2017, and the Board has also received a presentation on the Local CAMHS Transformation Plan 2017/18.

The Board adopted a new approach to reviewing the data and undertaking the production of the JSNA (Joint Strategic Needs Assessment) for Bromley and development of the Bromley Health and Wellbeing Strategy. This was a more embracing and inclusive approach and concentrated on identifying key cross cutting issues. The new style report has attracted considerable interest and favourable comments from the wider community and at national level.

Having identified falls as an area of concern for the Borough's older population, the Board has convened the Falls Task and Finish Group which is being chaired by Professor Cameron Swift, a world expert on falls and a member of the NICE Falls Clinical Guideline Group and Quality Standards Advisory Committee with the aim of developing a collaborative approach to falls across health and social care partners. The Board has also championed and promoted the key issue of social isolation culminating in the highly successful November 2017 Campaign to support increased social inclusion.

There has been a continued emphasis on partnership working within the Health and Wellbeing Board which has representation from a range of key partners including the Local Authority, Bromley Clinical Commissioning Group, Bromley Safeguarding Adults Board, Bromley Safeguarding Children Board and Bromley Voluntary Sector.

The Board held a very constructive discussion with members of the Bromley Youth Council which will continue this year. It also received presentations from Mytime Bromley and Nash College which identified programmes to support health and wellbeing for residents which are being rolled out across the borough.

In light of all these achievements, I would like to thank the commitment and hard work of Board Members, key partners and Local Authority Officers in continuing to support and provide challenge to this wide-ranging work programme which is key to improving the quality of health and wellbeing provision across Bromley.

**Councillor David Jefferys
Chairman, Health and Wellbeing Board**

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Report No.
CSD19115

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: TREASURY MANAGEMENT - ANNUAL REPORT 2018/19

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 At its meeting on 3rd July 2019, the Executive, Resources and Contracts PDS Committee scrutinised the following report prior to decision by the Resources, Commissioning and Contract Management Portfolio Holder. The report summarises treasury management activity during the March quarter and includes the Treasury Management Annual Report for 2018/19, which has to be reported to full Council. The report ensures that the Council is following best practice in accordance with the CIPFA Code of Practice for Treasury Management. Investments as at 31st March 2019 stood at £311.6m, with no external borrowing.
-

2. **RECOMMENDATION**

Council is recommended to -

- (1) note the Treasury Management Annual Report for 2018/19.**
- (2) approve the actual prudential indicators within the report.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

1. Policy Status: Existing Policy: To maintain appropriate levels of risk, particularly security and liquidity, whilst seeking to achieve the highest rates of return on investments
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Interest on balances
 4. Total current budget for this head: £3.491m budget (net interest earnings) in 2018/19; surplus of £1.460m achieved in 2018/19. Budget for 2019/20 - £3.291m
 5. Source of funding: Net investment earnings
-

Personnel

1. Number of staff (current and additional): 0.25fte
 2. If from existing staff resources, number of staff hours: 9 hours per week
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable: Full Council decisions are not subject to call-in
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

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

Non-Applicable Sections:	Impact on vulnerable adults and children/Policy/ Finance/Personnel/Legal/Procurement/Customers
Background Documents: (Access via Contact Officer)	See attached report

Decision Maker: Resources, Commissioning & Contract Management Portfolio Holder
Council

Date: For pre-decision scrutiny by Executive, Resources and Contracts PDS Committee on 3rd July 2019
Council 15th July 2019

Decision Type: Non-Urgent Executive Non-Key

Title: TREASURY MANAGEMENT - ANNUAL REPORT 2018/19

Contact Officer: Tracey Pearson, Chief Accountant
Tel: 020 8313 4323 E-mail: tracey.pearson@bromley.gov.uk

Chief Officer: Director of Finance

Ward: All wards

1. Reason for report

1.1 This report summarises treasury management activity during the March quarter and includes the Treasury Management Annual Report for 2018/19, which is required to be reported to full Council. The report ensures that the Council is implementing best practice in accordance with the CIPFA Code of Practice for Treasury Management. Investments as at 31st March 2019 totalled £311.6m and there was no external borrowing. For information and comparison, the balance of investments stood at £338.9m as at 31st December 2018 and £284.8m as at 31st March 2018, and, at the time of writing this report (24th June 2019) it stood at £342.0m.

2. **RECOMMENDATION(S)**

2.1 **The Portfolio Holder and Council are asked to:**

- (a) **Note the Treasury Management Annual Report for 2018/19;**
- (b) **Approve the actual prudential indicators within the report.**

Corporate Policy

1. Policy Status: Existing policy. To maintain appropriate levels of risk, particularly security and liquidity, whilst seeking to achieve the highest rates of return on investments.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Interest on Balances
 4. Total current budget for this head: £3.491m budget (net interest earnings) in 2018/19; surplus of £1.460m achieved in 2018/19. Budget for 2019/20 £3.291m
 5. Source of funding: Net investment earnings
-

Staff

1. Number of staff (current and additional): 0.25 fte
 2. If from existing staff resources, number of staff hours: 9 hours per week
-

Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is 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

3.1 General

- 3.1.1 Under the requirements of the CIPFA Code of Practice on Treasury Management, the Council is required, as a minimum, to approve an annual treasury strategy in advance of the year, a mid-year review report and an annual report following the year comparing actual activity to the strategy. In practice, the Director of Finance has reported quarterly on treasury management activity for many years, as well as reporting the annual strategy before the year and the annual report after the year-end. This report includes details of investment performance in the final quarter of 2018/19 and the annual report for the whole of the financial year 2018/19.
- 3.1.2 The 2018/19 annual treasury strategy, including the MRP (Minimum Revenue Provision) Policy Statement and prudential indicators, was originally approved by Council in February 2018, and was subsequently amended following approval by Council in December 2018 to reflect the inclusion of the new Low Volatility Net Asset Value (LVNAV) category of Money Market Funds. In February 2019 Council approved an increase in the limit to £50m for investments with Housing Associations and agreed that the strategy be amended to clarify that only the ring fenced components of Royal Bank of Scotland be included for future investments.
- 3.1.3 Recent changes in the regulatory environment place a much greater onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the actual position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 3.1.4 The Council has monies available for Treasury Management investment as a result of the following:
- Positive cash flow;
 - Monies owed to creditors exceed monies owed by debtors;
 - Receipts (mainly from Government) received in advance of payments being made;
 - Capital receipts not yet utilised to fund capital expenditure;
 - Provisions made in the accounts for liabilities (e.g. provision for outstanding legal cases) which have not yet materialised;
 - General and earmarked reserves retained by the Council.
- 3.1.5 Some of the monies identified above are short term and investment of these needs to be highly "liquid", particularly if it relates to a positive cash flow position, which can change in the future. Future monies available for Treasury Management investment will depend on the budget position of the Council and whether the Council will need to substantially run down capital receipts and reserves. Against a backdrop of unprecedented cuts in Government funding (which will require the Council to make further revenue savings to balance the budget in future years), there is a likelihood that such actions may be required in the medium term, which will reduce the monies available for investment.
- 3.1.6 The Council has also identified an alternative investment strategy relating to property investment. To date, this has resulted in actual and planned acquisitions which generated £3m income in 2015/16, £4.6m in 2016/17, £5.6m in 2017/18 and £5.5m in 2018/19. This is based on a longer term investment timeframe of at least 3 to 5 years and ensures that the monies available can attract higher yields over the longer term.

3.1.7 A combination of lower risk investment relating to Treasury Management and a separate investment strategy in the form of property acquisitions (generating higher yields and risks) provides a balanced investment strategy. Any investment decisions will also need to consider the likelihood that interest rates will increase at some point. The available resources for the medium term, given the ongoing reductions in Government funding, will need to be regularly reviewed.

3.2 Treasury Performance in the quarter and year ended 31st March 2019

3.2.1 **Borrowing:** The Council's healthy cashflow position continues and, other than some short-term borrowing at the end of 2015/16, no borrowing has been required for a number of years.

3.2.2 **Investments:** The following table sets out details of investment activity during the third quarter of 2018/19 and the whole of the 2018/19 financial year:

	Qtr ended 31/03/19		2018/19 financial year		Ref para
	Deposits	Ave Rate	Deposits	Ave Rate	
	£m	%	£m	%	
Balance of "core" investments b/f	200.00	1.20	180.00	1.27	
New investments made in period	45.00	1.42	150.00	1.24	
Investments redeemed in period	-20.00	1.15	-105.00	1.27	
"Core" investments at end of period	225.00	1.25	225.00	1.25	
Money Market Funds	14.30	0.76	14.30	0.64	3.4.1
CCLA Property Fund*	40.00	2.09	40.00	6.03	3.4.4.5
Multi-Asset Income Funds*	30.00	18.50	30.00	5.71	3.4.4.10
Project Beckenham Loan	2.30	6.00	2.30	6.00	3.4.3
"Alternative" investments at end of period	86.60	7.66	86.60	5.03	
Total investments at end of period	311.60	3.03	311.60	2.30	
* The rates shown here are the total return i.e. dividend income received, plus change in capital value.					
Only dividend income will be recognised during the year; the change in capital value is held in the Pooled Investment Funds Adjustment Account and will be recognised on the sale of the investments.					
A more detailed breakdown of the rates for these investments is shown in the relevant paragraphs.					

3.2.3 Details of the outstanding investments at 31st March 2019 are shown in maturity date order in Appendix 2 and by individual counterparty in Appendix 3. An average return of 1.0% was assumed for new investments in the 2018/19 budget in line with the estimates provided by the Council's external treasury advisers, Link Asset Services (previously Capita), and with officers' views.

3.2.4 Reports to previous meetings have highlighted the fact that options with regard to the reinvestment of maturing deposits have become seriously limited in recent years following bank credit rating downgrades. Changes to lending limits and eligibility criteria, as well as the introduction of pooled funds and housing associations have alleviated this to some extent, but there are still not many investment options available other than placing money with instant access accounts at relatively low interest rates.

3.2.5 Despite this, the Council's treasury management performance compares very well with that of other authorities; the Council was in the top decile nationally for 2014/15, 2015/16, 2016/17 and 2017/18 (the most recent CIPFA treasury management statistics available), and officers continue to look for alternative investment opportunities both within the current strategy and outside, for consideration as part of the ongoing review of the strategy.

3.2.6 Active UK banks on the Council's current list now comprise only Lloyds, RBS (ring-fenced), HSBC, Barclays, Santander UK, Goldman Sachs International Bank, Close Brothers, and Yorkshire Building Society, and all of these have reduced their interest rates significantly in recent years. The Director of Finance will continue to monitor rates and counterparty quality and take account of external advice prior to any investment decisions.

3.2.7 The chart in Appendix 1 shows total investments at quarter-end dates back to 1st April 2004 and shows how available funds have increased steadily over the years. This has been a significant contributor to the over-achievement of investment income against budgeted income in recent years.

3.3 Interest Rate Forecast (provided by Link Asset Services)

3.3.1 Investment returns remained low during 2018/19. The expectation for interest rates was that the Bank Rate would rise from 0.50% to 0.75%. At the start of 2018-19, and after UK GDP growth had proved disappointingly weak in the first few months of 2018, the expectation for the timing of this increase was pushed back from May to August 2018. Investment interest rates were therefore on a gently rising trend in the first half of the year after April, in anticipation that the MPC would raise Bank Rate in August. This duly happened at the MPC meeting on 2nd August 2018. It was not expected that the MPC would raise the Bank Rate again during 2018-19.

3.3.2 Continued uncertainty in the aftermath of the 2008 financial crisis has promoted a cautious approach whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

3.3.3 The Link Asset Services forecast below includes an increase in Bank Rate of 0.25% in February 2020.

Date	LATEST FORECAST (May19)				PREVIOUS FORECAST (Nov18)			
	Base Rate	3 month Libid	6 month Libid	1 year Libid	Base Rate	3 month Libid	6 month Libid	1 year Libid
Jun-19	0.75%	0.70%	0.80%	1.00%	1.00%	1.00%	1.20%	1.30%
Dec-19	0.75%	0.70%	0.90%	1.20%	1.00%	1.20%	1.40%	1.50%
Jun-20	1.00%	1.00%	1.20%	1.40%	1.25%	1.40%	1.60%	1.70%
Dec-20	1.25%	1.20%	1.30%	1.60%	1.50%	1.50%	1.70%	1.90%
Jun-21	1.50%	1.50%	1.60%	1.80%	1.75%	1.70%	1.90%	2.10%

3.4 Other Investments

3.4.1 Money Market Funds

3.4.1.1 The Council currently has 7 AAA-rated Money Market Fund accounts, with Prime Rate, Aberdeen Standard, (formerly known as Ignis), Insight, Blackrock, Fidelity, Morgan Stanley and Legal & General, all of which have a maximum investment limit of £15m. In common with market rates for fixed-term investments, interest rates on money market funds have fallen considerably in recent years. The Aberdeen Standard, Prime Rate, Insight and Legal & General funds currently offer the best rate at around 0.75%.

3.4.1.2 The total balance held in Money Market Funds has varied during the year, moving from £22.5m as at 31st March 2018 to £51.3m as at 30th June 2018, £47.2m as at 30th September 2018, £56.6m at 31st December 2018 and £14.3m as at 31st March 2019. The Money Market Funds currently offer the lowest interest of all eligible investment vehicles with the exception of the Government Debt Management Account Deposit Facility (current indicative rate 0.50%); however they are the most liquid, with funds able to be redeemed up until midday for same day settlement.

Money Market Funds	Date Account Opened	Ave. Rate 2018/19	Ave. Daily balance 2018/19	Actual balance 31/03/19	Latest Balance 24/06/19	Latest Rate 24/06/19
		%	£m	£m	£m	%
Prime Rate	15/06/2009	0.66	14.3	14.3	15.0	0.76
Aberdeen Standard	25/01/2010	0.65	13.7	-	15.0	0.75
Insight	03/07/2009	0.64	13.2	-	9.7	0.74
Legal & General	23/08/2012	0.63	12.1	-	-	0.73
Blackrock	16/09/2009	0.63	0.2	-	-	0.64
Fidelity	20/11/2002	0.57	3.9	-	-	0.69
Morgan Stanley		-	-	-	-	-
TOTAL			57.4	14.3	39.7	

3.4.2 Housing Associations

3.4.2.1 Following the reduction of the counterparty rating criteria to A- for Housing Associations approved by Council in June 2017, deposits of £10m each were placed with Hyde Housing Association (A+) and Places for People Homes (A) for two years at rates of 1.30% and 1.60% respectively. More recently, a deposit of £5m was placed with Metropolitan Housing Trust (A+) in April 2018 for two years at a rate of 1.75%. On 25th February 2019, Council approved an increase in the limit for investments with Housing Associations from £25m to £50m. On 28th March 2019 a further investment of £10m was made with Southern Housing Group for two years at a rate of 1.70%.

3.4.3 Loan to Project Beckenham

3.4.3.1 At the same meeting, Council also approved the inclusion in the strategy of the secured loan to Project Beckenham relating to the provision of temporary accommodation for the homeless that had previously been agreed to be advanced from the Investment Fund. This loan was made in June 2017, at a rate of 6%, although that may increase to 7.5% if the loan to value ratio exceeds a specified value.

3.4.4 Pooled Investment Schemes

3.4.4.1 In September 2013, the Portfolio Holder and subsequently Council approved the inclusion of collective (pooled) investment schemes as eligible investment vehicles in the Council's Investment Strategy with an overall limit of £25m and a maximum duration of 5 years. The limit was subsequently increased to £40m by Council in October 2015, £80m in June 2017 and £100m in December 2017. Such investments would require the approval of the Director of Finance in consultation with the Resources Portfolio Holder.

3.4.4.2 Until March 2018, accounting rules required that the change in capital value of these investments be held in the Available for Sale Financial Assets Reserve, and only recognised in revenue on the sale of the investment. In year projections for interest on balances therefore only reflected the dividends from these investments.

3.4.4.3 However, from 2018/19 onwards, local authorities are required to account for financial instruments in accordance with IFRS9. One of the results of this is that changes in the capital value of pooled fund investments are recognised in revenue in-year. MHCLG have since issued regulations providing a statutory override to reverse the impact of IFRS9 on the Council's General Fund, which came into force in December 2018. The regulations are currently only applicable for a period of five years to March 2023, when it is intended for movements in value to be recognised in year.

3.4.4.4 Due to the regulations being time limited and the potentially volatile nature of these investments, interest/dividend earnings above 2.5% (£1,509k in 2018/19 and £2,594k to date) relating to the CCLA Property Fund and Fidelity Multi-Asset Income Fund were set aside in an Income Equalisation earmarked reserve. This will protect the council against unexpected variations in the capital value of these investments and any timing issues arising from the expiry of the statutory override.

CCLA Property Fund

3.4.4.5 Following consultation between the Director of Finance and the Resources Portfolio Holder, an account was opened in January 2014 with the CCLA Local Authorities' Property Fund and an initial deposit of £5m was made, followed by further deposits of £5m in July 2014, £5m in March 2015, £10m in October 2015, £5m in October 2016 and £10m in October 2017. The investment in the CCLA Fund is viewed as a medium to long-term investment and dividends are paid quarterly. A breakdown of the dividend earned and capital growth is provided in the table below.

	Dividend %	Capital Growth %	Total Return %
Annualised net return			
01/02/14- 31/03/14	4.29	-29.64	-25.35
01/04/14 - 31/03/15	5.03	3.44	8.47
01/04/15 - 31/03/16	5.02	1.63	6.65
01/04/16 - 31/03/17	4.55	-2.50	2.05
04/04/17 - 31/03/18	4.59	2.41	7.00
01/04/18 - 31/03/19	4.46	1.57	6.03
Cumulative return	4.63	0.89	5.52

3.4.4.6 The negative "growth", particularly in the first two months, was mainly a result of the bid-offer spread that is inherent in property funds when the original and subsequent investments were made. This has less of an effect over the longer term that these investments are expected to be held, and overall there has been modest capital growth of 0.89%.

Diversified Growth Funds

3.4.4.7 In October 2014, Council approved the inclusion of investment in Diversified Growth Funds in the investment strategy and, in December 2014, £5m was invested with both Newton and Standard Life. In accordance with the Council decision, 27% of the total return was transferred to the Parallel Fund, set up in 2014/15 with an opening balance of £2.7m to mitigate the potential revenue impact of future actuarial Pension Fund valuations.

3.4.4.8 The Funds both performed very well in just over three months to 31st March 2015, with returns over 21%. Performance was not so impressive since, with net returns of -1.98% in 2015/16, 1.25% in 2016/17 and 0.76% in 2017/18. Both Funds were sold in the final quarter of 2018/19 (Newton for £5,665k and Standard Life for £5,083k) generating a net return of £748k. As a result, a further £202k (27% of the return) was transferred to the Parallel Fund increasing the balance to £2,902k. Overall net returns since inception are shown in the table below.

	Newton%	Standard Life %	Combined %
Annualised net return			
22/12/14 - 31/03/15	21.25	21.64	21.44
01/04/15 - 31/03/16	0.81	-4.77	-1.98
01/04/16 - 31/03/17	2.08	0.37	1.25
01/04/17 - 31/03/18	-2.23	0.71	-0.76
01/04/18 - 26/03/19	6.37	-0.37	3.08
Cumulative return	3.12	0.39	1.76

3.4.4.9 The downturn in performance echoes that seen in the Pension Fund's DGFs (and Global Equities Funds to an extent) during 2015/16 and subsequent rebound during 2016/17. However, it should be noted that these types of investments should be considered as longer term investments over a three to five year period.

Multi-Asset Income Fund

3.4.4.10 Following the approval by Council in June 2017, the limit for pooled investment schemes was increased to £80m, and an investment of £30m was made on 12th July 2017 in the Fidelity Multi-Asset Income Fund following the agreement of the Resources Portfolio Holder. The fund return for the year to 31st March 2019 was capital growth of 1.45% and dividends paid of 4.26%, resulting in a total return of 5.71%. Since inception, dividends paid have averaged 4.32% per annum and the capital value has reduced by 1.82% per annum (overall reduction of 3.14% to date) resulting in a net annual return of 2.50%. It should be noted that the Fund represents a longer term investment of around five years.

	Dividend %	Capital Gain / Loss %	Total Return %
Annualised net return			
12/07/2017 - 31/03/2018	4.42	-6.27	-1.85
01/04/18 - 31/03/2019	4.26	1.45	5.71
Cumulative Return	4.32	-1.82	2.5

3.4.5 Investment with Heritable Bank

3.4.5.1 Members will be aware from previous updates to the Resources Portfolio Holder and the Executive that the Council had £5m invested with the Heritable Bank, a UK subsidiary of the Icelandic bank, Landsbanki. In October 2008, the bank was placed in administration and the investment was frozen. To date, a total of £4,985k has been received (98% of the total claim of £5,087k), leaving a balance of £102k (2%). Officers and the Council's external advisers remain hopeful of a full recovery.

3.5 Actual prudential indicators for 2018/19

3.5.1 The old capital control system was replaced in April 2004 by a prudential system based largely on self-regulation by local authorities themselves. At the heart of the system is The Prudential Code for Capital Finance in Local Authorities, developed by CIPFA. The Code requires the Council to set a number of prudential indicators designed to monitor and control capital expenditure, financing and borrowing. The indicators for 2018/19 were approved by the Executive and the Council in February 2018 and were revised and updated in December 2018. Appendix 4 sets out the actual performance in 2018/19 against those indicators.

3.6 Economic Background during 2018/19 (provided by Link Asset Services)

3.6.1 Further information on the economic background is included as Appendix 5.

3.7 Regulatory Framework, Risk and Performance

3.7.1 The Council's treasury management activities are regulated by a variety of professional codes and statutes and guidance:

- The Local Government Act 2003 (the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity;
- The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing that may be undertaken (although no restrictions have been made to date);
- Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act;
- The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities;
- The SI also requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services;
- Under the Act, the CLG has issued Investment Guidance to structure and regulate the Council's investment activities;

Under section 238(2) of the Local Government and Public Involvement in Health Act 2007, the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8th November 2007.

3.7.2 The Council has complied with all of the above relevant statutory and regulatory requirements, which limit the levels of risk associated with its treasury management activities. In particular, its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means that its capital expenditure is prudent, affordable and sustainable and its treasury practices demonstrate a low risk approach.

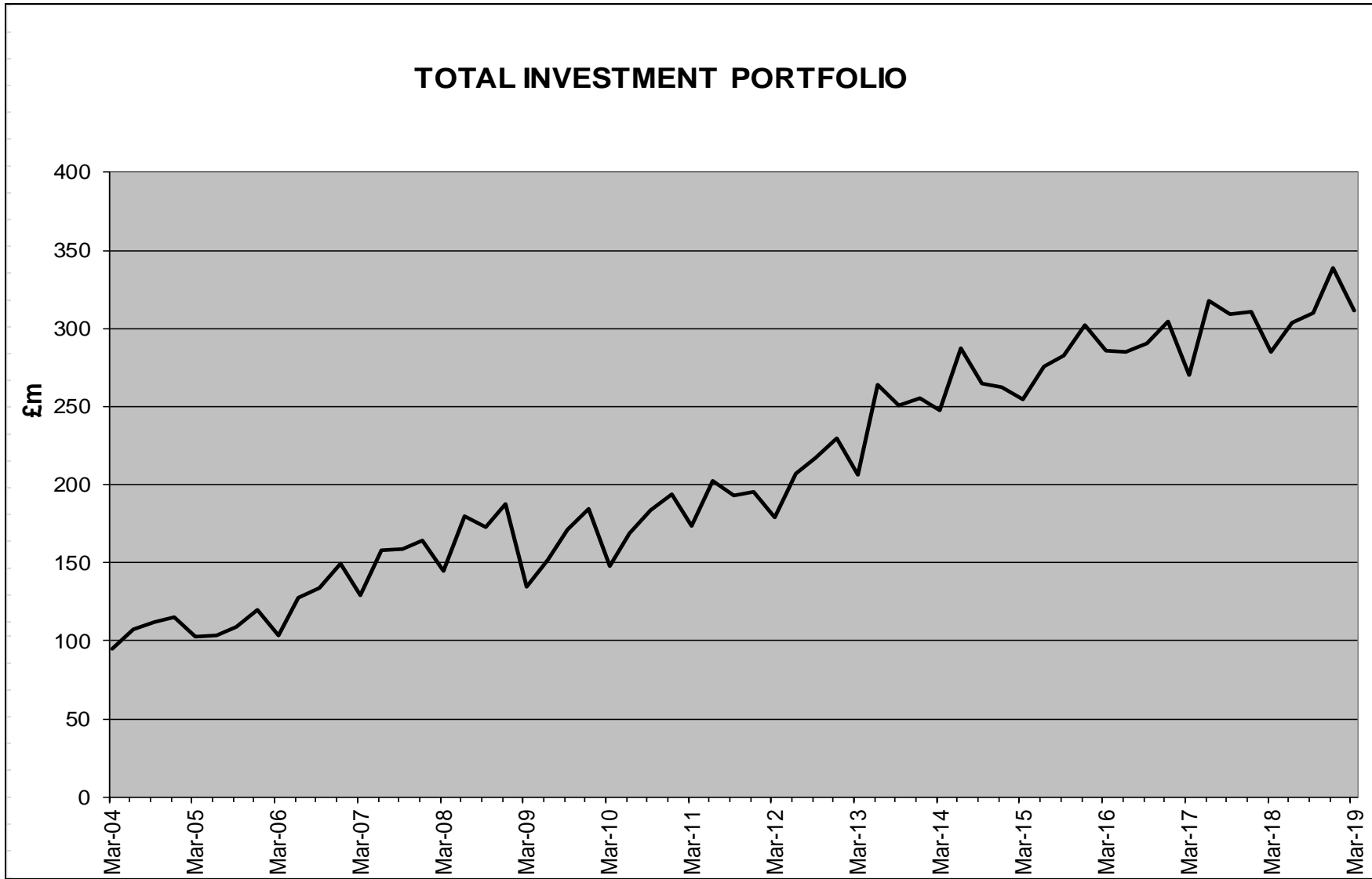
4 POLICY IMPLICATIONS

4.1 In line with government guidance, the Council's policy is to seek to achieve the highest rate of return on investments whilst maintaining appropriate levels of risk, particularly security and liquidity.

5 FINANCIAL IMPLICATIONS

- 5.1 At the time of setting the 2018/19 budget, the Bank of England had recently increased the Base Rate to 0.50% from 0.25%, reversing the emergency cut in August 2016 following the EU referendum and, in line with the MPC's forward guidance, it was anticipated by many "experts" that rates would increase slowly with only two more increases by 2020 to 1.0%. As a result, an average rate of 1.0% was prudently assumed for interest on new fixed term deposits.
- 5.2 Despite a further increase in the base rate to 0.75% in August 2018, there has been relatively little impact on interest income from lending to banks. This is partly due to banks having the ability to borrow from the Bank of England at very low rates as well as the strengthening of 'balance sheets' reducing the need to borrow as well as the fact that expected increases in the base rate had already been 'priced in'.
- 5.3 In addition, the utilisation of the Investment Fund and Growth Fund as well as the Highways Investment Scheme, have reduced the resources available for treasury management investment. However, the treasury management strategy was revised in December 2017 to enable alternative investments of £100m which will generate additional income of around £2m compared with lending to banks. As a result, additional income of £600k was included in the 2018/19 budget.
- 5.4 The final outturn for net interest on investments in 2018/19 was £4,951k compared to the budget of £3,491k, mainly due to the continued high level of balances available for investment as well as the high level of interest earned on the pooled funds, housing association deposits and Project Beckenham loan. In addition, the two Diversified Growth Funds were disposed of in the final quarter of 2018/19 generating net income of £546k (gross income of £748k offset by a 27% contribution to the parallel fund of £202k).
- 5.5 Balances available for investment are anticipated to decrease in 2019/20 as a result of the utilisation of capital receipts and earmarked revenue reserves and the internal lending for the Site G development will have an impact on investment income until the future capital receipts are realised. A decrease of £200k has been included in the draft 2019/20 budget to reflect this. The contribution of higher risk and longer term investments within Treasury Management has generated additional income and contributed towards the Council being in the top decile performance (top 10%) against the local authority benchmark group.

Non-Applicable Sections:	Legal, Personnel & Procurement Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	Treasury Management - Annual Investment Strategy 2018/19, Council, 26 th February 2018 CIPFA Code of Practice on Treasury Management CIPFA Prudential Code for Capital Finance in Local Authorities CLG Guidance on Investments External advice from Link Asset Services



INVESTMENTS HELD AS AT 31ST MARCH 2019

Counterparty	Start Date	Maturity Date	Rate of Interest %	Amount £m
FIXED DEPOSITS				
RBS (Natwest Markets)	09/10/2017	09/04/2019	1.00	20.0
SANTANDER BANK	18/04/2018	18/04/2019	0.96	15.0
SANTANDER BANK	15/06/2018	14/06/2019	0.86	10.0
CLOSE BROTHERS	19/07/2018	19/07/2019	1.15	10.0
LLOYDS BANK	29/07/2016	31/07/2019	1.34	2.5
GOLDMAN SACHS	01/08/2018	01/08/2019	1.23	10.0
PLACES FOR PEOPLE HOMES LTD	16/08/2017	16/08/2019	1.60	10.0
GOLDMAN SACHS	17/08/2018	16/08/2019	1.17	5.0
LLOYDS BANK	18/08/2016	19/08/2019	1.14	7.5
HYDE HOUSING ASSOCIATION	22/08/2017	22/08/2019	1.30	10.0
GOLDMAN SACHS	18/09/2018	17/09/2019	1.16	5.0
THURROCK BOROUGH COUNCIL	30/10/2018	29/10/2019	1.15	10.0
MEDWAY COUNCIL	02/11/2018	01/11/2019	1.10	10.0
NATWEST BANK	15/11/2018	15/11/2019	1.17	10.0
SANTANDER BANK	16/11/2018	15/11/2019	1.25	5.0
LLOYDS BANK	05/12/2016	05/12/2019	1.37	25.0
CLOSE BROTHERS	01/03/2019	28/02/2020	1.25	20.0
METROPOLITAN HOUSING TRUST	16/04/2018	16/04/2020	1.75	5.0
WOKINGHAM BC	19/12/2018	18/12/2020	1.45	10.0
CHERWELL DISTRICT COUNCIL	21/01/2019	21/01/2021	1.45	5.0
CAMBRIDGESHIRE COUNTY COUNCIL	28/02/2019	26/02/2021	1.45	10.0
SOUTHERN HOUSING GROUP	28/03/2019	29/03/2021	1.70	10.0
TOTAL FIXED INVESTMENTS				225.0
OTHER FUNDS				
PRIME RATE STERLING LIQUIDITY FUND				14.3
CCLA LOCAL AUTHORITY PROPERTY FUND	30/01/2014			40.0
FIDELITY MULTI-ASSET INCOME FUND	12/07/2017			30.0
PROJECT BECKENHAM LOAN	09/06/2017			2.3
TOTAL INVESTMENTS				311.6

INVESTMENTS HELD AS AT 31ST MARCH 2019

	Start Date	Maturity Date	Rate of Interest %	Amount £m	Total £m	Limit £m	Remaining £m
<u>UK BANKS</u>							
LLOYDS BANK	29/07/2016	31/07/2019	1.34	2.5			
LLOYDS BANK	18/08/2016	19/08/2019	1.14	7.5			
LLOYDS BANK	05/12/2016	05/12/2019	1.37	25.0	35.0	35.0	0.0
RBS (Natwest Markets)	09/10/2017	09/04/2019	1.00	20.0			
NATWEST BANK PLC	15/11/2018	15/11/2019	1.17	10.0	30.0	80.0	50.0
GOLDMAN SACHS INTERNATIONAL BANK	18/09/2018	17/09/2019	1.16	5.0			
GOLDMAN SACHS INTERNATIONAL BANK	01/08/2018	01/08/2019	1.23	10.0			
GOLDMAN SACHS INTERNATIONAL BANK	17/08/2018	16/08/2019	1.17	5.0	20.0	20.0	0.0
SANTANDER BANK	18/04/2018	18/04/2019	0.96	15.0			
SANTANDER BANK	15/06/2018	14/06/2019	0.86	10.0			
SANTANDER BANK	16/11/2018	15/11/2019	1.25	5.0	30.0	30.0	0.0
CLOSE BROTHERS LTD	19/07/2018	19/07/2019	1.15	10.0			
CLOSE BROTHERS LTD	01/03/2019	28/02/2020	1.25	20.0	30.0	30.0	0.0
<u>LOCAL AUTHORITIES</u>							
WOKINGHAM BC	19/12/2018	18/12/2020	1.45	10.0	10.0	15.0	5.0
THURROCK COUNCIL	30/10/2018	29/10/2019	1.15	10.0	10.0	15.0	5.0
MEDWAY COUNCIL	02/11/2018	01/11/2019	1.10	10.0	10.0	15.0	5.0
CHERWELL COUNCIL	21/01/2019	21/01/2021	1.45	5.0	5.0	15.0	10.0
CAMBRIDGESHIRE COUNTY COUNCIL	28/02/2019	26/02/2021	1.45	10.0	10.0	15.0	5.0
<u>HOUSING ASSOCIATIONS</u>							
PLACES FOR PEOPLE HOMES LTD	16/08/2017	16/08/2019	1.60	10.0	10.0	10.0	0.0
HYDE HOUSING ASSOCIATION	22/08/2017	22/08/2019	1.30	10.0	10.0	10.0	0.0
METROPOLITAN HOUSING TRUST	16/04/2018	16/04/2020	1.75	5.0	5.0	10.0	5.0
SOUTHERN HOUSING GROUP LTD	28/03/2019	29/03/2021	1.70	10.0	10.0	10.0	0.0
<u>OTHER INVESTMENTS</u>							
PRIME RATE STERLING LIQUIDITY FUND	15/06/2009			14.3	14.3	15.0	0.7
CCLA LOCAL AUTHORITY PROPERTY FUND	30/01/2014			40.0			
FIDELITY - MULTI ASSET INCOME FUND	12/07/2017			30.0	70.0	100.0	30.0
PROJECT BECKENHAM LOAN	09/06/2017			2.3	2.3	2.3	0.0
TOTAL INVESTMENTS				311.6	311.6		

Prudential and Treasury Indicators – Actual 2018/19

Prudential and Treasury Indicators are relevant for the purposes of setting an integrated treasury management strategy and require the approval of the Council. The table below shows the actual performance in relation to the indicators in 2017/18 and compares the actual in 2018/19 with the original estimates approved in February 2018 and with the revised estimates (“probable”) reported in the mid-year review in December 2018. Further details on capital expenditure outturn were reported to the Executive on 21st May 2019.

The Council is also required to indicate if it has adopted the CIPFA Code of Practice on Treasury Management. The revised Code (published in 2009 and updated in 2011 and 2017) was adopted by full Council on 15th February 2010.

PRUDENTIAL INDICATORS	2017/18	2018/19	2018/19	2018/19
	actual	estimate	probable	actual
Total Capital Expenditure	£40.3m	£61.6m	£44.7m	£30.9m
Ratio of financing costs to net revenue stream	0%	0%	0%	0%
Net borrowing requirement (net investments for Bromley)				
brought forward 1 April	£269.9m	£256.0m	£284.8m	£284.8m
carried forward 31 March	£284.8m	£218.2m	£249.1m	£311.6m
in year borrowing requirement /movement in net investments	£14.9m	-£37.8m	-£35.7m	£26.8m
Capital Financing Requirement as at 31 March	£2.3m	£1.6m	£1.5m	£1.2m
Incremental impact of capital investment decisions	£ p	£ p	£ p	£ p
Increase in council tax (band D) per annum	-	-	-	-

TREASURY MANAGEMENT INDICATORS	2017/18	2018/19	2018/19	2018/19
	actual	estimate	probable	actual
Authorised Limit for external debt -				
borrowing	£30.0m	£30.0m	£30.0m	£30.0m
other long term liabilities	£30.0m	£30.0m	£30.0m	£30.0m
TOTAL	£60.0m	£60.0m	£60.0m	£60.0m
Operational Boundary for external debt -				
borrowing	£10.0m	£10.0m	£10.0m	£10.0m
other long term liabilities	£20.0m	£20.0m	£20.0m	£20.0m
TOTAL	£30.0m	£30.0m	£30.0m	£30.0m
Actual external debt	£2.3m	£1.6m	£1.5m	£1.2m
Upper limit for fixed interest rate exposure	100%	100%	100%	100%
Upper limit for variable rate exposure	20%	20%	20%	20%
Upper limit for total principal sums invested for more than 364 days beyond year-end dates	£170.0m	£170.0m	£170.0m	£170.0m

Further Information on the Economic Background during 2018/19 (provided by Link Asset Services)

UK. After weak economic growth of only 0.2% in quarter one of 2018, growth picked up to 0.4% in quarter 2 and to a particularly strong 0.7% in quarter 3, before cooling off to 0.2% in the final quarter. The annual growth in Q4 came in at 1.4% y/y confirming that the UK was the third fastest growing country in the G7 in quarter 4.

After the Monetary Policy Committee raised Bank Rate from 0.5% to 0.75% in August 2018, it is little surprise that they have abstained from any further increases since then. Nevertheless, the MPC has been having increasing concerns over the trend in wage inflation which peaked at a new post financial crisis high of 3.5%, (excluding bonuses), in the three months to December before falling only marginally to 3.4% in the three months to January.

As for CPI inflation itself, this has been on a falling trend since peaking at 3.1% in November 2017, reaching a new low of 1.8% in January 2019 before rising marginally to 1.9% in February. However, in the February 2019 Bank of England Inflation Report, the latest forecast for inflation over both the two and three year time horizons remained marginally above the MPC's target of 2%.

The rise in wage inflation and fall in CPI inflation is good news for consumers as their spending power is improving in this scenario as the difference between the two figures is now around 1.5%, i.e. a real terms increase. Given the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months.

USA. President Trump's massive easing of fiscal policy in 2018 fuelled a (temporary) boost in consumption in 2018 which generated an upturn in the strong rate of growth; this rose from 2.2%, (annualised rate) in quarter 1 of 2018 to 4.2% in quarter 2, 3.5% in quarter 3 and then back to 2.2% in quarter 4. The annual rate came in at 2.9% for 2018, just below President Trump's aim for 3% growth. The strong growth in employment numbers has fed through to an upturn in wage inflation which hit 3.4% in February, a decade high point. However, CPI inflation overall fell to 1.5% in February, a two and a half year low, and looks to be likely to stay around that number in 2019 i.e. below the Fed's target of 2%. The Fed increased rates another 0.25% in December to between 2.25% and 2.50%, this being the fourth increase in 2018 and the ninth in the upward swing cycle. However, the Fed now appears to be edging towards a change of direction and admitting there may be a need to switch to taking action to cut rates over the next two years. Financial markets are now predicting two cuts of 25 bps by the end of 2020.

EUROZONE. The European Central Bank (ECB) provided massive monetary stimulus in 2016 and 2017 to encourage growth in the EZ and that produced strong annual growth in 2017 of 2.3%. However, since then the ECB has been reducing its monetary stimulus measures and growth has been weakening - to 0.4% in quarters 1 and 2 of 2018, and then slowed further to 0.2% in quarters 3 and 4; it is likely to be only 0.1 - 0.2% in quarter 1 of 2019. The annual rate of growth for 2018 was 1.8% but is expected to fall to possibly around half that rate in 2019.

The ECB completely ended its programme of quantitative easing purchases of debt in December 2018, which means that the central banks in the US, UK and EU have all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt. However, the downturn in growth, together with inflation falling well under the upper limit of its target range of 0 to 2%, (but it aims to keep it near to 2%), prompted the ECB to take new measures to stimulate growth. With its refinancing rate already at 0.0% and the deposit rate at -0.4%, it has probably reached the limit of cutting rates. At its March 2019 meeting it said that it expects to leave interest rates at their present levels “at least through the end of 2019”, but that is of little help to boosting growth in the near term.

Consequently, it also announced a third round of TLTROs; this provides banks with cheap borrowing every three months from September 2019 until March 2021 which means that, although they will have only a two-year maturity, the Bank is making funds available until 2023, two years later than under its previous policy. As with the last round, the new TLTROs will include an incentive to encourage bank lending, and they will be capped at 30% of a bank’s eligible loans.

CHINA. Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems.

JAPAN - has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.

WORLD GROWTH. Equity markets are currently concerned about the synchronised general weakening of growth in the major economies of the world: they fear there could even be a recession looming up in the US, though this fear is probably overdone.

Report No.
CSD19116

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: BUDGET MONITORING 2019/20

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 At its meeting on 10th July 2019, the Executive is due to consider the first budget monitoring report for 2019/20. Subject to Executive approving the report, Council is recommended to agree that £1m be transferred from the Health and Social Care Initiative Reserve to support Bromley Clinical Commissioning Group (BCCG) with their transformation plan. Further details are set out in section 3.10 of the attached report.
-

2. **RECOMMENDATION**

That Council be recommended to agree that £1m be transferred from the Health and Social Care Initiative Reserve to support the Bromley Clinical Commissioning Group with their transformation plan for 2019/20 as detailed in section 3.10 of the attached report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Health & Social Care Initiative Reserve
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Not Applicable
-

Personnel

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

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: Council decisions are not subject to call-in.
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

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

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy Finance/Personnel/Legal/procurement/Customers
Background Documents: (Access via Contact Officer)	See attached report

Decision Maker: EXECUTIVE

Date: Wednesday 10 July 2019

Decision Type: Non-Urgent Executive Non-Key

Title: BUDGET MONITORING 2019/20

Contact Officer: David Bradshaw, Head of Finance
Tel: 020 8313 4807 E-mail: david.bradshaw@bromley.gov.uk

Chief Officer: Director of Finance

Ward: Borough Wide

1. Reason for report

- 1.1 This report provides the first budget monitoring position for 2019/20 based on expenditure and activity levels up to the end of May 2019. The report also highlights any significant variations which will impact on future years as well as any early warnings that could impact on the final year end position.
-

2. **RECOMMENDATION(S)**

2.1 **Executive are requested to:**

- (a) consider the latest financial position;
- (b) note that a projected net overspend on services of £2,084k is forecast based on information as at May 2019;
- (c) consider the comments from Chief Officers detailed in Appendix 2;
- (d) note a projected variation of £696k debit from investment income as detailed in sections 3.6 and 3.7;
- (e) note the carry forwards being requested for drawdown as detailed in section 3.3;
- (f) note a projected reduction to the General Fund balance of £2,788k as detailed in section 3.4;
- (g) note the full year cost pressures of £3.7m as detailed in section 3.5;

- (h) agree to the release of £70k from the 2019/20 Central Contingency relating to street lighting costs as detailed in para. 3.2.2;**
- (i) agree to the release of £52k from the 2019/20 Central Contingency relating to additional Exchequer and TFM contract costs as detailed in para. 3.2.4;**
- (j) agree to the release of £584k credit from the 2019/20 Central Contingency relating to savings allocated to the review of staffing as detailed in para. 3.2.5;**
- (k) note the return to the Central Contingency of £898k as detailed in para. 3.2.6;**
- (l) agree to allocate £900k from the Health and Social Care Initiative Reserve to support additional Childrens Social Care costs as detailed in para 3.10;**
- (m) recommend to Council that £1m transferred from the Health and Social Care Initiative Reserve to support the BCCG with their transformation plan for 2019/20 as detailed in para. 3.10;**
- (n) identify any issues that should be referred to individual Portfolio Holders for further action.**

Impact on Vulnerable Adults and Children

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

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Council wide
 4. Total current budget for this head: £210.6m
 5. Source of funding: See Appendix 1 for overall funding of Council's budget
-

Personnel

1. Number of staff (current and additional): 2,061 fte posts (per 2019/20 Budget) which includes 493 for budgets delegated to schools
 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 Local Government Act 2000, the Local Government Act 2002 and the Accounts and Audit Regulations 2015.
 2. Call-in: Applicable
-

Procurement

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The 2019/20 budget reflects the financial impact of the Council's strategies and service plans which impact on all of the Council's customers (including council tax payers) and users of our services.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 Summary of Projected Variations

3.1.1 The Resources Portfolio Plan included a target that each service department will spend within its own budget. Current projections show an overall net overspend of £2,084k within portfolio budgets and a £202k credit variation on investment income, central items and prior year adjustments.

3.1.2 A summary of the 2019/20 budget and the projected outturn is shown in the table below:

	2019/20 Original Budget £'000	2019/20 Latest Budget £'000	2019/20 Projected Outturn £'000	2019/20 Variation £'000
Portfolio				
Adult Care & Health	69,505	68,879	69,545	666
Education, Children & Families (inc. Schools Budget)	44,759	44,759	46,082	1,323
Environment & Community	31,294	31,277	31,415	138
Public Protection & Enforcement	2,447	2,630	2,630	0
Renewal, Recreation & Housing	16,015	15,796	15,607	Cr 189
Resources, Commissioning & Contracts Management	46,040	46,383	46,529	146
Total Controllable Budgets	210,060	209,724	211,808	2,084
Capital Charges and Insurance	11,769	11,769	11,769	0
Non General Fund Recharges	Cr 874	Cr 874	Cr 874	0
Total Portfolio Budgets	220,955	220,619	222,703	2,084
Income from Investment Properties	Cr 10,290	Cr 10,290	Cr 9,594	696
Interest on General Fund Balances	Cr 3,291	Cr 3,291	Cr 3,291	0
Total Investment Income	Cr 13,581	Cr 13,581	Cr 12,885	696
Contingency Provision	11,155	12,515	11,617	Cr 898
Other Central Items	Cr 9,003	Cr 9,003	Cr 9,003	0
General Government Grants & Retained Business Rates	Cr 42,922	Cr 43,040	Cr 43,040	0
Collection Fund Surplus	Cr 6,753	Cr 6,753	Cr 6,753	0
Total Central Items	Cr 47,523	Cr 46,281	Cr 47,179	Cr 898
Total Variation on Services and Central Items	159,851	160,757	162,639	1,882
Prior Year Adjustments	0	0	0	0
Total Variation	159,851	160,757	162,639	1,882

3.1.3 A detailed breakdown of the latest approved budgets and projected outturn for each Portfolio, together with an analysis of variations, is shown in Appendix 3.

3.1.4 Chief Officer comments are included in Appendix 2.

3.2 Central Contingency Sum

3.2.1 Details of the allocations from and variations in the 2019/20 Central Contingency are included in Appendix 4.

3.2.2 As a result of significant increases in energy tariffs during the last 12 months, the cost of street lighting electricity has substantially increased. Part of these inflationary costs have been absorbed by underspends elsewhere within the service, however Members are asked to

approve the allocation of £70k from the central contingency to meet the remaining additional energy cost.

3.2.3 Electricity prices are expected to continue to rise and therefore the cost of providing street lighting will also increase. The Council has a programme of energy efficiency projects in place, utilising Salix funding and Invest to Save funding, which will be used to mitigate the increase in energy costs.

3.2.4 £52k is also requested from Central Contingency for the additional level of inflation applied to the Exchequer & TFM contracts in line with the current terms, over and above the 2% already applied.

3.2.5 As part of the Medium Term Financial Strategy for 2019/20 £600k of savings were assumed in regard to undertaking a staffing review. This was placed into the contingency until further work could be undertaken. This work has now been carried out and it is requested that £584k credit be allocated to the relevant departments.

3.2.6 Members are requested to note that the following items have been returned to the Central Contingency this cycle totalling £898k:-

- (i) The sum of £331k has been returned to Central Contingency to reflect the difference in the number of households in nightly paid accommodation at the start of the year compared to what had been assumed in the growth allocated in the 2019/20 budget
- (ii) £567k of funding set aside for the National Living Wage in Adult Social Care has been returned to the contingency. This is no longer required as increases in fees in Adult Social Care placements have been lower than anticipated. This relates to 2018/19 allocation as reported to the Executive on the 21st May 2019.

3.3 Carry Forwards from 2018/19 to 2019/20

3.3.1 After allowing for government grant funding, a net sum of £906k has been carried forward into 2019/20 from underspends in 2018/19. This was approved by the Executive on the 21st May 2019 subject to the funding being allocated to the Central Contingency to be drawn down on the approval of the relevant Portfolio Holder.

3.3.2 The carry forwards being requested are summarised in the table below and details will be reported to the relevant PDS Committee. The figures contained in this report assume that these requests will be agreed:

	£'000
Renewal, Recreation and Housing	405
Adult Care and Health	5,805
Public Protection & Enforcement	296
Education, Children & Families	714
Environment & Community	120
Resources, Commissioning & Contracts	623
	7,963
Government Grant Income	Cr 7,057
Total Net Carry Forwards Requested for Drawdown this Cycle	906

3.4 General Fund Balances

3.4.1 The level of general reserves is currently projected to reduce by £2,788k to £17,212k at 31st March 2020 as detailed below:

	2019/20 Projected Outturn £'000
General Fund Balance as at 1st April 2019	Cr 20,000
Net Variations on Services & Central Items (para 3.1)	1,882
	Cr 18,118
Adjustment to Balances:	
Carry Forwards (funded from underspends in 2018/19)	906
General Fund Balance as at 31st March 2020	Cr 17,212

3.5 Impact on Future Years

3.5.1 The report identifies expenditure pressures which could have an impact on future years. The main areas to be considered at this stage are summarised in the following table:

	2019/20 Budget £'000	2020/21 Impact £'000
Adult Care & Health Portfolio		
Assessment & Care Management - Care Placements	21,996	1,507
Learning Disabilities - Care Placements, Transport & Care Management	35,089	912
Mental Health - Care Placements	6,554	502
Better Care Funding	0	Cr 470
		2,451
Education, Children & Families Portfolio		
Children's Social Care	34,414	1,249
		1,249
TOTAL		3,700

3.5.2 Given the significant financial savings that the Council will need to make over the next four years, it is important that all future cost pressures are contained and that savings are identified early to mitigate these pressures.

3.5.3 Further details are included in Appendix 5.

Investment Income

3.6 Income from Investment Properties

3.6.1 A deficit of £696k is projected for investment income which takes into consideration the following issues:

- (i) Savings of £700k were built into the 2019/20 budget reflecting the additional income and cost reductions expected to be achieved through the TFM contract with Amey. However it is unclear at this stage if this target is likely to be met and so a shortfall of £450k is currently being predicted.

- (ii) The Glades Shopping Centre rental income is currently projected to be below the income budget for 2019/20 by £131k, based on achieving the minimum rent share only. Accounts are supplied by Alaska UK quarterly in arrears making it difficult to provide a precise forecast, as LBB income is determined by rental income less the level of contribution to any minor works. The budget for the Glades is £2.01m and the minimum rent share is £1.88m.
- (iii) Properties purchased from the investment fund are also likely to underachieve on income by £130k, mainly due to rent free periods negotiated with several tenants.
- (iv) There is additional income of £15k relating to turnover rent expected from Biggin Hill Airport, based on the continued growth seen in recent years.

Summary of variations within Investment Income	
	£'000
Shortfall in savings anticipated relating to TFM contract	450
Shortfall in Glades income	131
Shortfall in Rent from Properties Purchased from Investment Fund	130
Increased Turnover Rent from Biggin Hill Airport	Cr 15
Total variations within Investment Income	696

3.7 Interest on Balances

- 3.7.1 Despite an increase in the Bank of England base rate from 0.50% to 0.75%, there has been relatively little impact on interest income from lending to banks. This is partly due to banks having the continued ability to borrow from the Bank of England at very low rates as well as the strengthening of 'balance sheets' reducing the need to borrow and the fact that expected increases in the base rate had already been 'priced in'.
- 3.7.2 In addition, the utilisation of the Investment and Growth funds as well as the Highways Investment Scheme, have reduced the resources available for treasury management investment. However, the treasury management strategy has been revised to enable alternative investments of £100m which will generate additional income of around £2m compared with lending to banks.
- 3.7.3 Balances available for investment are anticipated to decrease in 2019/20 as a result of the utilisation of capital receipts and earmarked revenue reserves and the internal lending for the Site G development will have an impact on investment income until the future capital receipts are realised. A decrease of £200k was included in the draft 2019/20 budget to reflect this.
- 3.7.4 The contribution of higher risk and longer term investments within Treasury Management has generated additional income and contributed towards the Council being in the top decile performance (top 10%) against the local authority benchmark group. The Treasury Management Annual Investment Strategy for 2019/20 was reported to Council on 25th February 2019 and the Annual Report for 2018/19 was reported to Executive, Resources and Contracts PDS Committee on 3rd July 2019.

3.8 The Schools Budget

- 3.8.1 Expenditure on schools is funded through the Dedicated Schools Grant (DSG) provided for by the Department for Education (DfE). DSG is ring-fenced and can only be applied to meet expenditure properly included in the Schools Budget. Any overspend or underspend must be carried forward to the following year's Schools Budget.

- 3.8.2 There is a current projected underspend in DSG of £426k. This will be added to the £2,495k carried forward from 2018/19. We have agreed to use £212k of the brought forward balance to support the services in-year. The carry forward figure will need to be reduced for the Early Year adjustment for 2018/19 once DfE has released the figures (normally in July). This gives us an estimated DSG balance of £2,709k at the end of the financial year.
- 3.8.3 It should be noted that the DSG can fluctuate due to pupils requiring additional services or being placed in expensive placements. The Council are contributing £1.9m of core funding to DSG services in 2019/20 and potentially any underspend could be used to minimise the Council contribution.

3.9 Investment Fund and Growth Fund

- 3.9.1 Full details of the current position on the Investment Fund and the Growth Fund are included in the Capital Programme Monitoring Q1 2019/20 reported elsewhere on this agenda. The uncommitted balances reported previously were £19.3m on the Investment Fund and £10.1m on the Growth Fund. A further report elsewhere on the agenda requests an allocation of £3.5m from the Investment Fund for the provision of modular homes. If this is approved, the balance on the Investment Fund will reduce to £15.8m

3.10 Health and Social Care Initiatives Reserve

- 3.11.1 In previous years the BCCG have identified funding to pump prime and deliver the investment required by health working with the Council to deliver integrated services across the whole health and care system. The primary purpose for such contributions relates to transformation funding which provides a benefit to health care with a positive impact on social care.
- 3.11.2 The BCCG have agreed to make a further contribution to the costs of Childrens Social Care Placements of £900k from this reserve. This would take the overall contribution to £1.9m in 2019/20.
- 3.11.3 Executive are requested to agree that a sum of £900k be transferred from the Reserve to support the BCCG health contribution towards set aside within the earmarked reserve. This fund will ensure the support of key initiatives relating to health and social care.
- 3.11.4 It is also requested that the BCCG are able to drawdown £1.1m from the Health and Social Care Initiatives Reserve towards their cost of transformation for the 'One Bromley' partnership involving the CCG, Health organisations, the Voluntary Sector and Bromley Social Care.

3.11 Financial Context

- 3.12.1 The 2019/20 Council Tax report identified the latest financial projections and a future year budget gap due to the impact of inflation, service and cost pressures and ongoing significant reductions in government funding. Details were reported in the 2019/20 Council Tax report to Executive in February 2019.
- 3.12.2 As reported, as part of the Council's financial strategy, a prudent approach has been adopted in considering the central contingency sum to reflect any inherent risks, the potential impact of new burdens, population increases or actions taken by other public bodies which could affect the Council. The approach has also been one of 'front loading' savings to ensure difficult decisions are taken early in the budgetary cycle. This has enabled a longer term approach to generate further income from the additional resources available as well as to mitigate against significant risks and provide a more sustainable financial position in the longer term.

3.12.3 The 2019/20 Council Tax report identified a budget gap of £31.7m per annum by 2022/23. The financial forecast and budget will be affected by inflation, changes in government funding and new burdens and realistically any future year overspends will need to be funded from alternative savings. It is therefore important to ensure that action is taken, where possible, to contain costs within budget which reduces the risk of the Council's budget gap increasing further thereby increasing the savings required in future years.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 The 2019/20 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 2016-2018" identifies the following key priority:

Ensure financial independence and sustainability through:

- Strict management of our budgets to ensure we live within our means;
- Working to achieve the benefits of the integration of health and social care;
- Early intervention for our vulnerable residents.

5.2 The 2019/20 Council Tax report highlighted the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2019/20 to minimise the risk of compounding financial pressures in future years.

6. FINANCIAL IMPLICATIONS

6.1 These are contained within the body of the report with additional information provided in the appendices.

Non-Applicable Sections:	Personnel, Legal, Procurement
Background Documents: (Access via Contact Officer)	Provisional Final Accounts 2018/19 – Executive 21 st May 2019; 2019/20 Council Tax – Executive 13 th February 2019; Draft 2019/20 Budget and Update on Council's Financial Strategy 2020/21 to 2022/23 – Executive 16 th January 2019; Capital Programme Monitoring Report – elsewhere on agenda; Treasury Management Annual Investment Strategy 2019/20 and Quarter 3 performance– Council 25 th February 2019; Financial Management Budget Monitoring files across all portfolios.

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GENERAL FUND - PROVISIONAL OUTTURN FOR 2019/20

Portfolio	2019/20 Original Budget £'000	Budget Variations allocated in year #	2019/20 Latest Approved Budget £'000	2019/20 Projected Outturn £'000	Variation £'000
Adult Care & Health	69,505	Cr 626	68,879	69,545	666
Education, Children & Families (incl. Schools' Budget)	44,759	0	44,759	46,082	1,323
Environment & Community	31,294	Cr 17	31,277	31,415	138
Public Protection & Enforcement	2,447	183	2,630	2,630	0
Renewal, Recreation & Housing	16,015	Cr 219	15,796	15,607	Cr 189
Resources, Commissioning & Contracts Management	46,040	343	46,383	46,529	146
Total Controllable Budgets	210,060	Cr 336	209,724	211,808	2,084
Capital, Insurance & Pensions Costs (see note 2)	11,769	0	11,769	11,769	0
Non General Fund Recharges	Cr 874	0	Cr 874	Cr 874	0
Total Portfolios (see note 1)	220,955	Cr 336	220,619	222,703	2,084
Central Items:					
Income from Investment Properties	Cr 10,290	0	Cr 10,290	Cr 9,594	696
Interest on General Fund Balances	Cr 3,291	0	Cr 3,291	Cr 3,291	0
Total Investment Income	Cr 13,581	0	Cr 13,581	Cr 12,885	696
Contingency Provision (see Appendix 4)	11,155	1,360	12,515	11,617	Cr 898
Other central items					
Reversal of net Capital Charges (see note 2)	Cr 10,265	0	Cr 10,265	Cr 10,265	0
Levies	1,262	0	1,262	1,262	0
Total other central items	Cr 9,003	0	Cr 9,003	Cr 9,003	0
Total all central items	Cr 11,429	1,360	Cr 10,069	Cr 10,271	Cr 202
Bromley's Requirement before balances	209,526	1,024	210,550	212,432	1,882
Carry Forwards from 2018/19 (see note 3)	0	Cr 906	Cr 906	0	906
Adjustment to Balances	0	0	0	Cr 2,788	Cr 2,788
	209,526	118	209,644	209,644	0
Business Rates Retention Scheme (Retained Income, Top-up and S31 Grants)	Cr 40,391	0	Cr 40,391	Cr 40,391	0
New Homes Bonus	Cr 2,531	0	Cr 2,531	Cr 2,531	0
New Homes Bonus Topslice	0	Cr 118	Cr 118	Cr 118	0
Collection Fund Surplus	Cr 6,753	0	Cr 6,753	Cr 6,753	0
Bromley's Requirement	159,851	0	159,851	159,851	0
GLA Precept	42,124	0	42,124	42,124	0
Council Tax Requirement	201,975	0	201,975	201,975	0

Budget Variations allocated to portfolios in year consists of: £'000

1) Carry forwards from 2018/19 906 (see note 3)

2) Allocations from the central contingency provision Cr 1,242 (see Appendix 4)

Cr 336

1) **NOTES**

Portfolio Final Approved Budgets analysed over Departments as follows:

	2019/20 Original Budget £'000	Budget Variations allocated in year #	2019/20 Latest Approved Budget £'000	2019/20 Projected Outturn £'000	Variation £'000
Education Care & Health Services	140,586	Cr 957	139,629	141,520	1,891
Environment & Community Services	54,334	222	54,556	54,650	94
Chief Executive's Department	26,035	399	26,434	26,533	99
	220,955	Cr 336	220,619	222,703	2,084

2) Reversal of net Capital Charges

This is to reflect the technical accounting requirements contained in CIPFA's Code of Practice for Local Authority Accounting and has no impact on the Council's General Fund.

3) Carry Forwards from 2018/19

Carry forwards from 2018/19 into 2019/20 totalling £906k were approved by Council and the Executive. Full details were reported to the June meeting of the Executive in the "Provisional Final Accounts 2018/19" report.

Comments from the Executive Director of Environment and Community Services

(Environment and Community Services Portfolio)

The Environment Portfolio has a net overspend of £138k for 2019/20. This is mainly from Parking Services with a net deficit of £193k, which is offset by other net underspends across the Portfolio totalling £55k.

Income from parking charges continues to decline due to the downward trend in parking usage. The reduction in parking contraventions has been partly offset by additional bus lane contraventions.

The additional income in Traffic is mainly due to a spike in the applications for road closures. It is not expected that the utility companies will continue to submit this volume of applications in future years.

(Renewal, Recreation and Housing Portfolio)

The Renewal, Recreation and Housing Portfolio (ECS dept) has a net underspend of £95k for 2019/20, mainly due to staff vacancies.

Analysis of Risks

– Environment and Community Services Portfolio

The new environment contracts have been in place since April 2019. Any growth in the number of properties will incur additional expenditure, as extra collections are required and additional waste is generated. Any fluctuations on the market prices will affect the income from sales of recyclates income. Another potential risk area is recycling paper income. Wet weather could affect the quality of the paper and therefore may lead to issues arising with the processing of it as 'paper' and a loss of income.

There is always a risk in Parking from the fluctuations in both Enforcement income and income from On and Off Street Parking, but this is difficult to quantify. Income on streetworks defaults is currently at a reduced level due to a higher level of compliance and so needs to be monitored going forward.

Although no variation is currently projected for the Trees budget, due to the unpredictable nature of storm damage this is a potential risk area. The actual impact is dependent on the weather and the number of trees affected.

– Renewal, Recreation and Housing Portfolio

A substantial part of Planning Services' work attracts a fee income for the Council, for example the planning application fees. The fee income and volume of work reflects the wider economic circumstances affecting development pressures in the Borough. There is a risk of income variation beyond the Council's immediate control; however trends are regularly monitored in order that appropriate action can be taken.

Action is ongoing to reduce the risk of Government Designation for Special Measures due to Planning performance.

There is a risk of substantial planning appeal costs being awarded against the Council by the Planning Inspectorate, if the Council is found to have acted unreasonably.

For major appeals, which can arise unpredictably, there is often a need for specialist external consultants advice which creates additional costs.

– Public Protection and Enforcement Portfolio

Any high profile inquests or significant increase in the volume of cases, could increase the cost of the Coroner's service.

The provision of a sustainable mortuary service at an affordable cost in the long term is problematic due to variables in demand and a very limited market, with little competition.

Comments from the Director of Corporate Services (Resources, Commissioning & Contract Management Portfolio) including Risk Areas

Overall the variance for the Corporate Services Division is projected to be £146k overspent. The two main variances are within Legal and Information Systems.

Legal Services is expected to have a net overspend of £197k due to additional counsel fees and court costs relating to caseloads, mainly within children's services, but also due to increased commercial and planning cases.

The Information Systems & Telephony variance is an underspend of £60k relating to General Data Protection Regulations (GDPR) staffing. A request will be made to carry forward this variance in order to complete the GDPR work.

Analysis of Risk

The majority of the overspend within Legal Services is due to additional counsel fees and court costs relating to caseloads within children's services, and also increased numbers of commercial and planning cases.

Caseloads in children's services continue at a higher level than has previously. Historically caseloads have been c48 new cases per annum. In 2017/18, 74 sets of proceedings were issued which is on a downward trend from 2016/17 when there were 98 sets of new childcare cases. In 2018/19, there were approximately 60 cases and a similar number is expected this year. A minimum court fee of £2,025 is payable on each case which means even with an additional 12 cases this will still represent a substantial sum. The only way to avoid this would be not to issue proceedings, which is not a realistic option. In addition there are fees for instructions of experts (£150 per application) and for placement orders where the care plan is adoption (£455 per family). There has also been a growth of cases where translation services are required (currently representing c20% of cases) and costs are being incurred for translation of documents and additional hearings.

Childcare cases typically take between 3-9 months to conclude, therefore there is an ongoing cost pressure from cases which were issued in 2017/18 which were not concluded in that year, which has been exacerbated by the continuing high level of new instructions. There has been a high turnover of staff in the team which has also had a major impact on using in-house staff for advocacy, to gradually reduce spend on Counsel.

Comments from the Director of Adult Social Care

As has been highlighted, the budget for Adult Social Care is currently projected to overspend, in large part due to savings identified not being currently delivered. Robust monitoring of all spend is in place and I am developing, with the senior team, a series of deliverable management actions for this financial year. Action has already been put in place to reduce the ongoing pressure coming from the Discharge to Assess service, which is a major pressure point for the service.

Work has begun to reduce reliance on short term and agency staff to enable the service to improve delivery and provide consistent and good practice with an established staff group. This will be backed by regular financial and performance scrutiny where managers will be held to account on a monthly basis.

Comments from the Director of Housing

£4,478k of net growth was applied to the housing budget for 2019/20 to reflect the continuing pressures in relation to homelessness and the provision of temporary accommodation. The budget has been adjusted to return £331k of this growth allocation to reflect that nightly paid placement numbers at the beginning of the year were 51 less than predicted due to the increased preventative work and supply of properties through the More Homes Bromley acquisition programme.

Whilst approaches remain high, this ongoing supply of acquired properties and prevention work has continued to slow the rate of growth in nightly paid accommodation placements reducing the average increase from 15 per to 5 per month. This however relies on the supply of acquired properties continuing to come through. This results in a projected £22k overspend on temporary accommodation with a £94k underspend on housing overall.

The key risks in the Renewal, Recreation and Housing Portfolio continue to be:-

- i) Increased homelessness and the associated costs
- ii) Introduction of the Homeless Reduction Act
- iii) Increased rent arrears arising from roll out of Welfare reform

- Education, Children and Families Portfolio

The Children, Education and Families Portfolio has an overspend of £1,323,000 for the year.

The Education Division has an underspend of £155,000, due to vacant posts and additional income expected to be collected in SEN Transport. These figures are subject to change and may change once the routes for the new cohort of children are confirmed in September.

There is a current projected underspend in Dedicated Schools Grant (DSG) of £426k. This will be added to the £2,489k carried forward from 2018/19. We have agreed to use £212k of the brought forward balance to support the services in-year. The carry forward figure will need to be reduced for the Early Year adjustment for 2018/19 once Department for Education (DfE) has released the figures (normally in July). This gives us an estimated DSG balance of £2,703k at the end of the financial year. It should be noted that the DSG can fluctuate due to pupils requiring additional services or being placed in expensive placements. The Council are contributing £1.9m of core funding to DSG services in 2019/20 and potentially any underspend could be used to minimise the Council contribution.

In Children's Social Care (CSC) the overspend of £1,478k is due to the following:-

Staffing within Childrens Social Care (CSC)

This continues to be a major challenge and we are currently standing at around 75% of permanent staff. We continue to convert some of our agency workers – we currently have 6 workers who are now considering converting to permanent.

Currently Bromley offers a good package but our neighbours are reviewing and revising their permanent salaries and therefore we are competing again and in some cases there is a round a £4k to £6K difference between boroughs. In addition as a nearby authority has received poor Ofsted outcomes they seek to increase the salary range to attract skilled and experienced staff.

We continue to recruit ASYE's (Assessed and Supported Year in Employment) who will begin their first year in practice; we will recruit around 14 this year which is less than 2018/19. This number will be smaller because there are some service areas where they have a full complement of permanent staff. This includes Fostering and Adoption, Leaving Care and only 2 agency vacancies in Children Looked After (CLA). This is a good news story but it leaves the front door and safeguarding teams with the highest number of agency staff and it is these areas that we need to be mindful of 'flooding' the system with ASYE's as they are unable to be allocated Child Protection cases which poses the most risk to the authority and children.

We have now appointed permanently to the two remaining Heads of Service posts and have experienced staff who will be joining us in August and September. With any new appointment it is often the case that some staff will follow and this would be an added advantage to the authority.

In addition as part of our Roadmap to Excellence and the caseload promise ASYE's can only be responsible for a small caseload in this first year and by increasing this cohort of workers the caseloads will increase for those staff who are more experienced.

If the current overspend was to be reduced instantly this would equate to 15 + social work posts being axed and not recruited to for the rest of the financial year and this would equate to 225 children without an allocated social worker.

This would breach the vision and values of the Local Authority (LA) and the assurance given to Ofsted of a caseload and small social work pods. In any event this would likely cause the current solid permanent workforce to leave the authority because whilst we might not be competing on a level playing field with salary we are with the caseload promise, excellent management oversight and training.

Such action would place children at risk – the improvement that any LA makes on its journey from inadequate to good is usually a 3 – 5 year journey. Bromley have exceeded this by turning the authority around within 19 months but we need to be mindful that the remainder of the journey is to ensure that we appoint and then retain good quality staff who can meet the needs of our children.

As part of our consideration we will continue to hold conversion events through HR; encourage staff in the authority to recommend Bromley; consider how we advertise our posts in a more aggressive manner; consider recruiting from overseas strong candidates.

The Heads of service (HOS) continue to offer interviews at any time throughout the week and ensure that if appointable we move the employment process quickly and efficiently.

Placements

We have worked hard to reduce the current placement overspend and this has now reduced to £439k and with the management action will reduce further to £253k.

This year we have only one young person (YP) in secure and we were able to find the appropriate secure bed which is at much less cost than the 4 young people we had at the last time of reporting – those children who could not be found a bed cost the LA around £8,500 each per week.

We have worked hard to extend some of our experienced foster carers to take our children from expensive step down residential placements. These are some of our most complex children and we have 4 carers who have received intense training and being supported by the psychologist funded through the Adoption Support Fund. Currently we have matched one young person who has made the transition – this has saved the LA £214k per year and more importantly means that a young person has the experience and support of a family life. If we can move 3 other young people to similar placements we can triple the savings which significantly reduce the overspend going forward. We currently have 5 potential children to step down.

We have 12 children who will move out of the care system with a care plan of adoption and a further 8 children currently in care proceedings which will result in SGO – the net result of this would mean better outcomes for children but reduce the numbers of CLA and reduce the spend both in terms of actual cost and hidden cost of social worker and Independent Reviewing Officer (IRO) time.

In addition our CLA numbers are reducing with around 62 children moving out of the system by March 2020. Our Staying Together team is working with 40 children in total and these are our teenagers who would be candidates for coming into the care system and qualifying for leaving care services up until 25 years – at the current time of those being worked with we have only accommodated 2 children.

We have 29 Unaccompanied Asylum Seeking Children (UASC) who will reach 18 between June and March 2020 - whilst these young people will move from the CLA cohort to leaving care which is not covered by the grant. We know that whilst the Government have increased the funding from £91 to £114 per day for CLA there is a shortfall in the funding for the leaving care cohort. All LA's through various groups are pressurising the Minister to consider this position. These are traumatised young people whose needs do not diminish at 18 and with the Social Work Act we are responsible for their leaving care duty until 25.

We have a further 26 Children Looked After who will be reaching 18 in this financial year which will reduce the numbers of our looked after cohort, although more children will inevitably come into the system.

Fostering and adoption

We have continued to improve our numbers of foster carers and at the current time we have 25 fostering households being assessed which would equate to 50 carers for our children. This will further reduce our reliance on Independent Foster Agencies (IFA's)

We have established a group of foster carers who will accept emergency placements during out of hours, weekends and will receive children who are in police custody or need immediate protection. The purpose of this group is to prevent children moving to IFA's in the first instance and this in time will reduce the dependency on these providers.

We have been in consultation with the West London Alliance to consider whether we partner with them in regard to our residential, IFA and Independent providers for our Care Leavers – this is an ongoing conversation but from a diagnostic there is a prediction of further savings

Transitions

We have identified 4 young people between now and November who will be reaching 18 and will require a high level of adult care – whilst this reduces the CSC budget this will be a burden on Adult Social Care (ASC).

Children with Disabilities (CWD)

There has been an increase in Direct Payments (DP) - this has increased primarily with 4 families where their children have complex needs and whilst the increase is significant in terms of DP the cost should these children be in residential care would be far greater. However we are scrutinising the way we take contributions from the Bromley Clinical Commissioning Groups (BCCG). We have achieved this well in our placement budget with the BCCG contributing to £1.9m in placements up front.

The risks in the Education, Children & Families Portfolio are:-

- i) Recruitment and retention of permanent staff/ ability to recruit skilled staff for the posts vacant.
- ii) Limited supply and increasing costs of residential placements – including the specialist placements for very complex young people.
- iii) Increase in the Looked After Population – particularly in our Looked After Unaccompanied Minors
- iv) Increased complexity of children (SEND).
- v) Impact of Social Work Act 2017 implementation.
- vi) Income from partners reducing.
- vii) Shortage of local school places.
- viii) Increasing High Needs Block expenditure not matched by a commensurate increase in Government Grant
- ix) Continuing impact of 2014 Children and Families Act extending the age range to 25 for Education, Health and Care Plans.

Adult Care and Health Portfolio Budget Monitoring Summary

2018/19 Actuals £'000	Division Service Areas	2019/20 Original Budget £'000	2019/20 Latest Approved £'000	2019/20 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
EDUCATION CARE & HEALTH SERVICES DEPARTMENT								
Adult Social Care								
23,299	Assessment and Care Management	21,381	21,996	23,436	1,440	1	0	1,507
	- Better Care Fund - Discharge to Assess			Cr 850	Cr 850	2		
139	Direct Services	160	160	160	0		0	0
103	Quality Assurance & Safeguarding	195	195	195	0		0	0
34,198	Learning Disabilities	35,089	35,089	35,549	460	3	0	912
6,416	Mental Health	6,554	6,554	6,978	424	4	0	502
Cr 677	Better Care Funding - Protection of Social Care	0	0	Cr 470	Cr 470	5	0	Cr 470
Cr 1,190	Winter Pressures Grant	0	0	0	0		0	0
	National Living Wage	1,500	318	0	Cr 318	6		
62,288		64,879	64,312	64,998	686		0	2,451
Programmes								
2,316	Programmes Team	2,558	2,558	2,558	0		0	0
	Information & Early Intervention							
932	- Net Expenditure	1,148	1,148	1,148	0		0	0
Cr 932	- Recharge to Better Care Fund	Cr 1,148	Cr 1,148	Cr 1,148	0		0	0
Better Care Fund								
22,377	- Expenditure	21,025	21,083	21,083	0		0	0
Cr 22,469	- Income	Cr 21,085	Cr 21,143	Cr 21,143	0	7	0	0
Improved Better Care Fund								
8,548	- Expenditure	8,570	10,970	10,970	0		0	0
Cr 8,548	- Income	Cr 9,070	Cr 11,470	Cr 11,470	0	8	0	0
NHS Support for Social Care								
1,100	- Expenditure	0	0	0	0		0	0
Cr 1,100	- Income	0	0	0	0		0	0
2,224		1,998	1,998	1,998	0		0	0
Strategy, Performance & Engagement								
355	Learning & Development	382	382	382	0		0	0
2,091	Strategy, Performance & Engagement	2,386	2,327	2,307	Cr 20	9	0	0
2,446		2,768	2,709	2,689	Cr 20		0	0
Public Health								
14,764	Public Health	14,872	16,651	16,651	0		0	0
Cr 14,708	Public Health - Grant Income	Cr 15,012	Cr 16,791	Cr 16,791	0		0	0
56		Cr 140	Cr 140	Cr 140	0		0	0
67,014	TOTAL CONTROLLABLE ADULT CARE & HEALTH	69,505	68,879	69,545	666		0	2,451
1,673	TOTAL NON CONTROLLABLE	1,097	1,097	1,093	Cr 4		0	0
2,271	TOTAL EXCLUDED RECHARGES	2,362	2,362	2,362	0		0	0
70,958	TOTAL ADULT CARE & HEALTH PORTFOLIO	72,964	72,338	73,000	662		0	2,451

Reconciliation of Latest Approved Budget

£'000

2019/20 Original Budget

72,964

Carry forwards requests

Better Care Fund

- expenditure

58

- income

Cr 58

Improved Better Care Fund

- expenditure

3,967

- income

Cr 3,967

Public Health Grant

- expenditure

1,779

- income

Cr 1,779

Other:

Business Support posts transferred to Corporate Services

Cr 59

Return of 2018/19 National Living Wage Funding to Contingency

Cr 567

Latest Approved Budget for 2019/20

72,338

REASONS FOR VARIATIONS**1. Assessment and Care Management - Dr £1,440k**

The overspend in Assessment and Care Management can be analysed as follows:

	<u>Current</u>	
	<u>Variation</u>	
	£'000	
<u>Physical Support / Sensory Support / Memory & Cognition</u>		
Services for 65 +		
- Placements	480	
- Domiciliary Care / Direct Payments	1,894	
	<u>2,374</u>	
Services for 18 - 64		
- Placements	235	
- Domiciliary Care / Direct Payments	Cr 19	
	<u>216</u>	
Other		
- Day Care	Cr 550	
- D2A	Cr 600	
	<u>Cr 1,150</u>	
	<u>1,440</u>	

The 2019/20 budget includes funding for the full year effect of the 2018/19 overspend, less savings agreed as part of management action to reduce this overspend.

Services for 65+ - Dr £2,374k

Numbers in residential, nursing care and shared lives placements continue to be above the budget provision of 414 places, currently by 20 with an overspend being projected of £480k for the year. Although the full year effect of the 2018/19 overspend was funded in the 2019/20 budget, this was offset by savings of £561k expected from continuation of the Discharge to Assess (D2A) service. This however has not realised the savings to the extent that were expected, and is the subject of a report elsewhere on the agenda.

The overall position on the domiciliary care and direct payments budgets is a projected overspend of £1,894k, mainly as a result of the savings of included in the 2019/20 budget not being achieved. Savings from reablement account for £400k, with a further £1,308k to come from D2A. As mentioned above the savings from D2A have not been realised as expected, leading to a substantial projected overspend on the budget.

Services for 18-64+ - Dr £216k

Placements for 18-64 age group are projected to overspend by £235k this year based on current service user numbers which are 7 above the budgeted number of 43. The main pressure area relates to clients with a primary support reason (PSR) of Physical Support where the actual number of 30 is 5 above the budget provision, accounting for £220k of the overspend.

The overall position on the domiciliary care and direct payments budgets is an underspend of £19k. Domiciliary care is currently projected to underspend by £109k and direct payments to overspend by £90k.

Day Care Services - Cr £550k

Day Care services continue to show reduced use of the service with low numbers compared to the budget provision. Additionally as mentioned last year contracts with some providers for the provision of transport to their centres ended, with the main Greenwich Services Plus (GSP) transport contract taking on these clients. This has resulted in a current projected underspend of £550k.

Discharge to Assess (D2A) - Cr £600k

In July 2018 the Executive agreed to continue the Discharge to Assess (D2A) pilot for a further year, the outcome of which is reported elsewhere on the agenda. Staffing costs for the service as well as packages of care provided under the D2A scheme are projected to cost £850k this year against the budget provision of £1,450k, which reflects a part-year effect of a reduction in time spent in the D2A service as referred to in the report. Any savings arising from this would show under the appropriate care package heading (ie placements or domiciliary care/direct payments), so are already included in the projections shown above.

2. Better Care Funding - Discharge to Assess - Cr £850k

As referred to in note 1 above, the savings from D2A have not materialised as expected. The D2A report elsewhere on the agenda requests that the service is funded from the Better Care Fund for 2019/20.

3. Learning Disabilities (LD) - Dr £460k

The 2019/20 LD budget includes funding for both the full year effect of the 2018/19 overspend (based on the position at the time the budget was prepared) and 2019/20 anticipated demand-related pressures.

An overspend of £460k is currently anticipated and this is largely the result of recent new and increased care packages outpacing expected growth. Given the early stage in the financial year, and the associated high proportion of the forecast based on future assumptions rather than actual data, this position may change significantly as the year progresses. To avoid overstating projections a 'probability factor' has been applied to future assumptions to reflect experience in previous years. This is on the basis that there tends to be slippage on planned start dates or clients aren't placed as originally expected, however there is a risk attached to this in that the majority of placements may go ahead as planned.

The delivery of a balanced budget position in 2019/20 was dependent on the successful management of continued demand pressures, rigorous gatekeeping and also delivery of 'tail-end' savings from the 'invest to save' work. Current indications are that pressures aren't being contained and the position will continue to be closely scrutinised, with management action taken to mitigate the pressures where possible.

There is a projected overspend on LD Care Management staffing of £60k (net). This arises mainly from the use of agency staff covering vacancies and additional staff brought in to undertake review work. With the introduction of the new recruitment and retention package for qualified care staff in Adult Social Care it is hoped that cost pressures arising from agency staff will reduce as the positive impact of the package starts to take effect.

4. Mental Health (MH) - Dr £424k

Similar to Learning Disabilities above, the 2019/20 Mental Health budget includes funding for the full year effect of the 2018/19 overspend based on the position at the time the budget was prepared.

An overspend of £424k is currently anticipated in 2019/20 which is a result of new and increased care packages exceeding clients moving on, either to independent living or less intensive care packages. This is not the usual trend for Mental Health and the expected 'move through' is not currently evident. If the current pattern continues budget pressures will increase as the year progresses.

5. Better Care Fund (BCF) - Protection of Social Care Cr £470k

A number of local authority adult social care services are funded by an element of the Better Care Fund (BCF) set aside to protect social care services. This includes funding previously received under the former Department of Health Social Care Grant.

These services are currently projected to underspend by £470k in 2019/20 and this has been used to offset other budget pressures within social care in line with the intentions of the funding.

6. National Living Wage - Cr £318k

An amount of £1,500k was allocated in the 2019/20 budget for the impact of National Living Wage. At present it is projected that £318k of this amount will not be required; however it should be noted that negotiations are still ongoing with some providers over the increase in rates for 2019/20.

7. Better Care Fund (BCF) - Nil Variation

Other than variations on the protection of social care element, any underspends on Better Care Fund budgets will be carried forward for spending in future years under the pooled budget arrangement with Bromley CCG.

8. Improved Better Care Fund (IBCF) - Nil Variation

The total amount of funding in 2019/20 is as follows:

	£'000
2019/20 IBCF allocation - recurrent	4,636
2019/20 IBCF allocation - non-recurrent (year 3)	1,677
2019/20 Winter Pressures Grant	1,190
Carry forward from previous years	3,967
	11,470

Of the above amount, £500k is held within the Council's central contingency and the balance is within ECHS budgets.

9. Strategy, Performance & Engagement Division - Cr £20k

An underspend of £20k is anticipated on the Strategy, Performance & Engagement Division. This principally relates to underspends on central departmental running expenses budgets.

Waiver of Financial Regulations

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning 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, 5 waivers for Adult placements have been agreed for between £50k and £100k and 1 for more than £100k.

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, one virement has been agreed for the funding of 2 posts within Adult Social Care.

Education, Children and Families Portfolio Budget Monitoring Summary

2018/19 Actuals	Service Areas	2019/20 Original Budget	2019/20 Latest Approved	2019/20 Projected Outturn	Variation	Notes	Variation Last Reported	Full Year Effect
£'000		£'000	£'000	£'000	£'000		£'000	£'000
EDUCATION CARE & HEALTH SERVICES DEPARTMENT								
Education Division								
Cr 436	Adult Education Centres	Cr 409	Cr 409	Cr 409	0		0	0
385	Schools and Early Years Commissioning & QA	676	676	676	0		0	0
6,586	SEN and Inclusion	7,829	7,829	7,674	Cr 155	1	0	0
73	Strategic Place Planning	98	98	98	0		0	0
Cr 6	Workforce Development & Governor Services	Cr 30	Cr 30	Cr 30	0		0	0
430	Access & Inclusion	527	527	527	0		0	0
Cr 1,340	Schools Budgets	Cr 1,264	Cr 1,264	Cr 1,264	0	2	0	0
71	Other Strategic Functions	28	28	28	0		0	0
5,763		7,455	7,455	7,300	Cr 155		0	0
Children's Social Care								
1,418	Bromley Youth Support Programme	1,518	1,518	1,518	0	3	0	0
879	Early Intervention and Family Support	1,156	1,156	1,156	0		0	0
5,706	CLA and Care Leavers	6,165	6,165	6,248	83		0	83
17,933	Fostering, Adoption and Resources	16,908	16,908	17,347	439		0	208
Cr 800	Management action	0	0	Cr 186	Cr 186		0	Cr 186
3,411	Referral and Assessment Service	3,407	3,407	3,743	336		0	336
2,743	Safeguarding and Care Planning East	2,912	2,912	3,099	187		0	188
4,470	Safeguarding and Care Planning West	4,575	4,575	5,104	529	0	530	
2,280	Safeguarding and Quality Improvement	663	663	753	90	0	90	
38,040		37,304	37,304	38,782	1,478		0	1,249
43,803	TOTAL CONTROLLABLE FOR EDUCATION, CHILDREN & FAMILIES	44,759	44,759	46,082	1,323		0	1,249
5,332	Total Non-Controllable	1,819	1,819	1,819	0			0
8,391	Total Excluded Recharges	8,597	8,597	8,597	0		0	0
57,526	TOTAL EDUCATION, CHILDREN & FAMILIES PORTFOLIO	55,175	55,175	56,498	1,323		0	1,249
Memorandum Item								
Sold Services								
Cr 85	Education Psychology Service (RSG Funded)	Cr 116	Cr 116	Cr 11	105	4		0
8	Education Welfare Service (RSG Funded)	Cr 29	Cr 29	Cr 29	0		0	0
Cr 6	Workforce Development (DSG/RSG Funded)	Cr 34	Cr 34	Cr 34	0		0	0
52	Community Vision Nursery (RSG Funded)	62	62	62	0		0	0
93	Blenheim Nursery (RSG Funded)	86	86	86	0		0	0
62	Total Sold Services	Cr 31	Cr 31	74	105		0	0

Reconciliation of Latest Approved Budget

£'000

Original Budget 2019/20

55,175

Carry forwards:

SEN Reforms Grant		
- expenditure		55
- income	Cr	55
SEN Pathfinder Grant		
- expenditure		8
- income	Cr	8
Early Years Grant		
- expenditure		15
- income	Cr	15
Delivery Support Fund		
- expenditure		27
- income	Cr	27
Step up to Social Work Cohort 6		
- expenditure		48,000
- income	Cr	48,000
Reducing Parental Conflict		
- expenditure		40,100
- income	Cr	40,100
FGM Focussed Outreach Grant		
- expenditure		10,135
- income	Cr	10,135
Tackling Troubled Families		
- expenditure		510,768
- income	Cr	510,768

Latest Approved Budget for 2019/20

55,175

REASONS FOR VARIATIONS

1. Special Education Needs (SEN) and Inclusion - Cr £155k

It is currently forecasted that the SEN Transport will underspend by £134k. This is split between staffing (£45k under) due to vacant posts in the current structure and extra income (£89k) from services provided to other organisations. These figure may change once the routes and children for the new academic year are finalised

The Education Psychologists are currently in the process of recruiting to the vacant posts in their team. This is causing the statutory service they are required to provide to be underspent by £117k and the Trading Service they offer to the Schools to be overspent by £105k - due to the use of expensive agency staff to provide the service. This is a net underspend of £12k.

The remaining difference relates to staffing in this area that is currently forecasting an underspend of £9k.

2. Schools Budgets (no impact on General Fund)

Expenditure on Schools is funded through the Dedicated Schools Grant (DSG) provided by the Department for Education (DfE). DSG is ring fenced and can only be applied to meet expenditure properly included in the Schools Budget. Any overspend or underspend must be carried forward to the following years Schools Budget.

There is a current projected underspend in DSG of £426k. This will be added to the £2,495k carried forward from 2018/19. We have agreed to use £212k of the brought forward balance to support the services in-year. The carry forward figure will need to be reduced for the Early Year adjustment for 2018/19 once DfE has released the figures (normally in July). This gives us an estimated DSG balance of £2,709k at the end of the financial year. It should be noted that the DSG can fluctuate due to pupils requiring additional services or being placed in expensive placements. The Council are contributing £1.9m of core funding to DSG services in 2019/20 and potentially any underspend could be used to minimise the Council contribution.

The in-year overspend is broken down as follows:-

There is an underspend of £31k in the Pupil Support Services area. This is due to vacant posts and the under use of agency and consultancy costs to provide the service.

The Home and Hospital service has a pressure of £100k on agency staff costs due to demand led pressures in the service. This continues to be an issue

SEN placements are projected to underspend by a total of £589k. The underspend are being caused by underspends in Maintained Day (£107k), Independent Day (£364k) and Independent Boarding Schools (£301k). These underspends are then offset with overspends on Maintained Boarding Schools (£105k), Alternative Programmes (£45k) and the costs of Matrix Funding (£33k). These figures may change later in the year once the final placements (and their costs) have been agreed for the new academic year.

The DSG funded element of SEN Transport is projected to overspend by £115k due to the new routes that were established in the last year. This forecast may change once the routes for the new academic year have been finalised. Due to the current funding regulations LBB are not permitted to increase this budget from the previous year.

There is an overspend of £24k in the High Needs Pre-School Service due to staffing.

The Sensory Support Service and Darrick Wood Hearing Units are underspent by £39k, mainly due to an underspend in staffing.

The Schools Improvement Plan Service (SIPS) and Outreach & Inclusion Services are all currently projected to underspend. Most of the underspend relates to lower than expected staffing costs, but there is also a small amount that relates to running costs that were not expected to be incurred during the year. This are then offset by similar overspends at the Complex Needs Team and the Early Support Programme. The net effect of these cost centres is a £3k underspend.

There is also a total small balance of underspends of £3k. This consists of £14k underspend in the SEN heading, and £11k overspend

	Variations £'000	High Needs £'000	Schools £'000	Early Years £'000	Central £'000	
Primary Support Team	-31	0	0	0	0	-31
Home & Hospital	100	100	0	0	0	0
Other Small Balances	11	6	3	2	0	0
SEN:						
- Placements	-589	-589	0	0	0	0
- Transport	115	115	0	0	0	0
- High Needs Pre-school Service	24	24	0	0	0	0
- Sensory Support	-30	-30	0	0	0	0
- SIPS	-7	0	0	-7	0	0
- Darrick Wood Hearing Unit	-9	-9	0	0	0	0
- Complex Needs Team	13	13	0	0	0	0
- Outreach & Inclusion Service	-21	-21	0	0	0	0
- Early Support Programme	12	12	0	0	0	0
- Other Small SEN Balances	-14	-9	0	0	0	-5
Total	-426	-388	3	-5	-36	

There will continue to be pressures in the DSG from 2019/20 onwards, especially in the High Needs Block area. More children are coming through the system which will put pressure on DSG resources. In 2018/19 DfE agreed that LBB could top slice £1m from the Schools DSG to underpin the High Needs budget. A further request was put forward to DfE for 2019/20 and this was rejected and therefore additional Council resources have been contributed £1.9m in the High Needs Block. From 2020/21 although it is not yet clarified by DfE, it is expected that disapplication requests to top slice funding will no longer be available as the 'hard formula' National Funding Formula is put in place and funding blocks are even more rigidly fixed.

3. Children's Social Care - Dr £1,478k

The current budget variation for the Children's Social Care Division is projected to be an overspend of £1,478k based on current levels of spending. Despite additional funding being secured in the 2019/20 budget, continued increases in the number of children being looked after together with the high cost's of some placements has continued to put considerable strain on the budget.

CLA and Care Leavers - Dr £83k

The projected overspend in this area relates to staffing costs and arises as a result of the use of agency staff which cost more than a permanent member of staff.

Fostering, Adoption and Resources - £253k (net of management action)

The budget for children's placements is currently projected to overspend by £439k this year, with management action of £186k reducing this to £253k. The analysis of this over the various placement types is shown below.

- Community Home's / Community Home's with Education - Cr £3k
- Boarding Schools - Cr £153k
- Placement Support services - Dr £163k
- Fostering services (IFA's) - Dr £561k
- Fostering services (In-house, including SGO's and Kinship) - Cr £160k
- Adoption placements - Dr £31k

The projections include an estimation of further costs for the year of children coming into care. Also included in the variations above are (1) Bromley CCG have continued to contribute £1m this year towards the continuing care costs of placements and have committed to a further £900k in 2019/20. (2) additional funding for Unaccompanied Asylum Seeking Children expected due to the April 2019-20 change in daily allowance from £91 to £114/day. this equates to an additional £8,400 per annum for each UASC child, assuming they are in all the financial year.

The main pressure area continues to be the number of placements being made into Independent Fostering agencies (IFA) which on average cost £20k more than an in-house fostering placement.

Management action of £186k is also included further reducing the projected spend, this relates to moving placements from residential care settings to in-house fostering. This target was originally £400k and £214k of this has already been achieved.

Referral and Assessment Service - Dr £336k

The projected overspend in this area relates to staffing costs and arises as a result of the use of agency staff which cost more than a permanent member of staff.

Safeguarding and Care Planning East - Dr £187k

The projected overspend in this area relates to staffing costs and arises as a result of the use of agency staff which cost more than a permanent member of staff.

Safeguarding and Care Planning West- Dr £529k

Of the projected overspend in this area, £110k relates to staffing costs and arises as a result of the use of agency staff which cost more than a permanent member of staff. There is a £419k projected overspend in direct payments for children with disabilities, with several high cost packages of care being paid.

Safeguarding and Quality Improvement - Dr £90k

The projected overspend in this area relates to staffing costs and arises as a result of the use of agency staff which cost more than a permanent member of staff.

4. Sold Services (net budgets)

Services sold to schools are separately identified in this report to provide clarity in terms of what is being provided. These accounts are shown as memorandum items as the figures are included in the appropriate Service Area in the main report.

Waiver of Financial Regulations

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning 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, there has been one waiver in the Education area with an annual value of less than £30k. In Children's Social Care there was 1 waiver agreed for placements of between £50k and £100k and 3 for more than £100k.

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, there have been 2 virements 1) a virement has been actioned in Education for £35k and relates to the correction of the budget for a contract and 2) contributions from ECHS divisions to create a Customer Relations Officer as part of the Strategy, Performance and Engagement restructure for £8k. 3) Virement to CSC relating from the Programmes and Strategy Divisions to offset pressures in CSC of £250k

Environment & Community Portfolio Budget Monitoring Summary

2018/19 Actuals £'000	Service Areas	2019/20 Original Budget £'000	2019/20 Latest Approved £'000	2019/20 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	ENVIRONMENT & COMMUNITY PORTFOLIO							
	Street Scene & Green Spaces							
5,328	Parks and Green Spaces	5,441	5,481	5,481	0		0	0
6	Business Support and Markets	Cr 25	Cr 25	Cr 25	0			
362	Street Regulation	375	375	367	Cr 8		0	0
17,096	Waste Services	17,833	17,913	17,906	Cr 7	1	0	0
4,289	Street Environment	5,647	5,647	5,647	0		0	0
1,172	Management and Contract Support	1,255	1,048	1,048	0		0	0
802	Trees	769	769	769	0		0	0
29,055		31,295	31,208	31,193	Cr 15		0	0
	Transport Operations and Depot							
527	Transport Operations and Depot Management	746	746	746	0		0	0
527		746	746	746	0		0	0
	Transport & Highways							
234	Traffic & Road Safety	334	334	294	Cr 40	2	0	0
Cr 7,499	Parking	Cr 7,539	Cr 7,539	Cr 7,346	193	3 - 6	0	0
6,175	Highways (including London Permit Scheme)	6,458	6,528	6,528	0		0	0
Cr 1,090		Cr 747	Cr 677	Cr 524	153		0	0
28,492	TOTAL CONTROLLABLE	31,294	31,277	31,415	138		0	0
4,378	TOTAL NON-CONTROLLABLE	6,051	6,051	6,064	13	7	0	0
2,618	TOTAL EXCLUDED RECHARGES	2,357	2,357	2,357	0		0	0
35,488	PORTFOLIO TOTAL	39,702	39,685	39,836	151		0	0

Reconciliation of Latest Approved Budget	£'000
Original Budget 2019/20	39,702
Carry Forward Requests approved from 2018/19	
Green Garden Waste Direct Debits	120
Central Contingency Adjustments	
Inflation adjustment	70
Savings - review of staffing	Cr 207
Latest Approved Budget for 2019/20	<u><u>39,685</u></u>

REASONS FOR VARIATIONS

1. Waste Services Cr £7k

Based on April tonnage, the contract disposal cost is expected to be £160k below budget, mainly as a direct result of the reduction in trade waste customers. This is partly offset by £20k cost of processing of extra tonnage of recyclates.

Within trade waste collection there is a net projected shortfall of income of £120k mainly due to a slightly higher customer dropout compared to the level expected, mostly for commercial customers. This is partly offset by £22k reduction on the collection contract cost and disposal costs.

There is a projected shortfall in income of £35k relating to trade waste delivered to the weighbridges.

Summary of overall variations within Waste Services

	£'000
Reduction in disposal cost	Cr 160
Increase in cost of processing additional recyclates	20
Deficit in trade waste collection income	120
Reduction in collection contract cost	Cr 22
Shortfall in trade waste delivered income	35
Total variation for Waste Services	Cr 7

2. Traffic, Parking & Highways Cr £40k

This variation is due to additional income received from road closure charges, mainly due to a spike in the number of applications from utility companies for undertaking infrastructure works. It is not expected that this volume of activity will continue into 2020/21.

Parking

3. Income from Bus Lane Contraventions Cr £96k

There is a net projected surplus of £96k from the deployable automated cameras in bus lanes for 2019/20, based on numbers of contraventions to April 2019.

4. Off/On Street Car Parking Dr £242k

Overall there is a net variation of Dr £242k for Off and On Street parking.

A deficit of £281k is forecast for Off & On Street Parking income. This could be due to a continued downward trend in parking usage, in particular for the on street bays & multi-storey car parks, and/or a reaction to the price increases. However, given that the projections are based on just one month's data, the projection may change as more information becomes available throughout the

Additional income of £36k is expected to be received from cashless parking fees, as the use of this service continues to grow.

Defaults of £3k have been applied to the contract, relating to On & Off Street Parking.

The overall projected overspend for Off and On Street Car parking within the Parking budget is summarised below:

	OFF ST	ON ST	Total
	£'000	£'000	£'000
Summary of variations within Off/On Street Car Parking			
Off/On Street Car Parking income	92	189	281
Less additional Ring Go fees	Cr 16	Cr 20	Cr 36
APCOA P&D Defaults (April 19)	Cr 1	Cr 2	Cr 3
Total variations within Off/On Street Parking	75	167	242

5. Car Parking Enforcement Dr £107k

From the activity levels in April 2019, there is a projected net deficit of around £101k from PCNs issued by APCOA in the current year, mainly due to a reduction in contraventions and issues related to the deployment plan. Officers have been liaising with APCOA in reviewing the deployment schedule.

A £10k deficit is forecast for income from contraventions captured by the school CCTV enforcement cameras.

Defaults of £4k were issued in April 2019, relating to the Enforcement part of the contract.

Summary of variations within Car Parking Enforcement

	£'000
PCNs issued by wardens	101
PCNs issued from schools CCTV enforcement cameras	10
APCOA Enforcement defaults (April 19)	Cr 4
Total variations within Car Parking Enforcement	107

6. Parking Shared Service Cr £60k

There is a net variation of Cr £60k for the Parking Shared Service, mainly due to vacant posts across the two Boroughs. Officers are currently undertaking a review of the shared service staffing structure.

Summary of overall variations within Parking:

	£'000
Bus Routes Enforcement	Cr 96
Off Street Car Parking	75
On Street Car Parking	167
Car Parking Enforcement	107
Parking Shared Services	Cr 60
Total variation for Parking	<u>193</u>

7. Non-controllable Dr £13k

There is a projected £13k shortfall of income 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 exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning 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.

Public Protection & Enforcement Budget Monitoring Summary

2018/19 Actuals £'000	Service Areas	2019/20 Original Budget £'000	2019/20 Latest Approved £'000	2019/20 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	Public Protection							
128	Community Safety	155	155	155	0		0	0
95	Emergency Planning	154	154	154	0		0	0
534	Mortuary & Coroners Service	566	566	566	0		0	0
1,480	Public Protection	1,572	1,755	1,755	0		0	0
2,237	TOTAL CONTROLLABLE	2,447	2,630	2,630	0		0	0
281	TOTAL NON CONTROLLABLE	13	13	13	0		0	0
492	TOTAL EXCLUDED RECHARGES	871	871	871	0		0	0
3,010	PORTFOLIO TOTAL	3,331	3,514	3,514	0		0	0

Reconciliation of Latest Approved Budget £'000

Original Budget 2019/20 3,331

Carry Forward Requests approved from 2018/19

Asset Recovery Incentivisation Scheme - Income	Cr	48
Asset Recovery Incentivisation Scheme - Expenditure		48
Additional ECS resources - delay in recruitment		163

Other

Transfer of post from Chief Executive		20
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Latest Approved Budget for 2019/20 3,514

Waiver of Financial Regulations:

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning 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 the following waiver has been actioned:

1) £45k for a 6 months extension for the Coroners Post Mortem & Mortuary Services contract (April to September 2019), cumulative value £542k.

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.

Renewal, Recreation & Housing Budget Monitoring Summary

2018/19 Actuals £'000	Division Service Areas	2019/20 Original Budget £'000	2019/20 Latest Approved £'000	2019/20 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	ENVIRONMENT AND COMMUNITY SERVICES DEPARTMENT							
	Planning							
Cr 11	Building Control	88	88	5	Cr 83	1	0	0
Cr 127	Land Charges	Cr 125	Cr 125	Cr 125	0	2	0	0
844	Planning	861	855	911	56	3	0	0
733	Renewal	846	846	778	Cr 68	4	0	0
1,439		1,670	1,664	1,569	Cr 95		0	0
	Recreation							
1,923	Culture	933	978	978	0		0	0
4,859	Libraries	4,921	4,921	4,921	0		0	0
132	Town Centre Management & Business Support	133	156	156	0		0	0
6,914		5,987	6,055	6,055	0		0	0
	ECS - Housing							
188	Housing Improvement	209	209	209	0		0	0
188		209	209	209	0		0	0
8,541	Total Controllable ECS DEPT	7,866	7,928	7,833	Cr 95		0	0
1,421	TOTAL NON CONTROLLABLE	Cr 398	Cr 398	Cr 390	8	5	0	0
1,978	TOTAL EXCLUDED RECHARGES	2,109	2,109	2,109	0		0	0
11,940	Total ECS DEPARTMENT	9,577	9,639	9,552	Cr 87		0	0
	EDUCATION, CARE & HEALTH SERVICES DEPARTMENT							
	Operational Housing							
939	Supporting People	1,004	1,004	888	Cr 116	6	0	0
8,784	Housing Needs	9,059	8,778	8,800	22	7	0	0
0	Enabling Activities	Cr 1	Cr 1	Cr 1	0		0	0
Cr 1,149	Housing Benefits	Cr 1,913	Cr 1,913	Cr 1,913	0		0	0
8,574	Total Controllable ECHS DEPT	8,149	7,868	7,774	Cr 94		0	0
423	TOTAL NON CONTROLLABLE	124	124	124	0		0	0
3,677	TOTAL EXCLUDED RECHARGES	4,174	4,124	4,124	0		0	0
12,674	Total ECHS DEPARTMENT	12,447	12,116	12,022	Cr 94		0	0
24,614	PORTFOLIO TOTAL	22,024	21,755	21,574	Cr 181		0	0

Reconciliation of Latest Approved Budget

£'000

Original budget 2019/20

22,024

Carry Forward Requests approved from 2018/19

Planning Strategy & Projects - Custom Build Grant - Income	Cr	60
Planning Strategy & Projects - Custom Build Grant - Expenditure		60
Asset Recovery Incentivisation Scheme - Income	Cr	85
Asset Recovery Incentivisation Scheme - Expenditure		85
New Homes Bonus		118
Fire Safety Grant - Expenditure		43
Fire Safety Grant - Income	Cr	43
Implementing Welfare Reform Changes - Expenditure		55
Implementing Welfare Reform Changes - Income	Cr	55
Flexible Homeless Grant - Expenditure		41
Flexible Homeless Grant - Income	Cr	41
Homelessness Reduction Act - Expenditure		89
Homelessness Reduction Act - Income	Cr	89

Central Contingency Adjustments

Savings - review of staffing	Cr	56
Housing Growth - variation to budget assumptions	Cr	331

Latest Approved Budget for 2019/20

21,755

REASONS FOR VARIATIONS

1. Building Control Cr £83k

For the chargeable service, an income deficit of £278k is projected based on actual income for April 2019. This is expected to be offset by a projected underspend within salaries of £146k arising from reduced hours working / vacancies. In order to have a balanced budget, a review will be done this year to closely realign the income and staffing budget levels. To address the income deficit, a price increase is expected to be implemented in December. In accordance with Building Account Regulations, the net deficit of around £132k will be drawn down from the earmarked reserve for the Building Control Charging Account. The net balance will therefore reduce from Cr £192k to Cr £60k.

As a result of part vacant posts and reduced hours, a net underspend of £83k is projected for the non-chargeable service.

2. Land Charges

A deficit of £17k is expected for income within the Charging Account which is offset by £17k underspend on staffing due to reduced hours. Overall, no variation is projected for 2019/20 at this stage. In accordance with Local Authorities (Charges for Property Searches) Regulations 2008, any deficit or surplus will be drawn down from the earmarked reserve for the Land Charges Charging Account, which has a balance of Dr £26k as at March 19.

3. Planning Dr £56k

There is a net £95k underspend on staffing due to part year vacancies.

Income from non-major planning applications is below budget for the first two months of the year, and a shortfall of around £150k is projected for 2019/20 against a budget of £1,179k. This is partly offset by the projected underspend within salaries.

For major applications, £91k has been received as at May 2019, which is £27k lower than for the same period in 2018/19. As the timing of this income varies, a balanced budget is projected for major applications at this stage of the year. This budget will be closely monitored over the next few months.

There is also a projected surplus of income of £9k from pre-application meetings.

There is a £50k cost projected for major appeals, mainly due to a partial award of costs that has been awarded against the Council in respect of the refusal of planning permission for the development at Westmoreland Road. There is a sum of £60k held in the central contingency that could be partly drawn down to offset these costs, however at this moment in time, the additional cost is offset by underspends elsewhere within the Planning division, mainly from staff vacancies.

Part of a provision, (£40k), is being released as it is no longer required, relating to the potential payback of Community Infrastructure levy monies.

Summary of variations within Planning:

	£'000
Underspend on Staffing	Cr 95
Shortfall income from non-major applications	150
Surplus on pre-application planning income	Cr 9
Cost on major appeal	50
Release of part of provision relating to payback of CIL	Cr 40
Total variation for Planning	<u>56</u>

4. Renewal Cr £68k

A net underspend of £125k is projected for staffing due to part year vacancies. This is being used to offset a potential cost of £57k for specialist consultancy and legal work relating to both the potential Local Plan appeal and the London Plan.

5. Non-controllable Dr £8k

There is a projected £8k shortfall of income within the property rental income budget. Property division are accountable for these variations.

6. Supporting People Cr £116k

A £116k underspend is currently forecast in the Supporting People area. A number of the contracts were renegotiated and extended recently with a start date in this financial year. This has resulted in the higher underspend than in the previous year. The extensions were only for a few years and the contracts will be starting their re-tendering process during this year.

7. Housing Needs Dr £22k

There is currently a relatively minor overspend of £22k in the Temporary Accommodation area. The sum of £331k has been returned to Central Contingency to reflect the difference in the number of households in nightly paid accommodation at the start of the year compared to what had been assumed in the growth allocated in the 2019/20 budget.

At the start of the year the number of clients in Nightly Paid Accommodation was 907. By the end of May that number had risen to 910 - an increase of 3 during the year. It is currently expected that this will increase to 960 by the end of the financial year (based on an increase of 5 new clients per month), at an average cost of around £6,380 per property per annum. In addition the proportion of 2 bed Temporary Accommodation properties that are required has been increasing, from just under 35% in September to now just over 37.5%.

By necessity there has been an increased use of non-self-contained accommodation outside of London. Although on the face of it this appears beneficial as the charges are lower, the Housing Benefit subsidy is capped at the January 2011 Local Housing Allowance (LHA) rates, thus often making these placements more costly than those in London, especially when moving and furniture costs are factored in.

These client figures exclude other schemes like More Homes Bromley, Orchard & Shipman, ex-residential care homes, and the Bromley Private Sector Leasing Scheme. Once these client numbers have been included there are currently over 1,548 clients in Temporary Accommodation.

Waiver of Financial Regulations:

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning 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 the following waiver has been actioned:

1) £308k for a 3 year contract for the Document Management System and Uniform management software with Idox, via the Data and Applications Solutions framework.

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.

Resources, Commissioning & Contracts Management Portfolio Budget Monitoring Summary

2018/19 Actuals £'000		2019/20 Original Budget £'000	2019/20 Latest Approved £'000	2019/20 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	CHIEF EXECUTIVE'S DEPARTMENT							
	FINANCIAL SERVICES DIVISION							
224	Director of Finance & Other	236	236	236	0		0	0
6,462	Exchequer - Revenue & Benefits	6,778	6,989	6,976	Cr 13	1	0	0
1,867	Exchequer - Payments & Income	1,990	2,002	2,002	0		0	0
407	Financial Accounting	536	536	524	Cr 12	2	0	0
1,528	Management Accounting	1,633	1,549	1,527	Cr 22	3	0	0
642	Audit	678	732	732	0		0	0
11,130	Total Financial Services Division	11,851	12,044	11,997	Cr 47		0	0
	CORPORATE SERVICES DIVISION							
4,809	Information Systems & Telephony	5,410	5,755	5,695	Cr 60	4	0	0
	Legal Services & Democracy							
933	Electoral	363	363	363	0		0	0
1,406	Democratic Services	1,447	1,447	1,447	0		0	0
2,054	Legal Services	1,889	1,906	2,103	197	5	0	0
127	Management and Other (Corporate Services)	133	141	150	9		0	0
9,329	Total Corporate Services Division	9,242	9,612	9,758	146		0	0
	HR AND CUSTOMER SERVICES DIVISION							
1,836	Human Resources	1,903	1,826	1,826	0		0	0
	Customer Services							
1,024	Customer Services Centre	1,007	1,010	1,010	0		0	0
Cr 57	Registration of Births, Deaths & Marriages	Cr 106	Cr 106	Cr 106	0		0	0
2,803	Total HR & Customer Services Division	2,804	2,730	2,730	0		0	0
	COMMISSIONING AND PROCUREMENT DIVISION							
514	Procurement and Data Management	377	417	417	0		0	0
583	Commissioning	579	380	380	0		0	0
1,097	Total Commissioning & Procurement Division	956	797	797	0		0	0
	CHIEF EXECUTIVE'S DIVISION							
129	Comms	196	196	196	0		0	0
657	Management and Other (C. Exec)	663	682	682	0		0	0
141	Mayoral	158	158	158	0		0	0
927	Total Chief Executive's Division	1,017	1,036	1,036	0		0	0
	CENTRAL ITEMS							
3,461	CDC & Non Distributed Costs (Past Deficit etc.)	3,986	3,986	3,986	0		0	0
11,374	Concessionary Fares	11,409	11,409	11,409	0		0	0
40,121	TOTAL CONTROLLABLE CE DEPT	41,265	41,614	41,713	99		0	0
Cr 636	TOTAL NON CONTROLLABLE	2,679	2,679	2,679	0		0	0
Cr 16,373	TOTAL EXCLUDED RECHARGES	Cr 17,909	Cr 17,859	Cr 17,859	0		0	0
23,112	TOTAL CE DEPARTMENT	26,035	26,434	26,533	99		0	0
	ENVIRONMENT & COMMUNITY SERVICES DEPARTMENT							
	Total Facilities Management							
2,247	Admin Buildings & Facilities Support	2,424	2,434	2,434	0		0	0
604	Investment & Non-Operational Property	217	193	223	30	6	0	0
1,091	Strategic & Operational Property Services	1,137	1,145	1,145	0		0	0
458	TFM Client Monitoring Team	400	400	400	0		0	0
Cr 658	Other Rental Income - Other Portfolios	Cr 1,538	Cr 1,538	Cr 1,521	17	7	0	0
2,094	Repairs & Maintenance (All LBB)	2,135	2,135	2,135	0		0	0
5,836	TOTAL CONTROLLABLE ECS DEPT	4,775	4,769	4,816	47		0	0
1,385	TOTAL NON CONTROLLABLE	379	379	379	0		0	0
Cr 3,816	TOTAL EXCLUDED RECHARGES	Cr 3,435	Cr 3,435	Cr 3,435	0		0	0
Cr 1,552	Less: R&M allocated across other Portfolios	Cr 1,533	Cr 1,533	Cr 1,533	0		0	0
658	Less: Rent allocated across other Portfolios	1,538	1,538	1,521	Cr 17		0	0
2,511	TOTAL ECS DEPARTMENT	1,724	1,718	1,748	30		0	0
25,623	TOTAL RESOURCES PORTFOLIO	27,759	28,152	28,281	129		0	0

Reconciliation of Latest Approved Budget		£'000
Original budget 2019/20		27,759
Carry Forward Requests approved from 2018/19		
Audit - Blue Badge Investigations		54
Biggin Hill Airport Noise Action Plan		25
IS&T GDPR		311
Merit Awards		24
HR Info System - GDPR		20
Rev & Bens retendering of contract		91
Upgrade of Academy System		98
 Central Contingency Adjustments		
Inflation adjustment		52
Savings / Review of Staffing	Cr	321
 Other Budget Movements		
Transfer of Post 20025 from ECHS		59
Post transferred to PPE	Cr	20
 Latest Approved Budget for 2019/20		<u><u>28,152</u></u>

REASONS FOR VARIATIONS

FINANCIAL SERVICES DIVISION

1. Revenue & Benefits Cr £13k

There is a projected underspend on staffing costs as a result of part year vacancies. It is expected that the vacant posts will be filled soon.

2. Financial Accounting Cr £12k

Due to part year vacancies there is a projected underspend within staffing of £12k. Recruitment is underway for these vacant posts.

3. Management Accounting Cr £22k

Staffing costs are projected to be below budget due to part year vacancies. Interviews are to be held shortly for these posts.

CORPORATE SERVICES DIVISION

4. Information Systems and Telephony Cr £60k

Due to continued delays in recruiting the temporary GDPR staff, there is likely to be an underspend of £60k which will need to be carried forward to 2020/21 to fund the staff up to the agreed 18 months fixed term.

5. Legal Services Dr £197k

This early in the financial year it is difficult to provide an accurate forecast on expenditure for legal services. However, it is estimated that there will be additional childcare cases, plus further property related commercial cases and planning cases in relation to the Local Plan, generating a projected overspend of around £197k on Counsel fees & court costs.

ENVIRONMENT AND COMMUNITY SERVICES DEPARTMENT

6. Investment & Non-Operational Property (expenditure) Dr £30k.

The budget for Surplus Properties is expected to overspend by £30k due to business rates having to be paid for various vacant properties, including 20 Market Square.

7. Other Rental Income - Other Portfolios - Dr £17k

There is an overall shortfall of income projected of £17k, which mainly relates to Bromley BID vacating the Central Library.

Waiver of Financial Regulations:

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning 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 the following waiver has been actioned:

1) Award of extension of contract for advisory services with Gartner UK Ltd, covering all aspects of Cloud topics including Cloud Security and IT cost optimisation. The value of the extension for one year is £53k with the total cumulative value of the contract of £88k.

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.

Allocation of Contingency Provision for 2019/20

Item	Original Contingency Provision	Allocations				Variation to Original Contingency Provision
		Previously Approved Items	New Items Requested this Cycle	Items Projected for Remainder of Year	Total Allocations/Projected for Year	
	£	£	£	£	£	£
General						
Provision for Unallocated Inflation	3,396,000		121,600	3,274,400	3,396,000	0
Increase in Cost of Homelessness/Impact of Welfare Reforms	1,825,000			1,825,000	1,825,000	0
General Provision for Risk/Uncertainty	2,431,000			2,431,000	2,431,000	0
Provision for Risk/Uncertainty Relating to Volume & Cost Pressures	2,182,000			2,182,000	2,182,000	0
Impact of Chancellor's Summer Budget 2015 on Future Costs	1,158,000			1,158,000	1,158,000	0
Growth for Waste Services	587,000			587,000	587,000	0
Universal Credit roll out - Claimant Fault Overpayment Recoveries	750,000			750,000	750,000	0
Further Reduction to Government Funding	389,000			389,000	389,000	0
Retained Welfare Fund	450,000			450,000	450,000	0
Deprivation of Liberty	118,000			118,000	118,000	0
Other Variations	109,000			109,000	109,000	0
Savings to be allocated - review of staffing	Cr 600,000		Cr 584,390	Cr 15,610	Cr 600,000	0
Continuation of London Business Rate Pool	Cr 2,200,000			Cr 2,200,000	Cr 2,200,000	0
Planning Appeals - change in legislation	60,000			60,000	60,000	0
National Living Wage	0		Cr 567,000	0	Cr 567,000	Cr 567,000
Housing Growth - variation to budget assumptions			Cr 331,000	0	Cr 331,000	Cr 331,000
	10,655,000	0	Cr 1,360,790	11,117,790	9,757,000	Cr 898,000
Grants included within Central Contingency Sum						
Adult Social Care						
Grant Related Expenditure	500,000			500,000	500,000	0
Brexit Preparation						
Grant Related Expenditure	210,000			210,000	210,000	0
Grant Related Income	Cr 210,000			Cr 210,000	Cr 210,000	0
Tackling Troubled Families						
Grant Related Expenditure	235,000			235,000	235,000	0
Grant related Income	Cr 235,000			Cr 235,000	Cr 235,000	0
TOTAL CARRIED FORWARD	11,155,000	0	Cr 1,360,790	11,617,790	10,257,000	Cr 898,000

Notes:

- (1)
- (2)
- (3)

Allocation of Contingency Provision for 2019/20 (continued)

Item	Carried Forward from 2018/19	Allocations				Variation to Original Contingency Provision
		Previously Approved Items	New Items Requested this Cycle	Items Projected for Remainder of Year	Total Allocations/Projected for Year	
	£	£	£	£	£	£
TOTAL BROUGHT FORWARD	11,155,000	0	Cr 1,360,790	11,617,790	10,257,000	Cr 898,000
Items Carried Forward from 2018/19						
Adult Care & Health Portfolio						
Social Care Funding via the CCG under S75 Agreements						
Improved Better Care Fund						
- Expenditure	3,967,290		3,967,290		3,967,290	(1) 0
- Income	Cr 3,967,290		Cr 3,967,290		Cr 3,967,290	(1) 0
Better Care Fund 2018/19						
- Expenditure	58,328		58,328		58,328	(1) 0
- Income	Cr 58,328		Cr 58,328		Cr 58,328	(1) 0
Public Health						
- Expenditure	1,779,069		1,779,069		1,779,069	(1) 0
- Income	Cr 1,779,069		Cr 1,779,069		Cr 1,779,069	(1) 0
Public Protection & Enforcement Portfolio						
Asset Recovery Incentivisation Scheme (ARIS)						
- Expenditure	132,758		132,758		132,758	(2) 0
- Income	Cr 132,758		Cr 132,758		Cr 132,758	(2) 0
Renewal, Recreation & Housing Portfolio						
Homelessness Reduction Grant						
- Expenditure	89,000		89,000		89,000	(3) 0
- Income	Cr 89,000		Cr 89,000		Cr 89,000	(3) 0
New Homes Bonus - Town Centre Development						
- Expenditure	23,472		23,472		23,472	(3) 0
- Income	Cr 23,472		Cr 23,472		Cr 23,472	(3) 0
New Homes Bonus - Regeneration						
- Expenditure	94,416		94,416		94,416	(3) 0
- Income	Cr 94,416		Cr 94,416		Cr 94,416	(3) 0
Planning Strategy & Projects - Custom Build Grant						
- Expenditure	60,000		60,000		60,000	(3) 0
- Income	Cr 60,000		Cr 60,000		Cr 60,000	(3) 0
Implementing Welfare Reform Changes						
- Expenditure	54,848		54,848		54,848	(3) 0
- Income	Cr 54,848		Cr 54,848		Cr 54,848	(3) 0
Flexible Homeless Grant						
- Expenditure	40,945		40,945		40,945	(3) 0
- Income	Cr 40,945		Cr 40,945		Cr 40,945	(3) 0
Fire Safety Grant						
- Expenditure	42,654		42,654		42,654	(3) 0
- Income	Cr 42,654		Cr 42,654		Cr 42,654	(3) 0
Education, Children and Families Portfolio						
Delivery Support Fund						
- Expenditure	26,774		26,774		26,774	(4) 0
- Income	Cr 26,774		Cr 26,774		Cr 26,774	(4) 0
SEND Reform Grant						
- Expenditure	55,405		55,405		55,405	(4) 0
- Income	Cr 55,405		Cr 55,405		Cr 55,405	(4) 0
Step up to Social Work Cohort 6						
- Expenditure	48,000		48,000		48,000	(4) 0
- Income	Cr 48,000		Cr 48,000		Cr 48,000	(4) 0
Pathfinder Grant						
- Expenditure	8,161		8,161		8,161	(4) 0
- Income	Cr 8,161		Cr 8,161		Cr 8,161	(4) 0
Early Years Grant						
- Expenditure	14,800		14,800		14,800	(4) 0
- Income	Cr 14,800		Cr 14,800		Cr 14,800	(4) 0
Reducing Parental Conflict						
- Expenditure	40,100		40,100		40,100	(4) 0
- Income	Cr 40,100		Cr 40,100		Cr 40,100	(4) 0
FGM Focussed Outreach Grant						
- Expenditure	10,135		10,135		10,135	(4) 0
- Income	Cr 10,135		Cr 10,135		Cr 10,135	(4) 0
Tackling Troubled Families						
- Expenditure	510,768		510,768		510,768	(4) 0
- Income	Cr 510,768		Cr 510,768		Cr 510,768	(4) 0
General						
Audit - Blue Badge Investigations	54,000		54,000		54,000	(5) 0
Biggin Hill Airport - Noise Action Plan	24,310		24,310		24,310	(5) 0
Information Systems & Telephony GDPR	311,000		311,000		311,000	(5) 0

Item	Carried Forward from 2018/19	Allocations				Variation to Original Contingency Provision
		Previously Approved Items	New Items Requested this Cycle	Items Projected for Remainder of Year	Total Allocations/Projected for Year	
	£	£	£	£	£	£
HR Information System GDPR	20,000		20,000		20,000	(5) 0
Staff Merit Awards	24,257		24,257		24,257	(5) 0
Exchequer Revenue & Benefits - Exchequer Contract	91,000		91,000		91,000	(5) 0
Exchequer Revenue & Benefits - Academy System Upgrade	98,000		98,000		98,000	(5) 0
Green Garden Waste - Debt Management System	120,000		120,000		120,000	(6) 0
Additional ECS Resources - Delay in Recruitment	163,120		163,120		163,120	(2) 0
Total Carried Forward from 2018/19	905,687	0	905,687	0	905,687	0
GRAND TOTAL	12,060,687	0	Cr 455,103	11,617,790	11,162,687	Cr 898,000

Notes:

- (1) Adult, Health and Care PDS 27/6/19
- (2) Public Protection & Enforcement PDS 26/6/19
- (3) Renewal, Recreation & Housing PDS 2/7/19
- (4) Education, Children and Families PDS 9/7/19
- (5) Executive, Resources and Contracts PDS 8/7/19
- (6) Environment and Community services PDS 18/6/19

Description	2019/20 Latest Approved Budget £'000	Variation To 2019/20 Budget £'000	Potential Impact in 2020/21
Housing Needs - Temporary Accommodation	9,109	355	The full year effect of Temporary Accommodation is currently estimated to be £1.581m in 2020/21. This estimate only takes into account the projected activity to the end of this financial year and not any projected growth in client numbers beyond that point. The forecast growth in 2019/20 has not been adjusted for any mitigation that is currently taking place within Housing to reduce the number of homelessness cases going into TA. The costs are expected to be covered by a contingency bid during 2019/20 as has been the case for a number of years.
Assessment and Care Management	21,996	1,440	The full year effect (FYE) of the current overspend is estimated at Dr £1,507k. Of this amount £801k relates to residential and nursing home placements and £1,856k to domiciliary care / direct payments . As mentioned in the budget monitoring note's, the savings in the budget relating to the Discharge to Assess service are not be realised, leading to a significant pressure on the budget. This is based on client numbers as at May 2019. The FYE is reduced by an underspend in day care costs of £550k and Discharge to Assess costs of £600k.
Learning Disabilities - including Care Placements, Transport and Care Management	35,089	460	The FYE is estimated at a net overspend of £912k. Anticipated 2019/20 growth and pressures from 2018/19 were both fully funded in the 2019/20 budget so this pressure is over and above that. The largest contributory factor is new and increased care packages outpacing anticipated growth. At this early stage in the financial year the projections include a number of assumptions so the full year effect position is likely to vary as the year progresses.
Mental Health - Care Placements	6,554	424	Based on current placements, Panel agreements and assumptions there is a full year overspend of £502k anticipated on Mental Health care packages. As with Learning Disabilities above, it is still very early in the year and this position is likely to shift during the year.
Children's Social Care	37,304	1,478	The overall full year effect of the Children's Social Care overspend is £1,249k, analysed as Residential Care, Fostering and Adoption Dr £1,228k , Children with Disabilities direct payments £420k and staffing costs of £807k. Expected income from additional Unaccompanied Asylum Seeking Children funding of £1,020k and management action of £186k in relation to placements reduces the full year effect of the overspend.
Legal Services - Legal / Counsel Fees and Court costs	389	106	The expected overspend on counsel fees and court costs in 2019/20 is due to the continuing trend of high volume in child care cases, however the numbers are now reducing year on year. There was also a challenge to the local plan plus other planning enquiries coupled with high profile injunction cases and additional commercial cases adding to the overspend. Costs are expected to reduce in future years as the number of child care case numbers stabilise, at this time additional expenditure of around £197k is projected for 2019/20. Specific funding bids may be made for major litigation or projects where internal resource will be insufficient. It is anticipated if volumes of child care cases stay constant and there are good levels of staff retention that figures will start to reduce in 2020/21. It is difficult to predict what pressures will arise around litigation claims and similar which often arise at short notice or as a response to events which are unforeseen at this point in time.
Parking	Cr 7,539	193	The downward trend in Off and On Street parking income and the reductions of PCNs issued by wardens is expected to be partly offset by the income from bus lane enforcement, after assuming a slight drop off in contraventions. Officers are working closely with APCOA to resolve the deployment issues and are reviewing the maintenance of the pay and display machines.

SECTION 106 RECEIPTS

Section 106 receipts are monies paid to the Council by developers as a result of the grant of planning permission where works are required to be carried out or new facilities provided as a result of that permission (e.g. provision of affordable housing, healthcare facilities & secondary school places). The sums are restricted to being spent only in accordance with the agreement concluded with the developer.

The major balances of Section 106 receipts held by the Council are as follows:

31st Mar 2019 £000	Service	Income £000	Expenditure £000	Transfers to/(from) Capital £000	Actual as at 31st May 2019 £000
<u>Revenue</u>					<u>Revenue</u>
166	Highway Improvement Works	-	22	-	144
-	Road Safety Schemes	-	-	-	-
16	Local Economy & Town Centres	-	-	-	16
72	Parking	-	-	-	72
1,754	Healthcare Services	-	-	-	1,754
43	Community Facilities	-	-	-	43
311	Other	-	-	300	11
2,362		0	22	- 300	2,040
<u>Capital</u>					<u>Capital</u>
2,751	Education	-	125	-	2,626
3,510	Housing	-	67	-	3,443
2,006	Local Economy & Town Centres	-	-	-	2,006
83	Highway Improvement Works	-	83	-	-
-	Other	-	3	300	297
8,350		0	278	300	8,372
10,712		0	300	0	10,412

Report No.
CSD19117

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Executive Non-Key

Title: CAPITAL PROGRAMME MONITORING - 1ST QUARTER
2019/20

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 At its meeting on 10th July 2019 the Executive is due to consider the attached report on the capital programme. The report was scrutinised by Executive, Resources and Contracts PDS Committee at its meeting on 3rd July 2019. Subject to the decision of the Executive, Council is recommended to agree an increase of £1,922k on Transport for London (TfL) schemes to reflect allocations for the current financial year.
-

2. **RECOMMENDATION**

That Council agrees an increase in the capital programme of £1,922k on Transport for London (TfL) funded Traffic and Highways schemes as detailed in paragraph 3.3.1 of the attached report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

1. Policy Status: Existing Policy: See attached report
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: Total £132.2m over 4 years 2019/20 to 2022/23.
 5. Source of funding: Capital grants
-

Personnel

1. Number of staff (current and additional): 1fte
 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: Full Council decisions are not subject to call-in
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

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

Non-Applicable Sections:	Impact on vulnerable adults and children/Policy/Finance/Personnel/Legal/Procurement/Customer Impact
Background Documents: (Access via Contact Officer)	See attached report

Decision Maker: Executive
Council

Date: Executive 10th July 2019
Council 15th July 2019

Decision Type: Non-Urgent Executive Non-Key

Title: CAPITAL PROGRAMME MONITORING – 1ST QUARTER 2019/20

Contact Officer: James Mullender, Head of Finance, Adults, Health & Housing
Tel: 020 8313 4196 E-mail: james.mullender@bromley.gov.uk

Chief Officer: Director of Finance

Ward: All

1. Reason for report

This report summarises the current position on capital expenditure and receipts following the 1st quarter of 2019/20 and seeks the Executive's approval to a revised Capital Programme.

2. **RECOMMENDATION(S)**

2.1 **The Executive is requested to:**

- (a) **Note the report, including a total rephasing of £45,868k from 2019/20 into future years, and agree a revised Capital Programme;**
- (b) **Approve the following amendments to the Capital Programme:**
 - (i) **Deletion of the £391k residual balance on the Beacon House Refurbishment scheme and increase of £391k to the Basic Need scheme as detailed in paragraph 3.3.2;**
 - (ii) **Deletion of £40k from the Phoenix Centre scheme as detailed in paragraph 3.3.3;**
 - (iii) **Addition of £239k for the Devolved Formula Capital 19/20 scheme as detailed in paragraph 3.3.4; and**
 - (iv) **Increase of £16k for the Banbury House Demolition/Site Preparation scheme as detailed in paragraph 3.3.5.**

- (c) Note that a report elsewhere on the agenda requests the addition of £1.5m to the Capital Programme for Boiler Plant Works;**
- (d) Note that a report elsewhere on the agenda requests the addition of £6.0m to the Capital Programme for the provision of modular homes as detailed in paragraph 3.3.6; and**
- (e) Recommend that Council agrees an increase of £1,922k on Transport for London (TfL) funded Traffic and Highways schemes as detailed in paragraph 3.3.1.**

2.2 Council is requested to:

- (a) Agree an increase of £1,922k on Transport for London (TfL) funded Traffic and Highways schemes as detailed in paragraph 3.3.1.**

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, the Council reviews its main aims and outcomes through the AMP process and identify those that require the use of capital assets. The 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: Estimated Cost: Total increase of 3.6m over the 4 years 2019/20 to 2022/23, mainly due to £1,922k increase in TfL funding for Highways and Traffic schemes and the addition of £1,500k for Boiler Plant Works.
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: Total £132.2m over 4 years 2019/20 to 2022/23
 5. Source of funding: Capital grants, capital receipts and earmarked revenue contributions
-

Staff

1. Number of staff (current and additional): 1fte
 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? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Capital Expenditure

- 3.1 This report sets out proposed changes to the Capital Programme following a detailed monitoring exercise carried out after the 1st quarter of 2019/20. The base position is the programme approved by the Executive on 13th February 2019, as amended by variations approved at subsequent Executive meetings. If the changes proposed in this report are approved, the total Capital Programme 2019/20 to 2022/23 would increase by £3,637k, mainly due to the increase of £1,922k to the Transport for London (TfL) funded Traffic and Highways schemes and the addition of £1,500k for new Boiler Plant Works scheme.

The variations are summarised in the table below with further detail set out in Appendix A.

	2019/20	2020/21	2021/22	2022/23	TOTAL 2019/20 to 2022/23
	£000	£000	£000	£000	£000
Programme approved by Executive 13/02/19	80,385	23,010	3,858	2,240	109,493
Variations approved at subsequent Executive meetings	14,057	5,000	0	0	19,057
Approved Programme prior to 1st Quarter's Monitoring	94,442	28,010	3,858	2,240	128,550
Variations requiring the approval of the Executive	3,637	0	0	0	3,637
Variations not requiring approval:					
Net rephasing from 2019/20 into future years	Cr 45,868	45,868	0	0	0
Total Amendment to the Capital Programme	Cr 42,231	45,868	0	0	3,637
Total Revised Capital Programme	52,211	73,878	3,858	2,240	132,187
Assumed Further Slippage (for financing purposes)	Cr 10,000	Cr 20,000	30,000	0	0
Assumed New Schemes (to be agreed)	0	3,500	3,500	3,500	10,500
	Cr 10,000	Cr 16,500	33,500	3,500	10,500
Projected Programme for Capital Financing Forecast (see appendix C)	42,211	57,378	37,358	5,740	142,687

3.2 Variations approved at subsequent Executive meetings

As detailed in Appendix A, variations totalling £12.2m have been approved since the February Executive meeting. This mainly relates to three schemes; £8.4m for the Provision of Housing supply in Anerley & Chislehurst scheme, £2.2m for Disabled Facilities Grant and £1.3m for the Housing unallocated PIL scheme.

3.3 Variations requiring the approval of the Executive (£3,637k net increase)

3.3.1 Transport for London (TfL) – Highways and Traffic Schemes (£1,922k increase in 2019/20)

Provision for transport schemes is 100% funded by TfL and forms the basis of the bid in the Borough Spending Plan (BSP) for the next 3 years. An increase to the budget for 2019/20 of £1,922k is requested to reflect the allocations provided for this financial year. TfL budgets change frequently and any further variations will be reported in subsequent capital monitoring reports.

3.3.2 Beacon House Refurbishment Scheme (net nil)

This scheme has now completed £391k under budget and Members are requested to approve the removal of this remaining budget. As this scheme was part funded by the Basic Need grant

(the rest being revenue contributions from Dedicated Schools Grant), Members are requested to approve the addition of this amount to the Basic Need scheme.

3.3.3 Phoenix Centre Scheme (£40k reduction in 2019/20)

This scheme was reinstated in 2015/16 as some outstanding requests for payment had been received from NHS Property Services, however no further costs are now anticipated and Members are therefore requested to approve the removal of this amount from the Capital Programme.

3.3.4 Devolved Formula Capital (£239k increase in 2019/20)

A grant of £182k was provided in 2018/19 by the DfE for Devolved Formula Capital (DFC) with a further £57k allocation confirmed for 2019/20 and Members are requested to agree the addition of these amounts to the DFC capital scheme.

3.3.5 Banbury House Demolition/Site Preparation scheme (£16k increase in 2019/20)

The costs for this scheme have exceeded the approved budget of £166k and Members are requested to approve the addition of £16k to the scheme, funded from revenue.

3.3.6 Modular Homes at York Rise (£6.0m addition to the Capital Programme)

A report elsewhere on the agenda requests the addition of £6.0m to the Capital Programme for the provision of modular homes for use as temporary accommodation at the York Rise site. It is proposed that £2.5m is funded from the remaining balance in the Housing Investment Fund, with the remainder of £3.5m funded from the Investment Fund. This has not been reflected in the figures in this report and will be included in the next capital monitoring report.

3.4 Scheme Rephasing

The 2018/19 Capital Outturn was reported to the Executive on 21st May 2019. The final capital outturn for the year was £30.9m compared to a revised budget of £37.8m. The variation of £6.9m was rephased from 2018/19 into 2019/20.

In the quarter 1 monitoring exercise, slippage of £45.9m has been identified and this has been re-phased from 2019/20 into future years to reflect the latest estimates of when expenditure is likely to be incurred. This has no overall impact on the total approved estimate for the capital programme. Further details are provided in Appendix B.

Capital Receipts

3.5 Details of the receipts forecast in the years 2019/20 to 2022/23 are included in Appendix E to this report to be considered under part 2 proceedings of the meeting. Actual receipts from asset disposals totalled £12.5m in 2018/19 and were estimated as £14.8m, a decrease of £2.3m from the figure reported to the Executive in February 2019 (£14.8m), mainly due to a site now which is now expected to be used for modular housing.

The latest estimate for 2019/20 has increased to £9.5m from £5.7m reported in February (excluding "other" capital receipts). The estimate for 2020/21 is £15.5m, a decrease of £10.3m to that reported in February 2019. The estimate for 2021/22 has increased to £11.7m from £5.2m, as reported in February. A total of £1m per annum is assumed for receipts yet to be identified in later years. These projections, as detailed in Appendix E, reflect prudent assumptions for capital receipts, and don't include estimated disposal receipts from the review being undertaken by Cushman and Wakefield.

Financing of the Capital Programme

- 3.6 A capital financing statement is attached at Appendix C and the following table summarises the estimated impact on balances of the revised programme and revised capital receipt projections which, as noted above, reflect prudent assumptions on the level and timing of disposals. Total balances would reduce from £49.3m (General Fund £20.0m and capital receipts £29.3m) at the end of 2018/19 to £17.2m by the end of 2021/22 and remain at that level through to 2025/26. It is therefore likely that any significant future capital schemes not funded by grants/contributions or revenue, may have to be funded from external borrowing.

	Balance 01/04/19	Estimated Balance 31/03/22	Estimated Balance 31/03/26
	£m	£m	£m
General Fund	20.0	17.2	17.2
Capital Receipts	29.3	0.0	0
	<u>49.3</u>	<u>17.2</u>	<u>17.2</u>

Investment Fund and Growth Fund

- 3.7 To help support the achievement of sustainable savings and income, the Council has set aside funding in the Investment Fund earmarked reserve (formerly known as the Economic Development and Investment Fund) to contribute towards the Council's economic development and investment opportunities. To date, total funding of £144.0m has been placed in the Investment Fund and Growth Fund earmarked reserves to contribute towards the Council's economic development and investment opportunities. In November 2014, £10m was set aside in the Growth Fund to support growth initiatives in Biggin Hill, the Cray Valley and Bromley Town Centre. Council approved additional allocations of £6.5m in December 2015, £6m in March 2016, £7m in June 2016, £4m in March 2017, £3.3m in June 2017 and £2.3m in May 2018 to the Growth Fund.

Appendix D provides a detailed analysis of the Funds dating back to their inception in September 2011. To date schemes totalling £114.6m have been approved (£85.5m on the Investment Fund, and £29.1m on the Growth Fund), and the uncommitted balances as at the end of June 2019 stand at £19.3m for the Investment Fund and £10.1m for the Growth Fund. As detailed in paragraph 3.3.6 a report elsewhere on the agenda requests an allocation of £3.5m from the Investment Fund for the provision of modular homes. If this is approved, the balance on the Investment Fund will reduce to £15.8m.

The 'Draft 2019/20 Budget and Updated on Council's Financial Strategy 2020/21 to 2022/23' reported to Executive on 16th January 2019 referred to the Growth and Investment Funds and that the monies remaining would now be prioritised for housing investment at this stage.

Feasibility Works – Property Disposals

- 3.8 At its meeting on 21st May 2018, Executive agreed to the creation of a new Earmarked Reserve with an initial allocation of £250k to be funded from the Growth Fund to allow feasibility works to be commissioned against specific sites so as to inform the Executive of sites' viability for disposal or re-development and potential scheme optimisation together with an appraisal as to worth.

Members requested that an update from Strategic Property be included in these quarterly capital monitoring reports, and the latest update is provided in Appendix F. Formal instructions are being processed for four locations, with four more estimated for September/October. To date expenditure of £170k has been incurred leaving a remaining budget of £80k for 2019/20.

Section 106 Receipts

3.9 In addition to capital receipts from asset disposals, the Council is holding a number of Section 106 contributions received from developers. These are made to the Council as a result of the granting of planning permission and are restricted to being spent on capital works in accordance with the terms of agreements reached between the Council and the developers. These receipts are held as a receipt in advance on the Council's Balance Sheet, the balance of which stood at £8,372k as at 31st May 2019, and will be used to finance capital expenditure from 2019/20 onwards. The current position on capital Section 106 receipts (excluding commitments) is shown below:

	Balance 31/03/19	Receipts 2019/20	Expenditure 2019/20	Balance 31/05/19
	£'000	£'000	£'000	£'000
Specified capital works				
Housing	3,510	0	67	3,443
Education	2,751	0	125	2,626
Highways	83	0	83	0
Local Economy	2,006	0	0	2,006
Other	0	300	3	297
TOTAL	8,350	300	278	8,372

The Council's budgets are limited and, where a developer contribution can be secured, this will be required as a contribution towards projects, notwithstanding any other allocation of resources contained in the Council's spending plans.

Post-Completion Reports

3.10 Under approved Capital Programme procedures, capital schemes should be subject to a post-completion review within one year of completion. 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 due to be submitted to the relevant PDS Committees:

- Beacon House Refurbishment

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 are contained in the main body of the report and in the appendices. Attached as Appendix C is a capital financing statement, which gives a long-term indication of how the revised Programme would be financed if all the proposed changes were approved and if all the planned receipts were achieved. The financing projections assume approval of the revised capital programme recommended in this report.

Non-Applicable Sections:	Legal, Personnel & Procurement Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	Capital Programme Monitoring Q3 2018/19 & Capital Strategy 2019 to 2023, (Executive 13/02/19); Capital Programme Outturn 2018/19 report (Executive 21/05/19).

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APPENDIX A - VARIATION SUMMARY

CAPITAL PROGRAMME MONITORING - JULY 2019 - SUMMARY OF VARIATIONS FROM APPROVED PROGRAMME

Variations on individual schemes	Date of meeting	2018/19 £'000	Revised 2019/20 £'000	Revised 2020/21 £'000	Revised 2021/22 £'000	Revised 2022/23 £'000	TOTAL 2019/20 to 2022/23 £'000	Comments / reason for variation
Current Approved Capital Programme								
Programme approved by Executive 13/02/2019	Exec 13/02/19	37,113	80,385	23,010	3,858	2,240	109,493	
Variations approved at subsequent Executive meetings								
Bromley MyTime	Exec 21/05/19	671					0	
Property Disposals / Feasibility Works	Exec 21/05/19		250				250	
Provision of Housing Supply in Anerley and Chislehurst	Exec 21/05/19		3,400	5,000	0	0	8,400	
Gateway Review of Housing IT Scheme funded from H-CLIC grant	Exec 21/05/19		20				20	
Orpington Town Centre	Exec 21/05/19		81				81	
TfL Traffic and Highways Scheme	Exec 21/05/19		Cr 6				Cr 6	
CCTV Control Room	Exec 21/05/19		Cr 32				Cr 32	
Disabled Facilities Grant	Exec 21/05/19		2,153				2,153	
Housing unallocated PIL	Exec 21/05/19		1,321				1,321	
Rephasing from 2018/19 into 2019/20		Cr 6,870	6,870				6,870	
Approved Programme prior to 1st Quarter's Monitoring		30,914	94,442	28,010	3,858	2,240	128,550	
Variations in the estimated cost of approved schemes								
(i) Variations requiring the approval of the Executive/Council								
Increase in TFL funding in Highways & Traffic Schemes			1,922				1,922	See paragraph 3.3.1
Removal of Beacon House Refurb scheme			Cr 391				Cr 391	See paragraph 3.3.2
Increase Basic Need scheme budget			391				391	See paragraph 3.3.2
Removal of Phoenix Centre scheme.			Cr 40				Cr 40	See paragraph 3.3.3
Addition of Devolved Formula Capital 2019/20			239				239	See paragraph 3.3.4
Increase of £16k to the Banbury House Demolition/Site Preparation scheme			16				16	See paragraph 3.3.5
Addition of £1,500k for Boiler Plant Works			1,500				1,500	
		0	3,637	0	0	0	3,637	
(ii) Variations not requiring approval								
Net rephasing from 2019/20 into future years			Cr 45,868	45,868	0	0	0	See paragraph 3.4
		0	Cr 45,868	45,868	0	0	0	
TOTAL AMENDMENT TO CAPITAL PROGRAMME		0	Cr 42,231	45,868	0	0	3,637	
TOTAL REVISED CAPITAL PROGRAMME		30,914	52,211	73,878	3,858	2,240	132,187	
Less: Further slippage projection			Cr 10,000	Cr 20,000	30,000		0	
Add: Estimate for further new schemes			0	3,500	3,500	3,500	10,500	
TOTAL TO BE FINANCED		30,914	42,211	57,378	37,358	5,740	142,687	

CAPITAL PROGRAMME MONITORING - JULY 2019 - SUMMARY OF VARIATIONS FROM APPROVED PROGRAMME - SCHEME REPHASING

Variations on individual schemes	2019/20 £'000	2020/21 £'000	TOTAL £'000	Comments/reason for variation
Rephasing of schemes				
Seed Challenge	Cr 200	200	0	Maintained schools will be requested to submit updates as to whether they will utilise approved budgets - otherwise money will be returned to Basic Need. £200k has been rephased to 2020/21 as the number of submissions are expected to be minimal this FY.
Schools Access Initiative	Cr 100	100	0	£159k Budget for 2019/20. Works are installation of sound field systems and hygiene room (delivery by Amey). IT is anticipated that £59k will be utilised in 2019/20 with the remainder rephased to 2020/21.
Capital Maintenance in Schools	Cr 130	130	0	These works are managed by Operational Property (Amey) and are progressing at number of schools. It is anticipated that £500k will be spend in 2018/19 with the remainder rephased to 2020/21.
Basic Need	Cr 5,000	5,000	0	A full detailed report on the various projects within the Basic Need Programme was reported to Executive on 11 Jul 18. Budget holder anticipates spend of £11.4m with remainder to be rephased to 2020/21.
S106 - Education (unallocated)	Cr 388	388	0	Several proposed schemes are in the pipeline. IT is anticipate that £400k will be spent this financial year and remaining budget has been rephased to 2020/21.
PCT Learning Disability / Reprovision Programme - Walpole Road	Cr 400	400	0	The remaining budget may well be utilised to fix issues with drains, fire access, roofing at Astley Day Centre, but is not expected to be complete in 201/19, so £400k has been rephased to 2020/21.
LIP Formula Funding	Cr 1,400	1,400	0	TfL LIP schemes being designed for delivery - some schemes likely to be delivered in summer of 2020. £1.4m to be rephased to 2020/21 as completion and invoicing of schemes expected by July 2020.
Winter Maintenance - Gritter Replacement	Cr 250	250	0	No planned gritter replacement will take place this year however funds need to remain available for any unplanned replacement of winter equipment over the next season. Team currently looking at the next round of replacement vehicles and submitting a bid before end of calendar year - these are likely to be purchased in summer of 2020. Anticipate spend of £36k if there is no serious winter experienced this year. £250k rephased into 2020/21.
Depot Improvement Works	Cr 2,294	2,294	0	Approved by Executive on 11th July 2018. Currently in process of recruiting PM and project board for the scheme. It is anticipated that once project resource is in place that works on site will commence Q3 2019/20.
Empty Homes Programme	Cr 60	60	0	Funding criteria changed in 2017 to improve take up - all long term empty property owners being targeted and made aware of assistance available. £60k rephased into next financial year as it is currently only anticipated that no more than 3 applications will be received.

CAPITAL PROGRAMME MONITORING - JULY 2019 - SUMMARY OF VARIATIONS FROM APPROVED PROGRAMME - SCHEME REPHASING

Variations on individual schemes	2019/20 £'000	2020/21 £'000	TOTAL £'000	Comments/reason for variation
Rephasing of schemes				
Renovation Grants - Disabled Facilities	Cr 3,153	3,153	0	Additional schemes to provide physical improvements to client's home environments and to assist with creating safer and healthier homes, reduce admissions to hospital and keep clients in their own home for longer have been prepared and will be considered at integration meetings. A private OT agency have been employed to deal with a backlog of assessments and have referred an additional 50 cases for grant aid. New procurement system is being trialled to increase output. As a result, it is anticipated that £1.5m will be spent this financial year, with £1m rephased to 20/21 budget.
Site G	Cr 4,000	4,000	0	Report was submitted to Council 11/12/17 formalising the Development Agreement with the preferred development partner and the Compulsory Purchase Strategy for the site. Demolition & starting on site anticipated in 2020 with completion of 410 units in 2024. Due to prolonged procurement £4.0m has been be rephased to 20/21.
Property Investment Fund	Cr 15,393	15,393	0	Full budget to be rephased to 2020/21 as no acquisitions are currently planned for this FY.
Civic Centre Development Strategy	Cr 12,000	12,000	0	Currently in process of recruiting consultancy services from the ESPO Property, Building and Infrastructure Advice and Management Services Framework to carry out a feasibility study for proposed works to the Civic Centre and Central Depot. ER&C PDS will ratify the new business case before submission to Executive later in the year for formal approval.
IT Transformation	Cr 600	600	0	Approved by Exec 28 Nov 2018. Network hardware including UPS ordered. Total spend for 2019/20 anticipated to be approx £3.6m with remaining £600k rephased to 2020/21.
SharePoint Productivity Platform upgrade/replacement	Cr 500	500	0	Officers now taking a tactical solution to move to Sharepoint 2010 from 2007 version, before finally moving to new platform of Office 365. Ongoing project which is gaining momentum. This scheme will now be delivered in-line with the IT Transformation scheme to ensure there is no duplication. Anticipate spend of £800k this year with £500k rephased to FY20/21.
TOTAL REPHASING ADJUSTMENTS	Cr 45,868	45,868	0	

CAPITAL FINANCING STATEMENT - EXECUTIVE 10/07/19 - ALL RECEIPTS

(NB. Assumes all capital receipts - see below)

	2018-19		2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	Estimate £'000	Actual £'000	Estimate £'000	Estimate £'000	Estimate £'000	Estimate £'000	Estimate £'000	Estimate £'000	Estimate £'000
<u>Summary Financing Statement</u>									
Capital Grants	12,939	11,221	14,507	10,468	1,270	0	0	0	0
Other external contributions	10,289	7,732	10,142	4,607	2,200	2,200	2,200	2,200	2,200
Usable Capital Receipts	5,367	8,905	12,110	42,203	14,273	3,440	3,400	3,400	1,000
Internal Borrowing	0	0	0	0	19,515	0	0	0	2,400
Revenue Contributions	3,518	3,056	5,452	100	100	100	100	100	100
General Fund	0	0	0	0	0	0	0	0	0
Borrowing (external)	0	0	0	0	0	0	0	0	0
Total expenditure	32,113	30,914	42,211	57,378	37,358	5,740	5,700	5,700	5,700
<u>Usable Capital Receipts</u>									
Balance brought forward	25,695	25,695	29,313	29,283	2,580	0	0	0	0
New usable receipts	12,396	12,523	12,080	15,500	11,693	11,298	8,489	9,906	1,000
	38,091	38,218	41,393	44,783	14,273	11,298	8,489	9,906	1,000
Capital Financing	Cr 5,367	Cr 8,905	Cr 12,110	Cr 42,203	Cr 14,273	Cr 3,440	Cr 3,400	Cr 3,400	Cr 1,000
Repayment of Internal Borrowing	0	0	0	0	0	Cr 7,858	Cr 5,089	Cr 6,506	0
Balance carried forward	32,724	29,313	29,283	2,580	0	0	0	0	0
<u>Internal Borrowing</u>									
Balance brought forward	0	0	0	0	0	Cr 19,515	Cr 11,657	Cr 6,568	Cr 62
Capital Financing	0	0	0	0	Cr 19,515	0	0	0	Cr 2,400
Repaid from new Capital Receipts	0	0	0	0	0	7,858	5,089	6,506	0
Balance carried forward	0	0	0	0	Cr 19,515	Cr 11,657	Cr 6,568	Cr 62	Cr 2,462
<u>General Fund</u>									
Balance brought forward	20,000	20,000	20,000	17,212	17,212	17,212	17,212	17,212	17,212
Less: Capital Financing	0	0	0	0	0	0	0	0	0
Less: Use for Revenue Budget	Cr 1,085		Cr 2,788	0	0	0	0	0	0
Balance carried forward	18,915	20,000	17,212	17,212	17,212	17,212	17,212	17,212	17,212
TOTAL AVAILABLE RESERVES	51,639	49,313	46,495	19,792	17,212	17,212	17,212	17,212	17,212
Assumptions:									
New capital schemes - £3.5m p.a. from 2021/22 for future new schemes.									
Capital receipts - includes figures reported by Property Division as at 20/06/19 - as shown in Appendix F									
Current approved programme - as recommended to Executive 10/07/19									
Internal Borrowing to fund until Capital Receipts pay back - Site G, Depot Improvement									

APPENDIX D - INVESTMENT FUND GROWTH FUND

INVESTMENT FUND & GROWTH FUND - 10 July 2019

<u>Investment Fund</u>	<u>£'000</u>
<u>Revenue Funding:</u>	
Approved by Executive 7th September 2011	10,000
Approved by Council 27th February 2013	16,320
Approved by Council 1st July 2013	20,978
Approved by Executive 10th June 2014	13,792
Approved by Executive 15th October 2014	90
Approved by Executive 26th November 2014 (Transfer to Growth Fund)	Cr 10,000
New Home Bonus (2014/15)	5,040
Approved by Executive 11th February 2015 (New Homes Bonus)	4,400
Approved by Executive 10th June 2015	10,165
Approved by Executive 2nd December 2015 (New Homes Bonus)	141
Approved by Executive 10th Feb 2016 (New Homes Bonus)	7,482
Approved by Executive 6th December 2017	3,500
Approved by Executive 21st May 2018	2,609
	84,517
<u>Capital Funding*:</u>	
Approved by Executive 11th February 2015 (general capital receipts)	15,000
Approved by Executive 10th February 2016 (sale of Egerton Lodge)	1,216
Approved by Executive 7th November 2017 (Disposal of 72-76 High Street)	4,100
	20,316
Total Funding Approved:	104,833
<u>Property Purchase</u>	
Approved by Executive 7th September 2011 (95 High St)	Cr 1,620
Approved by Executive 6th December 2012 (98 High St)	Cr 2,167
Approved by Executive 5th June 2013 (72-76 High St)	Cr 2,888
Approved by Executive 12th June 2013 (104 - 108 High St)	Cr 3,150
Approved by Executive 12th February 2014 (147 - 153 High St)	Cr 18,755
Approved by Executive 19th December 2014 (27 Homesdale)	Cr 3,938
Approved by Executive 24th March 2015 (Morrisons)	Cr 8,672
Approved by Executive 15th July 2015 (Old Christchurch)	Cr 5,362
Approved by Executive 15th July 2015 (Tilgate)	Cr 6,746
Approved by Executive 15th December 2015 (Newbury House)	Cr 3,307
Approved by Executive 15th December 2015 (Unit G - Hubert Road)	Cr 6,038
Approved by Executive 23th March 2016 (British Gas Training Centre, Thatcham)	Cr 3,666
Approved by Executive 15th June 2016 (C2 and C3)	Cr 6,394
Approved by Executive 14th March 2017 (Trinity House)	Cr 6,236
Approved by Executive 1st December 2017 (54 Bridge Street, Peterborough)	Cr 3,930
	Cr 82,869
<u>Other Schemes</u>	
Approved by Executive 20th November 2013 (Queens's Garden)	Cr 990
Approved by Executive 15th January 2014 (Bromley BID Project)	Cr 110
Approved by Executive 26th November 2014 (BCT Development Strategy)	Cr 135
Approved by Executive 2nd December 2015 (Bromley Centre Town)	Cr 270
Approved by Executive 15th June 2016 (Glades Shopping Centre)	Cr 400
Approved by Executive 11th January 2017 (Disposal of Small Halls site, York Rise)	Cr 46
Valuation for 1 Westmoreland Rd	Cr 5
Valuation for Biggin Hill - West Camp	Cr 10
Growth Fund Study	Cr 170
Crystal Park Development work	Cr 200
Civic Centre for the future	Cr 50
Strategic Property cost	Cr 258
Total further spending approvals	Cr 2,644
Uncommitted Balance on Investment Fund **	19,320

* Executive have previously approved the use of specific and general capital receipts to supplement the Investment Fund

** A report elsewhere on the agenda requests the allocation of £3.5m for modular homes. If approved, the uncommitted balance would reduce to £15.8m

APPENDIX D - INVESTMENT FUND GROWTH FUND

<u>Growth Fund:</u>	£'000
<u>Funding:</u>	
Approved by Executive 26th November 2014 (Transfer from Investment Fund)	10,000
Approved by Executive 2nd December 2015	6,500
Approved by Executive 23rd March 2016	6,000
Approved by Executive 15th June 2016	7,024
Approved by Executive 22nd March 2017	4,000
Approved by Executive 14th June 2017	3,311
Approved by Executive 21st May 2018	2,319
Total funding approved	39,154
<u>Schemes Approved and Committed</u>	
Approved by Executive 24th March 2015 (Housing Zone Bid (Site G))	Cr 2,700
Approved by Executive 24th March 2015 ((Site G) - Specialist)	Cr 200
Approved by Executive 18th May 2016 (Feasibility Studies and Strategic Employment Review)	Cr 180
Approved by Executive 18th May 2016 (Broadband Infrastructure Investment)	Cr 50
Approved by Executive 20th Jul 2016 (BID - Penge & Beckenham)	Cr 110
Approved by Executive 1st Nov 2016 (19-25 Market Square)	Cr 10,705
Approved by Executive 1st Nov 2016 (63 Walnuts)	Cr 3,804
Approved by Executive 22nd March 2017 (Bromley Town Centre Public Realm Improvement Scheme)	Cr 2,844
Approved by Executive 7th November 2017 (Bromley Town Centre and Public Realm)	Cr 464
Approved by Executive 17th October 2018 (Bromley Town Centre - Mirrored Canopies & Shops)	Cr 415
Approved by Executive 22nd March 2017 (Project Officer cost Bromley Town Centre Public Realm imprc)	Cr 40
Approved by Executive 22nd March 2017 (Community Initiative)	Cr 15
Approved by Executive 24th May 2017 (Feasibility Works/Property Disposal)	Cr 250
Renewal Team Cost	Cr 310
Approved by Executive 28th November 2018 (Housing Development Feasibility)	Cr 100
Approved by Executive 27th March 2019 (West Wickham BID)	Cr 75
Total further spending approvals	Cr 22,262
<u>Schemes Approved, but not committed</u>	
Approved by Executive 26th November 2014 (for Biggin Hill and Cray Valley)	Cr 6,790
Uncommitted Balance on Growth Fund	10,102

APPENDIX F - FEASIBILITY WORKS

CAPITAL PROGRAMME MONITORING - JULY 2019

Location	Estimated Feasibility / Viability Cost (£'000)	Description	Jul 2019 Status
West Wickham Leisure Centre	35	To fund study to deliver optimal new leisure facilities based on market evidence as to rents from third party operators', together with residential development, to generate a capital receipt to fund the cost of re-provision of facilities.	Programme in development and consultants now instructed. Reporting to Executive in July 2019.
The Glades Department Store	49	To fund work to progress the business case for the development of a new Department Store at the Glades Shopping Centre, utilising the Council's business interests at Market Square, so as to improve footfall and therefore improve the asset value and return on income derived from the Councils ownership of The Glades.	Work progressing with landlord and advisors to future proof Glades operation in the event of further downturn in retail supply. Meeting with Retailers planned for August. Likely re-gear of Glades Lease to release value from Alaskan Owners - specialist valuation work to progress - costs to be sought post meeting with Retailers.
The Walnuts Centre	33	To fund work to progress the business case for the development at the Walnuts utilising the Council's interests at and around the Walnut's Centre including the Leisure Centre so as to provide larger retail opportunities and improve footfall and therefore improve the asset value and return on income derived from the Councils ownership of The Walnuts.	Requirement for Orpington masterplan to include Walnuts now being progressed with bid HM govt high street fund having been made .
Old Town Hall/Civic Centre	44	To fund a review of the Council's accommodation strategy at the Civic Centre based on the addition of the former Town Hall becoming available as part of the Council's property portfolio and how that asset could be utilised as a Democratic Centre and associated offices/meeting space.	Old Town Hall / South St car park site disposed off. Monies to be utilised to further CCG/Office development opportunity.
Depots Review - Disposal Options	45	To fund disposal viability studies as to density and permitted development, together with initial planning briefs, so as to be in a position to take to market after the outcome of the Depot review.	Programme of capital works being developed with newly appointed waste contractor - works items being finalised target date August 2019.
Biggin Hill Aviation College - Alternative	20	To fund potential alternative site viability studies for Biggin Hill should the Council decide not to pursue Area 1 purchase for an Aviation College/Enterprise Zone.	Not progressing - budget to be transferred to Walnuts Centre.
Libraries (Chislehurst model roll out)	18	To fund the investigation of viability of renewing other library facilities, by redeveloping their sites, and using the capital receipt proceeds to develop replacement facilities within said schemes.	Not actioned as yet - due to Dev Agreement not yet entered into - model being developed for other sites.
Lease standardisation	6	To fund legal work to create standard T&C's to the property portfolio	Not progressing - budget to be transferred to Walnuts Centre.
TOTAL	250		

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Report No.
CSD19112

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Executive Key

Title: **REPLACEMENT OF THE DISTRICT HEATING SYSTEM
BOILERS AND RELATED WORKS TO WALNUTS LEISURE
CENTRE**

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: Orpington;

1. Reason for report

- 1.1 The Executive is due to consider the attached report at its meeting on 10th July 2019. Subject to the Executive agreeing the proposals, Council is recommended to agree that the scheme be added to the Capital Programme.
-

2. **RECOMMENDATION**

That, subject to recommendation by the Executive, the scheme to replace the District Heating System Boilers and carry out Related Works to the Walnuts Leisure Centre be approved and added to the capital programme, with funding of £1.5m from capital receipts.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost: £1.5m
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Capital Receipts
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable: Full Council decision
-

Procurement

1. Summary of Procurement Implications: Not 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? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

Non-Applicable Sections:	See attached report
Background Documents: (Access via Contact Officer)	See attached report

Decision Maker: EXECUTIVE

Date: Wednesday 10 July 2019

Decision Type: Non-Urgent Executive Key

Title: REPLACEMENT OF THE DISTRICT HEATING SYSTEM
BOILERS AND RELATED WORKS TO WALNUTS LEISURE
CENTRE

Contact Officer: Catherine Pimm, Senior Property Manager
Tel: 020 8461 7834 E-mail: Catherine.Pimm@bromley.gov.uk

Chief Officer: Director of Regeneration

Ward: Orpington;

1. Reason for report

The District Heating System in Orpington is approximately 40 years old and is now subject to frequent breakdowns. This report requests the funding to carry out essential replacement of the boilers to prevent total breakdown. In addition associated repairs to the secondary heating plant at the Walnuts Leisure Centre are also required.

2. **RECOMMENDATIONS**

Members are asked to approve:

- 2.1 **funding in the sum of £1.5m from capital receipts to carry out the works outlined in this report and add the scheme to the Capital Programme, subject to agreement of Full Council.**
- 2.2 **the procurement proposals outlined in sections 3.14 to 3.17 in the report.**
- 2.3 **delegated authority to the Director of Regeneration to approve variations using the contingency**
- 2.4 **delegated authority to the Director of Regeneration to finalise the contributions from leaseholders which would reduce the net cost to the Council of this scheme.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost: £1.5m
 2. Ongoing costs: Non-Recurring Cost: £1.5m
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: N/A
 5. Source of funding: Capital Receipts
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Walnuts District Heating System is located in the basement of Orpington College and serves the College, Walnuts Leisure Centre, Orpington Library/ Walnuts Offices, Saxon Day Centre/Saxon Family Centre and the Shopping Centre (common parts only).
- 3.2 The system provides heating and hot water through a medium temperature hot water (MTHW) primary heating source from the centralised plant via calorifiers and plate heat exchangers sited within satellite plant rooms serving each of the above buildings.
- 3.3 The system is owned and maintained by the Council and each building's usage is monitored via heat meters and users appropriately recharged in accordance with their leases or heating agreements. The % usage of each user is broken down as follows:

ORPINGTON COLLEGE	27%
ORPINGTON LIBRARY	2%
COUNCIL OFFICE	1%
SAXON CENTRE	1.75%
SAXON CENTRE	1%
SHOPPING CENTRE	0.25%
LEISURE CENTRE	67%
	100%

- 3.4 The current system is now 40 years old and it has been expanded over time by the inclusion of additional boilers from elsewhere on the Bromley estate and, through maintenance and timely replacement of failing components, the system had been kept in operation without any significant failure resulting in the total loss of service to users. However this position is becoming increasingly harder to maintain with the age of the plant. Breakdowns have in recent months become more frequent and are taking longer to repair, as the faults become more serious and parts harder to source. The Walnuts Leisure Centre, which is the largest heat consumer, has recently had to close its swimming pool, due to plant failure. As the risk of complete failure is now high, it is proposed to renew the boilers with a like for like replacement.
- 3.5 The Walnuts Leisure Centre also has secondary associated plant, which provides a back-up to the district heating system. The secondary plant is also life expired and subject to frequent breakdown with the consequence that the building has no resilience. It is also proposed as part of this project to replace some of the essential life-expired plant within the leisure centre itself.
- 3.6 The estimated cost of this work is £1.5m, which is broken down as follows:

	Estimated total cost £'000s
Walnuts DH Plant	
Construction - District Heating Plant	1090
Construction - Walnuts Leisure Centre	110
Consultant fees	130
Survey Fees	5
Building Control Fees	5
Asbestos	25
Client Contingency (10%)	135
Total	1500

- 3.7 Legal Services were requested to review the leases and heating agreements of the buildings, which benefit from the District Heating System and advise if the Council can seek a contribution towards the capital replacement costs from their occupants.
- 3.8 Legal Services have advised that the Council cannot seek a contribution from the leaseholders who occupy Orpington Library, Saxon Centre and Walnuts Leisure Centre.
- 3.9 Orpington College and Walnuts Shopping Centre have heating agreements and, under their terms, are expected to contribute towards any plant replacement costs.
- 3.10 Orpington College is expected to pay a fair and reasonable proportion towards the costs with a cap relating to the annual amount of their consumption. The Shopping Centre is liable to pay a capped amount, however that amount must be agreed.
- 3.11 Officers are seeking the total estimated cost of £1.5m for the works, but will apply any contributions received from the College and Shopping Centre to reduce that amount. It is not possible to be specific about contributions at this time as they will be subject to successful negotiations and agreement. It is also not advisable to delay the works pending these negotiations, due to the high risk of plant failure.
- 3.12 Legal Services has also confirmed that under the terms of the lease the Council, as landlord is responsible for replacement of boiler house ancillary equipment in the Walnuts Leisure Centre.
- 3.13 The works proposed as part of this scheme can be broken down into two distinct parts, the replacement of the boilers in the District Heating Plant and the replacement of the secondary associated plant in the Walnuts Leisure Centre. The latter work is straightforward and it is proposed to deliver it separately. The proposed procurement route for the works is as follows:

District Heating Plant

- 3.14 It is proposed to select a multi-disciplinary consultancy services from the ESPO Property, Building and Infrastructure Advice and Management Services Framework using mini competition to deliver the project.
- 3.15 It is also proposed to select contractors in accordance with the appropriate EU/ Public Procurement Regulations, which is likely to be via open advert using Contract Finder.
- 3.16 It is recommended that delegated authority is approved for the Director of Regeneration to approve any variations using the client contingency.

Walnuts Leisure Centre

- 3.17 It is proposed that Amey Ltd will carry out the work using their Preferred Supplier List and in accordance with the terms of the TFM contract.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There is not considered to be an impact on Vulnerable Adults and Children as a consequence of this decision.

5. FINANCIAL IMPLICATIONS

- 5.1 This report is seeking approval to allocate £1.5m from capital receipts to fund the renewal of the district heating system and the secondary plant. Approval is sought to add the scheme to the capital programme, subject to agreement of Full Council.
- 5.2 Should officers be successful in negotiating contributions towards the renewal costs, in accordance with the terms of the lease, the amount will reduce the funding required from capital receipts.

6. LEGAL IMPLICATIONS

- 6.1 The Council is required to undertake maintenance of its properties. Failure to ensure that its properties and buildings are maintained to a level to avoid risks to its staff and members of the public can lead to criminal and civil liability.
- 6.2 In addition the Council has obligations under the leases and heating agreements to provide heating and hot water to these buildings, without which they cannot remain operational.
- 6.3 In the Walnuts Leisure Centre lease, the Council is obliged to replace the heating plant and equipment within their building, whereas the tenant is obliged to maintain and repair these items.
- 6.4 The Council will recover any monies in accordance with the terms of the heating agreements.
- 6.5 The Procurement Implications set out in section 7 of this report adequately covers the issues concerning compliance with the CPR's and the Public Contracts Regulations 2015.

7. PROCUREMENT IMPLICATIONS

- 7.1 This report recommends conducting a mini competition using the abovementioned ESPO Framework for the provision of consultancy services at an estimated value of £130k. The duration of the contract is yet to be determined but will complete at the end of the construction contract's defects liability period.
 - 7.1.1) In accordance with Clause 3.5 of the Contract Procedure Rules, the Head of Procurement has been consulted regarding the use of the Framework.
 - 7.1.2) The Council is able to make use of the Framework and has been properly included on the Contract Notice.
 - 7.1.3) In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), the mini competition must be carried out using the Council's e-procurement system.
- 7.2 Further to this, the report recommends proceeding to procurement for a works contractor for the replacement of the district heating system boilers at an estimated value of £1.1m. The duration of the contract is yet to be determined but will complete at the end of the defects liability period.
 - 7.2.2) The procurement must comply with EU Treaty principles of transparency and equal treatment. Any time limits imposed, such as for responding to adverts and tenders, must be reasonable and proportionate.
 - 7.2.3) On award, a Contracts Finder notice will be published.

- 7.3 The report also recommends Amey Ltd procures and delivers the works to the Walnuts Leisure Centre. This work will be delivered in accordance with the TFM contract and the Client Team will monitor their activities and delivery in accordance with the terms of the contract.
- 7.4 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

Non-Applicable Sections:	Policy Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	

Report No.
CSD19113

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Executive Key

Title: AWARD OF CONTRACT FOR THE BUILD AND MANAGEMENT OF MODULAR HOMES AT THE YORK RISE SITE (PART 1)

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: Farnborough and Crofton;

1. Reason for report

- 1.1 At its meeting on 10th July 2019, the Executive is due to consider the attached report on the receipt of tenders for the delivery and management of modular build accommodation at York Rise, Orpington. The Executive is recommended to award a contract with a contract period of fifteen years with the option to extend for a further five years. The report was also scrutinised by the Renewal, Recreation and Housing PDS Committee on 2nd July 2019, and a part 2 version of the report has been circulated which includes financial details of the tenders and the proposed contract. If the proposal is agreed by the Executive, Council will need to approve the addition of the necessary funding to the Capital Programme.
-

2. **RECOMMENDATION**

That Council approves the addition of funds to the Capital Programme funded from the Housing Investment Fund and the Investment Fund for the purchase of the modular constructed units, planning, preparation and associated construction costs.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Modular constructed units will provide suitable accommodation in the borough to help meet housing needs and safeguard vulnerable adults and children.
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People; Supporting independence
-

Financial

1. Cost of proposal: See part 2 report
 2. Ongoing costs: See part 2 report
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: Not applicable
 5. Source of funding: Housing Investment Fund and Investment Fund
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement: Housing Act 1996
 2. Call-in: Not Applicable: Full Council decisions are not subject to call-in
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): See attached report
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: See attached report

Non-Applicable Sections:	Impact on vulnerable adults and children/Policy/ Finance/Personnel/Legal/Customers
Background Documents: (Access via Contact Officer)	

Decision Maker: **EXECUTIVE**
For Pre-Decision Scrutiny by the Renewal, Recreation and Housing Policy Development and Scrutiny Committee on Tuesday 2nd of July 2019

Date: Executive – 10th July 2019

Decision Type: Non-Urgent Executive Key

Title: **AWARD OF CONTRACT FOR THE BUILD AND MANAGEMENT OF MODULAR HOMES AT THE YORK RISE SITE**

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

Chief Officer: Director: Housing (ECHS)

Ward: Farnborough and Crofton

1. REASON FOR REPORT

- 1.1 Members have received regular reports detailing the current pressures in relation to homelessness and nightly paid temporary accommodation. Executive on the 10th January 2018 agreed permission for a formal tender to commence to appoint a supplier of modular build accommodation at the York Rise site in Orpington.
- 1.2 This report provides details of the tenders received for the delivery and management of modular build accommodation and makes recommendations for the award of contract and supporting finance arrangements.

2. RECOMMENDATIONS

- 2.1 Members of the Renewal, Recreation and Housing PDS Committee are asked to review and provide their comments on the proposal for the award for the provision of modular build accommodation at the York Rise site together with a management contract, to the Executive for consideration.
- 2.2 The Executive are asked to:
 - i) Award a contract for the the provision of modular build accommodation and management contract at the York Rise site for a contract period of 15 years, with the option to extend for a further 5 years.

- ii.) Bidders were requested to provide prices for both the leasing of the modular units to the Council and the option for the Council to purchase the modular units at the outset or during the lifetime of the contract. Members are asked to agree to the modular units being purchased on day 1 of the contract period.
- iii) Recommend that Council approves the addition of funds to the Capital Programme funded from the Housing Investment Fund and the Investment Fund for the purchase of the modular constructed units, planning, preparation and associated constructions costs.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Modular constructed units will provide suitable accommodation in borough to help meet housing needs and safeguard vulnerable adults and children.

Corporate Policy

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

Financial

1. Cost of proposal: Included within Part 2 Report
 2. Ongoing costs: Included within Part 2 Report
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: N/A
 5. Source of funding: Housing Investment Fund and Investment Fund
-

Staff

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

Legal

1. Legal Requirement: Statutory duty: The statutory rehousing duty is set out in the Housing Act 1996
 2. Call-in: Applicable Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): During the past year Bromley received approaches from around 3,000 households at risk of homelessness. There are currently approximately 1,560 households living in temporary accommodation of which around 900 are in forms of costly insecure nightly paid accommodation
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Ward Councillors were asked to comment on the initial proposal for use of York Rise for modular constructed affordable units and attended a site visit. Full consultation will be undertaken with ward Councillors in developing the final designs for the scheme both prior to and during the planning application process.

3. COMMENTARY

- 3.1 As previously reported, the Council has received a sharp increase in the number of households approaching for assistance and accommodation leading to a significant increase in the number of households having to be accommodated in temporary accommodation. The Council needs to secure a much higher percentage of accommodation through a wider range of schemes to reduce the current reliance on high costs nightly paid units and associated cost pressures.
- 3.2 On the 24th May 2017 Executive were informed on the potential of the Council owned piece of land at York Rise for the provision of modular constructed homes. Executive agreed that officers should proceed with a further analysis to assess the suitability of the site and to engage the market to obtain a good understanding of market solutions as this is the first modular build project the Council has worked on.
- 3.3 Executive were informed of the findings of the market engagement on the 10th of January 2018 and agreement was made for the formal tender process to begin to appoint a supplier to provide the construction of the modular units including the management of the units.

4. DESCRIPTION OF SERVICE AND SUMMARY OF THE BUSINESS CASE

- 4.1 Like most London boroughs one of the most significant long term cost pressures is the increase in temporary accommodation to meet statutory rehousing duties and the shift in the market to nightly rate accommodation. Due to the ever growing demands of temporary accommodation, it is accepted that the Council will need to make some placements in other local authority areas, however there are risks attached to doing this in volume and recently other London Boroughs have faced significant six figure sum fines for placing out of borough or in shared accommodation. As such, the York Rise site being within the Bromley Borough brings easy transport links, local support networks, and access to employment and so forth thus continuing to ensure that the Council meets its statutory obligations in relation to the suitability criteria for temporary accommodation.
- 4.2 The proposal offered by the recommended solution operates as a full “turn-key solution” for the delivery and management of a scheme which includes the following range of services:
 - Detailed analysis of the land capacity to support accommodation in order to make best use of the land
 - Design of the units and site layout, recognising the need for an appropriately designed accommodation to suit the surrounding area
 - Formal planning application on the Council’s behalf, including the carrying out a public consultation to inform local residents of the new scheme and guide any local concerns
 - Ground analysis of the site, carrying out surveys and investigatory works before beginning any groundworks
 - Acquisition and installation of the units including ensuring all utility works are carried out and completed and up to the necessary standards to let including preparation of the site and landscaping
 - Disassembly and disposal of the units at the end of the term (if this option is exercised)
 - Management of the units and the site as detailed in section 4.3
- 4.3 As this contract is considered to be a turn-key solution, the provider will also undertake all housing and tenancy management duties on the Council’s behalf. The

Council will retain 100% nomination rights to have direct control over letting of the units.

- 4.4 The units are built off site and can be installed in a relatively short time period subject to planning permission has been granted. They can also be dismantled and moved to a different location if this option was ever required. The proposed unit mix is set out within the Part 2 Report.
- 4.5 This Contract is awarded on the basis of the initial outline design and estimated costs which is subject to final consultation and sign off by the Council prior to the Planning Process.

Capital Funding

- 4.6 The providers were asked to submit two costs within their proposals; the cost for the Council to lease the units on an annual basis (with the option to purchase at any point during the lifetime of the contract) and a cost for the Council to purchase the units at the start of the contract. Both prices were requested to determine which option proposed best value for money. The recommended proposal is for the Council to purchase the units upfront as a one-off cost because it represents significantly better value for money to the Council, as detailed in section 12 of the Part 2 Report.
- 4.7 Capital funding is also required to underwrite the planning process and for the site preparation and construction works including all groundworks as set out in section 12 of the Part 2 Report.

Revenue

- 4.7 The Council has full nomination rights and flexibility of use for temporary and settled housing solutions to best meet demand and statutory rehousing requirements in the most effective way.
- 4.8 The ongoing management and maintenance costs would be financed through the rental stream, with the surplus returned to the Council.

5 CONTRACT AWARD RECOMMENDATION

- 5.1 **Recommended Provider** – Included within the Part 2 Report
- 5.2 **Estimated Contract Value (annual and whole life)** – Included within the Part 2 Report
- 5.2 **Other Associated Costs** – Included within the Part 2 Report
- 5.3 **Proposed Contract Period** – 15 years + 5 years
- 5.4 A competitive procedure with negotiation was undertaken with an evaluation criteria based on 60% price and 40% quality, with a minimum quality qualifying score criteria.
- 5.5 The tender documents were published on the 23rd of March 2018 with the supplier shortlisting's (SQ) to be returned by the 1st of May 2018. Initially there were 44 expressions of interest and only 6 providers submitted the Selection Questionnaire for the first round. Of this 6, only 3 providers were taken through to the next stage and invited to submit their initial proposal.

- 5.6 The providers were asked to submit a bid based on the current service specification and the Councils published contract documents which provided for the Council's minimum requirements under the negotiated process. On the 25th of June 2018, 3 providers were asked to submit their initial tender bids.
- 5.7 The providers submissions were scored on the 60% Price, 40% Quality criterion. The following breakdown shows the quality criterion as evaluated on:

	Criteria	Weighting
Criterion 1	Financial Resources and Contract Affordability	10%
Criterion 2	Design and Planning	15%
Criterion 3	Consultation	15%
Criterion 4	Implementation	20%
Criterion 5	Housing Management – Buildings	20%
Criterion 6	Housing Management – Tenants	20%

- 5.8 Under the competitive procedure with negotiation, the Council can repeat the initial tender, feedback and negotiation stages as a re-iterative process until the Council arrives at a point where they wish to seek final tender bids from the remaining candidates.
- 5.9 After the first submission, one provider did not score above the criteria threshold and was therefore removed from the process. The remaining providers were asked to submit two further outline proposals with clarification and negotiation meetings. Final tender submission was requested on the 14th of June 2019.
- 5.10 The tender process, including the evaluation arrangements were overviewed by a project team and a wider Management Board which included lead officers from Procurement, Legal, Finance, Renewal & Recreation and the service area.
- 5.11 The outcome of the evaluation of the final tender submission is included within the Part 2 Report.

6 MARKET CONSIDERATIONS

- 6.1 With all London borough facing increased pressure to meet statutory rehousing responsibilities, competition to secure available temporary accommodation is fierce. Housing Benefit freezes have meant that this market has become less attractive to providers and there has been a significant market shift to costly nightly rate accommodation. Use of Council owned sites for the development of affordable and temporary accommodation offers a cost effective solution to reduce the reliance on the nightly rate market.
- 6.2 Soft market testing was undertaken to inform the tender process and engage with the market.
- 6.2 The tender allowed for comparison of both leasing and outright purchase options to ensure best value for money.
- 6.3 Whilst off-site construction is still a relatively new delivery model, there are an increasing number of providers entering the market for both short and long term

housing solutions. Particular attention was given within the specification to ensure the quality and life span of the units will be fit for purpose.

7. STAKEHOLDER ENGAGEMENT

- 7.1 The Council has a published temporary accommodation procurement and placement policy and homelessness strategy, both of which have been developed in consultation with key partners and service users.
- 7.2 The Council has consulted widely with other housing authorities in London and the South East who have developed similar modular schemes. London Councils Housing Directors group has undertaken extensive data sharing in relationship to the Temporary Accommodation market (providers, prices, availability) and homeless demand. The Council continues to liaise frequently with housing providers to gain insight into the market.
- 7.3 Before going out to tender, the Project Team undertook a “Suppliers Day” which informed the decision on which tendering procedure to use and the suitability around the length of contract. The Suppliers Day also helped to inform the specification and requirements.

8. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 8.1 Improving the supply of good quality accommodation will have a positive impact on homeless people placed by the Council. The scheme will bring more access for temporary accommodation within Bromley or retaining temporary accommodation for existing Bromley residents; this will enable them and their families to retain contact with their own community, health resources, schools etc. This will have a positive impact on the well-being of Bromley residents and the life chances of children.
- 8.2 Full consideration will be given to the design in order to minimise the impact on those homes overlooking the site. Residents and Ward Members will be consulted as part of the formal process in order to ensure that the scheme compliments the local street scene.
- 8.3 Due to the nature of the location of the site, there may be minor disruption to the local people living in Crofton. However, the modular units are manufactured offsite and are craned in over a short period of time thus causing minimal disruption when compared to traditional build methods.
- 8.4 It has been noted that the empty site has attracted loitering and anti-social behaviour which has caused disruption to local residents. The development of the site will eliminate this and improve the environment for local residents.

9. POLICY CONSIDERATIONS

- 9.1 The housing objectives are set out in the relevant business plans. These objectives are compliant with the statutory framework within which the Council’s housing function must operate and incorporate both national targets and local priorities identified from findings of the review, audits and stakeholder consultation.
- 11.2 The Council has a TA procurement and placement policy which seeks to ensure compliance with the statutory framework for the provision of temporary accommodation meeting the requirements for suitability whilst seeking value for money in all placements. The homelessness strategy and forthcoming housing

strategy also set out the range of initiatives required to prevent homelessness and secure a sufficient supply of accommodation to meet statutory housing needs.

- 11.3 The provision of additional accommodation through modular construction methods would provide warm, safe and fully equipped homes to meet housing need and reduce the number of families placed into insecure and costly forms of nightly paid provision. Such accommodation can be used flexibly as the Council would maintain full control over nominations to enable use on a best term basis for temporary or settled housing solutions to meet statutory housing need.

10. IT AND GDPR CONSIDERATIONS

- 10.1 There is a third party Statement from the recommended provider detailing compliances with GDPR.

11. PROCUREMENT RULES

- 11.1 This report seeks to award the contract for the build and management of modular homes at York Rise, Orpington.
- 11.2 The Tender was advertised as a Competitive Procedure with Negotiation and the process has been carried out.
- 11.3 In Compliance with the Council's Contract Procedure Rules 8.2.1 the Council made use of a Public Advertisement for the Invitation to Tender. The opportunity was also included on 'Contract Finder' and the Official Journal of the European Union (OJEU), with all Suitable Candidates responding, being considered.
- 11.4 A sufficient number of candidates responded to the Stage One 'Selection Questionnaire', with 3 candidates going on to Stage 2 tender submissions. Of these one candidate did not meet the minimum score at the initial submission, and was ruled out of the process. Further rounds of clarification, negotiation and discussion were undertaken, resulting in 3 further submissions from the 2 remaining bidders.
- 11.5 Following the decision of this report, an OJEU Award Notice will be issued and, as the contract value is over £25,000, which will be published on Contracts Finder. A mandatory standstill period of 10 days, known as the Alcatel Mandatory Standstill Period, will need to be observed.
- 11.6 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

12. FINANCIAL CONSIDERATIONS

- 12.1 It is proposed that the Council award the contract under the up-front purchase option. Details regarding the financial considerations of the tenders and the total capital costs are included within the Part 2 Report.
- 12.2 The 'Draft 2019/20 Budget and Updated on Council's Financial Strategy 2020/21 to 2022/23' reported to Executive on 16th January 2019 referred to the Growth and Investment Funds retained by the Council and that the monies remaining would be prioritised for housing investment at this stage. It is proposed that the scheme is funded from the Housing Investment Fund and the Investment Fund.

- 12.3 There may be the opportunity to secure grant funding from the GLA towards this scheme, which will reduce the need for Council capital funding.
- 12.4 By utilising this site for housing, the Council is foregoing a capital receipt estimated at £2.5m if the site were to be disposed of on the open market.
- 12.5 If planning permission is not obtained for the scheme then the Council will be liable for some of the costs incurred by the provider. These are specified in the Part 2 Report.

13. PERSONNEL CONSIDERATIONS

- 13.1 See paragraph 14.9.

14. LEGAL CONSIDERATIONS

- 14.1 The Housing Act 1996 sets out the Council's statutory Housing duties.
- 14.2 The Council can rely on Part 7 of the Housing Act 1996 to provide temporary accommodation together with the general power of competence in section 1 Localism Act 2011. Accommodation made available under Part 7 of the Housing Act 1996 strictly as provided by Schedule 1 of the Housing Act 1985, will not be a secure tenancy or license.
- 14.3 The demand for homeless accommodation has continued to increase following the implementation of the Homeless Reduction Act 2018, as the duties towards homeless households are expanded. The Council must make decisions in accordance with the law and also in accordance with its fiduciary duty to its tax payers in using Council resources. The report explains the benefits including the financial benefits that must be properly weighed up and considered before taking the decisions set out in the recommendations.
- 14.4 A contract for the procurement of modular buildings and management of the units and tenants is a mixed public contract within the meaning of the Public Contracts Regulations 2015 (Regulations) for supplies works and services. Due to the value the Council was therefore required to follow a fully compliant EU tender exercise starting with publishing a Notice in OJEU.
- 14.5 The Executive is being asked to consider the outcome of the procurement exercise which has sought competitive tenders to provide a 'turn-key' solution namely the build, supply, installation and management of the modular homes at York Rise. The report recommends that the Executive approves the outright purchase option from the bidder that provided the most economically advantageous tender having applied the contract award procedure as more fully explained in The Contract Award Recommendation section 5 of this report.
- 14.6 In accordance with the Council's Constitution in setting the Budget as identified within the recommendations the Executive is being asked to agree the funding through the allocation of Capital expenditure and seek the approval of Full Council.
- 14.7 Under the Councils Contract Procurement Rules (CPR 16.7) the award of contracts which exceed in total £1M must be agreed by the Chief Officer, the Director of Corporate Commissioning, and the Portfolio Holder and approved by the Executive through the use of this report.

- 14.8 It would appear from the contents of the report which sets out the evaluation and award details that the Council have carried out a fully compliant EU procurement exercise and have complied with its CPR's. A standstill period following awards will need to be carried out under the Regulations.
- 14.9 Legal have provided input in relation to the finalisation of the Contract Documentation. As mentioned elsewhere in this report as part of the Management Agreement there is a nominations agreement where the council has 100% nomination rights. The Management Agreement also makes provision for TUPE rights arising in circumstances where in the future there is any service provision change under the Management Agreement. The Contract Documents will be contingent on obtaining planning permission and also makes provision to provide the provider with the initial funding for design and planning costs identified in their tender and makes provision for termination in the event that the council cannot agree on the design or planning is refused.
- 14.10 As part of the legal arrangements the Provider will be the landlord and grant non-secure tenancies to persons nominated by the Council and the provider will be granted a lease of 20 years with a 5 year break clause from the Council.
- 14.11 Under Section 123 of the Local Government Act 1972 the Council has a legal obligation to dispose of land at the best consideration reasonably obtainable. Disposal includes the grant of a lease. Where the term of a lease exceeds seven years the Council has to let at the best rent reasonably obtainable. In this transaction the rent is a peppercorn however this is related to the value of the development and the associated arrangements surrounding management and maintenance of the modular homes and tenants. Officers have advised that given the commercial arrangements which have been the subject of a tender process, the lease when looked at as part of a commercial arrangement overall as set out in the Contract Documents, shows the letting is the best rent reasonably obtainable

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	[Title of document and date] (Appendices to be Included)

OFFICER SIGN OFF SHEET (NOT TO BE INCLUDED WITH PUBLISHED MEMBERS REPORT)

Title:

Decision: Contract Award Over £500k

Contact Officer:

Name

Title

Department

AUTHORISATION

Agreed by (signature and date):

_____ Date: _____

Name

Budget Holder / Contract Owner

Title

Department

_____ Date: _____

Name

Lead Commissioner

Department

_____ Date: _____

Director of Commissioning

Required for all Contract Award £100k+

Approved by (signature and date):

_____ Date: _____

Chief Officer

Name

Title

Department

Required for all contract award £200k+

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Report No.
CSD19097

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Monday 15 July 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: FIFTH REPORT OF THE EDUCATION, CHILDREN & FAMILIES
SELECT COMMITTEE 2018/19

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

To report the recommendations made by the Education, Children and Families Select Committee following its fourth meeting held on 13 March 2019.

2. **RECOMMENDATION(S)**

That Council be recommended to:

1. **Comment on the fifth report of the Education, Children and Families Select Committee 2018/19;**
2. **Invite the Leader and appropriate Portfolio Holders to consider the recommendations and refer the recommendations within the report to Service Directors and Partners where appropriate.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: the recommendations in this report may have an impact on vulnerable children across the Borough although any impact has not been quantified.
-

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: Democratic Services
 4. Total current budget for this head: £358,740
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional): 8 posts (6.79fte)
 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

Background Documents: (Access via Contact Officer)	Minutes of the Education, Children and Families Select Committee held on 13.03.19
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**REPORT OF THE EDUCATION, CHILDREN & FAMILIES SELECT
COMMITTEE
2018/19**

**LIFELONG LEARNING IN A
RAPIDLY CHANGING WORLD OF WORK**

Meeting Date: Wednesday 13 MARCH 2019

The Committee gives its sincere thanks to the witnesses for their contribution to the Select Committee's Review.

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Fifth Report of the Education Children and Families Select Committee 2018/19

Foreword

Someone once said:

“People who are interested in things are interested in things!”

In other words; people with hobbies and interests are curious and inquisitive about a lot of things and tend to have a lively approach to life.

A former mayor commented “when I go to local events whether it be community groups, local societies or voluntary organisations I often meet the same people often well into old age but still naturally active and enjoying life.”

The importance of lifelong learning for career and employment enhancement is well appreciated. This report also highlights the importance of lifelong learning in the wellbeing of retired people across Bromley.



Cllr Nicholas Bennett JP
Chairman
Education, Children and Families Select Committee

1. Introduction

- 1.1 The Education Children and Families Select Committee met on 13th March 2019, to consider Lifelong Learning in a rapidly changing world of work.
- 1.2 The Committee also undertook a short review into Corporate Parenting and the Role of the Elected Member. In addition the Committee received an update on St Olaves as well as its regular update from the Portfolio Holder for Children, Education and Families. Details can be found in the [minutes](#)¹ from the meeting.

2. Executive Summary of Recommendations

- 2.1 **That opportunities for Artificial intelligence to support the provision of English as a Second Language Courses be explored and investigated.**
- 2.2 **That the possibility of securing sponsorship from nationally recognised companies for the upgrade to the Bromley Adult Education IT system be investigated.**
- 2.3 **That Bromley Adult Education College further develop partnerships with local employers in order to enhance the lifelong learning offer across the Borough.**
- 2.4 **That a co-ordinated approach be adopted to the provision of support directed at entrepreneurs seeking to establish businesses across the Borough.**
- 2.5 **That a website signposting lifelong learners in London to the many opportunities for cultural enrichment and lifelong learning available across the Capital be developed by the Mayor of London.**

3. Lifelong Learning in a Rapidly Changing World of Work

- 3.1. The Select Committee's main enquiry for this meeting focused on Lifelong Learning in a rapidly changing world of work. The purpose of the review was to examine how further opportunities for learning can be provided for individuals who are navigating a rapidly changing world of work.
- 3.2 The Committee heard evidence from three key witnesses at the meeting:
 - Ms Carol Arnfield, Head of Early Years, School Standards and Adult Education (LBB);
 - Ms Tracey Davis, Vice-Principal, London South East Colleges
 - Mr Colin Maclean, Chief Executive, Community Links Bromley

¹ Minutes can be found on the London Borough of Bromley Website at: <https://cde.bromley.gov.uk/ieListDocuments.aspx?CId=584&MId=6322>

In addition to the witnesses outlined above, the Portfolio Holder for Children, Education, and Families also supported and contributed to the Committee's enquiry.

- 3.3 In advance of the meeting the Committee had been provided with a range of written evidence. This included a comprehensive report providing an overview of Lifelong Learning and an outline of some of the opportunities available across the Borough, a submission from the Bromley Branch of the University of the Third Age (U3A), and a submission from Community Links Bromley which provided a perspective from the voluntary, community and social enterprise (VCSE) sector on the volunteering opportunities that existed across the Borough and how these could contribute to lifelong learning.

3.4 Introduction

- 3.4.1 The employment landscape is undergoing a period of rapid change as a result of the digital revolution. In the last thirty years, the ongoing development of computers, automation, digital communication and the internet, and more recently developments around artificial intelligence have presented opportunities and challenges in equal measure. This ever evolving technological landscape means that it is more important than ever for adults to become lifelong learners in order to remain both active in the world of work and engaged with the changing technologies that impact on almost every aspect of daily life.

- 3.4.2 Lifelong learning is not just about job prospects and surviving in the rapidly changing world of work. The ability to embrace lifelong learning brings with it wider life skills and benefits such as increased confidence, improved mental health and wellbeing, and the ability to maintain cognitive functions in later life all of which have a positive impact on social skills and social interaction.

- 3.4.3 During its enquiry, the Committee explored a number of themes and issues with the witnesses.

3.5 Benefits of Lifelong Learning in the Changing World of Work

- 3.5.1 There is little doubt that technology is shaking up the employment market, it is changing the nature of most jobs and altering the specific skills and tasks associated with them. While it is still generally advantageous to pursue high levels of formal education, the future for both low- and high-skilled workers looks increasingly uncertain.

- 3.5.2 It is clear that we now live in a learning economy. Jobs that have traditionally required relatively static knowledge – from assembly line work to book keeping – continue to shift to machines. The recent developments in artificial intelligence (AI), now often referred to as the fourth revolution, are expected to have even further far reaching impacts on future employment opportunities. There are mixed opinions regarding the volume of jobs that will be displaced

as a result of AI compared to the numbers of opportunities to create new jobs. Given current AI developments it seems logical to assume that roles requiring elements of creativity and teamwork, which robotic machines find difficult to replicate, will remain secure in the foreseeable future.

- 3.5.3 Most workers will end up switching jobs a number of times. Many will change careers at least once. And even those who are fortunate enough to remain in the same job over a long period of time will almost certainly see the nature of the work they do shift rapidly. The Government's *UK Digital Skills Strategy* (2017) identified that many jobs now have a digital element. The report predicted that within 20 years 90% of all jobs will require some element of digital skills. Digital literacy is now as much a key requirement for employment in the UK as good levels of English and maths.
- 3.5.4 It is clear that there are numerous economic, intellectual and cognitive benefits to lifelong learning. The wider benefits of learning in adult life, beyond those of employability and increased earnings, are well documented at individual, community and wider society level. Students report increased confidence and self-esteem, personal fulfillment and improved feelings of wellbeing. Adult learning is of great benefit to older people. It can help people to remain active and engaged after retirement. There is also evidence to suggest that the impact on cognitive skills of continued education throughout life may delay the onset of dementia.
- 3.5.5 There are positive impacts on emotional health and wellbeing gained from participation in adult learning. A recent report released by the Workers Educational Association (WEA) identified that 82% of students who had declared mental ill health claimed that their courses helped them with their condition, 68% reported reduced stress levels, and 65% stated that they managed their stress better as a result of attending their courses. Whilst adults participate in learning as individuals, the benefits gained can have a ripple effect that reaches out to their family and the wider community. For example, adults who participate in learning themselves are more likely to engage in their children's or grandchildren's education, more likely to volunteer as school governors or become active volunteers in other community roles.

3.6 Opportunities for Lifelong Learning in Bromley

3.6.1 Bromley Adult Education and London and South East Colleges

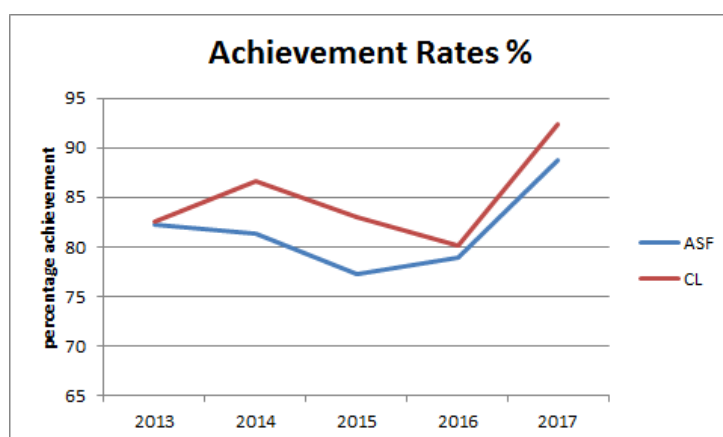
- 3.6.1.1 The Local Authority currently secures funding in the form of a grant from the Education and Skills Funding Agency (ESFA) to support adult learning opportunities for local residents. For the 2019/20 academic year Bromley will receive £1.5 million Adult Education budget (AEB) funding. 48% of this grant is used to provide approved qualification courses for local residents. These are focused on the priority areas of English and maths, English for speakers of other languages, digital skills, sign language, and a small range of vocational qualifications.

3.6.1.2 Currently, basic literacy and numeracy courses up to level 2 (including GCSE English and maths) are free to eligible adults in England. From September 2020 this entitlement will be extended to include digital literacy. The remaining portion of the grant, referred to as the Community Learning (CL) fund, is used to deliver non-qualification courses. The purpose of this element of funding is set out in the government document *New Chances, New Challenges* (2011). As part of the restructure of BAEC in 2016 it was determined that the main focus of the CL funding in Bromley would be the provision of targeted community learning courses to support and develop the skills of vulnerable adults and communities.

3.6.1.3 Around 30 percent of the CL funding is used to offer mainstream non-qualification courses for open enrolment. These courses are subsidised to the end user with 50% of the costs covered by the grant and the remainder charged to the learners. The fee income generated helps to support the infrastructure costs of running the service, whilst ensuring that learning opportunities are available to a wider range of residents than only those who can afford the full fee costs.

3.6.1.4 BAEC operates out of two dedicated sites, the Kentwood Centre in Penge and the Poverest Centre in Orpington. These two sites, situated in areas close to some of the Council's most disadvantaged communities, together with the use of approximately 35 community venues, are in alignment with the aim of supporting Bromley's vulnerable adults and communities.

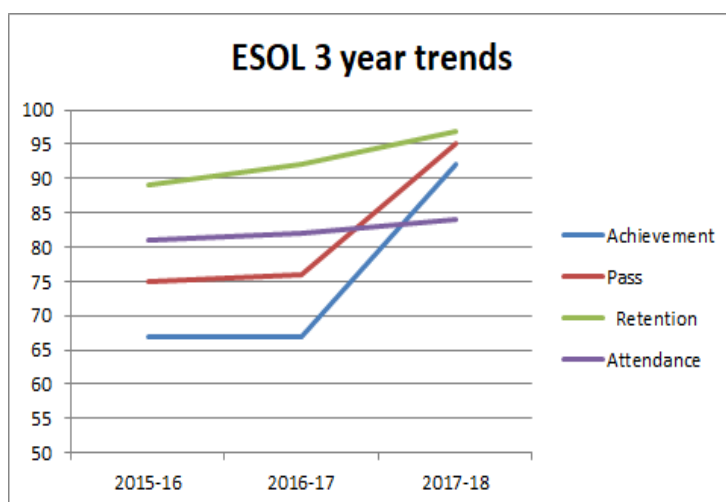
3.6.1.5 The Adult Education Service was inspected by Ofsted in January 2019, and the Committee wishes to congratulate the Head of Early Years, School Standards and Adult Education and all the staff within Bromley Adult Education College on the successful outcome of the Inspection. Bromley Adult Education was rated as 'Good' across all areas with a strong focus on improving the quality of teaching, learning and assessment across BAEC. Part time curriculum leaders have been appointed and given a brief that includes follow-up and support of their peers where areas for improvement were identified during lesson observations and learning walks. These interventions have contributed to the notable improvement in learner outcomes across the service in 2017/2018.



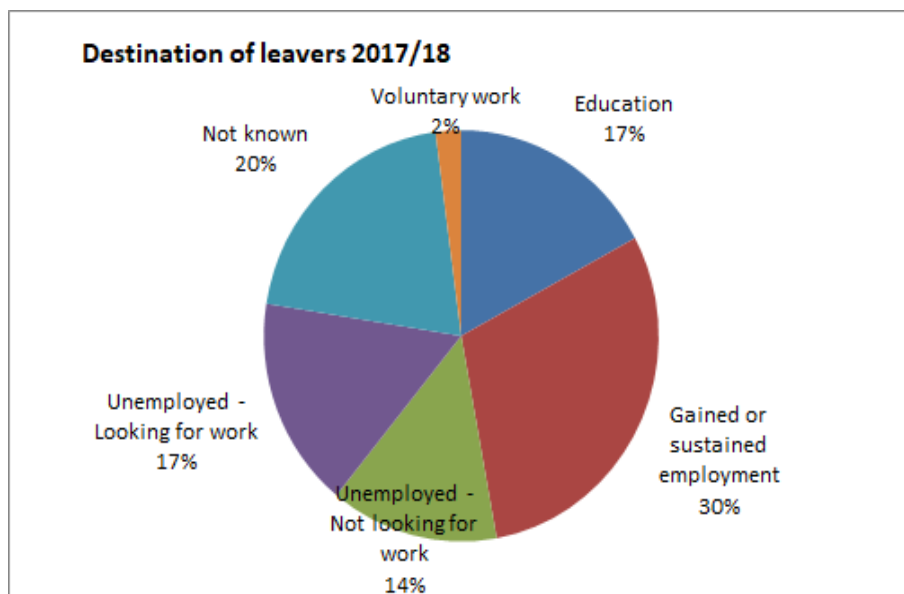
NB: ASF = accredited provision
CL=Non-accredited provision

3.6.1.6 Improvements were most significant in the ESOL (English for speakers of other languages) provision where achievement rates increased from 66% at the end of 2016/2017 to 92% by summer 2018 (see chart 2). In the ESOL provision the Service undertook a re-organisation of the curriculum to better meet the needs of learners. This combined with the robust monitoring of teaching, learning and assessment resulted in improvements across all indicators. The Committee notes that one of the challenges facing Bromley Adult Education College in the future is the region-wide shortage of ESOL tutors. The possibility of a partnership with London south East Colleges is being investigated to see if there is any potential for sharing staff. In addition to this, it is worth noting that the cost of the software that is available is reducing and this may present opportunities for Artificial Intelligence to support ESOL courses. Whilst there are certainly opportunities that are worth exploring, the Committee does recognise the numerous benefits to learners of being in a classroom and interacting with peers.

Recommendation 1: That opportunities for Artificial intelligence to support the provision of English as a Second Language Courses be explored and investigated.



3.6.1.7 In order to better understand the impacts of its curriculum offer, BAEC collects a range of destination data from learners who have attended qualification courses. Capturing and recording this data is a requirement of the funding agreement with the ESFA. The data indicated that around a third of respondents gained or sustained employment during or after the end of their courses. This is in line with national expectations. The number of learners going onto further study was higher than in the previous year. Around 85% of respondents who progressed onto further study chose to do so at BAEC.



3.6.1.9 It is clear that a robust monitoring of the returns is necessary in order to achieve a reasonable representative sample of responses and provide data that is sufficiently meaningful for use in curriculum planning and decision making. The adult education service regularly receives and captures feedback from learners via other means regarding the impact that their learning has had on their lives. The feedback illustrates that residents attending adult education provision benefit from a range of positive impacts. This mirrors the ever-increasing body of evidence that shows participation in learning can have a wide range of positive impacts on health and well-being as well as families and communities. Therefore increasing access to lifelong learning is not just crucial to the future prosperity of the Borough, but also the well-being and inclusion of our residents.

3.6.1.10 As a result of the low levels of unemployment in the Borough, much of BAEC's targeted work is focussed on the adults that are furthest away from employment. Community outreach work is often used to encourage residents with negative previous experiences of education back into learning. The Committee notes that for the last few years BAEC has provided a weekly work club at the Kentwood Centre in Penge and in the Cotmandene Centre in St Paul's Cray. This has provided local residents with an opportunity to improve the transferable and digital skills that often represent the first steps towards employment. This free service has provided unemployed residents access to computers along with a skilled tutor and volunteers, providing practical support with activities such as job search, CV writing and submitting applications. The majority of users have little or no IT skills when they arrive so the support is essential to help them develop skills and confidence.

3.6.1.11 In the autumn term 2018 the work club at the Kentwood site was rebranded as the Digital Drop-In (DDI) Centre. This has widened the scope and range

of digitally related activities and helped to attract users from amongst existing learners for whom attending a “work club” did not appeal.

- 3.6.1.12 The majority of Bromley Adult Education College’s IT resources are four or more years old and are in need of replacement. The wireless network at both the Kentwood and Poverest centres struggle to cope with the current demands of the service. Some of the classrooms at Kentwood have little or no reception thus restricting any form of digital enhancement to teaching and learning to a few hotspots. In addition to this, access is often slow which discourages use. The Committee notes that due to funding restrictions the IT system across the Bromley Adult Education service will need to be upgraded on a phased basis. Acknowledging that the Local Authority is subject to strict procurement rules, the Committee queries whether it would be possible to seek some form of sponsorship from nationally recognised IT companies for any of the work that would be involved.

Recommendation 2: That the possibility of securing sponsorship from nationally recognised companies for the upgrade to the Bromley Adult Education IT system be investigated.

- 3.6.1.13 Current partnership work includes provision delivered with local schools, Bromley Children Project, housing associations, Magpie Dance, Bromley Well, Carers Bromley, Cotmandene Community Resource Centre, Motttingham Community and Learning Shop, Age UK Bromley, Certitude and Heritage Care. However, partnerships with local employers are underdeveloped.
- 3.6.1.14 The Committee considers that more should be done to develop relationships and access the resources available to some of the larger companies across the Borough. The Committee notes that larger companies often provide their own bespoke training however it is important that further education providers understand industry requirements in order to ensure that people engaging in further education are developing relevant, and future-proof skills.

Recommendation 3: That Bromley Adult Education College further develop partnerships with local employers in order to enhance the lifelong learning offer across the Borough.

- 3.6.1.15 In 2017/2018 46% of learners enrolled on qualification courses at BAEC were aged 40-59. Bromley residents in their 40s and 50s are key users of the adult education service, making up 36 percent of the total cohort of learners. In the non-accredited provision adults aged 60+ form the largest cohort at 38 percent with those in the 40-59 age group coming a close second at 33 percent.
- 3.6.1.16 The Committee also received evidence concerning the vocational offer from London South East Colleges. There are currently 12,000 learners

undertaking a range of vocational programmes which offer “real skills for the real world”. The Committee is pleased that the College works alongside a variety of employers to ensure that the programmes on offer provide participants with the skills that are being sought by industries.

- 3.6.1.17 The Committee notes that London South East Colleges provide a range of courses to support entrepreneurs seeking to establish their own business. The Committee is aware that there are a number of entrepreneurs across the Borough and that Bromley has one of the highest rates of company start-ups. Entrepreneurs seeking to establish their own businesses need to be provided with the support they require and there should be a co-ordinated approach to the provision of such support across the Borough.

Recommendation 4: That a co-ordinated approach be adopted to the provision of support directed at entrepreneurs seeking to establish businesses across the Borough.

3.6.2 The Future of Adult Education Funding

- 3.6.2.1 Funding for post-16 learning and skills (excluding that for Apprenticeships) across London is due to be devolved to the Office for the Mayor of London with effect from August 2019. As part of the devolved Adult Education Budget (AEB), the Mayor will be legally required to continue to deliver the adult statutory entitlements of functional skills English and maths including GCSE, along with the new statutory basic digital skills entitlement from 2020/2021. Outside of the statutory entitlements, the Mayor will have the freedom and responsibility to determine the funding priorities for the remaining portion of the devolved AEB.
- 3.6.2.2 The Committee notes that the GLA has published its own strategy (*Skills for Londoners* (2018)) which sets out immediate priorities for skills and education over the next few years. The long-term ambition set out in the Strategy is to create a strategic integrated skills and education offer for London that will ensure Londoners, employers and businesses have the skills they need to thrive and prosper.
- 3.6.2.3 The Strategy’s priority groups include those currently identified by LBB and its own adult education service. Increasing the levels of targeted support to the most disadvantaged groups and providing funding to ensure that all adults have access to training to improve basic functional skills is one of the priorities under the Strategy. As part of the AEB, Adult and Community Learning (ACL) is recognised in the Strategy as having an important role to play in helping those furthest away from employment and engagement in society to reconnect with learning. Therefore, it is expected that CL funding will continue as part of AEB following devolution.
- 3.6.2.4 The Committee notes that London’s Further Education and Skills providers who are funded via a grant agreement have been advised that they can reasonably expect their grant for the 2019/2020 academic year to be at

similar levels to the current year, providing they meet their funding targets. Both City Hall and the ESFA have stated they wish to avoid any destabilisation of the sector during the transition period and therefore intend to introduce any changes to future funding methodologies over time. That way, providers have time to plan for any impacts as a result of any potential funding realignment.

3.6.3 University of the Third Age

3.6.3.1 The University of the Third Age (U3A), a self-funded movement, with members learning purely for pleasure, not working towards any qualifications, was established in Bromley in 1990, quickly growing to be the second-largest in the Country. U3A Bromley became too large to function effectively and two new U3As (Beckenham and Orpington) were formed in order to address geographical difficulties and interests. The aim of the U3A movement is to encourage people in their third age (the point in your life when you have the opportunity to undertake learning for its own sake and enjoyment) to continue their enjoyment of learning subjects of interest to them.

3.6.3.2 Delivery of lifelong learning to the approximately 1,700 members of U3A Bromley is done in various ways; but mainly through a network of Study Groups, of which there are two types: Open Groups and Others. These others are further divided by size: those with large enough numbers to require a small hall or seminar room; and those who are the 'home' groups, meeting in members' houses. A very large response to the initial advertisement, or a subsequent increase in numbers could mean that the group will fall into the Open category.

3.6.3.3 Open Study Groups (i.e. not requiring membership of the group) include: Modern World, Local Studies, and Travel. Gardening, and Singing with Friends (which is run in partnership with Age UK), are slightly smaller groups. Other groups that are run include: Rambles, Local Visits and Outings by Public Transport.

3.6.3.4 The areas covered by 'home' groups include: art appreciation, watercolour painting, arts and crafts, quilling, marquetry, languages (different languages at different levels), cards, Mah Jong, literature, music appreciation, playing instruments, psychology, philosophy, science and technology, social studies, tablet/mobile computing, theatre, wine enjoyment, singing, Sunday lunch groups, table tennis, golf, keep fit, practical gardening, genealogy and history. There are currently sixty-seven study groups in total. Where a group is full, a waiting list is kept, or second or third groups are formed on the same subject.

3.6.3.5 Every single member of U3A Bromley can decide how much or how little they wish to participate in activities. Many people attend several of the large, open meetings and never take part in a smaller group, or discussion groups. Friendships are formed with others attending, and some participants may be

going to several events a week. Many people only attend one or two smaller groups, once or twice a month, and many do a combination of small and large, or craft and lecture. Individuals' absences from meetings are noticed by their friends in the larger groups and by the Group Leaders in the smaller ones, and if people do not know about or are not notified in advance of an absence, someone will almost always check on the individual.

3.6.3.6 Continuing attendance at meetings has the benefit of keeping the participants' brains active, particularly if the meetings require active participation in the discussion, or in some cases presenting information to others in the group and leading the discussion. There is also significant social contact resulting from U3A. Going to a meeting will usually involve having coffee or tea with other attendees and friends, or having lunch afterwards. For many, it may be the only regular social contact in their lives, and this is often cited as the biggest benefit of belonging to U3A.

3.6.3.7 We are particularly fortunate in Bromley to live in a world class capital city with excellent transport links and a plethora of museums and higher education institutions. The range of learner societies based in London is unparalleled. The extramural departments of a number of London universities have extensive lecture programmes as do the capital museums. It would be really useful if the new devolved adult education budget held by the Mayor of London could sponsor a website signposting the myriad causes, events and lectures available on a weekly basis across London.

3.6.4 Lifelong Learning through Volunteering

3.6.4.1 Community Links Bromley provided the Committee with a perspective from the voluntary, community and social enterprise (VCSE) sector for the opportunities that exist for learning.

3.6.4.2 Bromley Mencap Services supports a number of programmes including: Pathways to Employments, a supported work experience programme; Supported Internship; Bromley Well, training and support for people with learning disabilities; and, Step Forward, a programme which provides an opportunity for people with complex needs to work towards paid employment or voluntary work.

3.6.4.3 The Bromley Recovery College is a model of lifelong learning run by Bromley Lewisham and Greenwich Mind. The provision is for people with mental health problems and is structured much like an adult education college, but with all courses co-designed and co-facilitated by people who have personal experience of mental health problems. Courses are aimed at supporting people to manage their mental health problems, develop their skill, engage with the community, and look after their physical wellbeing and creativity.

3.6.4.4 The Committee notes that the National Director of Community Engagement for Deloitte commented that: *"It's clear that the skill and experience gained*

through volunteering are respected and that they provide an edge for job candidates during the hiring process.” In addition to doing good and helping others, volunteering can bring great benefits to people’s careers, from learning new skills and honing existing ones to meeting new people and boosting creativity. Volunteering also gives people the chance to expand their network, explore different occupations and industry sectors as well as building their confidence, especially if they have been unemployed for a while.

3.6.5 Lifelong Learning and the ‘Fourth Revolution’

3.6.5.1 Today there is talk of a fourth industrial revolution consisting of developments in information technologies combined with Artificial Intelligence, robotisation, automation of tasks, and the internet of things.

3.6.5.2 Consideration needs to be given to who might be excluded from using and accessing digital services. There are currently approximately 7.8 million people in the United Kingdom who do not use the internet². The majority of the 7.8 million are older, from disadvantaged backgrounds and less educated. This statistics clearly needs to be a consideration when developing lifelong learning courses going forward.

3.6.5.3 Alongside potential job replacements, changing job requirements and the creation of new jobs, the digitalisation of the workplace will no doubt also lead to radical changes in working conditions across all sectors. There are many opportunities but also many challenges and there must be structures in place to address these challenges.

3.7 Conclusion

3.7.1 With an ageing population and rapid economic change people need to constantly learn and adapt. This applies equally to both young people starting out on their career path and older adults who need to adapt for second or third careers later in life.

3.7.2 Lifelong learning needs to be an essential part of our culture if we are to enable all levels of society to adapt to the ever-changing skills demands of the modern workplace and remain economically active into later life. In order to achieve this we need to find ways to encourage and enable people to become lifelong learners. There is currently no dedicated website to signpost those with an interest in lifelong learning to the vast array of cultural enrichment opportunities across the Capital. It would be helpful if such a website could be developed and launched by the Mayor of London.

Recommendation 5: That a website signposting lifelong learners in London to the many opportunities for cultural enrichment and lifelong learning available across the Capital be developed by the Mayor of London.

² Birtwistle et al, *The Road Ahead: A Review of the voluntary sector’s operating environment* (NCVO)

- 3.7.3 Changing patterns of work and busy modern lives means that learning needs to be available flexibly. This presents many opportunities for the use of Artificial Intelligence. To this end, it is clear that basic skills in digital literacy are as important today as basic maths and English skills. Delivering lifelong learning is not just the mission of adult education services. There is a wide variety of opportunities for lifelong learning available. The Council may wish to consider the development of a Lifelong Learning Strategy to consider how services can be delivered an integrated way going forward to encourage a culture of lifelong learning across all its communities.

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