

EXECUTIVE

Minutes of the meeting held on 31 March 2021 starting at 6.30 pm

Present:

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

Also Present:

Councillor Robert Evans, Councillor Christopher Marlow
and Councillor Angela Wilkins

202 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Simon Fawthrop, Chairman of the Executive, Resources and Contracts PDS Committee.

203 DECLARATIONS OF INTEREST

There were no declarations of interest.

204 QUESTIONS

No questions had been received.

205 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 10 FEBRUARY AND 2 MARCH 2021

It was confirmed that Councillor Peter Fortune had been added to the list of members present at the meeting on 10th February 2021.

RESOLVED that the minutes of the meetings held on 10th February and 2nd March 2021 be confirmed.

206 BUDGET MONITORING 2020/21 Report FSD21021

The report was split into two key elements. Firstly it provided the third budget monitoring position for 2020/21 based on expenditure and activity levels up to the end of December 2020, excluding the financial impact of Covid-19. The report also highlighted any significant variations which would impact on future years as well as any early warnings that could impact on the final year end position. Secondly, the report identified latest indications of the financial impact of the Covid-19 situation which needed to be treated with some

caution at this stage because of the ongoing uncertainty arising from moving out of lockdown to transition and ultimately the 'new normal'.

The Council Tax report 2021/22 to Executive on 10th February 2021 had identified a budget gap rising to £14.1m per annum by 2024/25. The report proposed utilisation of any underspends/additional income identified towards providing sustainable income for the future and/or providing transitional financial support in addressing the future years' budget gap, as well as meeting service cost pressures.

The Portfolio Holder for Resources, Commissioning and Contract Management, Cllr Graham Arthur, confirmed that £3.7m would be carried forward for long Covid issues, and more than £9m would be carried forward from contingencies which would be focussed on housing priorities.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 24th 2021 and the Committee supported the recommendations.

RESOLVED that

(A) Financial Monitoring (excluding Covid-19 impact)

- (1) The latest financial position be noted.**
- (2) The projected net underspend on services of £1,510k forecast based on information as at December 2020 be noted.**
- (3) The comments from Chief Officers detailed in Appendix 2 to the report be noted.**
- (4) The full year cost pressures of £9.4m as detailed in section 3.5 of the report be noted.**
- (5) Council be recommended to agree that a sum of £3.767m be set aside as a contribution to the provision for COVID related service pressures in future years (earmarked reserve) as detailed in paragraph 3.2.1 of the report.**
- (6) The release of £50k from the 2020/21 Central Contingency relating to staff merit awards as detailed in paragraph. 3.3.2 of the report be agreed.**
- (7) The release of £210k from the 2020/21 Central Contingency relating to Adult Social Care as detailed in paragraph 3.3.3 of the report be agreed.**
- (8) The release of £424k grant from the 2020/21 Central Contingency relating to Homeless Prevention Initiatives as detailed in paragraph 3.3.4 of the report be agreed.**

(9) The return to the Central Contingency of £775k as detailed in paragraph 3.3.5 of the report be noted.

(10) It is agreed that a provision of £350k be set aside to deal with a legal matter, to be met from the 2020/21 Central Contingency Sum as detailed in paragraph 3.3.6 of the report and the part 2 report.

(11) It is agreed that a sum of £150k be set aside to meet the cost of the changes to the Council's website, funded from the 2020/21 Central Contingency Sum, as detailed in paragraph 3.3.10 of the report.

(12) Council be recommended that a sum of £9.895m be set aside in the Housing Investment Fund earmarked reserve from monies not utilised in the current year within the 2020/21 Central Contingency Sum, as detailed in paragraph 3.3.12.

(B) Estimated Financial Impact of Covid-19

(13) The latest estimated financial impact of Covid-19 situation, detailed in Section 4 of the report, and the on-going financial uncertainty position relating to net costs, be noted.

(14) The estimated financial impact of the Covid-19 situation, which needs to be treated with some caution at this stage because of the on-going uncertainty arising from the impact of moving out of 'lockdown' to transition and ultimately the 'new normal,' be noted.

207 BROMLEY BOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) - APPROVAL OF CIL CHARGING SCHEDULE
Report HPR2021/011

This report sought approval of the Bromley Community Infrastructure Levy Charging Schedule. Subject to approval by full Council, the levy would be charged on planning applications approved from 15 June 2021 (the date of effect). Once approved, the Community Infrastructure Levy would provide financial contributions from certain types of development to help fund new or improved strategic infrastructure required to support the growth identified in the Bromley Local Plan.

The report had been scrutinised by the Development Control Committee on 25th March 2021 and the Renewal, Recreation and Housing PDS Committee on 30th March 2021 and both Committees had supported the recommendations.

RESOLVED that Council be recommended that the Bromley Community Infrastructure Levy Charging Schedule at Appendix 1 (with any necessary changes to indexation rates as noted in paragraph 3.13 of this report) is approved to come into effect eight weeks from the date of approval (15 June 2021).

**208 ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING
NATURAL BEAUTY MANAGEMENT PLAN**
Report HPR2021/014

The Kent Downs Area of Outstanding Natural Beauty (AONB) was a landscape of national and international importance; a small portion of the 326 square miles (878 sq. km) of the AONB was within the Borough, in Darwin and Chelsfield & Pratts Bottom Wards. It was the only AONB area within Greater London.

The Countryside and Rights of Way (CROW) Act 2000 required local authorities to produce, adopt and keep under review Management Plans for AONBs. The current Management Plan had been adopted in 2014. The Kent Downs AONB Unit, working with other authorities in the Kent Downs AONB, had prepared an updated Management Plan, which strongly reflected the existing adopted plan. The updated plan would be the third revision of the Management Plan.

The report had been scrutinised by the Development Control Committee on 25th March 2021 and the Renewal, Recreation and Housing PDS Committee on 30th March 2021, and both Committees had supported the recommendations.

The Leader recorded his thanks to officers, in particular Ben Johnson and Paul Mellor, for their work on the AONB Management Plan and the Bromley Biodiversity Plan.

RESOLVED that

(1) That the updated version of the Kent Downs AONB Management Plan at Appendix 1 to the report be adopted (noting that there may be minor amendments such as design and formatting changes prior to publication).

(2) That reasonable changes made by other local authorities during the adoption process, subsequent to any decision to adopt the updated management plan by Bromley being made, can be accepted by the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing.

209 BROMLEY BIODIVERSITY ACTION PLAN 2021-2026

The report recommended that the new Bromley Biodiversity Plan (BBP) attached as Appendix 1 to the report, be adopted. The BBP aimed to prevent the decline of species and habitats and promote their conservation through active management of land and promotion of biodiversity gains through the planning system. The BBP provided guidance to developers, planners and land managers on how biodiversity should be protected and enhanced in the borough in support of the delivery of a number of elements of different Council plans and strategies including the Local Plan.

The report had been scrutinised by the Environment and Community Services PDS Committee on 11th March 2021 and the Committee had supported the recommendations.

RESOLVED that, noting that there may be design and minor formatting changes before publication, the updated Bromley biodiversity plan at Appendix 1 to the report be adopted.

210 PROPERTY ACQUISITION SCHEME PROPOSAL: BEEHIVE PHASE 2

The Executive received a report on the option to lease an additional 31 former Hyde social housing properties from Beehive for use as accommodation to help reduce the current pressures in relation to homelessness and temporary accommodation.

Members discussed the options for management of these properties after the end of the contract with Orchard and Shipman in 2024. This was covered in paragraph 3.12 of the report, but the Leader asked for a note to be circulated setting out the options in more detail.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 30th March 2021 and the Committee supported the recommendations.

RESOLVED that

(1) An agreement be entered into for lease for the acquisition of the leasehold properties identified in the report and to delegate authority to the Director of Housing, Planning and Regeneration to agree final terms with Beehive for the acquisition of the leases in consultation with the Director of Corporate Services and the Director of Finance and to enter into the leases on the dates specified in the agreement.

(2) The allocation of £50k budget for the survey work be approved, funded from the Housing Investment Fund earmarked reserve.

(3) Authority be delegated to the Director of Housing, Planning and Regeneration in consultation with the Director of Corporate Services and the Director of Finance to agree final terms for the disposal of the properties identified in the report by way of the grant of underleases to Orchard & Shipman for terms expiring on the 31st March 2024 and at the rental levels identified herein, with management arrangements for the properties to be included within the existing contract held with Orchard & Shipman.

211 BASIC NEED PROGRAMME UPDATE
Report CEF21013

The report provided an update on the capital schemes included within the Council's Basic Need Programme.

The report had been scrutinised by the Children, Education and Families PDS Committee on 10th March 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The updated Basic Need Programme as set out in Appendix 3 to the report be agreed, subject to full Council approval.

(2) The allocation of an additional £4,128k of S106 allocations to projects within the Basic Need Capital Programme as outline in Appendix 2 to the report be agreed.

(3) Agreement be given that the schemes at Marian Vian Primary School and Red Hill Primary School be brought forward to the Projects in Delivery (Funded) Programme and that an allocation be included to fund requirements for secondary bulge classes or temporary accommodation, should it be needed for the Council to meet its statutory duty.

(4) Agrees that, where required, funding be delegated to schools for local delivery subject to there being sufficient mechanisms in place to control expenditure and ensure delivery of outcomes.

(5) It is noted that schools will be submitting planning applications in association with these works.

212 AWARD OF CONTRACT TO BLOOM PROCUREMENT LTD FOR THE PROVISION OF SPECIALIST RESOURCES

The Council was currently making use of Bloom Procurement Services Ltd, via the NEPRO Framework, to provide specialist resources to support the implementation of a new Social Care Information Management System. The report proposed making further use of that arrangement to conclude the implementation of the new Social Care Information Management System.

Funding to enable this award of contract had been approved by the Executive on 12th September 2018 via a business case to replace Bromley's Social Care Information Management System.

The report had been scrutinised by the Children, Education and Families PDS Committee on 10th March 2021 and the Committee supported the recommendations.

The Leader thanked Naheed Chaudhry and her staff for their excellent work in supporting the Covid testing centres at the Civic Centre and Kentwood.

RESOLVED that

(1) The continued use of Bloom Procurement Services Ltd via a direct award on the NEPRO Framework for a further £450k of specialist resources to continue the implementation of a new Social Care Management Information System be approved.

(2) Authority be delegated to the Director of Children's Services for the approval of the award from the framework of individual contracts following further competition as/if required.

(3) Authority be delegated to the Director of Children's Services for the approval of the award from the framework of individual contracts without further competition, subject to the agreement of the Assistant Director, Governance & Contracts, Director Corporate Services and Director of Finance.

213 GATEWAY 0 PROCUREMENT OPTIONS FOR THE PRIMARY AND SECONDARY INTERVENTION SERVICE (BROMLEY WELL)

Report ACH21-018

The Primary and Secondary Intervention Service contract expired on 30th September, 2022 with no further extension options remaining. This service is delivered by Bromley Third Sector Enterprise and provides integrated prevention and early intervention services across health and social care for the residents of Bromley.

The service was jointly commissioned by London Borough of Bromley and Bromley Clinical Commissioning Group (BCCG) with the Council as the lead commissioner. The Council and BCCG jointly attended contract meetings and had joint representation on the Bromley Programme Board, which oversees operational delivery of the contract.

The report advised Members of the work being undertaken by commissioners in preparation for the end of the contract and to detail procurement options.

The report had been scrutinised by the Adult Care and Health PDS Committee on 17th March 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The report and the preliminary commissioning options be noted.

(2) The initial scoped procurement options detailed in the report be noted.

(3) The recommended length of contract for the new service post September 2022, which is 5 plus 2 years, be noted.

(4) The recommended option to conduct a Soft Market Test prior to submitting a Gateway 1 report to the Members in June 2021 be noted.

**214 CONSIDERATION FOR AGREEMENT TO EXTEND THE
CONTRACT FOR THE PROVISION OF SEXUAL HEALTH
SERVICES**

Report ACH21-025

Local Sexual Health & Contraception Services were delivered through a number of contracts. COVID19 had impacted on service delivery and procurement timelines and processes and the on-going uncertainties and recovery would further impede the procurement and market engagement. The providers of Sexual Health & Contraception Services were the Council's health partners. Their capacity to participate and engage in a procurement process was likely to be restricted by their involvement in and responses to the on-going COVID19 pandemic. In order to provide consistency in service delivery and to allow the market to recover, it was necessary to delay the planned sexual health procurement and therefore extend the current contracts.

In June 2020, the Portfolio Holder for Adult Care & Health had authorised an extension beyond term of the contract from 1 October 2021 until 31st March 2022. The report requested authorisation to vary the contract with Bromley Healthcare CIC for the provision of Sexual Health Early Intervention Services to extend it beyond term for a further 12 months from 1st April 2022 to 31st March 2023 for the reasons set out in 1.4 of the report. This would align the expiry date of the local contraception and sexual health contracts with the Kings College Hospital NHS Foundation Trust (King's) contract which provided the Genitourinary Medicine (GUM) element of the local service at the Beckenham Beacon.

The report had been scrutinised by the Adult Care and Health PDS Committee on 17th March 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The procurement options detailed in the report be noted.

(2) The variation of the Bromley Healthcare CIC Sexual Health Early Intervention Service to further extend the contract for a period of 12 months from 1st April 2022 – 31st March 2023 at an estimated annual value of £934k (revised whole life value of £5,116k) be approved.

**215 LEARNING DISABILITY COMPLEX NEEDS DAY SERVICE
(PART 1)**
Report ACH21-016

The Council had a contract in place with the Southside Partnership (also known as Certitude) to provide learning disability supported living and community-based day and respite services. Executive approval had been obtained in November 2019 to extend the contract for a period of up to 2 years from 1 October 2020 to 30 September 2022. The Council was unable to reach mutual terms to extend the contract as originally intended and subsequent negotiation had resulted in a 6-month extension of the contract to 31 March 2021.

At the Adult Care and Health PDS Committee meeting on 24 November 2020 members had scrutinised a report that set out the procurement proposals in relation to these services; the report was subsequently agreed by the Leader. Future learning disability day provision was being divided so that people with lower needs would receive their services from community based locations that are spot purchased or funded via direct payments, while people with complex needs will receive a building based service. This report was focussed upon the building based complex needs day service which has been subject to a full tender process.

The tender process for complex needs day services closed on 4 February 2021 but did not attract any compliant bids. The report provided Members with details of the negotiated process that was now being followed and the interim arrangements that were required. The report sought Member agreement to a contract variation and extension of the current block contract with Southside Partnership to enable service provision whilst the negotiation and contract award processes were progressed and the new contract was mobilised.

Further details were set out in a part 2 report.

It was confirmed that officers were working with several providers on a negotiated basis, and the Leader thanked Colin Lusted and his colleagues for their hard work on this contract.

The report had been scrutinised by the Adult Care and Health PDS Committee on 17th March 2021 and the Committee supported the recommendations.

RESOLVED that the variation and extension of the existing block contract with Southside Partnership to provide building based complex needs day services be approved, the extension to commence on 1 April 2021 for a period of up to 5 months to 31 August 2021 at a cost detailed within the Part 2 report; this will increase the total expenditure on the Southside Partnership block contract since 1 October 2015 to the amount detailed in the Part 2 report.

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

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

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

217 EXEMPT MINUTES OF THE MEETINGS HELD ON 10 FEBRUARY AND 2 MARCH 2021

The exempt minutes of the meetings held on 10th February and 2nd March 2021 were confirmed.

218 BUDGET MONITORING 2020/21 - LEGAL MATTER

The Executive noted some additional exempt budget monitoring information.

219 LEARNING DISABILITY COMPLEX NEEDS DAY SERVICE (PART 2)

The Executive approved the variation of an existing contract.

220 CONTRACT RENEWAL - CAPITA S-CLOUD AND PAY 360 SOFTWARE LICENSING, DEVELOPMENT, MAINTENANCE AND SUPPORT AGREEMENT (PART 2)

The Executive approved proposals to renew the current agreements and purchase modules to support additional functionality.

As this was the last scheduled meeting of the Executive in the Council year, the Leader thanked Members and officers for their work over what had been a particularly challenging year.

The Meeting ended at 7.14 pm

Chairman