

EXECUTIVE

Minutes of the meeting held on 30 June 2021 starting at 7.00 pm

Present:

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

Also Present:

Councillor Julian Benington, Councillor Nicholas Bennett
MA J.P., Councillor Mary Cooke, Councillor Charles Joel,
Councillor Christopher Marlow, Councillor Michael
Rutherford, Councillor Melanie Stevens and Councillor
Angela Wilkins

239 APOLOGIES FOR ABSENCE

There were no apologies for absence.

240 DECLARATIONS OF INTEREST

Councillor Angela Wilkins declared an interest in relation to the report on HMOs as she was employed by Hestia.

241 QUESTIONS

Four questions had been received for oral reply, and five questions for written reply. The questions and answers are set out in Appendix A.

242 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 26 MAY 2021

RESOLVED that the minutes of the meeting held on 26 May 2021 be confirmed.

243 PROVISIONAL FINAL ACCOUNTS 2020/21 Report FSD21040

The report set out a broad overview of the 2020/21 provisional outturn at portfolio level and Council wide as well as the potential implications for the Council's financial position in 2021/22. The 2020/21 provisional outturn provided for no variation in general fund balances, subject to the recommendations in the report being agreed.

The report referred to the financial impact of the Covid-19 situation which needed to be treated with some caution because of the ongoing uncertainty arising from moving out of lockdown to transition and ultimately the 'new normal'. The report sought agreement to set aside resources to support funding housing investment as well as partly fund future Covid related cost pressures. The report also referred to the arrangements to address Government funding received during 2020/21 where the corresponding costs were charged to the Council's general fund in future years.

More detailed reports would be submitted to individual PDS Committees. Details of the carry forward requests and a summary of the Council's capital programme were also considered in the report.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 23rd June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The provisional revenue and capital outturns for the 2020/21 financial year and the earmarked balances on the General Fund as at 31st March 2021 be noted.

(2) The variations in 2020/21 impacting on the Council's 2021/22 financial position be noted.

(3) The comments from Chief Officers as detailed in Appendix 2 to the report be noted.

(4) The requests for carry forwards totalling £749k (net) as detailed in Appendix 6 be approved, subject to the funding being allocated to the Central Contingency in 2021/22 to be drawn down on the approval of the relevant Portfolio Holder.

(5) The changes to the central contingency sum as detailed in paragraphs 3.6.2 to 3.6.6 in the report be agreed.

(6) Council be recommended to agree that a sum of £3.887m be set aside as a contribution to the Housing Invest to Save Fund earmarked reserve as detailed in paragraph 12.7 of the report.

(7) Council be recommended to agree that a sum of £6.506m be set aside as a contribution to the COVID impact/recovery earmarked reserve as detailed in paragraph 12.6 of the report.

(8) The creation of a Business Rates Adjustment earmarked reserve relating to the timing differences of grant income received and the costs charged to the Council's General Funds be noted, as detailed in paragraphs 11.5 and 11.6 to the report.

244 CAPITAL PROGRAMME OUTTURN 2020/21
Report FSD21038

The report set out the final outturn on capital expenditure and receipts for 2020/21. Capital expenditure in the year was £19.7m, compared to the final approved budget of £46.0m, resulting in a total net variation of Cr £26.3m. For funding purposes, £15.0m slippage was assumed in the Quarter 3 capital monitoring report, so there was an overall variation of Cr £11.3m in the use of capital receipts and external and revenue contributions.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 23rd June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The report be noted.

(2) The following amendment to the Capital Programme for 2021/22 be approved - an increase of £2,443k to the Disabled Facilities Grant scheme to reflect the 2020/21 allocation as detailed in paragraph 3.2.1 in the report.

(3) Council be requested to approve the increase of £2,443k in the Disabled Facilities Grant scheme to reflect the 2020/21 allocation as detailed in paragraph 3.2.1 of the report.

245 GROWTH FUND SUPPORT FOR PLANNING

The Executive considered a proposal for Growth Fund support for a 2 year temporary Planner for the Development Management team to work on major planning applications.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 23rd June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) Up to £116k from the Growth Fund earmarked reserve be used to fund a Planning Officer post for a two-year fixed term.

(2) It is noted that this will be reviewed after one year, taking into account the anticipated additional income generated and any underspends within the Planning Department's existing budget, and that any funding not required will be returned to the Growth Fund.

246 ADOPTION OF BROMLEY ECONOMIC DEVELOPMENT STRATEGY

Report HPR2021/029

The borough's first ever Economic Development Strategy (EDS) had been developed with input from across departments in the Council, external stakeholders, the business community and key service delivery partners. The strategy had been considered by the Renewal Recreation and Housing PDS Committee on 16th June; the committee had supported the strategy, subject to any final detailed changes.

RESOLVED that the Economic Development Strategy be formally adopted to provide a framework for the economic development of the borough from 2021 to 2031.

247 DESIGNATION OF SHORTLANDS VILLAGE CONSERVATION AREA AND EXTENSION OF BROMLEY TOWN CENTRE CONSERVATION AREA

Report HPR2021/023

The Executive considered a proposal to designate a Shortlands Village Conservation Area, and to extend the Bromley Town Centre conservation Area. The proposed boundaries had been informed by an independent assessment and were subject to public consultation between August and October 2020. Details of the representations received, and how these were addressed, were set out in the report. The Built Environment Advisory Management Services (BEAMS) report was also considered by Members.

Councillor Mary Cooke attended the meeting as ward Councillor for Shortlands. She described how there had been considerable lobbying and debate on the proposals, particularly on the issue of whether Shortlands Golf Club should be included within the new conservation area. The Golf Club argued strongly that they should be excluded, but other groups, including the Shortlands Residents Association, the Ravensbourne Valley Residents Association and the Bromley Civic Society were in favour of the proposed boundary.

The Portfolio Holder for Renewal, Recreation and Housing, Councillor Peter Morgan, reassured the Golf Club that the conservation area would not harm their interests, or prevent them from rebuilding their clubhouse, for example. Agreeing a land management plan would address any concerns about additional bureaucracy regarding management of trees on their course.

The report had been considered by Development Control Committee on 20th May 2021 and scrutinised by the Renewal, Recreation and Housing PDS Committee on 16th June 2021. Both Committees supported the recommendations.

RESOLVED that the designation of the Shortlands Village Conservation Area (shown at Appendix 1) and the extension of the Bromley Town Centre Conservation Area (shown at Appendix 2) be approved.

248 HOUSES IN MULTIPLE OCCUPATION
Report HPR2021/025

The Executive received a report, which had previously been considered by Development Control Committee and Renewal, Recreation and Housing PDS Committee, setting out information relating to the nature and scale of Houses in Multiple Occupation (HMOs) in Bromley. The report set out the options for controlling HMOs and whether the options could be justified given the available evidence.

Councillor Melanie Stevens addressed the meeting as ward member for Biggin Hill. She was concerned that there was a cluster of HMOs emerging in Biggin Hill Valley – she was aware of 13 in a small area, with a further 7 expected. Although she accepted that HMO's did fulfil a need, it was not appropriate to have so many in a small area which was not well-served by public transport, and where access to doctors and dentists might be limited. She called for better control and monitoring of HMOs.

Councillor Peter Morgan as Portfolio Holder for Renewal, Recreation and Housing reported that the issue had been considered by Development Control Committee and Renewal, Recreation and Housing PDS Committee. Both Committees had been in favour of implementing an Article 4 Direction to control HMOs across the whole borough, with an immediate Article 4 Direction covering the wards of Biggin Hill and Darwin. This view was supported by some other members of the Executive, but officers advised that there was a need to provide more robust evidence to ensure that the proposed Article 4 Direction would be effective.

The Leader was concerned that waiting for 2021 Census data to become available would lead to an unacceptable delay and urged that officers strengthen the evidence base and report back to Development Control Committee and Renewal, Recreation and Housing PDS Committee in time for the matter to be re-considered at the next meeting of the Executive.

RESOLVED that

(1) The impacts of HMOs identified in the report and the accompanying evidence base documented in Appendix 1 be noted.

(2) The Council continues to monitor, and keep up-to-date, evidence relating to HMOs in the Borough, including seeking more information on smaller HMOs borough-wide and within existing and developing clusters.

(3) Officers report back to future Development Control Committee, Renewal, Recreation and Housing PDS Committee and Executive

Committees with any further evidence and/or guidance as it emerges, no later than early data from the 2021 Census, which indicate that additional planning control might prove possible.

249 GATEWAY REPORT FOR THE PROVISION OF STATUTORY HOMELESSNESS REVIEWS

Report HPR2021/028

Homeless households had a statutory right to a review of decisions made by the Council in respect of applications for accommodation and accommodation offered under the provisions of part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). Legal advice confirmed that the decision to contract out the statutory homelessness reviews function had to be agreed by the Executive in order to comply with the legislation and statutory orders in relation to the reviews function. The Executive previously confirmed this agreement in 2016 and were asked to confirm continuation of this arrangement.

The current contract for statutory housing reviews commenced on 1 June 2017 for three years with the option to extend for a further two years, which was utilised. The contract was due to expire on 31st May 2022. It was proposed to retender this provision as set out in sections 6 and 10 of the report, subject to Executive agreement on the principle of contracting out.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 16th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The statutory homelessness reviews function continues to be contracted out under the terms set out in the report.

(2) The intent to tender the statutory homelessness reviews requirement for a four year contract with an option to extend for a further two year period at an estimated whole life value of £120k be noted.

250 CRYSTAL PALACE SUBWAY RESTORATION WORKS PROCUREMENT

HPR2021/033

The Executive received a progress update on the restoration of the Crystal Palace Park Subway and considered the proposals for procuring main contract works for its restoration.

Councillor Angela Wilkins attended the meeting to support the proposals as ward member for Crystal Palace.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 16th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The contents of the report, namely information regarding the procurement of the main contract works for the restoration of the Crystal Palace Subway, which was fully funded by grants.

(2) The procurement of the main contract works be approved, noting that the subway restoration project is already on the Capital programme, with funding secured.

(3) The amendment to the existing Capital Programme for the Crystal Palace Park Subway to reflect revised costs and available funding be approved.

251 NEXT STEPS FOR THE CRYSTAL PALACE PARK REGENERATION PLAN

Report HPR2021/031

On 25th March 2021, the Development Control Committee resolved to grant Outline Planning Permission for the Crystal Palace Park Regeneration Plan, subject to legal agreement. The next step in delivering the Regeneration Plan was to develop the shadow S106 agreement, or similar mechanism, and refer the Outline Planning Application (OPA) to the Greater London Authority.

In order to progress to the next step, secure planning permission and secure the capital receipts from the associated land disposals, further funding was required to appoint an external planning lawyer and commission reactive support from consultants, AECOM.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 16th June 2021 and the Committee supported the recommendations.

RESOLVED that an increase in the Capital Programme of £65k be approved to develop the legal agreement for the Crystal Palace Park Regeneration Plan OPA, funded from capital receipts.

252 DELEGATION OF FUNDING

Report ES20097

Members considered a report relating to two current Trading Standards investigations that were proceeding to prosecution and required cross boundary authorisations from other local authorities. Acceptance of the recommendations would also have a bearing on ongoing and future cases.

Where the Executive function from other authorities was required, this needed to be formally accepted by the Executive. On 19th April 2021, Council agreed an amendment to the Constitution to clarify that for executive functions the decision sat with the Leader and for other functions with the Council; however, to comply with correct governance, this decision first needed to be approved by the Portfolio Holder for Public Protection and Enforcement (following pre-decision scrutiny by the Public Protection and Enforcement PDS) prior to it being recommended to the Executive.

The report had been scrutinised by the Public Protection and Enforcement PDS Committee on 16th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The delegation of functions from other local authorities (listed in Appendix A to the report) for adoption for the purposes of legal proceedings be accepted.

(2) Authority be delegated to the Director of Environment and Public Protection to accept delegation of function from the other local authorities in relation to this matter.

**253 INTEGRATED COMMUNITY EQUIPMENT SERVICE -
PROCUREMENT STRATEGY AND EXTENSION**
Report ACH21-037

The report outlined the current arrangements for the provision of Bromley's Integrated Community Equipment Service, currently commissioned through the London Community Equipment Consortium (London Consortium) and set out the options for future procurement.

The Executive had previously approved re-procurement of the service through continued membership of the London Consortium. However, due to the delay in activating the tender, officers had re-submitted this request.

The current contract ended on 31 March 2022. A further one year extension option was available and approval for the extension was sought to support the proposed procurement timetable and to allow for a further review that took into account the impact of Corvid 19 to ensure that the future service met the needs of Bromley residents.

The report had been scrutinised by the Adult Care and Health PDS Committee on 29th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The Council participates in a joint re-tendering exercise for the Integrated Community Equipment Service through the London Consortium, with the estimated £37k procurement costs funded from the Improved Better Care Fund.

(2) An extension to the Integrated Community Equipment Service contract with Medequip be approved, utilising the remaining one year formal extension option, commencing 1 April 2022 at an estimated value of £2.6m.

**254 PROCUREMENT OF CONSULTANTS FOR EDUCATION
CAPITAL PROJECTS**
Report CEF21021

The Executive considered a report on procurement arrangements for professional consultancy services in relation to the delivery of the Council's Education capital programme. The Council's previous arrangements for consultancy services were procured through the LB Lewisham consultants' framework and had expired. The Council needed to ensure consultants were in place for new projects.

The report had been scrutinised by the Children, Education and Families PDS Committee on 15 June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) Proceeding to procurement for contracts for professional consultancy support for education capital schemes be approved as detailed in paragraph 4.3.1 of the report; the proposed length of the contracts are four years with an estimated overall value of £4m.

(2) Delegated authority be granted to the Director of Education to award contracts from the Lots, based on the agreed Basic Need Capital Programme, subject to agreement from the Portfolio Holder for Children, Education and Families, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance.

255 IT SERVICES PROCUREMENT
Report CSD21075

The report summarised options to be explored for ensuring the continued provision of IT services currently provided by BT, following the end of the current contract in December 2023. It set out procurement options to be explored in further detail to enable decision making, procurement and transition to any new or changed arrangements.

The report did not address specific technologies, as this has been covered in previous reports and decisions, but focussed on the means of provision of IT services.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 23rd June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The options and recommended focus on option 2 presented in this report be noted and the funding set out in section 8 of the report be approved for the additional resources required to fully analyse and explore procurement options for the IT provision and subsequent Service Support Models.

(2) The further cost implications depending on the option taken following the options investigation be noted: these costs need to be considered against the strategic importance of the IT service provided which impacts on all of the Council's services, supports the transformation agenda in delivering service improvements and budget efficiencies, and is a vital element of the Council's infrastructure; consequently, there is a need to explore options, deliver the optimum IT solution and achieve best value for as this is a significant contract forming a vital element that underpins the Council's service delivery infrastructure.

256 TRANSFORMING BROMLEY 2019 - 2023: FIRST TWO YEARS

The Executive received key updates on the progress of the Transforming Bromley agenda two years into the four year Transformation Programme (2019-2023).

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 23rd June 2021 and the Committee supported the recommendations.

RESOLVED that the report be noted and referred to all PDS Committees and General Purposes and Licensing Committee.

257 AWARD REPORT FOR (1) DOMICILIARY CARE FRAMEWORK (2) DOMICILIARY CARE PATCH CONTRACTS (PART 1) Report ACH21-031

In accordance with its statutory social care function, the Council provided approximately 15,000 hours of standard domiciliary care per week and spent around £14m per annum providing services to adult residents of Bromley. Additionally, children and young people access support services which encompass the wider definition of domiciliary care. The cost of this activity was £0.7m per year (560 hours per week).

The current Domiciliary Care Framework commenced in August 2012 as a '5 year plus 2 year plus 2 year' contract and was scheduled to end on 26 August 2021.

On 27 November 2019, the Executive had agreed to proceed to procure for a multi-provider Framework contract for domiciliary care to replace the expiring Framework. The Gateway 0/1 report also outlined the move towards

providing a Patch Model of provision with additional support provided through a list of Framework providers.

In summary, the borough would be divided into four geographical patches (East, West, Central and south). Each Patch had between one and three Patch providers, depending on the number of service hours to be delivered in that Patch. It was envisaged that the Patch arrangements would result in better provider staff recruitment and retention levels due to potentially better contract terms and work conditions and greater knowledge in the relevant geographical patches. In turn it was planned that there would be improved quality assurance arrangements with a smaller group of core providers.

The eight Patch Providers would deliver the primary domiciliary care model. To give greater flexibility and to ensure that all care and support needs will be met, the Patch Provider contract will be supplemented with a Framework (up to 32 providers). The Framework providers would be used only when Patch providers were not able to respond to service requests.

In order to ensure that there was a seamless transition from children to adults services, the new Framework incorporated all ages. Children's domiciliary care would account for approximately 3% of the new business and 11% of the activity was likely to be related to clients that were eligible for Continuing Care support (NHS funded). Including the latter would support the integration agenda, whilst maximising the opportunity for the Council and CCG to achieve economies of scale, more competitively priced joint packages and avoid multiple providers for service users that are eligible for health and social care assistance.

The new Framework and Patch arrangements would also supersede the current Discharge to Assess (D2A) Framework contract as planned and confirmed in D2A Framework Award report. This equated to approximately 5% of the domiciliary care Framework activity.

The report set out the results of the two tendering processes and sought approval to award Framework contracts to multiple providers for the delivery of domiciliary care, alongside awarding the eight domiciliary care Patch contracts. The proposed Framework would commence from 27 August 2021 for a four year period. The Patch contracts would commence on the same date; however, Patch providers would be given 6 months to mobilise if they so wished.

Further details were set out in a part 2 report.

The report had been scrutinised by the Adult Care and Health PDS Committee on 29th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The award to the named Framework providers (as detailed in the Part 2 report) be agreed for the four year period from 27 August 2021 – 28

August 2025; the Framework contract has an estimated overall annual value of £14.2m total per annum, the overall whole life value is £113.6m (Framework and Patch).

(2) Delegated authority be granted to the Director of Adult Social Care to reopen admission to the Framework, via a compliant process, as required and award further contracts to the Framework, within the estimated contract value as per resolution (1).

(3) The award of contracts be approved to the Domiciliary Care Patch Providers (as detailed in the Part 2 report) from the 27 August 2021 for 5 years with the option to extend for a further 3 years (5+3); with the estimated contract value as per resolution (1).

(4) Delegated authority be granted to the Director of Adult Social Care to apply the three year extension option for the Patch contracts, subject to Agreement with the Portfolio Holder for Adult Care & Health Services, the Assistant Director Governance & Contracts the Director of Corporate Services and the Director of Finance as determined by the Contract Procedure Rules.

258 CONTRACT AWARD LEARNING DISABILITY COMPLEX NEEDS DAY SERVICE (PART 1)
Report ACH210032

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. Approval was 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 resulted in a 6-month extension of the contract to 31 March 2021.

At the Adult Care and Health PDS meeting on 24 November 2020, Members 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 were spot purchased or funded via direct payments; people with complex needs would receive a building based service purchased via a block contract. The report was focussed upon the building based complex needs day service.

The tender process for complex needs day services closed on 4 February 2021 but did not attract any compliant bids. On 31 March 2021 the Executive were advised that a negotiated contract award process was being followed and agreed 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.

The negotiated contract award process had concluded and agreement was sought to award the provision of the learning disability complex needs day service as detailed in the accompanying part two report for a period of three years from 16 August 2021 with the option to extend for a further two years.

The report had been scrutinised by the Adult Care and Health PDS Committee on 29th June 2021 and the Committee supported the recommendations.

The Leader recorded his thanks to Colin Lusted for his exceptional work on this issue.

RESOLVED that

(1) The contract for the provision of the learning disability complex needs day service be awarded as detailed in the part two report, commencing on 16 August 2021 for a period of 3 years to 15 August 2024 with the option to extend for a further period of up to 2 years and an annual and whole life value as detailed in the part two report.

(2) Authority be delegated to the Director of Adult Social Care, subject to agreement from the Portfolio Holder for Adult Care and Health, the Assistant Director, Governance & Contracts, the Director of Finance and the Director of Corporate Services, to exercise the 2 year extension period.

259 BUILDING HOUSING PROGRAMME (PART 1)
Report HPR2021/037

The Executive received an update on the Phase One sites within the Council's housing delivery programme (these were live sites that had already obtained planning consent and/or were under construction) including a request for a supplementary estimate.

The report provided a high-level update on three sites that had been identified for feasibility works to test their suitability for being included within Phase Two of the Council's housing delivery programme. The report also provided an update on housing units being purchased.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 16th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The contents of the report be noted in relation to the update on Housing Delivery Programme's Phase 1 sites which have planning consent and/or are under construction (as set out in Section 4 of the report.)

(2) The contents of the report be noted in relation to the updates provided for West Wickham Library and Car Park site and Beckenham Car Park site which are identified as potential Phase 2 sites for the Housing Development Fund (as set out in Sections 6.1 and 6.2 of the report), noting that officers will provide Members of the Executive with a comprehensive update report on these in September 2021 (as set out in Section 7 of the report).

(3) The use of £130k S106 funds for additional costs relating to Anerley and Bushell Way developments be approved as set out in paragraph 4.2 in the report.

(4) The allocation of £620k from the Housing Investment Fund be approved for the estimated costs to proceed to planning for the three sites as set out in paragraph 7.1 in the report.

260 YORK RISE, ORPINGTON (PART 1)
Report HPR2021/032

The Executive received an update on scheme development and was recommended to award a contract to proceed with residential development of 35 homes at York Rise, Orpington. It was confirmed that six parking spaces had been obtained by agreement with Mytime Active, and negotiations were continuing to secure four more.

Cllr Charles Joel attended the meeting to speak on behalf of the Farnborough and Crofton ward councillors. They had no objections to the site being developed as housing units for homeless people, but considered in particular that parking provision was inadequate. They also had concerns about the height of the proposed four-storey block, but this was a planning matter. Cllr Christopher Marlow confirmed that he agreed with his ward colleague.

Further details of the scheme were set out in a part 2 report.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 16th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The progress of the project as set out in the report be noted.

(2) Council be recommended to approve a supplementary capital estimate of £2.1m.

(3) Council be recommended to approve the revised financing of the scheme as set out in paragraph 14.10 including an internal loan from the General Fund to the Housing Revenue Account of £6,064k.

(4) A direct contract award be approved to Module-AR for a total contract value estimated at £8.1m, using the LHC, NH2 Framework, for a design and build contract of housing at the site, as set out in paragraph 9 of the report.

(5) An appropriation be authorised of the Council's interest in the land shown edged red on the plan at Appendix A for planning purposes under section 122 of The Local Government Act 1972 and section 237 of the Town and Country Planning Act 1990, both as amended.

(6) Authority be delegated to the Director of Corporate Services to deal with all necessary legal arrangements to effect and bring into implementation the appropriation set out in the report.

(7) Authority be delegated to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing to take all of the necessary steps to appropriate the site shown in the plan at Appendix A for housing purposes to be accounted for in the Housing Revenue Account (HRA.)

(8) Authority be delegated to the Assistant Director of Highways to adopt the road, subject to planning permission.

(9) The utilisation of £758k Section 106 contributions be approved.

261 FUTURE MANAGEMENT PROPOSAL FOR BECKENHAM PUBLIC HALL (PART 1)
Report HPR2021/034

The Executive received a report updating them on the Beckenham Public Hall lease disposal, including progress to date and recommendations to bring the project forward.

The Portfolio Holder for Renewal, Recreation and Housing, Cllr Peter Morgan, stated that the proposals would secure public access to the hall with the cost of over £1m of repairs being met by the new leaseholders. There will be longer hours of community use, the community toilets would remain available and "The Club" would be retained.

Additional details were set out in a part 2 report.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 16th June 2021 and the Committee supported the recommendations.

RESOLVED that

(1) The lease disposal be approved.

(2) Authority be delegated to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to progress the lease disposal negotiations, including agreeing to and settling the final detailed terms.

(3) The Director of Corporate Services be authorised to agree, settle, negotiate and complete the legal documentation and any other ancillary legal documents arising thereto and to sign and complete them on behalf of the Council.

262 GATEWAY 1: PRIMARY AND SECONDARY INTERVENTION SERVICES PERMISSION TO TENDER

Report ACH21-030

The report sought approval to proceed to procurement for the Primary and Secondary Intervention Service (PSIS) against an updated service specification. The current contract expired on 30th September 2022 and the option to extend the contract had already been exercised. The current contract had an estimated annual value of £2.5m with an estimated cumulative allocation over the life of the contract (3 years with an option to extend for a further 2 years) of £12.7m.

The proposed contract would have an estimated value of £18.3m with the difference mainly accounted for by the proposal to have a 5-year contract plus 2- year option to extend the contract and service changes which were detailed in section 4.0.4 of the report. This service was currently delivered by Bromley Third Sector Enterprise and provided integrated prevention and early intervention services across health and social care for the residents of Bromley. The service was jointly commissioned with the South East London Clinical Commissioning Group (Bromley) with the Council as the lead commissioner.

Following a Gateway 0 report in March 2021, commissioners had conducted a soft market test to inform the procurement options for this service. Following the completion of the soft market test in May, this Gateway 1 Report requested Members to note the proposed changes to the service and the procurement options and approve the recommendation to tender the service.

Additional details were set out in a part 2 report.

The report had been scrutinised by the Adult Care and Health PDS Committee on 29th June 2021. The Committee supported the recommendations, with the addition of a further recommendation about the annual inflationary uplift.

RESOLVED that

(1) Proceeding to procurement be approved as detailed in sections 4.3 and 6 of the report.

(2) Commissioners conduct an open tender process for the PSIS service for a contract planned to commence on 1st October 2022 for a period of five years with the option to extend for a further two years at an estimated annual value of £2.6m (whole life value of £18.3m.)

(3) In relation to the annual inflationary uplift for the forthcoming new contract, the contract price shall increase or decrease annually on each 1st April by the same percentage increase or decrease (if any) as that between the published UK Consumer Price Index figure for the previous February and that same figure but as published 12 months previously to that figure.

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

There were no additional items referred from the Executive, Resources and Contracts PDS Committee.

264 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**

265 EXEMPT MINUTES OF THE MEETING HELD ON 26 MAY 2021

The exempt minutes of the meeting held on 26 May 2021 were confirmed.

266 AWARD REPORT FOR (1) DOMICILIARY CARE FRAMEWORK (2) DOMICILIARY CARE PATCH CONTRACTS (PART 2)

The Executive considered a part 2 report with additional details of the recommended framework providers and tender scores for Patch providers.

267 CONTRACT AWARD LEARNING DISABILITY COMPLEX NEEDS DAY SERVICE (PART 2)

The Executive considered a part 2 report with additional detail on the outcome of the negotiated process for a new contract for provision of the learning disability complex needs day service.

268 BUILDING HOUSING PROGRAMME (PART 2)

The Executive considered a part 2 report giving additional detail on the Council's housing delivery programme.

269 YORK RISE, ORPINGTON (PART 2)

The Executive considered a part 2 report giving additional details on the proposed housing scheme at York Rise, Orpington.

270 FUTURE MANAGEMENT PROPOSAL FOR BECKENHAM PUBLIC HALL (PART 2)

The Executive received part 2 details of the proposals for lease disposal of Beckenham Public Halls.

The Meeting ended at 8.20 pm

Chairman

EXECUTIVE

30th June 2021

(A) Questions from Members of the Public for Oral reply

1. From Professor Bernard Williams FRICS to the Portfolio Holder for Renewal, Recreation and Housing

The whole of the golf course land is designated as Metropolitan Open Land. The officers are on record (answers to question raised at the RRH PDS Committee on 18th June) as saying that this is irrelevant as the land is of 'special architectural and historic merit' and that its status as MOL does not come into consideration when considering whether or not to designate the golf course as part of the Conservation Area.

Do the members agree that if it is felt necessary to protect the golf course land from built development then MOL status is an adequate safeguard and that using an unsubstantiated case for designating the land on its 'special architectural and historic merit' in order to bolster this security is a misuse of the Council's powers under Section 69 of the Civic Amenities Act 1967?

Reply:

The Planning (Listed Building and Conservation Areas) Act 1990 is the applicable Act. Section 69 of this Act imposes a duty on Local Planning Authorities to designate areas of special architectural or historic interest as conservation areas, where the Local Planning Authority determines designation is warranted.

The Executive report and the BEAMS report set out the justification for designation; for example, see table 3.1 on page 10 which states that the golf club warrants inclusion due to the contribution that the open space makes to the historic interest of the area. With regard to the interaction between a conservation area and MOL designation, paragraph 3.9 of the report explains that conservation area designation should be justified based on whether an area meets the requirements of the Act, and the fact that the golf club already has significant protection through the MOL designation is not a relevant consideration when considering whether an area should be designated as a Conservation Area.

Supplementary Question:

Professor Williams asked whether Members were aware that Historic England had written expressing concerns about inclusion of the Golf Club in the new conservation Area and suggested that this meant that the case for inclusion may not be clear cut.

Reply:

Cllr Morgan responded that he was aware, and that although the case may not be clear cut this did not mean that the Council were necessarily wrong.

2. From Professor Bernard Williams FRICS to the Portfolio Holder for Renewal, Recreation and Housing

Guidelines from Historic England stipulate that: 'working with community groups, including both residents and businesses during the preparation of an appraisal will help to reduce potential need for significant amendments to the draft document later'. (Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition.)

No approach was made to Shortlands Golf Club by BEAMS during the appraisal period in spite of the fact that the Club is by far the largest landowner in the proposed Conservation Area. As a consequence the Club's valid objections to the proposals could not be discussed face-to-face with the consultants resulting in the Report failing to address the critical issue of whether or not the golf course has any 'special architectural and historic interest'.

*As a result of this failure to observe best practice the golf club has had to rely upon the consultation process, public questions and lobbying committee members to get its case understood – and in this process has had **no opportunity** to debate the issues **face to face** with those arguing for the inclusion of the golf course in the Conservation Area.*

Do the members agree that the failure of BEAMS to follow best practice guidelines laid down by Historic England in not consulting with Shortlands Golf Club during the Appraisal Period has resulted in the case for exclusion of the golf course not being properly investigated and presented to the members of the various committees charged with scrutinising the proposals?

Reply:

The Council's approach to appraising the conservation area has been consistent with relevant legislation. The proposed conservation area and the appraisal which underpinned it were consulted on extensively, as is shown by the response rate mentioned in paragraph 3.3 of the Executive report. The golf club were specifically consulted as part of this exercise.

3. From Mr Denis Cooper, Chairman of Shortlands Golf Club, to the Portfolio Holder for Renewal, Recreation and Housing

Shortlands Golf Club produced a 42-page written objection to the proposal to include the Club's land in the proposed Shortlands Village Conservation Area. The author of that report, Dr. Jonathan Edis, is a highly respected heritage expert who spent 10 years as conservation officer for Beds. CC before becoming a consultant.

Following a very detailed evaluation of the BEAMS Report and its findings Dr. Edis concluded that the BEAMS Report had not made a proper assessment of the status of the golf course in terms of its special architectural or historic merit as required by Historic England and the National Planning Policy Framework for the purposes of designation within the Conservation Area.

In spite of the weight which ought to have been accorded to the opinions of such an eminent authority on heritage matters the officers decided not to pass this back to BEAMS or Historic England for comment on the grounds that in their opinion the report 'raised no issues which would have warranted referring his report to BEAMS or Historic England'

Do the members of the Executive Committee agree that this failure to afford BEAMS and Historic England the opportunity to reconsider their views in the light of Dr.Edis' report constituted a flaw in the consultation procedure sufficiently serious as to call into question the legitimacy of the whole process of designation of the golf course?

Reply:

There is no requirement to invite reconsideration of consultee's views. Council officers do have sufficient expertise to assess the comments of all respondents, and establish recommendations taking account of those comments.

4. From Mr Denis Cooper, Chairman of Shortlands Golf Club, to the Portfolio Holder for Renewal, Recreation and Housing

At the RRH PDS Committee on 18th June a member expressed the view that it was essential to designate the golf course as part of the Conservation Area on the basis that at some time in the future the Trustees might decide to sell the land for property development. The members present accepted this statement without demur and voted by a large majority to retain the golf course in the proposed Conservation Area.

Do the members agree that this is not a valid reason for voting to designate the golf club as part of the Conservation Area given that the only permissible consideration has to be whether it has special architectural or historic merit and that members of the RRH PDS Committee should have been made aware of this fact before being asked to vote in favour of endorsing the BEAMS Report unamended?

Reply:

Members agree that designating a conservation area purely to give extra protection to a piece of land would not meet the requirements of the Act. However, the proposed designation of the Shortlands Village Conservation Area is justified due to the special architectural or historic interest, as is detailed in the Executive report. The designation is not recommended as a means to give additional protection to the area.

Supplementary Question:

As a supplementary question, Mr Cooper stated that the Golf Club's trustees had a duty to maintain their land in good condition and had no intention of developing the land.

Reply:

Cllr Morgan responded that he understood that the Golf Club was well-run, but the purpose of designation was not to add another level of protection to the existing Metropolitan Open Land status. Any development of the clubhouse would have to meet high standards, but the Conservation Area did not prevent good development.

(B) Questions from Members of the Public for Written Reply

1. From Dermot Mckibbin to the Portfolio Holder for Resources, Commissioning and Contract Management

Please publish for all the wards in Bromley the number of electors entitled to vote and those that did vote in the 2021 London elections, the 2019 general election and the 2018 local elections. When will the Council review the 2021 election results?

Reply:

I have passed your question to the Returning Officer and Electoral Registration Officer to respond.

2. From Dermot Mckibbin to the Portfolio Holder for Resources, Commissioning and Contract Management

Please show the number of postal and proxy votes cast in each ward for all wards in Bromley for the 2021 elections, the 2019 general election and the 2018 local elections.

Reply:

I have passed your question to the Returning Officer and Electoral Registration Officer to respond.

3. From Helen Brookfield to the Portfolio Holder for Resources, Commissioning and Contract Management

How does the Council define an empty property and how does it research possible empty residential properties over commercial properties?

Reply:

For the purposes of the Premium, an Empty Home is one that has been “unoccupied” and “substantially unfurnished” for two years or more. Periods of six weeks or less when the property is occupied/furnished are disregarded for purposes of calculating the two-year period.

The Council carries out reviews to identify possible empty residential properties via its contractor Liberata UK Ltd. The review includes written communication and inspections of the properties where required.

4. From Helen Brookfield to the Portfolio Holder for Resources, Commissioning and Contract Management

In view of the increasing numbers of empty properties in the borough and the rising cost in temporary accommodation will the Council now review its decision not to increase the maximum amount of council tax for the owners of empty properties and if not why not?

Reply:

In January 2021 the Executive decided to defer the decision to increase the Empty Home Premium for a further year in recognition of the ongoing impact of the pandemic. The Council will consider whether a further deferral of an increase in the Premium is appropriate in light of the continued impact of the pandemic and the difficulties still being experienced by owners with the development, repairs and/or sale of empty properties.

5. From Angela Barnett to the Portfolio Holder for Public Protection and Enforcement

What procedures does the Council have for making empty properties safe after a fire? Why was there a second fire within days at Northdene?

Reply:

The responsibility lies with the owner of the property, and I am aware that in this case the Police have served a Community Protection Warning Notice on the owner. The Council's Building Control officers would only become involved in the case of a formally recorded Dangerous Structure.

This page is left intentionally blank