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DATE: 8 March 2022

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

Councillor Yvonne Bear (Chairman)
Councillor Gary Stevens (Vice-Chairman)
Councillors Vanessa Allen, Julian Benington, Aisha Cuthbert, Christine Harris,
Charles Joel, Will Rowlands and Richard Scoates

A meeting of the Renewal, Recreation and Housing Policy Development and Scrutiny
Committee will be held at Bromley Civic Centre on **WEDNESDAY 16 MARCH 2022**
AT 7.00 PM

PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic
Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the
meeting: you can ask questions submitted in advance (see item 3 on the agenda) or
just observe the meeting. There will be limited space for members of the public to
attend the meeting – if you wish to attend please contact us, before the day of the
meeting if possible, using our web-form:

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

Please be prepared to follow the identified social distancing guidance at the meeting,
including wearing a face covering.

TASNIM SHAWKAT
Director of Corporate Services & Governance

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

PART 1 AGENDA

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

STANDARD ITEMS

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC
ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically relating to reports on the agenda are received by the Democratic Services Team by **5 pm on 10 March 2022.**

a QUESTIONS FOR THE RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

b QUESTIONS FOR THE CHAIRMAN OF RENEWAL, RECREATION AND HOUSING PDS COMMITTEE

4 MINUTES OF THE RENEWAL, RECREATION AND HOUSING PDS COMMITTEE MEETING HELD ON 26TH JANUARY 2022 (Pages 5 - 24)

5 MATTERS OUTSTANDING FROM PREVIOUS MINUTES AND WORK PROGRAMME (Pages 25 - 30)

HOLDING THE RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER TO ACCOUNT

6 PRE-DECISION SCRUTINY OF RENEWAL, RECREATION AND HOUSING PORTFOLIO REPORTS

Portfolio Holder decisions for pre-decision scrutiny.

a CONTRACT AWARD FOR STATUTORY HOMELESSNESS REVIEWS (Pages 31 - 38)

b ORPINGTON BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL 2023-2028 (Pages 39 - 50)

c CONFIRMATION OF ARTICLE 4 DIRECTIONS TO REMOVE PART 1, CLASS B AND C PERMITTED DEVELOPMENT RIGHTS IN PETTS WOOD ASRC AND CHISLEHURST ROAD CONSERVATION AREA (Pages 51 - 62)

d CONFIRMATION OF SIX ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR USE CLASS E TO RESIDENTIAL USE (Pages 63 - 84)

e BUDGET MONITORING 2021/22 (Pages 85 - 94)

f CAPITAL PROGRAMME MONITORING - 3RD QUARTER 2021/2 (Pages 95 - 102)

7 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

- a **AGREEMENT FOR THE USE OF VARIOUS TENANCY AGREEMENTS FOR BROMLEY OWNED HOUSING** (Pages 103 - 110)

POLICY DEVELOPMENT AND OTHER ITEMS

- 8 **ANNUAL SCRUTINY REPORT** (Pages 111 - 112)
- 9 **THEMATIC SESSION: HOUSING**
- 10 **PRESENTATION FROM HOUSING ASSOCIATIONS**

PART 2 (CLOSED) AGENDA

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

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

	<u>Items of Business</u>	<u>Schedule 12A Description</u>
12	EXEMPT MINUTES OF THE RENEWAL, RECREATION AND HOUSING PDS COMMITTEE HELD ON 26TH JANUARY 2022 (Pages 113 - 116)	
13	PRE-DECISION SCRUTINY OF PART 2 (EXEMPT) RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER REPORTS	
	<ul style="list-style-type: none"> a PART 2 CONTRACT AWARD FOR STATUTORY HOMELESSNESS REVIEWS (Pages 117 - 126) 	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 26 January 2022

Present:

Councillor Yvonne Bear (Chairman)

Councillors Vanessa Allen, Aisha Cuthbert, Colin Hitchins,
Charles Joel, Will Rowlands and Richard Scoates

Also Present:

Councillor Peter Morgan

47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Gary Stevens and from Councillor Christine Harris – who was replaced by Councillor Colin Hitchins.

48 DECLARATIONS OF INTEREST

There were no declarations of interest.

49 QUESTIONS FROM MEMBERS OF THE PUBLIC

Four questions for oral reply were received at the meeting, and there were three questions for written reply. A copy of those questions, together with the Portfolio Holder's responses, can be viewed as Appendix A to these Minutes.

50 MINUTES OF THE RENEWAL, RECREATION AND HOUSING PDS COMMITTEE MEETING HELD ON 16 NOVEMBER 2021

RESOLVED that the minutes of the meeting held on 16th November 2021 be confirmed as a correct record.

51 MATTERS OUTSTANDING FROM PREVIOUS MINUTES AND WORK PROGRAMME

Report CSD22010

The Committee considered a report setting out its work programme and progress against outstanding actions from previous meetings.

The Committee noted that there had been many applications for the Household Support Fund, and it was unlikely that any further applications would be accepted as the applications already received would use up all the

available grant until the end of the financial year. The majority of requests had been granted in full, but further information was awaited.

Officers had carried out a property review of the airspace above the car park at West Wickham Leisure Centre, but the conclusion was that it would not be viable to pursue this. A further review was being carried out to assess all the options and costs, including a full refurbishment of the building. It was hoped to report back in June, but the Chairman urged officers to report back sooner if possible.

On the Work programme, it was noted that housing associations would be attending for the thematic session at the next meeting on 16th March. The SPD for Orpington was on the current agenda so would not need to be on the agenda for the March meeting.

RESOLVED: that the report be noted.

52 PRE-DECISION SCRUTINY OF RENEWAL, RECREATION AND HOUSING PORTFOLIO REPORTS

The Committee considered the following reports where the Renewal, Recreation and Housing Portfolio Holder was recommended to take a decision:

53 HPR PORTFOLIO PLAN 2021/22 Report ACH20-044

The Committee received an update on the Portfolio Plan for quarter 3, 2021/22, focussing on items that were red-flagged. It was noted that an updated version of Appendix 1 had been circulated. In response to a query about staffing problems, officers confirmed that they were working with HR to fill posts in areas such as Planning, Building Control and Housing. This also involved looking at grades and providing professional training opportunities to develop staff in-house.

RESOLVED that progress on the actions associated with the Portfolio Plan for Quarter 3 2021/22 be noted.

54 CAPITAL PROGRAMME MONITORING Report FSD22016

On 24th November 2021 the Executive had received a report summarising the position on capital expenditure and receipts following the second quarter of 2021/22 and agreed a revised Capital Programme for the four year period from 2021/22 to 2024/25. The Committee received an update in respect of the Renewal, Recreation and Housing Portfolio Capital Programme.

RESOLVED that the Portfolio holder be recommended to note and acknowledge the second quarter capital monitoring position as agreed by the Executive on 24th November 2021.

55 CONFIRMATION OF ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN SPECIFIED AREAS

Report HPR2021/068

The Committee considered a report recommending that the Portfolio Holder should confirm sixteen non-immediate Article 4 Directions to withdraw permitted development (PD) rights which allowed certain buildings to extend upwards by up to two storeys to provide new or extended residential units. These Directions would apply to the 13 Areas of Special Residential Character as shown in the Bromley Local Plan (January 2019) and to three discrete areas which fell within local views.

The areas selected for the Directions were areas which added significant character and distinctiveness, linked to adopted policy in the adopted Local Plan. The Article 4 Directions would help to protect this character and distinctiveness which was a positive benefit for local amenity.

In line with the requirements of legislation, representations on the proposed Directions had been sought. Two representations were received, both in support of specific Directions. If confirmed, the Directions would come into force on 15 March 2022.

RESOLVED that the Portfolio Holder be recommended to confirm the sixteen non-immediate Directions covering the areas shown in the maps at Appendix 1 and Appendix 2 to the report, to come into force on 15th March 2022.

56 CONFIRMATION OF ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL DEMOLITION IN BROMLEY'S DESIGNATED OFFICE AND INDUSTRIAL AREAS

Report HPR2021/069

The Committee considered a report recommending that the Portfolio Holder confirmed eighteen non-immediate Article 4 Directions to withdraw permitted development (PD) rights which allowed the demolition of purpose-built detached buildings used for offices (within former B1a office, B1b research and B1c light industrial uses) together with their replacement with a single detached block of flats or a single dwellinghouse. These Directions would apply to the three Business Improvement Areas (BIA) in Bromley Town Centre; Strategic Industrial Locations (SIL); the majority of Locally Significant Industrial Sites (LSIS); and all three Office Clusters, all as shown in the Bromley Local Plan (January 2019).

The areas selected for the Directions were key areas for the retention and promotion of offices, research and light industrial uses. The Article 4 Directions would accompany the existing Directions which removed Part 3, Class O office to residential permitted development rights within the Business Improvement Areas and three Office Clusters. It was considered expedient to restrict the operation of the new office to residential demolition permitted development right in the key areas outlined above due to the strategic importance of these designated areas. The Directions would thereby avoid harmful impacts upon economic development and ensure any development within the areas was properly planned in line with the policies in the adopted Local Plan.

In line with the requirements of legislation, representations on the proposed Directions had been sought. One representation had been received, which made general comments on the Direction covering the Franklin Industrial Estate LSIS, specifically noting numerous benefits of the existing concentration of businesses in the area and the need to protect these. If confirmed, the Directions would come into force on 11 May 2022.

RESOLVED that the Portfolio Holder be recommended to confirm the eighteen non-immediate Directions covering the areas shown on the map at Appendix 1, to come into force on 11 May 2022.

57 CONFIRMATION OF ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR C3 RESIDENTIAL TO C4 HMO USE

At its meeting on 15 July 2021, the Executive authorised the making of two Article 4 Directions to remove C3 to C4 permitted development (PD) rights which allowed homes to convert to houses of multiple occupation (HMOs). The Executive authorised an immediate Direction covering Biggin Hill and Darwin wards, and a non-immediate Direction covering the rest of the Borough. The immediate Direction had to be confirmed by 28 February 2022 in order to remain in force after this date, while the non-immediate Direction had to be confirmed before 1 September 2022 in order for it to come into effect.

At its meeting on 11 January 2022, the Development Control Committee considered a report with updated information on HMOs; the report recommended that the Directions were not confirmed due to the lack of sufficient justification to confirm, in line with the requirements of national planning policy and guidance. The Committee had considered the report and voted to recommend that the Directions were confirmed, based on noted concerns from several Members about the adverse impacts of HMOs.

RESOLVED that the Portfolio Holder be recommended to authorise the confirmation of the “immediate” and “non-immediate” Article 4 Directions at Appendix 3 to the report.

58 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

The Committee considered the following reports on the Part 1 agenda for the meeting of the Executive on 9th February 2022.

59 YOUNG PEOPLES' ACCOMMODATION AND TENANCY SUSTAINMENT SERVICE

Report HPR2022/004

The Council had held a contract since 2016 with DePaul UK Ltd to provide an Accommodation and Tenancy Sustainment Service for young people who were homeless or threatened with homelessness including Care Leavers engaged with the authority. This contract was originally due to expire in September 2021, however due to the Pandemic a further one year extension had been granted and therefore the contract would now expire in September 2022.

The report set out a summary of performance and outcomes delivered by DePaul UK Ltd over the contract period and the procurement strategy for the future Accommodation and Tenancy Sustainment Service for Young People. A competitive tendering process was recommended for a five year contract with options to extend for two further two year periods. As part of reviewing the contract, young people had been asked for their comments and suggestions; the Chairman stated that it was important that the Council provided feedback to them on what suggestions had been taken forward for the proposed new contract.

RESOLVED that the Executive be recommended to -

(1) Approve proceeding to a competitive tender, via a two stage restricted tender process, for the provision of an Accommodation, Tenancy Sustainment and Support services for young people for a contract period of five years with an option to extend for 2 periods of 2 years .

(2) Note that the proposed contract is estimated at an annual value of £428,400 per annum - the initial five-year contract start date will be 8th September 2022 with an end date of 7th September 2027 at a cost of £2,142,000; the cost of two period of two years at £1,713,600 with an estimated whole life value of £3,855,600.

60 MEADOWSHIP HOMES – UPDATE AND CHANGE TO ACQUISITION CRITERIA

Report FSD22014

The report provided an update on the Meadowship Homes joint venture with Orchard and Shipman for the acquisition of residential properties for affordable housing and requested a change to the acquisition criteria to shift

towards purchasing flats, to enable more properties to be purchased in or close to the borough. About 26 properties had now been purchased, with 117 under offer.

RESOLVED that the Executive be recommended to approve the recommendations in the report to –

(1) Note the progress of the scheme to date.

(2) Agree the recommendation of the Meadowship Homes LLP Board to vary the portfolio split within the Acquisition Criteria as set out in paragraph 4.6 of the report.

(3) Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder Renewal, Recreation and Housing to vary the portfolio split set out in the Acquisition Criteria by up to 10% if required to address further changes in market conditions.

61 HOUSE BUILDING PROGRAMME

Report HPR2022/005

The report summarised progress made to date in relation to the house building programme, and set out potential scope of future delivery and estimated cost.

A pie chart showing progress had been circulated. This showed that the Council had schemes in place to deal with about two thirds of the housing gap – 7% completed and tenanted, 4% purchased, 13% in the acquisition process, 7% in construction, 3% ready for construction and 31% in feasibility. The Burnt Ash scheme was nearly complete.

The Chairman requested an update to each meeting in future, but also asked for the report to be in an easier to read format.

RESOLVED that the Executive be recommended to note the contents of the report, namely the progress made to date and the challenges in relation to future delivery.

62 AFFORDABLE HOUSING PROGRAMME (AHP) 21-26 GRANT AGREEMENTS

Report HPR2022/006

The Council had been allocated £37,959,000 grant funding as part of the Greater London Authority (GLA) Affordable Homes Programme 2021-2026. The report sought approval to enter into the Affordable Homes Programme 2021-2026 Grant Agreement with the GLA.

The grant would cover ten of the Council's eleven sites, but the Council was gaining a good reputation for delivering its projects, and the GLA had stated that they would be open to further applications from Bromley. The funding was time-limited (to the end of 2027 for this round), so the Council would need to progress as quickly as possible to achieve the full benefit of the grants.

RESOLVED that the Executive be recommended to approve the recommendations in the report to -

(1) Note the application and award for GLA grant funding under the Affordable Homes Programme 2021-2026 for sites to be developed as identified in the report.

(2) Agree the grant offer, and to enter into the Affordable Housing Programme 2021-2026 Grant Agreement with the GLA for those sites.

(3) Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Director of Finance to agree any changes to the Approved Grant as considered necessary in the interests of the Council.

(4) Where the Council applies for further GLA grant in relation to funding for a future indicative scheme(s) under the Affordable Housing Programme 2021-2026 Grant Agreement, to delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Director of Finance to add that indicative scheme(s) as an Additional Project(s) as may be provided for within the terms of the Grant Agreement.

63 CRYSTAL PALACE SUBWAY CONTRACT AWARD REPORT AND UPDATE

Report HPR2022/015

The report, together with the accompanying Part 2 report, set out the award of the main construction contract for the Crystal Palace Subway restoration works. The outcome of the compliant two stage Restricted Tender and Negotiated Procurement process was outlined in the Part 2 report.

Officers reported that the scheme enjoyed overwhelming public support, and was fully funded by grants. The main works (phase 1 of the project) would enable the Subway to be opened to the public for a variety of uses, but phase 2 involving complete waterproofing of the underground structure from the road, would only proceed if further funding could be secured. Funding from TfL was not now available due to other pressures on their budget, but additional funding applications had been submitted to Historic England and the Heritage Lottery Fund. The proposed delegations to officers would enable the Council to move quickly if and when additional funding could be secured.

RESOLVED that the Executive be recommended to –

(1) Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation & Housing and the Director of Finance, to approve the acceptance of any additional grants required to deliver this scheme to completion, namely any further grants that come forward from the National Lottery Heritage fund and/or Historic England.

(2) Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation & Housing and the Director of Finance, to approve increasing the Capital Programme for the Subway Restoration Project up to a maximum of £3.597m, to enable the completion of the full restoration scheme, subject to securing additional grant funding, noting that if additional grant funding is not secured, the addition to the Capital Programme will not be required.

(3) Delegate authority to the Director of Housing, Planning and Regeneration and the Director of Corporate Services, to agree the commercial heads of terms for a legal agreement proposed to be entered into between the Council and the London Borough of Southwark, outlining the Council's future maintenance and management responsibilities for the Subway upon practical completion of the works.

(4) Delegate authority to the Director of Corporate Services and Governance to execute all and any ancillary legal documentation relating to the proposed legal agreement referred to in paragraph (3) above.

(5) Delegate authority to the Director of Housing, Planning and Regeneration and the Director of Corporate Services and Governance, to agree the commercial heads of terms for a works licence with the London Borough of Southwark, and the construction contractor, to enable the undertaking of the restoration works.

(6) Delegate authority to the Director of Corporate Services and Governance to execute all and any ancillary legal documentation relating to the proposed works licence referred to in (5) above.

(7) See the Part 2 Report for further recommendations in relation to the award of the works contract.

64 ORPINGTON TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT (SPD) - CONSULTATION DRAFT
Report HPR2021/067

The report recommended that the revised Orpington Town Centre Supplementary Planning Document (SPD) should be published for six weeks public consultation. The SPD provided guidance to assist with the determination of planning applications in the Orpington Town Centre area, including guidance on design requirements. The report had already been considered by the Development Control Committee at its meeting on 11th January 2022.

The Committee supported the recommendation, but proposed that the consultation should run for twelve weeks, not six, and that a communication plan setting out proposals for consultation with all ward members should be presented to this Committee.

The Chairman confirmed that a presentation was being arranged for Members of Development Control Committee and ward Members on the Areli scheme for the Walnuts. As regards the Areli application, reference was made to literature being distributed in Orpington stating that Labour were opposed to the development. Cllr Allen stated that this was a local initiative and did not reflect official Labour Policy.

RESOLVED that the Executive be recommended to –

(1) Approve the draft Orpington Town Centre Supplementary Planning Document (Appendix 1 to the report) for twelve weeks consultation.

(2) Authorise the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to approve any further minor changes to the draft Orpington Town Centre Supplementary Planning Document ahead of public consultation.

65 PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD) UPDATE - CONSULTATION DRAFT
Report HPR2021/066

The Committee considered a report recommending that the revised Planning Obligations Supplementary Planning Document (SPD) should be published for six weeks public consultation. The SPD was an update of the current SPD which had been adopted in 2010. The update was necessary to reflect changes following the adoption of the Bromley Community Infrastructure Levy (CIL) and changes to national, regional and local planning policy since 2010.

The report had been considered by Development Control Committee on 11th January 2022 and the Committee had supported the recommendations,

RESOLVED that the Executive be recommended to –

(1) Approve the draft Planning Obligations Supplementary Planning Document at Appendix 1 to the report for six weeks public consultation.

(2) Authorise the Director of Housing, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to approve any further minor changes to the draft Planning Obligations Supplementary Planning Document ahead of public consultation.

**66 AFFORDABLE HOUSING DEVELOPMENT PROJECT AT YORK
RISE, ORPINGTON**
Report HPR 2022/003

The Committee received an urgent report providing an update on scheme funding in relation to York Rise, including increased funding from the Greater London Authority (GLA). This would enable MAR Ltd, the appointed design and build contractor, to proceed with the construction of 35 affordable homes at York Rise, Orpington, BR6 8PR. The scheme had been granted planning permission at the December 2021 Development Control Committee meeting. The Chairman of Executive, Resources and Contracts PDS Committee had given consent for this report to be taken under Budget and Policy Framework Procedure Rules - Rule 4 of the Urgency Procedure, given the importance of providing affordable housing at this critical time and the need to start work on-site in the next week to secure the additional GLA capital funding.

Officers reported that, allowing for the increased costs, the scheme was still viable and the Renewal Recreation and Housing Portfolio Holder confirmed this. The Council's contribution remained the same at just over £6m.

Councillor Charles Joel, ward Councillor for Farnborough and Crofton, set out a number of concerns about the site and the proposed development, including the presence of air raid shelters under the site, difficulty of access due to the topography of the site, outstanding planning conditions and inadequate car parking. Officers confirmed that they had worked with the contractor to address these issues, and discussions had been held with Mytime Active to secure additional parking facilities.

RESOLVED that the Executive be recommended to -

(1) Note the progress of the project as set out within the report.

(2) Approve a supplementary capital estimate of £3,174k. as set out in the accompanying Part 2 Report, under the Budget and Policy Framework Procedure Rule 4 of the Urgency procedure.

(3) Approve the revised financing of the scheme as set out in paragraph 8.5 of the report, noting that there is no change to the internal loan of £6,064k from the General Fund to the Housing Revenue Account.

(4) Note that the land appropriation value has been set by independent valuation at £390k.

(5) Approve the utilisation of a further £314,080.89 Section 106 contributions.

(6) Approve the varied Contract Award to Module-AR (as originally set out in report No HPR2021/032 B, 30th June 2021) as detailed in the accompanying Part 2 report, for the Design and Build contract using the LHC NH2 Framework

(7) Grant delegated authority to the Director of Renewal, Recreation and Housing to proceed to procure and/or contract award for additional consultancy services as required to bring about completion of this scheme, provided they are allowed for within the financial budget and subject to agreement as required through the Council's Contract Procedure Rules with the Portfolio Holder for Renewal, Recreation & Housing, the Assistant Director Governance & Contracts, the Director of Corporate Services and Governance and the Director of Finance.

(8) Delegate Authority to the Director of Corporate Services and Governance to authorise any legal measures needed to develop the scheme

(9) Approve the revised financing of the scheme as set out in paragraph 8.5 of the report, noting that there is no change to the internal loan of £6,064k from the General Fund to the Housing Revenue Account.

(Councillor Charles Joel requested that his abstention be recorded.)

**67 RENEWAL, RECREATION AND HOUSING PORTFOLIO DRAFT
BUDGET 2022/23
Report FSD22011**

The report set out the Portfolio Holder's Draft 2022/23 Budget which incorporated future cost pressures, planned mitigation measures and savings from transformation and other budget options which were reported to Executive on 12th January 2022. Members were requested to consider the initial draft budget being proposed and also identify any further action that might be taken to reduce cost pressures facing the Council over the next four years.

The Executive had requested that each PDS Committee consider the proposed initial draft budget, savings and cost pressures for their Portfolio and the views of each PDS Committee would be reported back to the next meeting of the Executive, prior to the Executive making recommendations to Council

on 2022/23 Council Tax levels. There were still outstanding issues and areas of uncertainty remaining.

It was confirmed that it was usual for housing authorities to prepare business plans stretching to thirty or even forty years due to the substantial capital investment required.

RESOLVED that the update on the financial forecast for 2022/23 to 2025/26 and the initial draft 2022/23 budget as a basis for setting the 2022/23 budget be noted.

68 DIGITAL INFRASTRUCTURE WORK PLAN UPDATE
Report HPR2021/065

The Digital Infrastructure Work Plan had been adopted by the Council in February 2021. It was intended that quarterly updates on the Work Plan would be provided to this Committee – this was the first of these updates.

The report provided an update on the provision of full-fibre broadband in the borough. According to ThinkBroadband information, in May 2020 less than 1% of premises in Bromley had full fibre broadband coverage. This had increased to 24.7% in December 2021, largely through the Memorandum of Understanding with Openreach to improve connectivity across the borough. Openreach were hoping to connect 85% of Bromley premises by 2023.

There was also significant progress on 4G/5G mobile coverage, but planning approvals for new masts were proving difficult to obtain in Bromley. The Council was working with providers, especially Three UK, to identify new sites and improve siting and impact of individual masts. The Council was also working with Network Rail on their proposals to improve connectivity on the London to Brighton line through Penge and Anerley.

In response to questions, officers confirmed that full-fibre provision for Bromley town centre had not yet been announced, but the programme was continually reviewed. The Chairman suggested that officers should be talking to Virgin Media as well as to Open Reach, and that officers should establish why full-fibre roll-out was so much further ahead in Bexley and Croydon.

Planning policies on mobile phone masts would need to be updated when the Local Plan was reviewed. A Member suggested encouraging providers to locate their masts in more remote locations, shielded by trees.

The Chairman encouraged officers to keep the pressure on to speed up the rollout of full-fibre, and to find ways to do this without upsetting residents or damaging the environment.

RESOLVED that the contents of the report detailing progress with the delivery of the Digital Infrastructure Work Plan be noted.

69 THEMATIC SESSION: PLANNING POLICY, CIL AND ECONOMIC DEVELOPMENT

The Committee received four presentations – on Economic Development, Planning and Building Control, Section106/CIL and Planning Policy. Copies of the presentations would be circulated.

(A) Economic Development

Hal Khanom, Head of Economic Development, gave a presentation on the work of her service and summarised the current economic position in Bromley. Bromley's business base was in decline, despite an increase in London and nationally. This was a trend that had started before the pandemic. However, town centre footfall, which had also been declining pre-covid, was now recovering well. The loss of the Debenhams store did not appear to have impacted on footfall in Bromley town centre, though there were noticeable differences in vacancy rates across town centres in the borough, with the situation particularly acute in Bromley and Chislehurst. Rental recovery was being driven by eating and hospitality, rather than retail.

The Council had channelled financial support to local businesses through the pandemic, there was now rapid progress being made in providing full fibre broadband access and the Bromley Business Hub had been launched. Re-ballots for the Orpington First, Beckenham Together and Penge SE20 BIDs would be taking place later in the year, but consideration of a West Wickham BID was being postponed.

The next steps were to build an evidence base, develop a strategic approach to achieving the commercial growth potential of Bromley town centre, encourage inward investment by developing the Bromley brand, stimulate industrial estates growth, cluster STEM and the aviation sector, support green industries to locate in Bromley and align and coordinate fragmented employment provision.

The Chairman noted that funding for the Economic Development Team was only in place until September, but the Director confirmed that options were being considered. Members discussed the need to bring office workers back to town centres and the need for small office space. In response to a question about whether the Business Hubs were doing well, officers offered to circulate more information.

The Portfolio Holder for Renewal, Recreation and Housing commented that with the difficulties being experienced in Croydon there had been some additional trade from people in the west of the borough. Rents had fallen, and there were vacant units in Bromley, but most were from chains that had closed across the country, and there was new interest in retail in the town centre. He was pleased that serviced offices were being developed at the old Town Hall, but there had been no substantial new office provision since the

mid-1980s, and much of the office provision was not acceptable for modern occupiers. Bromley had to protect and enhance its office and industrial space.

Members agreed that the information in the presentation was very useful and should be circulated to all Members.

(B) Planning and Building Control

Tim Horsman, Assistant Director, Planning and Building Control, gave a presentation updating the Committee on the current position with Planning and Building Control. Numbers of planning applications had peaked in 2017, falling until 2020 and were now rising slowly. The percentage of delegated decisions had risen to 97% at the start of 2020 and was still at 94%. The percentage of major applications determined within the thirteen week target was very good, but the percentage of minor and other applications determined within eight weeks was only in the low to mid-forties. Tree applications had risen in volume since 2018. Pre-application requests responded to within agreed timescales had fallen to under 20%. Officers were trying to grow the Building Control service and increase market share.

The Chairman was concerned that the pre-application numbers were so low – officers explained that the service had struggled to adapt to working from home during the pandemic and had been affected by staffing difficulties, but there was now only one vacancy and interviews were taking place the following Monday for this post.

A Member commented that he had found it difficult to get through to the Planning Division by phone – officer advised using the main planning number which was staffed throughout the day.

(C) S.106/Community Infrastructure Levy (CIL)

James Renwick, Infrastructure Delivery Team Leader, gave a presentation on S.106 and CIL, explaining how they differed and how they interrelated. S.106 agreements were bespoke to each application and sought to provide funds for specific purposes to mitigate the impact of the development, whereas CIL was governed by regulation and was based on net increase in floorspace. Bromley's CIL had come into effect on 15th June 2021. The new arrangements meant that S.106 would still continue, but in a more specific and limited form.

The balance of S.106 funds had been at around £10m for the last six or seven years, with 2019/20 an exceptional year as one site (Glaxo) had brought in £6.7m. There was currently around £3m unallocated. The main themes of contributions were affordable housing, health and education.

Bromley had been collecting CIL for the Mayor of London; most was used for Crossrail. It was anticipated that Bromley CIL would raise about £4m per annum – this had to be allocated 85% for strategic infrastructure to support

the development of the area, and 15% targeted in the neighbourhood where it was raised.

(D) Planning Policy, Conservation and Design

Ben Johnson, Head of Planning Policy and Strategy, gave a brief update on Planning Policy, setting out the key workstreams for the next few years. Work was beginning on reviewing the Local Plan, leading through to adoption of a new Local Plan in 2025. In 2022/23 there would be work on a series of Supplementary Planning Documents for Bromley and Orpington Town Centres, Bromley Design Guide and Planning Obligations, and also on confirming Article 4 Directions. There were a number of other workstreams including work on the new London Plan.

70 RENEWAL, RECREATION AND HOUSING INFORMATION BRIEFING

The Committee noted information reports on (i) the award of contract for the Women's Refuge, Support and Tenancy Sustainment Service and (ii) the Risk Register.

71 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**

72 EXEMPT MINUTES OF THE RENEWAL, RECREATION AND HOUSING PDS COMMITTEE HELD ON 16 NOVEMBER 2021

The exempt minutes of the meeting held on 16th November 2021 were confirmed as a correct record.

74 PRE-DECISION SCRUTINY OF PART 2 (EXEMPT) EXECUTIVE REPORTS

The Committee considered the following reports on the Part 2 agenda for the meeting of the Executive on 9th February 2022:

75 CRYSTAL PALACE SUBWAY AWARD OF WORKS CONTRACT

The Committee received a report setting out part 2 aspects of the scheme.

**76 AFFORDABLE HOUSING DEVELOPMENT PROJECT AT YORK
RISE, ORPINGTON**

The Committee received a report setting out part 2 details in relation to the York Rise scheme.

**77 RENEWAL, RECREATION AND HOUSING PART 2 (EXEMPT)
INFORMATION BRIEFING**

The Briefing comprised a part 2 report on the Contract Award for Women's Refuge, Support and Tenancy Sustainment Service.

The Meeting ended at 10.22 pm

Chairman

RENEWAL, RECREATION & HOUSING PDS COMMITTEE

26 January 2022

(A) QUESTIONS FOR ORAL REPLY

1. From Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing

At December's full Council I was delighted to hear the Portfolio Holder agree to bring the housing associations in to this Committee for scrutiny. This was despite me being told at the prior meeting that it wasn't possible! Now it is seemingly possible, when can we expect this to happen?

Reply:

Representatives from Housing Associations have previously attended the Committee to provide updates, attendance will now be on a rolling programme at this PDS Committee in the thematic sessions focus on Housing, the next of which is scheduled for March 2022.

Supplementary Question:

Which Housing Associations have been invited for the March meeting?

Reply:

I believe we have invited most of those who have major holdings in our borough.

2. From Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing

The Leader of the Council stated that new homes built using the Housing Revenue Account, would be managed by a Housing Association or a housing management company*. Does the Council not feel that it would have more control over the quality of housing provided if it managed these properties themselves?

<https://www.newshopper.co.uk/news/18559029.bromley-move-forward-plans-bulk-council-housing-numbers/>

Reply:

The Council has not historically managed housing stock and contracting with a registered provider for housing management and maintenance services enables the Council to access the required range of expertise and resources needed to ensure

properties are well managed and maintained. A Registered Provider will be required to adhere to the Council's suite of strategies and policies in relation to its housing stock, together with a set of robust performance indicators. In this way the Council ensures it continues to have control and oversight of the management and maintenance of properties.

Supplementary Question:

Mr McPartlan suggested that the Council would have more control over its own staff.

Reply:

I do not think it necessarily makes a big difference. If you look at Croydon, they manage their own properties and they have had problems. Using our staff does not guarantee effective service. We do have the ability to change our managers and that is easier than weeding out poor staff, so I think we are in a better situation.

3. From Mr Owen Wittekind to the Portfolio Holder for Renewal, Recreation and Housing

The average house price in Bromley rose 68% 2009-2019, and rents are unaffordable for many people on low incomes. This clearly constitutes a housing crisis. Can the Portfolio Holder explain why the draft London Plan housing target of 1424 new homes p.a. in Bromley was challenged by the Council, and subsequently halved to 774?

Reply:

The Council's position on the draft London Plan housing targets can be viewed on the Mayor of London's website, alongside similar responses from other London Boroughs - <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/examination-public-draft-new-london-plan/written-statements/housing-supply-shlaa-and-targets-m19#acc-i-55523>.

While we recognise the need for new housing, this needs to be balanced against other impacts of development; the draft targets did not adequately take into account these other impacts, particularly in relation to the proposed small sites element of the draft target.

The draft London Plan targets were assessed in detail by the panel of inspectors, who agreed with Bromley and other boroughs that the proposed housing targets were not justified - see paragraphs 137 to 178 of the Report of the Examination in Public of the London Plan 2019, available here:

https://www.london.gov.uk/sites/default/files/inspectors_report_and_recommendations_2019_final.pdf.

Supplementary Question:

Mr Wittekind asked what the Council was doing to control housing demand.

Reply:

I do not think we can have any control over the demand-side – if people want to buy

houses in Bromley we cannot control that. We are doing everything that we can to ensure that there is a supply of homes for people, but it is not easy and we are short of land.

4. From Mr Owen Wittekind to the Portfolio Holder for Renewal, Recreation and Housing

The Housing Strategy also states that in the interests of profit, developers will argue that their schemes for more than 11 units, should not be required to meet the target of 35% of units being affordable. How many of these schemes have not met this target, or been granted exemptions by the council?

Reply:

We don't keep a specific record of these cases where developers submit viability assessments which can allow them to propose a lower level of affordable housing, however information on permitted applications can be viewed using the planning search function on the Council's website - <https://searchapplications.bromley.gov.uk/online-applications/search.do?action=advanced>.

(B) QUESTIONS FOR WRITTEN REPLY

1. From Chloe-Jane Ross to the Portfolio Holder for Renewal, Recreation and Housing

When do you envisage the new operator for the Beckenham Public Halls will be contracted?

Reply:

The Council are still in early discussions with the proposed leaseholder. Once the detailed terms for the agreement for lease have been agreed, the proposed leaseholder will need to submit a planning application and apply for Listed Building consent for their comprehensive refurbishment plans for the Halls. On grant of relevant permissions, and completion of the works, the proposed leaseholder will take a lease on the property and commence their proposed operations.

Both parties are aiming for the agreement for lease agreed and formally entered into within the next few months, which will enable the proposed leaseholder to submit their planning application thereafter.

2. From Chloe-Jane Ross to the Portfolio Holder for Renewal, Recreation and Housing

Once the new operator commences is Beckenham Public Halls expected to be closed for any length of time, and if so how long?

Reply:

The proposed leaseholder intends to undertake the refurbishment works in two stages, to enable them to open the buildings as soon as possible. Phase 1 construction works are estimated to be completed within 5 months of contractors being procured, with a further 3 months estimated for tenant fit out works. Phase 2 construction works will be able to be undertaken with minimum disruption to the operation of the buildings.

3. From Dermot Mckibbin to the Portfolio Holder for Renewal, Recreation and Housing

Is the Housing Building programme as described in report (7c) adequate to deal with the cost of temporary accommodation, what is the gap between the cost of such accommodation and the building programme for the next 4 years? Does the Council now regret selling its housing stock?

Reply:

The House Building report sets out the current position on the acquisition and development programme. This remains under constant review to assess the numbers of units required against the supply of accommodation and level of housing need and opportunities for additional schemes. The work undertaken to date has already started to assist in reducing the numbers in nightly paid temporary accommodation currently averaging a reduction of 7 households per month.

4. From Dermot Mckibbin to the Portfolio Holder for Renewal, Recreation and Housing

Why does the report (6e) not consider the recommendation in the Borough's Housing Strategy to license all houses in multiple occupation? Why is the Council not interested in improving standards for all tenants who live in hmo's?

(Question referred to the Public Protection and Enforcement Portfolio Holder)

Agenda Item 5

Report No.
CSD22044

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Renewal, Recreation and Housing PDS Committee**

Date: **Wednesday 16 March 2022**

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

Title: **MATTERS OUTSTANDING & FORWARD WORK PROGRAMME**

Contact Officer: Philippa Gibbs, Democratic Services Officer
Tel: 0208 313 4508 E-mail: Philippa.Gibbs@bromley.gov.uk

Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: (All Wards);

1. Reason for report

This report deals with the Committee's business management including:

- Monitoring progress against actions arising from previous meetings; and
- Developing the 2021/22 Forward Work Programme.

2. **RECOMMENDATION(S)**

That PDS Committee reviews and comments on:

1. Progress on matters arising from previous meetings; and
2. The 2022/23 work programme. Making recommendations for items to be considered in the next municipal year.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
-

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: Democratic Services
 4. Total current budget for this head: £359k
 5. Source of funding: Revenue Budget
-

Personnel

1. Number of staff (current and additional): 6.67 FTE
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable: This report does not involve an Executive decision.
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for the benefit of Committee Members.
-

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 People and Children/Policy/Financial/Legal/Personnel/Procurement
Background Documents: (Access via Contact Officer)	Minutes of previous meetings

3. COMMENTARY

Matters Outstanding from Previous Meetings

- 3.1. There are no outstanding actions from previous meetings.

Work Programme

- 3.2 Each PDS Committee determines its own work programme, balancing the roles of (i) pre-decision scrutiny and holding the Executive to account, (ii) policy development and review and (iii) external scrutiny. ERC PDS Committee has the additional role of providing a lead on scrutiny issues and co-ordinating PDS work.
- 3.3 PDS Committees need to prioritise their key issues. The work programme also needs to allow room for items that arise through the year, including Member requests, call-ins and referrals from other Committees. Committees need to ensure that their workloads are realistic and balanced, allowing sufficient time for important issues to be properly scrutinised. Members also need to consider the most appropriate means to pursue each issue – the current overview and scrutiny arrangements offer a variety of approaches, whether through a report to a meeting, a time-limited working group review, a presentation, a select committee style meeting focused on a single key issue, or another method.
- 3.4 **Appendix 1** sets out the RRH PDS draft Work Programme for 2022/23, including: the provisional report title (or activity); the Report Author; and Committee's role. Committee is invited to comment on the proposed schedule and suggest any changes it considers appropriate.
- 3.5 Other reports will be added to the 2022/23 Work Programme as items arise. In addition, there may also be references from other committees, the Renewal, Recreation and Housing Portfolio Holder, or the Executive.

**RENEWAL, RECREATION & HOUSING PDS COMMITTEE
WORK PROGRAMME 2022/23**

Report Title	Report Author	Portfolio Holder decision (Y/N)
14 June 2022		
Matters Outstanding and Work Programme	Democratic Services	
<u>Pre Decision Scrutiny of Portfolio Holder Decisions</u>		
<u>Executive Reports</u>		
31 August 2022		
Matters Outstanding and Work Programme	Democratic Services	No
<u>Pre Decision Scrutiny of Portfolio Holder Decisions</u>		
Budget Monitoring 2022/23	Keith Lazarus	Yes
Final Outturn 2021/22	Keith Lazarus	Yes
Capital Programme Monitoring	David Dobbs	Yes
<u>Executive Reports</u>		
<u>Policy Development & Other Items</u>		
Contract Register – Part 1& Part 2	Charlotte Ryan	No
16 November 2022		
Matters Outstanding and Work Programme	Democratic Services	No
<u>Pre Decision Scrutiny of Portfolio Holder Decisions</u>		
Budget Monitoring 2022/23	Keith Lazarus	Yes
HPR Portfolio Plan	Shazel Choudhury	Yes
<u>Executive Reports</u>		
<u>Policy Development and other items</u>		
Bromley Business Improvement District (BID) Proposal – Renewal For 2022-23	Lorraine McQ	Yes
Provision of Libraries – contract performance report (bi-Annually)	Paula Young	No

19 January 2023		
Matters outstanding from previous meetings	Democratic Services	No
<u>Executive Reports</u>		
<u>Pre Decision Scrutiny of Portfolio Holder Decisions</u>		
<u>Policy Development and Other Items</u>		
Capital Monitoring Programme	Zoltan Demjan	Yes
Draft Budget 2022/23	James Mullender	No
HPR Portfolio Plan 2021/22	Shazel Choudhury	No
Planning Appeals – costs (bi-annually)	John Stephenson	No
Planning Appeals Monitoring Report – (bi annually)	John Stephenson	No
Risk register (report bi-annually)	Denise Mantell	No
21 March 2023		
Matters outstanding form Previous Meetings		
HRA Business Plan and Policies	James Mullender	Yes
<u>Pre Decision Scrutiny of Portfolio Holder Decisions</u>		
<u>Executive Reports</u>		
<u>Policy Development & Other Items</u>		
Budget Monitoring	Keith Lazarus	Yes
Contracts register part 1	Charlotte Ryan	No
HPR Portfolio Plan 2021/22	Shazel Choudhury	
More Homes Bromley annual report	Lynnette Chamielec	No
Orchard & Shipman annual contract performance report	Lynnette Chamielec	No
Chairman’s annual report		
To be scheduled:		
SPD’s Orpington & Bromley Town centre	Ben Johnson	
S106/CIL update report	Ben Johnson	
Leisure Strategy	Lydia Lee	
Specific Housing schemes	Lydia Lee	

Report No.
HPR2022/008

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

Date: For Pre-Decision Scrutiny At The Renewal, Recreation And Housing Policy Development And Scrutiny Committee ON 16th March 2022

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

Title: CONTRACT AWARD FOR STATUTORY HOMELESSNESS REVIEWS

Contact Officer: Tracey Wilson, Head of Compliance & Strategy
020 8313 4515 E-mail: Tracey.Wilson@bromley.gov.uk

Chief Officer: Sara Bowrey

Ward: All Wards

1. REASON FOR REPORT

- 1.1 This document is a summary to Part 2 'Statutory Homelessness Reviews – Contract Award' to be considered by Renewal, Recreation and Housing Portfolio Holder on 16 March 2022.
 - 1.2 This summary provides an overview of the tendering process for the Statutory Homelessness Reviews Service in accordance with the Council's financial and contractual procedure rules.
-

2. RECOMMENDATION(S)

- 2.1 The Portfolio Holder is recommended to award this contract, via direct award, to the suggested provider for a four year contract commencing June 2022 with an option to extend for up to two years

Impact on Vulnerable Adults and Children

1. Summary of Impact: This contract will enable vulnerable adults and children to access and understand the review process where a negative homeless decision is made, with support to actively engage in the process and make all necessary submissions.
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Supporting Independence
-

Financial

1. Cost of proposal: Estimated Cost: Detailed in the part 2 report
 2. Ongoing costs: Estimated Cost: Detailed in the part 2 report
 3. Budget head/performance centre: Operational Housing
 4. Total current budget for this head: £21k
 5. Source of funding: Existing Revenue Budget
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Direct award following tender process
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Up to 6,000 enquiries per annum of which up to 3,000 of these households are at imminent risk of homelessness; currently 1800+ households placed in temporary accommodation (under statutory rehousing duty), rising by up to 15 households per month.
-

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 Under Part VII of the Housing Act 1996, persons presenting as homeless who are in priority need and are not intentionally homeless are entitled to substantive assistance under the provisions of that Part of the Act. Any applicant who receives an adverse decision is entitled to a review of their decision and, if they remain dissatisfied with the decision on review, they are entitled to pursue a statutory appeal with the County Courts. Both types of decision are administrative decisions, not discretionary.
- 3.2 Regulation 5 of the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 requires the Council to notify the applicant in writing within 56 days of the outcome of the review decision. With the introduction of the Homelessness Reduction Act 2017, the opportunities for applicants to request a review have increased significantly with the increase in legal notification letters and Personal Housing Plans. The impact of this has not been fully felt yet, but it is expected to significantly increase as the new procedures introduced by the Act become more established, and we require a robust procedure to manage this demand.
- 3.3 Where the service is fully contracted out to enable the independent reviewer to investigate and also issue a s202 homelessness review decision this decision requires formal approval by the Executive. Proceeding to tender was approved by Executive in June 2021.
- 3.4 In order for the Council to retain control the final decision on all reviews undertaken by an external source will remain with the Council. Any external providers of this service will prepare the decision for approval and sign off by the relevant Lead Officer at the Council
- 3.5 As it would not be practicable to have a break in service or hand over reviews in progress from one external reviewer to another, a short extension may be required on the existing contract to enable current reviews already referred across at this stage to be concluded. Approval for the extension is within the delegated authority of the Chief Officer.

Service Profile / Data Analysis

- 3.6 Currently, Bromley Council's statutory review function is outsourced to an external provider. This has worked well for Bromley and has provided flexibility in meeting fluctuating demand. This contract expires 31 May 2022.
- 3.7 Recent legislation and case law findings have led to a significant increase on the current number of reviews having to be undertaken and there is not sufficient capacity in-house to meet the expected level of demand in terms of the statutory review investigations. As such, there has been an increased reliance on an external provider sufficient capacity to fulfil the Council's statutory review obligations.
- 3.8 The use of an external independent reviews service ensures that there is sufficient capacity to fulfil the Council's statutory reviews function within the prescribed timeframe of 56 working days. This helps to reduce the length of time households are waiting for a decision.
- 3.9 Figure 1 shows the number of reviews received in 2019/20 and also 2020/21. 2020/21 has not been a 'typical' year due to the COVID-19 pandemic. In terms of projected number of reviews, we expect around a 30-40% increase in the number of reviews.

Figure 1

Housing Reviews			
	2019/20	2020/21	Projected for future years (+35%)
S202 – reviews of homelessness application decisions	26	23	35
S202 – Suitability Reviews	18	16	24
S202 – Discharge of Duty	13	6	5
Housing Register Reviews	204	174	250 (expected to rise with new Allocations Scheme implementation)
Total:	261	219	314

Options Appraisal

Direct Award

- 3.10 In accordance with contract standing orders, It is proposed that the contract be directly awarded to the Provider via a negotiated process, using the current specification and ITT requirements (to remove any risk of challenge for those who did not bid based on the current ITT requirements but who might argue that they would have if those requirements were changed) and current provider bid. **This is the recommended option.**

Re-Tender

- 3.11 This service was tendered in October 2021, no bids were received. Further soft market testing took place and another potential provider identified. All known providers of this service were again contacted. This time one bid was received. There is nothing to suggest that retendering the service now, would garner any more bids than received in this and the previous tender. It would also entail a considerable outlay in officer time for minimal reward. For these reasons, **this option is not recommended.**

Do Nothing

- 3.12 The current contract terminates on 31 May 2022. The only alternative to contracting out the statutory review function is for the Council to employ a specialist housing review officer/s on a senior grade. Many local authorities keep an in-house service for the majority of reviews. However, given the number of reviews, this is not considered to be the best options in terms of value for money, neither is it responsive to the peaks and troughs in the workload. **This option is not recommended.**

Preferred Option

- 3.13 The direct award of this contract to the recommended provider would bring efficiencies and performance management expectations that will, in turn, improve the quality and accuracy of our service delivery to applicants. Therefore, **this is the preferred option.**

4. MARKET CONSIDERATIONS

- 4.1 This is a specialist area of work and as such there are only a very small number of organisations providing this service, in the main these are officers who were formerly local authority reviews officers who have set up small limited companies or consultancy arrangements to undertake reviews on behalf of local authorities. A small number of solicitors will also consider undertaking reviews to assist local authorities, usually on an ad hoc basis, but this model tends to be more expensive charged at a standard daily rate for the solicitor appointed.
- 4.2 In discussions with other boroughs operating a similar arrangement to the one proposed, the majority report that providers tend to focus on building relationships with the local authorities they work with as this ensures a full understanding of local priorities and procedures in order to ensure that decisions are robust and able to defend legal challenge in the local context.

5. SOCIAL VALUE AND LOCAL / NATIONAL PRIORITIES

- 5.1 [The Public Services \(Social Value\) Act 2012](#) requires providers to demonstrate how their service can provide additional social value in Bromley.
- 5.2 In their tender bid, **the potential Provider** referenced a number of ways in which they felt that their service could add social value. These included, recognition of vulnerable clients/complex needs, stakeholder experience, diverse team, environmental impact.

6. STAKEHOLDER ENGAGEMENT

- 6.1 Households requesting a review of their homelessness decision are some of the most vulnerable members of the community with high representation from particular equality groups; in particular vulnerable due to disability, mental health, pregnancy or young children and people including those leaving care.
- 6.2 We will be consulting with the current provider as well as other Local Authorities operating similar schemes to ensure that as many providers as possible are aware of the Council's intentions.
- 6.3 Support under this contract will enable vulnerable adults and families to engage fully in the review process ensuring that they are able to understand the legislation, procedures and actively make any representations they need to make to ensure their review is fully investigated and considered.
- 6.4 As this service currently exists there will not be an impact on other projects or IT or Customer Services; the current scheme and the way in which it operates is well established

7. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 7.1 **Estimated Contract Value** – included in the Part 2 report
Estimated extension period for handover - included in the Part 2 report (as described in 3.5)
- 7.2 **Other Associated Costs:** N/A
- 7.3 **Proposed Contract Period:** 4 years with the option to extend for a further 2 years

7.4

Portfolio Holder Approval	Portfolio Holder/Council Members	16 th March 2022
Contract Mobilisation Completion	LBB Commissioners/Provider	May 2022
Contract Commencement Date	LBB Commissioners/ Procurement/ Successful Provider	01 June 2022

8. IMPACT ASSESSMENTS

- 8.1 The potential risk to the Council for not taking this course of action include the potential reputational and compliance risk that the Council has as a statutory obligation to complete s202 reviews with 56 working days. If this is not done and decisions are issued late, there are risks of judicial review actions which if successful, are very likely to result in considerable financial risk to the Council as well as causing reputational damage.
- 8.2 In the event that a future provider fails to meet it's contracted obligations the London Borough of Bromley would need to procure an alternative solution. This could cause some delay in the administration of case work but is not considered a significant risk.
- 8.3 External providers do however charge on a per case basis, and caseloads have been increasing each year. There is a risk that if caseloads continue to increase, there may be a time when it is a better value for money to revert to internal provision of this function
- 8.4 Sufficient contingency has been built into the budget to cover any sudden fluctuations in demand
- 8.5 The delegation of this function to a third-party provider represents good value for money and a low-risk solution to a statutory requirement.
- 8.6 In order for the Council to retain control the final decision on all reviews undertaken by an external source will remain with the Council. Any external providers of this service will prepare the decision for approval and sign of by the relevant Lead Officer at the Council.

9. POLICY CONSIDERATIONS

- 9.1 The Statutory Homelessness Reviews Service meets the Council's objectives within 'Building a Better Bromley' for Supporting Independence.
- 9.2 The current procedures comply with the legislative framework for statutory reviews and set out that that reviews will normally be referred to the independent reviewer with the Council retaining the option of undertaking the review itself. As such there would be no changes to the current arrangements and information given to applicants.
- 9.3 There are no children and vulnerable people impacts. An external review offers an impartial oversight of case decisions and has access to advocates, translation services in the same way as an internal service.
- 9.4 Any reviews undertaken by a third party will ensure the public sector equality duties are adhered to with regard to eliminating discrimination, advancing equality of opportunity and fostering good

relations.

10. IT AND GDPR CONSIDERATIONS

10.1 IT and GDPR have been considered and there is an established process and recording mechanisms already in place.

11. STRATEGIC PROPERTY

11.1 Not applicable

12. PROCUREMENT RULES

12.1 This report seeks to award a contract for the Provision of Homelessness Reviews Service to the preferred provider. The initial contract period is four years with options to extend for two periods of one year each, making a total possible contract period of six years, ending on 30 September 2028 if both extension clauses are utilised.

12.2 The process used is a Negotiated Procedure Without Prior Publication. This procedure was used after an initial open tender resulted in a nil response. The necessary authorisation was therefore obtained in compliance with CPR 1.5 to proceed with a Negotiated Procedure as provided for under CPR 3.2 and Regulation 32 of the Public Procurement Regulations, 2015.

12.3 Health, Social and related services are covered by Schedule 3 of the Public Contracts Regulations 2015, and thus any tender would be subject to the application of the "Light Touch" regime (LTR) under those regulations. This procurement was run as a below LTR threshold regime as the value was below the current threshold. A negotiated procedure was used following a nil return in an initial tender concluded tender. However, as with all LTR services, the Council has the flexibility to use any process or procedure they choose to run the procurement but must comply with the principles of fairness, transparency and non-discrimination applied proportionately.

12.4 Under the Council's Contract Procedure Rules, the Council's requirement for proceeding to Procurement and an award of Contract, must be in accordance with CPR 1.3 and CPR 16.

12.5 Since this is a direct award following negotiation, the award authorisation for a contract lies with the Portfolio Holder following agreement of the Budget Holder, Chief Officer, Assistant Director Governance and Contracts, Director of Corporate Services, and Director of Finance. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

12.6 As the contract value is above £25k an award notice will need to be published on Contracts Finder.

12.7 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.

13. FINANCIAL CONSIDERATIONS

13.1 Financial considerations are detailed in the part 2 report.

14. PERSONNEL CONSIDERATIONS

14.1 N/A

15. LEGAL CONSIDERATIONS

- 15.1 The proposed services appear to fall within the ‘light touch regime’ of the Public Contracts Regulations 2015. The relevant threshold for a full public competition under those Regulations is £663,540. Accordingly, the procurement requirements for this contract sit entirely within the Contract Procedure Rules of the Council.
- 15.2 The competition requirements in the Contract Procedure Rules are set out in Rule 8.2.1. Given the value of the proposed contract is over £100,000 but under the relevant PCR threshold, the normal requirement is an invitation to tender process making use of public advertisement.
- 15.3 Section 13 of the Contract Procedure Rules covers decisions to award a contract to a single operator. Where the contract value is between £100,000 and £1,000,000, the authorisation of the Chief Officer is required in agreement with the Director of Corporate Services, Assistant Director Governance and Contracts and Director of Finance and following approval of the relevant Portfolio Holder.
- 15.4 If a direct award would be justifiable under the Public Contracts Regulations 2015 if the contract were above the relevant PCR threshold, then it is likely to be also justifiable if the same contract were below that threshold, as is the case here.
- 15.5 Regulation 32(2)(a) of the PCRs allows a direct award where ‘no tenders... have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the contract are not substantially altered and that a report is sent to the Commission where it so requests’.
- 15.6 This report indicates a fairly recent procurement procedure in which no tenders were received. Assuming the conditions of contract applicable to this direct award are not substantially different to those in the earlier procurement procedure, then this direct award appears justifiable. Given this contract is below the threshold, a report to the Commission is not necessary.
- 15.7 In the circumstances (the lack of interest in a recent procurement exercise, and the relatively low value of this contract), the risk of challenge to a decision to make this direct award would appear very low.
- 15.8 It is assumed that the contract offered in this direct award will be substantially similar to those published in the October 2021 procurement. Accordingly, it is assumed no new set of terms and conditions is required.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

Report No:
HPR2022/009

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PORTFOLIO HOLDER FOR RENEWAL, RECREATION & HOUSING
For Pre-decision Scrutiny by RRH PDS Committee

Date: Wednesday 16 March 2022

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

Title: ORPINGTON FIRST BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL 2023-2028

Contact Officer: Auden Powell, Town Centres and BID Development Manager
E-mail: auden.powell@bromley.gov.uk

Chief Officer: Sara Bowrey, Director of Housing, Planning & Regeneration

Ward: Orpington, Petts Wood and Knoll, Cray Valley East

1. Reason for report

- 1.1 This report seeks Portfolio Holder authority for a renewal ballot of the existing Orpington First Business Improvement District for another term of 5 years, commencing March 2023 and expiring April 2028.
-

2. RECOMMENDATION(S)

That Members of the Renewal, Recreation and Housing PDS Committee:

- 2.1 **Note and make comments on the content of this report to the Portfolio Holder.**

That the Portfolio Holder for Renewal, Recreation and Housing:

- 2.2 **Notes the headline BID levy rules and emerging key priorities of the Orpington First BID for its third term.**

- 2.3 **Agrees to delegate authority to the Director of for Housing, Planning and Regeneration that upon**

- **being notified that the BID proposer wishes to put proposals for a Renewal BID to a ballot, to review the final version of the BID Renewal Proposal which is expected to be delivered to the Authority by 24th April 2022 and**

- **being satisfied that the BID Renewal Proposal has been submitted in accordance with Business Improvement Districts (England) Regulations 2004 (Regulations) and does not conflict with any of the Council's priorities and plans, and that its geographic scope is within the boundaries of the London Boroughs scope is within the boundaries of the London Borough of Bromley, to instruct the Ballot Holder to hold the BID ballot in July 2022 in accordance with the regulations.**
- 2.4 Agrees to delegate authority to the Director for Housing, Planning and Regeneration that upon review the final version of the BID Proposal to vote on behalf of the Council for eligible Council-occupied hereditaments which fall within the proposed BID area (these are listed in Table 1, paragraph 3.20).**
- 2.5 Notes the potential for additional costs to the Council in the event of a no vote and that a further report setting out options be submitted for members consideration in that event.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:

BIDs foster the resilience and prosperity of local economies and help create and protect local employment, including for vulnerable adults. BIDs also provide support mechanisms to the wider business community, including a diverse range of national charities including Mind and Dementia UK.

Corporate Policy

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

Financial

1. Cost of proposal: One-off cost: £3,000
 2. Ongoing costs: £1,174 per annum
 3. Budget head/performance centre: Town Centre Management & Business Support
 4. Total current budget for this head: £79k
 5. Source of funding: Existing Controllable Revenue Budget 2022/23
-

Personnel

1. Number of staff (current and additional): 1
 2. If from existing staff resources, number of staff hours: 29 hours
-

Legal

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

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Businesses within Orpington Town Centre, especially up to 353 business rates payers who are likely to be BID Levy Payers from April 2023 – March 2028.
-

Ward Councillor Views

Ward Councillors were separately updated with a Briefing Note requesting their comments and support. To date Cllr Botting, Cllr Owen, Cllr Bear, Cllr Keith Onslow, Cllr Tunnicliffe and Cllr Fawthrop are all in support.

3. COMMENTARY

Background

- 3.1 The Orpington First BID was launched in 2013 for a term of 5 years until 2018. Following a successful first term, its business community voted for a second term of 5 years which expires in March 2023. Businesses in the Orpington First BID area have now expressed a desire for another term of 5 years from 2023 to 2028.
- 3.2 In preparation for the end of the current BID term, the Orpington First BID Board and management team undertook some initial feasibility work which confirmed an appetite within the local business community for a renewal of the BID mandate to continue for a third 5 year term. The Board plans to issue notice of its intention to hold a ballot to the Secretary of State (as required by BID Regulations) on 29 April 2022. The Board also plans to consult with levy payers in preparation for the ballot to be held in July 2022.
- 3.3 In proposing a third term of the BID, Orpington First BID had previously commenced and will continue a number of staged actions in preparation for the ballot and the new BID term. These stages will be agreed between the BID and the Council as a mini project plan to help ensure compliance with the industry standard and democratic mandate for the establishment and renewal of BIDs:
 - Feasibility Stage – establishing the initial need or case for the renewal of a BID, assessing business interests, testing the financial feasibility based on business rates data, raising awareness and publicising the process involved.
 - Planning Stage – including establishing the vision, undertaking research and in-depth consultation, modelling the potential BID levy rules and creation of the BID Proposal.
 - Local Authority Stage – including developing the Operating and Baseline Service agreements, agreeing and setting up the ballot process and agreeing a ballot timetable, creating a voter database and agreeing an updated BID levy collection processes. This stage will involve some input from various Council teams, with the lead taken by the Town Centres & BID Development Manager. Significantly for renewal ballots, this process is more concerned to highlight and focus on the details of change being proposed for the new BID term than the continuity of services provided.
 - Campaign Stage – Establishing the voters at each business, communications with voters, ballot monitoring and agreeing contingency for failure to secure a successful ballot.
 - Establishment/Renewal Stage – including preparation for launch, setting up billing procedures, governance arrangements, staffing and recruitment.
- 3.4 A copy of the outline Orpington First BID Proposal 2023 – 2028 report containing a summary of the consultations, the proposed BID levy rules and the activities to be delivered through the BID will be provided in a separate report to the Portfolio Holder

under delegated authority. The BID Proposal as referred is scheduled for readiness and completion by the BID company in consultation with the Council in April 2022. Due to local government elections in May and therefore this report being brought to an earlier committee meeting than normal, the Proposal is still under preparation and not available for consideration as part of this report.

Risks and Issues for the Council

- 3.5 The Business Improvement District Regulations (England) 2004 require a BID proposer to request that the Local Authority holds a ballot on the BID Proposal. The parameters of this decision are framed by the legislation – and these are set out in paragraph 7.
- 3.6 In the financial years 2020/21 and 21/22 some businesses were not able to pay the BID levy due to the adverse impact of COVID-19. This scenario was not accounted for in the original Operating Agreement with the Orpington First BID and therefore a variation to this contract was agreed with the Council. In order to address this issue, due consideration to the ongoing risks of Covid-19, and other potential unforeseen future circumstances, in terms of the form of implications and contingencies for the Council will be incorporated and reflected in a revised Operating Agreement for the new BID term 2023-2028.
- 3.7 As a BID can only be established by a secret postal ballot, there is a risk that regardless of the consultation and expected result, it may be that the ballot does not lead to a favourable outcome and in this scenario there may be a financial implication for the Council. In the event of an unsuccessful ballot, the businesses may look to the Council to provide a town centre service, including Christmas lights. In order for the Council to provide a minimalist approach to managing the town centre, the annual staffing impact has been identified as £50k per annum. As Christmas lights cost in the region of £20k per annum for Orpington, there may be a financial implication of up to £70k per annum in the event of an unsuccessful ballot. In such an event, a further report setting out options would be presented for consideration by Members.

Consultation of Orpington businesses

- 3.8 As Orpington First BID has been operating since its inauguration in April 2013 there has been continuous feedback from the levy payers throughout its two terms, a process encouraged by the BID Board. This was essential to ensure that project delivery reflects the expectations of the businesses and facilitates knowledge and understanding of the appetite for proceeding to seek a third BID term.
- 3.9 The Planning Stage, incorporating a more structured consultation process, was agreed at an Orpington First BID Forum meeting which was an open meeting attended by Board Directors and Orpington BID levy payers. At this meeting the Board's approach was confirmed to seek a renewal ballot in July 2022.

BID Proposal 2023-2028

- 3.10 A draft Business Proposal will be submitted to the Council for review by 24 April 2022. During the third term the BID is expected to raise approximately £1.14m over the five year period through the BID levy to invest in the town centre. During the first and second terms the BID achieved approx. £370k and £260k additional income respectively through:
 - Rental income through Orpington First BID pop-up shop project

- Subletting of office space
- Stall holder fees in Orpington town centre events
- Promotional space hire
- Ticket sales for events
- Sponsorship of town centre events
- Advertising in The Orpington 1st Magazine
- Central government grants
- Local authority grants

3.11 The consensus amongst levy payers, arising out of the consultation undertaken to date, is for the BID to continue to deliver along similar priority work themes as during the 2nd term. Some of the activities currently undertaken will continue but there are a number of new activity programmes and projects which will deliver key themes for the Orpington BID. The section below provides a brief headline and description of each theme.

- **For Customers**

By enhancing Orpington's image and bringing more people into town through an exciting calendar of events and a broad promotional and marketing campaign.

- **For Look & Feel**

By improving Orpington's appearance as a pleasant and welcoming high street, and the safety and security of businesses and customers.

- **For Access**

By making Orpington a more accessible and inclusive town centre.

- **For Business**

By increasing members' profitability and lobbying for their interests.

- **For Investment**

By identifying and encouraging the most appropriate and relevant investment to the town.

3.12 In the Feasibility and early Planning stage, assumptions were made that have been retained throughout the research stages. These were that:

- a. In the event of a new term of renewal there would be a threshold of £5,000 rateable value, beneath which businesses within the area would not be subject to a levy and so would not be balloted. The reason for this is that the levy collected from these very small premises will be so low as to make collection uneconomical.
- b. The cap of £20,000, being the maximum amount paid by any one hereditament would likely remain in place.

3.13 For information, the table below sets out the previous headline BID Rules for the Orpington First BID. The new BID levy rules for term 3 are under review however they are likely to remain similar to the previous term:

The levy rate to be paid by each hereditament is to be calculated at 1.5% of its rateable value as at the Chargeable Day (1st April in each year).

All hereditaments with a Rateable Value of £5000 or above will be eligible for payment of the levy. (The number of hereditaments liable for payment of the levy is circa 325)
Each year the levy rate will be increased by a fixed rate of inflation of 2% per annum.
The levy will be charged annually in advance for each chargeable period, to be April to March each year. No refunds will be made.
The maximum amount payable for any one hereditament each year to be capped at £20k
Owners of untenanted buildings would be liable for the levy.
Occupiers of covered shopping centres, already paying service charges in addition to rent and rates, to pay 75% of the levy that would otherwise apply.
Charitable organisations that are subject to relief on their business rates liability will pay 75% of the levy that would otherwise apply (excluding those eligible for discount as Shopping centre tenants).
The London Borough of Bromley will be responsible for collection of the levy. The parameters of this responsibility, including collection charges to the BID, are to be set out in the Operating Agreement.

Implications of BID renewal

- 3.14 Based on the proposed BID levy rules above and barring any significant changes in the rateable values within the BID area, the total investment which would arise from the BID levy will be £1.14m over the 5 year term. This is a significant level of private sector investment to help ensure that Orpington town centre remains competitive within London and the South East. In terms of financial impact on the businesses, although there are a small number of national businesses who will be making a significant contribution to the BID budget, the average annual levy bill will be just under £590 per hereditament.
- 3.15 It is important to note that for a BID Proposal to be successful at ballot it must meet two key criteria:
- a. More than 50% of votes counted must be in favour, and
 - b. More than 50% of the rateable value represented by the vote must be in favour
- 3.16 This means that the Orpington First BID Board must again persuade at least the number of voters that make up a minimum of 50% of the rateable value to vote in favour, and therefore to ensure that businesses with multiple hereditaments or properties with large rateable value support the BID in the planned ballot. A focussed programme of engagement has been conducted with managers and potential voters with the higher rateable value organisations to enable a detailed understanding of their expectations in the event of renewal of the Orpington First BID.
- 3.17 In the event of the BID ballot being successful, delivery of the activities set out in the Orpington First BID Business Plan would largely be the independent responsibility of Orpington First Ltd (a Company Limited by Guarantee). This would mostly be a continuation of current arrangements. The Board of Directors will continue to be drawn from businesses of varying sizes and from different sectors within the BID area. A list of the current board members will be included in the final BID Business Plan. The

Board and BID team will continue frequent communication with relevant Council officers and Councillors and invite local authority representatives to meetings as appropriate.

- 3.18 Further, with the Walnuts Shopping Centre owners (Areli), proposing a hugely significant development for the town centre, securing a strong mandate for a third term sooner rather than later, will enable Orpington First BID to instil early confidence in businesses and help navigate the town through a period of likely significant transformation regardless of the outcome of the Arelli planning application.
- 3.19 The Operating Agreement will govern how the London Borough of Bromley and the Orpington First BID cooperates on the operation of the BID – including how the BID levy will be collected and transferred to the BID company. The Operating Agreement includes a Baseline Statement, defining the services being delivered by the Council within Orpington Town Centre and which are scheduled to continue during the prospected third term of the Orpington BID. Whilst the delivery of these services will remain the responsibility of the relevant Council service areas, the BID retains the option to introduce additional (special) services to enhance the existing baseline.
- 3.20 The main revenue implication for the Council over the 5 years of the BID, is the liability to pay the BID levy on Council-occupied hereditaments which are located within the BID area. Assuming no changes to the Council’s occupation of commercial premises, the total potential charge to the Council over the five year period is expected to be £5,868.75.

Table 1: Council owned properties in the Orpington First BID area

Council Building £	Rateable Value £	Bid Levy in First Year £	Estimated BID levy over 5 years £
2 nd Flr Offices, The Walnuts	55,500	832.50	4,162.50
Saxon Centre Lych Gate	22,750	341.25	1,706.25
Total	£78,250	£1,173.75	£5,868.75

- 3.21 In the financial years 2020/21 and 21/22, many businesses were not able to pay their BID levy due to the adverse impact of COVID-19. As referred earlier, this scenario was not accounted for in the original Operating Agreement with the Orpington First BID and therefore a variation to this contract was agreed with the Council. In order to address any similar issue in the future the Operating Agreement for the new BID term 2023-2028 will ensure that there are no costs to the Council if a lower percentage of the levy is collected than expected.
- 3.22 As explained in para 3.7 above, a BID can only be established by a secret postal ballot. There is a risk that this will not result in a favourable outcome and in this worst-case scenario there may be a financial implication for the Council of up to £60k depending on the scope of the town centre service and Christmas lights provision that is continued. In that event, a further report setting out options would be presented for consideration by Members.

4. POLICY IMPLICATIONS

- 4.1 A core objective of the Orpington BID is to foster the improvement, enhancement and promotion of this major town centre in partnership with the Council's wider ambition to encourage Vibrant and Thriving Town Centres. It is therefore recommended that the Council supports the renewal of the Orpington First BID as the best means of ensuring that the town centre continues to be managed effectively and enable it to flourish and develop positively into the future, in partnership with the Council.

5. FINANCIAL IMPLICATIONS

- 5.1 As part of the Council's statutory duty under the BID Regulations, the Council has to fund the cost of any BID ballot. For the Orpington BID, this is estimated to be £3k. This will be funded from the Town Centre Management budget for 2022/23.
- 5.2 The cost to the Council of the levy on Council-occupied hereditaments would continue to be funded from existing revenue budgets.
- 5.3 In the event of an unsuccessful ballot, a further report setting out options and would be presented for consideration by Members setting out potential financial implications to the Council.

6. PERSONNEL IMPLICATIONS

- 6.1 The Council's only ongoing staff input for the Orpington BID is to provide an Officer as an advisory member of the board and this arrangement is expected to continue. The administration of the levy collection involves both Liberata and Council staff – and this is expected to also continue in the event of a renewed BID term. Costs related to these services are recharged annually to the BID company. There will be no staffing changes as a result of a prospectively successful renewal of the Orpington First BID.

7. LEGAL IMPLICATIONS

- 7.1 Business Improvement Districts (BIDs) were introduced by Part 4 of the Local Government Act 2003 (LGA 2003).
- 7.2 Their establishment, enforcement and operation is regulated by the LGA 2003 and the Business Improvement Districts (England) Regulations 2004 (SI 2004/2443) as amended(Regulations
- 7.3 Orpington First Ltd, retained the lead responsibility for the delivery of the Orpington First BID from the existing term 2018 to 2023. Orpington First BID Ltd is now formally requesting the Councils approval to ballot its business area for a further 5 year term – from March 2023 to April 2028.
- 7.4 Whilst there is no statutory obligation on the Council to establish a BID, there is a statutory process to follow if a Bid Renewal Proposal is submitted to the Council as billing authority.
- 7.5 The Regulations require the BID proposer at least 84 days before sending a notice in writing requesting the billing authority to instruct the ballot holder to hold a BID Renewal ballot, to notify the billing authority and the Secretary of State in writing of the proposer's intention of asking the relevant billing authority to put the BID Renewal proposals to a BID Renewal ballot. Paragraph 2.2 of this report would appear to meet the desired time-line set out

- 7.6 Where a submission from the BID Renewal proposer is received the Council must be satisfied that the submission from the BID Renewal proposer includes a copy of the BID Renewal proposal; details of the consultation undertaken; details of the finances and financial management of the BID e.g., the Business Plan.
- 7.7 The Council must also be notified that the BID Renewal proposer wishes to put proposals for a BID Renewal to a ballot, and the BID Renewal proposer needs to ask the billing authority to instruct the Council's returning officer (the ballot holder) to hold a ballot.
- 7.8 The Regulations requires the Council to satisfy itself that the BID Renewal Proposal does not conflict with any Council policies or priorities, has been generated in accordance with the BID Regulations and is within its jurisdiction (i.e. the proposed BID boundary falls wholly within the Local Authority's boundary), nor does it propose a disproportionate burden on particular businesses by way of an unfair levy charge on a certain 'class' of levy payers, for example by an inappropriate manipulation of the BID boundary. These are the only criteria on which a Council can reject an application for a BID Renewal ballot or veto the outcome of a ballot.
- 7.9 The Council's Constitution under Part 3 'Responsibility for Functions' under Functions exercised by the Full Executive provides that all Executive decisions other than those specifically listed as being exercised by the Full Executive, shall be taken by the member of the Executive with Portfolio responsibility for the matter in question. Under the Executive Procedure Rules 1.3 (a) the Portfolio Holder may delegate such decisions to an Officer.
- 7.10 Council service teams will work closely with Orpington First Ltd to draft and finalise the Operating and Baseline Agreements which are legally required for the formation of the BID. These are described as follows:
- Operating Agreement – The Operating Agreement covers the arrangements for the billing, collection and payment of the BID levy collected to the BID Company. This will place an obligation on the Council to take certain steps to secure payment of the levy and in the event of failure to follow the specified steps to pay the relevant sums to the BID Company itself.
 - Baseline Statement – The Baseline Statement forms a Schedule to the Operating Agreement and summarises those statutory and standard non-statutory services provided by the Council which may potentially overlap with services to be provided by the BID. This provides reassurance to the BID company and levy payers that the levy income would only fund other/additional services, not those currently being provided. The baseline statement describes the services provided by the Council and will not, save to the extent that any services amount to a statutory requirement, constitute a binding commitment on the Council to continue to provide these in the future. A draft version of the Baseline Statement will be available to the Director for Housing, Planning and Regeneration under delegated authority at the appropriate time and prior to the ballot of Orpington businesses.
- 7.11 Should there be a requirement for Orpington First BID to commission any other services from the Council, then Legal will draft a further agreement for any additional services which the Council or other agent may provide.
- 7.12 Furthermore, where the Council is a non-domestic ratepayer in relation to a hereditament situated in the area to be comprised in such proposals then certain rights

are given to the Council including the right to be included in the ballot and to vote. In this respect the recommendations in this report seeks a delegation giving authority to the Director for Housing, Planning and Regeneration to vote Yes.

Non-Applicable Sections:	Procurement; Impact on vulnerable adults and children
Background Documents: (Access via Contact Officer)	<p>Orpington Business Improvement District (BID) Proposal – Renewal for 2018-2023. 5th July 2017 (DRR17/036)</p> <p>Business Improvement District Proposal for Orpington 12 Sept 2012 (DRR12/106)</p> <p>Orpington Improvement District Proposal Part 2 Report to R&R PDS Committee (report no: DRR12/080) 10 July 2012 Proposed Business Improvement District for Orpington Part 1 Report to R&R PDS Committee (report no: DRR11/096) 11 October 2011</p>

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Report No.
HPR2022/012

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

FOR PRE-DECISION SCRUTINY AT THE RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE AND DEVELOPMENT CONTROL COMMITTEE

Date: DCC: 9 March 2022
RRH PDS: 16 March 2022

Decision Type: Non-Urgent Non-Executive Key

Title: CONFIRMATION OF ARTICLE 4 DIRECTIONS TO REMOVE PART 1, CLASS B AND C PERMITTED DEVELOPMENT RIGHTS IN PETTS WOOD ASRC AND CHISLEHURST ROAD CONSERVATION AREA

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: Petts Wood and Knoll; Cray Valley West

1. Reason for report

- 1.1. This report recommends that the Council confirms 2 non-immediate Article 4 Directions to withdraw permitted development (PD) rights which allow various alterations to the roof of a dwellinghouse without planning permission. These Directions would withdraw Part 1, Class B and C PD rights in the Petts Wood Area of Special Residential Character as shown in the Bromley Local Plan (January 2019); and withdraw Part 1, Class C PD rights in the Chislehurst Road Conservation Area (based on the boundary prior to recent changes).
- 1.2. The Direction would replace an existing Direction which removes these PD rights on front roofslopes only.
- 1.3. In line with the requirements of legislation, representations on the proposed Directions were sought. The Council must take into account any representations made before it confirms the

Article 4 Directions. No representations were received. If confirmed, the Directions would come into force on 19 July 2022.

2. RECOMMENDATION(S)

For Development Control Committee members

- 2.1. That Members endorse the confirmation of 2 non-immediate Article 4 Directions to withdraw Part 1, Class B and C PD rights in the Petts Wood Area of Special Residential Character; and withdraw Part 1, Class C PD rights in the Chislehurst Road Conservation Area. These PD rights are currently granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”). The areas covered by the Directions are shown on the maps at Appendix 1 and Appendix 2.**
- 2.2. That Members endorse the making of a direction to cancel the existing Article 4 Direction which removes Part 1, Class B and C PD rights on front roofslopes in the Petts Wood ASRC. The timing of this cancellation will be aligned with the date when the new direction comes into force, so as to avoid any gap in coverage of the directions.**
- 2.3. That Members note the matter will be considered by the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny.**

For Renewal, Recreation and Housing Policy Development and Scrutiny Committee members

- 2.4. That Members endorse the confirmation of 2 non-immediate Article 4 Directions to withdraw Part 1, Class B and C PD rights in the Petts Wood Area of Special Residential Character; and withdraw Part 1, Class C PD rights in the Chislehurst Road Conservation Area. These PD rights are currently granted by the GPDO. The areas covered by the Directions are shown on the maps at Appendix 1 and Appendix 2.**
- 2.5. That Members endorse the making of a direction to cancel the existing Article 4 Direction which removes Part 1, Class B and C PD rights on front roofslopes in the Petts Wood ASRC. The timing of this cancellation will be aligned with the date when the new direction comes into force, so as to avoid any gap in coverage of the directions.**
- 2.6. That Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to confirm the 2 non-immediate Directions covering the areas shown on the maps at Appendix 1 and Appendix 2, to come into force on 19 July 2022.**
- 2.7. That Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to authorise the making of a direction to cancel the existing Article 4 Direction which removes Part 1, Class B and C PD rights on front roofslopes in the Petts Wood ASRC. The timing of this cancellation will be aligned with the date when the new direction comes into force, so as to avoid any gap in coverage of the directions.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Regeneration
-

Financial

1. Cost of proposal: Costs associated with publicising the confirmation will be met from the Planning Policy and Strategy budget.
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Existing Revenue Budget for 2021/22
-

Personnel

1. Number of staff (current and additional): 10fte
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
 2. Call-in: Applicable: Further Details – Portfolio Decision
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Background

- 3.1. In January 2021, Development Control Committee¹ (DCC) considered a report recommending that a non-immediate Article 4 Direction was made to withdraw Part 1, Class B and Class C PD rights which allow various alterations to the roof of a dwellinghouse. The proposed Direction related to the Petts Wood Area of Special Residential Character (ASRC) as shown in the Bromley Local Plan (January 2019). DCC endorsed the proposed Direction and also requested a further Direction be made to withdraw Part 1, Class C PD rights in the Chislehurst Road Conservation Area (based on the Conservation Area boundaries as of January 2021), on the basis that such a Direction would “ensure the openness and feel of the area and to maintain a consistent pattern in regard to roof lights”².
- 3.2. The Renewal, Recreation and Housing Policy Development and Scrutiny Committee (RRHPDS) considered the proposed Directions on 2 February 2021³. RRHPDS resolved that the Portfolio Holder be recommended to authorise the making of the 2 non-immediate Directions as endorsed by DCC⁴.
- 3.3. The 2 Directions were subsequently authorised by the Portfolio Holder and ‘made’ on 19 July 2021.
- 3.4. Article 4 Directions allow authorities to withdraw the PD rights that would otherwise apply by virtue of the GPDO. Details of the Article 4 Direction process and relevant legislation and guidance is set out in paragraphs 3.1 to 3.7 of the January 2021 DCC report⁵.
- 3.5. It is noted that the NPPF was amended in July 2021 in relation to Article 4 Directions, but the substantive change was for Directions which relate to a change from non-residential use to residential use; for other Directions (such as any Direction removing PD rights allowing alterations to existing properties), the requirements remain unchanged, i.e. Directions should be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area.
- 3.6. The NPPF change does state that Directions should apply to the smallest geographical area possible. The PPG notes that the potential harm that a Direction is intended to address should be clearly identified. For the proposed Directions, justification to address the NPPF requirements is discussed below.

Consultation

¹ ‘PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PART 1, CLASS B AND C PERMITTED DEVELOPMENT RIGHTS IN PETTS WOOD ASRC’, Development Control Committee 28 January 2021, available from: <https://cds.bromley.gov.uk/documents/s50085727/PROPOSED%20NON-IMMEDIATE%20ARTICLE%204%20DIRECTION%20TO%20REMOVE%20PART%201%20CLASS%20B%20AND%20C%20PERMITTED%20DEVELOPMENT%20RIG.pdf>

² Minutes of the DCC meeting held at 6.30 pm on 28 January 2021, available from: <https://cds.bromley.gov.uk/documents/g6910/Printed%20minutes%20Thursday%2028-Jan-2021%2018.30%20Development%20Control%20Committee.pdf?T=1>

³ ‘PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PART 1, CLASS B AND C PERMITTED DEVELOPMENT RIGHTS IN PETTS WOOD ASRC’, Renewal, Recreation and Housing Policy Development and Scrutiny Committee 2 February 2021, available from: <https://cds.bromley.gov.uk/documents/s50085761/PROPOSED%20NON-IMMEDIATE%20ARTICLE%204%20DIRECTION%20TO%20REMOVE%20PART%201%20CLASS%20B%20AND%20C%20PERMITTED%20DEVELOPMENT%20RIG.pdf>

⁴ Minutes of the RRHPDS meeting held at 6.30 pm on 2 February 2021, available from: <https://cds.bromley.gov.uk/documents/g6916/Printed%20minutes%20Tuesday%2002-Feb-2021%2018.30%20Renewal%20Recreation%20and%20Housing%20Policy%20Development%20and%20S.pdf?T=1>

⁵ Op cit, footnote 1

- 3.7. Consultation on the Directions was undertaken from 19 July to 30 August 2021 (a period of six weeks). As detailed in the reports to DCC and RRHPDS in January and February 2021, the consultation did not include serving notice on owners and occupiers of every part of land within the area to which the Direction relates, as this level of notification was considered impracticable. Notice was given by local advertisement and site notices in locations within the ASRC and the Conservation Area, as per the other requirements of the GPDO. Details were also provided on the Council's website.
- 3.8. No representations were received.

Discussion and justification

- 3.9. Paragraphs 3.8 to 3.21 of the January 2022 DCC report⁶ set out the national, London and local planning policy context which is material to any decision of whether it is expedient to make an Article 4 Direction. Since this report was prepared, the London Plan has now been adopted and the NPPF has been updated with a stronger emphasis on design and the creation of high quality, beautiful and sustainable buildings.
- 3.10. In terms of the justification for the proposed Directions, officers consider that the justification for the ASRC direction, as set out in paragraphs 3.22 to 3.26 of the January 2022 DCC report⁷, remains robust and is sufficient to address the updated NPPF requirements. The ASRC is an important Local Plan designation which protects character and local amenity, which could be undermined by the new PD rights. The proposed Direction will help to protect this character and amenity.
- 3.11. With regard to the Chislehurst Road Conservation Area⁸, officers consider that the justification put forward by DCC remains robust⁹, and is sufficient to address the updated NPPF requirements. Similar to the ASRC designation, the Conservation Area protects character and local amenity, which could be undermined by the new PD rights. The proposed Direction will help to protect this character and amenity.

Cancellation of existing Direction

- 3.12. The existing Direction¹⁰, which removes Part 1, Class B and C PD rights from front roof slopes only in the Petts Wood ASRC, will be cancelled when the new Direction comes into force on 19 July 2022; this will ensure that there is no gap in coverage of article 4 directions. Cancellation of a direction requires the Council to make a subsequent direction to cancel; the procedure for this is set out in the GPDO.

4. POLICY IMPLICATIONS

- 4.1. As set out in the main body of this report, there could be significant adverse impacts on local amenity resulting from the operation of Part 1, Class B and C PD rights, if the proposed Article 4 Directions are not confirmed to come into force. This could undermine elements of the Development Plan and a designated Conservation Area.

5. FINANCIAL IMPLICATIONS

⁶ Op cit, see footnote 1

⁷ Ibid

⁸ It is noted that the Conservation Area boundary reflected in the Direction is the boundary prior to recent amendments. However, the new amended Conservation Area includes areas which are within the Petts Wood ASRC, hence the new amended Conservation Area is fully covered by Petts Wood ASRC Part 1, Class C Direction.

⁹ Op cit, see footnote 2

¹⁰ Available from: https://www.bromley.gov.uk/download/downloads/id/2857/article_4_direction_petts_wood_asrc.pdf

- 5.1. This report recommends 2 non-immediate Article 4 Directions are confirmed to come into force on 19 July 2022. As a 12-month notice period has been given prior to the Directions coming into effect, compensation liability is removed.
- 5.2. Costs associated with confirming the Article 4 Directions will be met by Planning Policy and Strategy and the Council's legal services department.

6. LEGAL IMPLICATIONS

- 6.1. Article 4 (1) of the GPDO allows local Planning authorities to withdraw certain PD Rights. The procedure for putting in place an Article 4 Direction is set out in Schedule 3 of the GPDO. The Council's legal services department will be responsible for confirming the Directions; and for making the direction to cancel the existing Petts Wood ASRC front roofslopes direction. These directions will be prepared in line with the statutory requirements set out in the GPDO.
- 6.2. There is a requirement to give notice of confirmation to owners and occupiers of every part of land within the areas to which the Directions relate, unless the local planning authority considers that the number of owners or occupiers within the area to which the direction relates makes individual service impracticable. The proposed Directions together encompass around 1,500 properties (which includes instances where there are numerous properties within a single building). This level of notification is considered to be impracticable, hence individual notice will not be given (which is consistent with the approach taken as part of the notification process when the Directions were first made). Notice will be given by local advertisement and site notice, as per the other requirements of the GPDO.
- 6.3. The GPDO requires notice of the proposed Directions to be given as soon as practicable after the Directions have been confirmed.

<p>Non-Applicable Sections:</p>	<p>IMPACT ON VULNERABLE ADULTS AND CHILDREN</p> <p>PERSONNEL IMPLICATIONS</p> <p>PROCUREMENT IMPLICATIONS</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf</p> <p>London Plan (adopted 2 March 2021), available from: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (July 2021) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>National Planning Practice Guidance - https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</p> <p>'PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PART 1, CLASS B AND C PERMITTED DEVELOPMENT RIGHTS IN PETTS WOOD ASRC', Development Control Committee 28 January 2021, available from: https://cds.bromley.gov.uk/documents/s50085727/PROPOSED%20NON-IMMEDIATE%20ARTICLE%204%20DIRECTION%20TO%20REMOVE</p>

	<u>%20PART%201%20CLASS%20B%20AND%20C%20PERMITTED%20DEVELOPMENT%20RIG.pdf</u>
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NON IMMEDIATE ORDER / / 2021

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 AS AMENDED

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, are satisfied that it is expedient that developments of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as Petts Wood Area of Special Residential Character unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the said Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:

It is intended that the Direction will, subject to consultation, come into effect not before: 1.9th JULY 2022

SCHEDULE

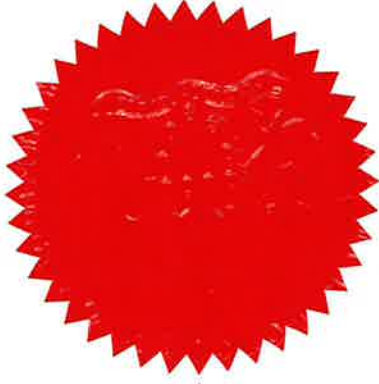
Part 1, Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

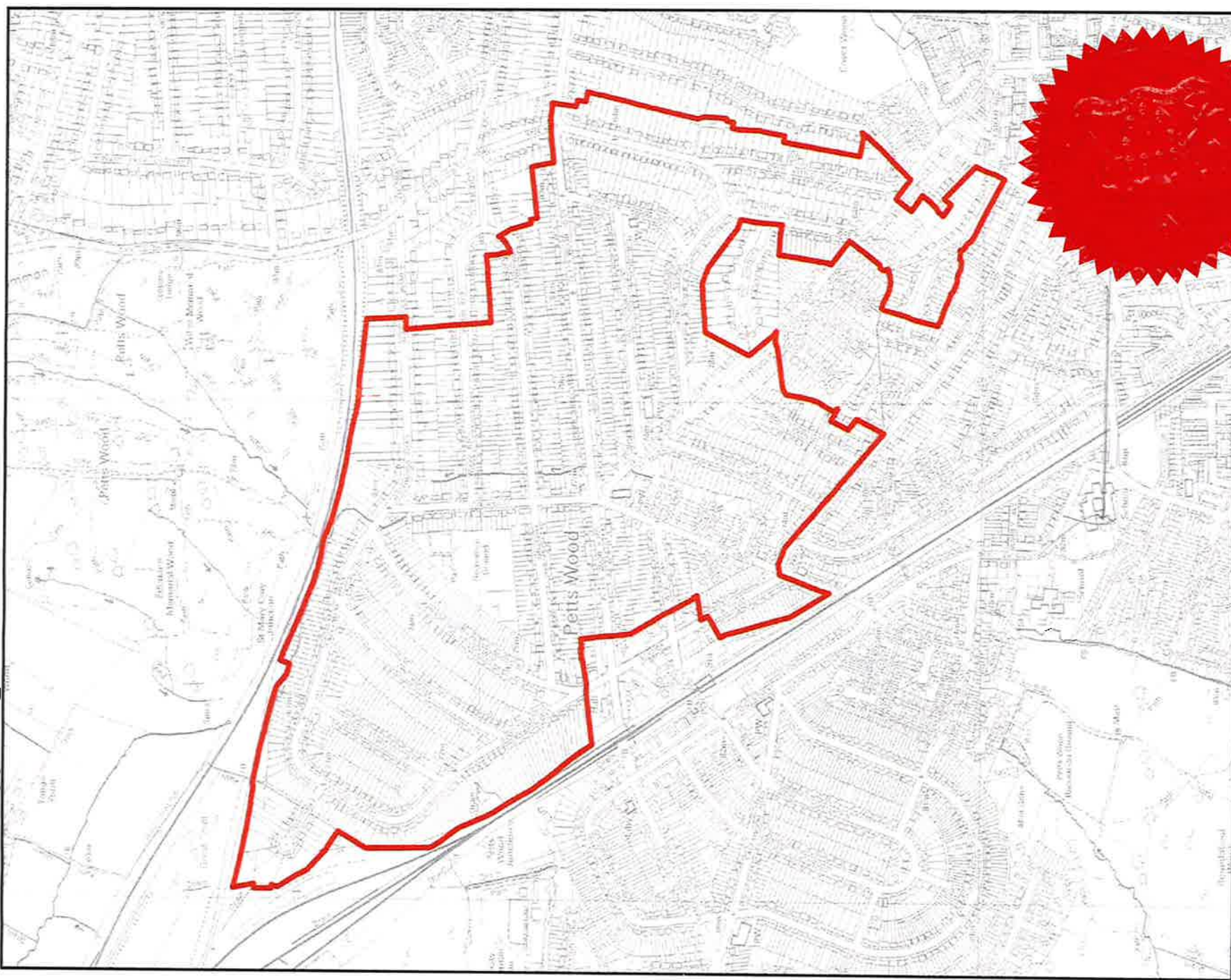
Part 1, Class C - Any other alteration to the roof of a dwellinghouse.

Made under the Common Seal of The Mayor and Burgesses of the London Borough of Bromley this 19th day of JULY 2021

The Common Seal of the Council was affixed to this Direction In the presence of

9 2021.
Principal Mayor





Surrey Planning Dept.

Article 4 Direction Relating to Petts Wood Area of Special Residential Character, as defined on the Adopted Local Plan Map



**Planning Division
Housing, Planning &
Regeneration**

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Ordnance Survey 100017661.

November 2020



1:10,000

NON IMMEDIATE ORDER

1 / 2021

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)
ORDER 2015 AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as Chislehurst Road Conservation Area unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the said Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:

It is intended that the Direction will, subject to consultation, come into effect not before: 19th July 2022

SCHEDULE

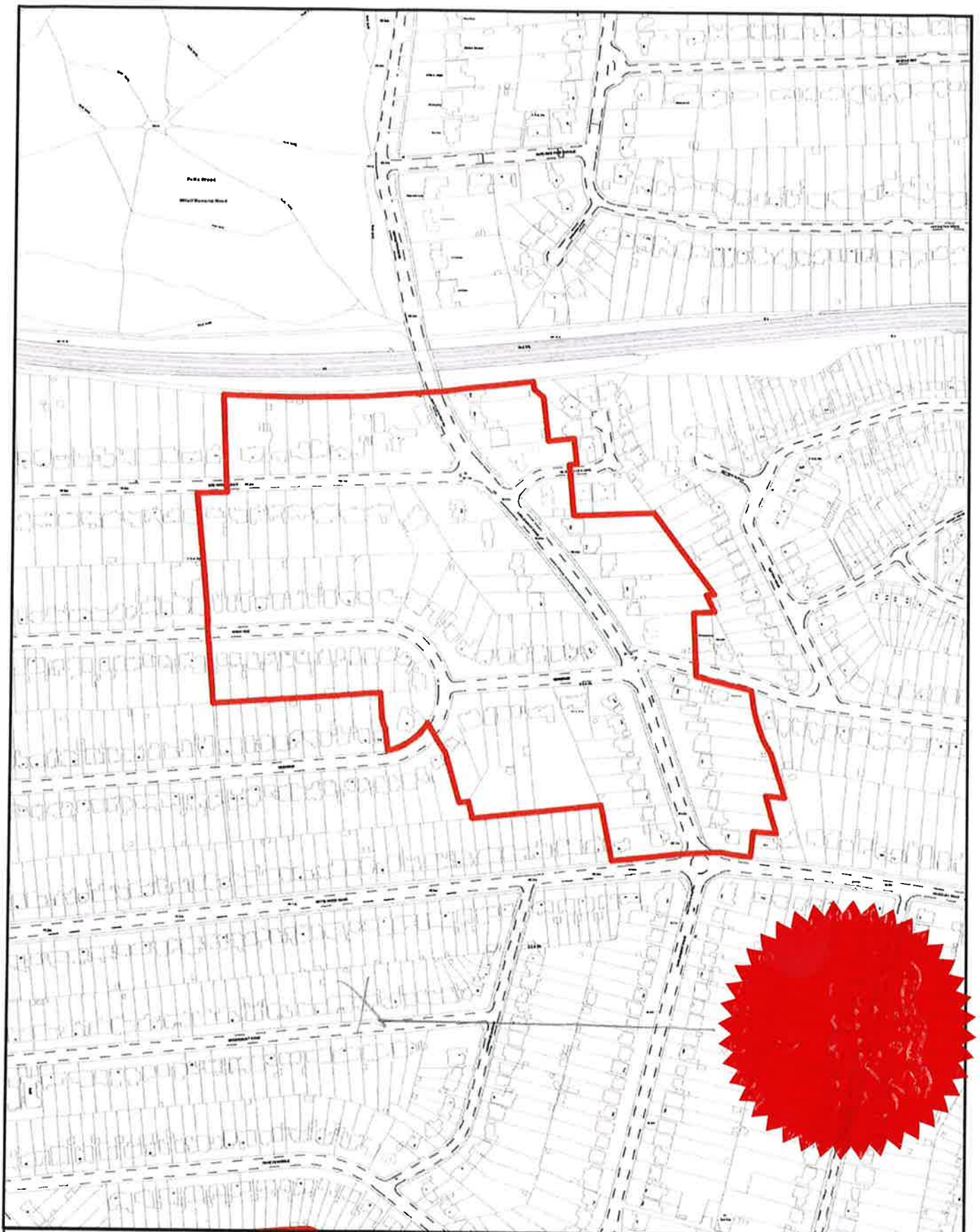
Part 1, Class C – Any other alteration to the roof of a dwellinghouse.

Made under the Common Seal of The Mayor and Burgesses of the
London Borough of Bromley this 19th day of July 2021

The Common Seal of the Council was affixed to this Direction
In the presence of

Paul
Prince/Hagen





**Planning Division
Housing, Planning &
Regeneration**



push
Priddy *user*
**Article 4 Direction Relating to Chislehurst
Road Petts Wood Conservation Area**



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November 2020



1:4,000

Report No.
HPR2022/011

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

FOR PRE-DECISION SCRUTINY AT THE RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE AND DEVELOPMENT CONTROL COMMITTEE

Date: DCC: 9 March 2022
RRH PDS: 16 March 2022

Decision Type: Non-Urgent Non-Executive Key

Title: CONFIRMATION OF SIX ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR USE CLASS E TO RESIDENTIAL USE

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: Bromley Town; Plaistow and Sundridge; Cray Valley West; Orpington

1. Reason for report

- 1.1. This report recommends that the Council confirms six non-immediate Article 4 Direction to withdraw permitted development (PD) rights which allow premises in Use Class E to change to residential use. These Directions apply to three Business Improvement Areas and three Office Clusters as set out in the Bromley Local Plan. The Directions will replace existing Directions which remove office to residential PD rights in these areas; these existing Directions will lapse on 31 July 2022.
- 1.2. In line with the requirements of legislation, representations on the proposed Directions were sought. The Council must take into account any representations made before it confirms the Article 4 Directions. No representations were received on the six proposed Directions. If confirmed, the Directions would come into force on 27 July 2022.

2. RECOMMENDATION(S)

For Development Control Committee members

- 2.1. That Members endorse the confirmation of six non-immediate Article 4 Directions to withdraw Part 3, Class MA PD rights in Bromley’s Business Improvement Areas and Office Clusters, as designated in the Bromley Local Plan and shown at Appendix 1. These PD rights are currently granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”).**
- 2.2. That Members note the matter will be considered by the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny.**

For Renewal, Recreation and Housing Policy Development and Scrutiny Committee members

- 2.3. That Members endorse the confirmation of six non-immediate Article 4 Directions to withdraw Part 3, Class MA PD rights in Bromley’s Business Improvement Areas and Office Clusters, as designated in the Bromley Local Plan and shown at Appendix 1. These PD rights are currently granted by the GPDO.**
- 2.4. That Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to confirm the six non-immediate Directions covering the areas shown on the maps at Appendix 1, to come into force on 27 July 2022.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Regeneration
-

Financial

1. Cost of proposal: Costs associated with publicising the confirmation will be met from the Planning Policy and Strategy budget.
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Existing Revenue Budget for 2021/22
-

Personnel

1. Number of staff (current and additional): 10fte
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
 2. Call-in: Applicable: Further Details – Portfolio Decision
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Background

- 3.1. In May 2021, Development Control Committee¹ (DCC) considered a report recommending that 46 non-immediate Article 4 Directions were made to withdraw Part 3, Class MA PD rights in a number of designated retail, service, office and industrial areas set out in the Bromley Local Plan. DCC endorsed the proposed directions².
- 3.2. The Renewal, Recreation and Housing Policy Development and Scrutiny Committee (RRHPDS) considered the proposed Directions on 16 June 2021³. RRHPDS resolved that the Portfolio Holder be recommended to authorise the making of the 46 non-immediate directions as endorsed by DCC⁴.
- 3.3. Six directions were proposed for the three Business Improvement Areas in Bromley Town Centre and three designated office clusters in the Local Plan. These areas were already covered by Part 3, Class O directions, which removed office to residential PD rights, but the introduction of Part 3, Class MA PD rights meant that these existing directions would lapse by 31 July 2022. Therefore, this necessitated new directions to be in place before the existing directions lapsed.
- 3.4. The remaining 40 directions have yet to be confirmed; any confirmation of these directions will be for a future Portfolio Holder decision, following reports to DCC and RRHPDS.
- 3.5. Article 4 Directions allow authorities to withdraw the PD rights that would otherwise apply by virtue of the GPDO. Details of the Article 4 Direction process and relevant legislation and guidance is set out in paragraphs 3.13 to 3.20 of the May 2021 DCC report⁵.
- 3.6. It is noted that the NPPF was amended in July 2021, which introduced a new requirement for Directions; this requires Directions which relate to a change from non-residential use to residential use to be limited to situations where an Article 4 Direction is necessary to avoid wholly unacceptable adverse impacts. Directions should apply to the smallest geographical area possible. The PPG notes that the potential harm that a Direction is intended to address should be clearly identified. For the proposed Directions, justification to address the NPPF requirements is discussed below.

Representations

- 3.7. Consultation on the Directions was undertaken from 27 July to 7 September 2021 (a period of six weeks). As detailed in the reports to DCC and RRHPDS in May and June 2021, the

¹ 'PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR USE CLASS E TO RESIDENTIAL USE', Development Control Committee 20 May 2021, available from: <https://cds.bromley.gov.uk/documents/s50088962/PROPOSED%20NON-IMMEDIATE%20ARTICLE%204%20DIRECTIONS%20TO%20REMOVE%20PERMITTED%20DEVELOPMENT%20RIGHTS%20FOR%20USE%20CLASS%20E%20T.pdf>

² Minutes of the DCC meeting held at 7.30 pm on 20 May 2021, available from: <https://cds.bromley.gov.uk/documents/g6912/Public%20minutes%20Thursday%2020-May-2021%2019.30%20Development%20Control%20Committee.pdf?T=11>

³ 'PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR USE CLASS E TO RESIDENTIAL USE', Renewal, Recreation and Housing Policy Development and Scrutiny Committee 16 June 2021, available from: <https://cds.bromley.gov.uk/documents/s50089456/PROPOSED%20NON-IMMEDIATE%20ARTICLE%204%20DIRECTIONS%20TO%20REMOVE%20PERMITTED%20DEVELOPMENT%20RIGHTS%20FOR%20USE%20CLASS%20E%20T.pdf>

⁴ Minutes of the RRHPDS meeting held at 7.00 pm on 16 June 2021, available from: <https://cds.bromley.gov.uk/documents/g7196/Public%20minutes%20Wednesday%2016-Jun-2021%2019.00%20Renewal%20Recreation%20and%20Housing%20Policy%20Development%20and%20.pdf?T=11>

⁵ Op cit, footnote 1

consultation did not include serving notice on owners and occupiers of every part of land within the area to which the Direction relates, as this level of notification was considered impracticable. Notice was given by local advertisement and site notices in two locations within each of the areas, as per the other requirements of the GPDO. Details were also provided on the Council's website.

3.8. No representations were received.

Discussion and justification

- 3.9. Paragraphs 3.21 to 3.40 of the May 2021 DCC report⁶ set out the national, London and local planning policy context which is material to any decision of whether it is expedient to make an Article 4 Direction.
- 3.10. In terms of the justification for the proposed Directions, officers consider that the justification set out in paragraphs 3.41 to 3.62 of the May 2021 DCC report⁷ remains robust; paragraphs 3.43 to 3.51, which relate to office and industrial use, are particularly relevant given the office focus of the designations covering the six areas.
- 3.11. This justification is considered sufficient to address the updated NPPF requirements with regard to ensuring wholly unacceptable adverse impacts are avoided. The designated areas to be covered by the Directions are key areas for offices as set out in the adopted Local Plan. Further loss of space in these areas could reduce opportunities for fledgling businesses to secure space and could also mean that existing businesses looking to grow are not retained as they may be forced to look outside the borough for additional space. It also means that any potential agglomeration benefits are likely to be lost, which could have a significant impact on the local economy and affect local amenity and wellbeing.
- 3.12. Additional evidence published following the May 2021 DCC report serves to further strengthen the justification for the Directions.
- 3.13. In July 2021, the GLA published '**Strategic evidence to support London borough Article 4 Directions (commercial to residential)**'⁸; this document provides strategic evidence to support Class E commercial to residential Article 4 Directions by local planning authorities in London.
- 3.14. The Directions cover specific office designations within and in close proximity to Bromley's Metropolitan and Major Town Centres. The strategic evidence base document, in section 4.3, details the importance of Town Centre office locations, referencing the London Plan strategically significant town centre office locations which identify Bromley Town Centre as a centre with the capacity, demand and viability to accommodate new office development, generally as part of mixed-use developments including residential use. The evidence references a report from Knight Frank⁹ which recognises Bromley as an 'up and coming' centre with regards to 'innovation-led locations'¹⁰.
- 3.15. Offices and light industrial uses contribute to the range of uses in town centres and high streets alongside retail and leisure uses. Offices can make up a significant proportion of total commercial floorspace in town centres. The report recognises that there are emerging trends

⁶ Op cit, see footnote 1

⁷ Ibid

⁸ Available from:

https://www.london.gov.uk/sites/default/files/strategic_evidence_to_support_commercial_to_residential_article_4s_in_london_july_2021_final_report.pdf

⁹ Available from: https://content.knightfrank.com/resources/knightfrank.com/commercial/the-next-chapter-2021--the-m25-and-south-east-office-market-report.pdf?utm_source=knightfrank&utm_medium=sitecontent&utm_campaign=m25-offices

¹⁰ Ibid, defined as "Locations such as these benefit from the agglomeration and clustering of economies and a magnetism that attracts young, creative and entrepreneurial populations."

that could affect the nature of office working and the extent of remote working, but states that the extent of this and its impact on the need for office space has yet to emerge fully.

- 3.16. The report states that the new PD rights, in the absence of targeted Article 4 Directions, could impact the adaptation of London's town centres and high streets to be (and remain) vibrant, successful locations for a range of business, culture, civic and community activities complemented by well-planned housing and mixed-use development.
- 3.17. The report recognises that, while town centres and high streets can benefit from additional homes in the area, this should be well planned and should not come forward at the expense of successful commercial and community uses. Residential uses have different characteristics to commercial, business and service uses. Once conversions to residential occur the inherent flexibility of high street premises in commercial and community uses is lost, undermining the ability of the high street to adapt to future circumstances. Too much erosion of commercial and community services via PD rights in town centres and high streets could also create dormitory areas where residents must travel further afield to get to shops and places of work, undermining efforts to support walking and cycling and the creation of a more sustainable city.
- 3.18. The strategic evidence base document also makes clear that Article 4 Directions can be a useful tool for ensuring that development capacity is optimised through site allocations, masterplans and town centre strategies, delivering better outcomes for housing delivery, housing quality and place-making.
- 3.19. A report by GLA Economics - **London's Economic Outlook: Spring 2021 - The GLA's medium-term planning projections (May 2021)**¹¹ - projects that London's real Gross Value Added (GVA) growth rate is forecast to be 5.4% this year due to the recovery from the COVID-19 crisis. This growth rate is expected to increase slightly to 6.9% in 2022 before moderating to 3.1% in 2023. London is forecast to see a fall in the number of workforce jobs in 2021 (-3.6% in annual terms) although this will recover in 2022 (2.9%) before accelerating in 2023 (4.2%). Similarly to GVA, London's household income and expenditure are both forecast to grow in all years of the forecast period. These projections demonstrate that there is likely to be significant demand for office floorspace to facilitate economic growth and accommodate the creation of new jobs.
- 3.20. A further report by GLA Economics - **Macroeconomic scenarios for London's economy post COVID-19 - Scenarios approach, storylines and projections to 2030 (August 2021)**¹² - outlines three core economic scenarios for London's economy post-COVID-19 - Scenario 1: Fast economic recovery (an optimistic but plausible scenario); Scenario 2: Gradual economic recovery and Scenario 3: Slow economic recovery. In all scenarios, London's economy is expected to recover to the pre-crisis level of output by the end of next year at the latest. Under the Gradual return to economic growth scenario, London's GVA reaches pre-crisis levels in Q4 of 2021. Employment recovery is projected to be significantly slower than output recovery, so that pre-crisis employment levels are not reached until Q1 of 2023 in the gradual economic recovery scenario and not before the end of the same year in the slower economic recovery scenario. As with the report noted above, these scenarios help to support the continued protection of office floorspace to facilitate economic growth and accommodate the creation of new jobs.

4. POLICY IMPLICATIONS

¹¹ Available from: <https://www.london.gov.uk/sites/default/files/leo-spring-2021-final.pdf>

¹² Available from: <https://data.london.gov.uk/download/macroeconomic-scenarios-for-london-s-economy-post-covid-19/4b44a3ba-bc7e-4cef-a443-fcd7636dbd98/Macro%20scenarios%20for%20London%20-%20Approach%20and%20long-term%20projections%20August%202021.pdf>

- 4.1. The Class E to residential PD rights could have significant adverse impacts on local amenity resulting from the loss of retail and employment areas designated in the Local Plan. If the proposed Article 4 Directions are not put in place, this could undermine elements of the Development Plan. The PD right has the potential to fundamentally alter the face of high streets and local economies across the country, with the likely loss of a significant amount of economic and retail floorspace. This would undermine the ability of local authorities to deliver on economic growth aspirations set out in the adopted Local Plan and other strategies.
- 4.2. The proposed Directions will restrict housing supply to a degree, but this is likely to be of limited impact in terms of restricting the amount of new residential units created, and hence the effect on the Council's ability to meet housing targets is considered to be limited. The Council currently do not have a five-year housing land supply but there are a number of allocated and non-allocated 'developable' sites which could come forward in the short to medium term to address the current undersupply. The potentially significant impacts on local amenity and wellbeing, identified in this report, would outweigh this potentially limited impact on housing supply, in terms of the deciding whether it is expedient to pursue Article 4 Directions in the areas proposed.
- 4.3. It is recognised that the amendments to Class E will allow many units in the proposed Article 4 Direction areas to change to another use within Class E. However, the resulting unit would remain in commercial use which will naturally be more in-keeping with the function of the areas, and will be more likely to address Local Plan objectives in terms of economic growth and provision of important services.
- 4.4. The quality of the housing created must also be considered alongside any impact on housing supply. The creation of new housing is not just a numbers game; it is essential that new housing is fit for purpose in order to ensure sustainable development, for example ensuring appropriate sustainable design measures to mitigate climate change. PD rights have become synonymous with poor quality, small homes. As Article 4 Directions would require planning permission to be secured for such developments in the future, this will ensure delivery of higher quality residential units and assist with the delivery of sustainable development in the borough. It is recognised that minimum space standards will be required for new housing developed through PD rights, but, important as these standards are, this will not guarantee the development of high quality housing; only full application of Development Plan policy can do this.
- 4.5. Prior approval permissions have often been used as a 'fallback' position, whereby developers secure prior approval permission and then subsequently apply for full planning permission for a more comprehensive development on the same site, noting that if this permission was not granted then there is an extant prior approval that can be delivered. Fallback positions can be material considerations in the determination of planning applications although the weight given would depend on whether the applicant has secured the prior approval permission; it is not enough to just highlight that prior approval permission could be sought, as there is no guarantee prior approval will be granted. Where prior approval permission has been granted, an applicant would also need to demonstrate that there is a realistic intention to implement the prior approval, for the fallback to be given weight. It is noted that development granted through the PD rights must be completed within three years of the date of grant of prior approval, which will factor into any consideration of the weight given to a fallback position.
- 4.6. The PPG notes that it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the Directions were made remain valid.
- 4.7. The areas proposed have been carefully considered and relate specifically to certain designations in the Local Plan. This balances the desire to protect important retail and economic uses with the need to ensure that the Directions are as focused as possible.

5. FINANCIAL IMPLICATIONS

- 5.1. This report recommends six non-immediate Article 4 Directions are confirmed to come into force on 27 July 2022. As a 12-month notice period to be given prior to the Directions coming into effect, compensation liability is removed.
- 5.2. Costs associated with confirming the Article 4 Directions will be met by Planning Policy and Strategy and the Council's legal services department.

6. LEGAL IMPLICATIONS

- 6.1. Article 4 (1) of the GPDO allows local Planning authorities to withdraw certain PD Rights. The procedure for putting in place an Article 4 Direction is set out in Schedule 3 of the GPDO. The Council's legal services department will be responsible for confirming the Directions, in line with the statutory requirements set out in the GPDO.
- 6.2. There is a requirement to give notice of confirmation to owners and occupiers of every part of land within the areas to which the Directions relate, unless the local planning authority considers that the number of owners or occupiers within the area to which the direction relates makes individual service impracticable. Cumulatively, the proposed Directions encompass several thousand properties (which includes instances where there are numerous properties within a single building). This level of notification is considered to be impracticable, hence individual notice will not be given (which is consistent with the approach taken as part of the notification process when the Directions were first made). Notice will be given by local advertisement and site notice, as per the other requirements of the GPDO.
- 6.3. The GPDO requires notice of the proposed Directions to be given as soon as practicable after the Directions have been confirmed.

<p>Non-Applicable Sections:</p>	<p>IMPACT ON VULNERABLE ADULTS AND CHILDREN</p> <p>PERSONNEL IMPLICATIONS</p> <p>PROCUREMENT IMPLICATIONS</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf</p> <p>London Plan (adopted 2 March 2021), available from: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (July 2021) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>National Planning Practice Guidance - https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</p> <p>The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)</p> <p>Development Control Committee report, 20 May 2021, PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR USE CLASS E TO RESIDENTIAL USE -</p>

	https://cds.bromley.gov.uk/documents/s50088962/PROPOSED%20NON-IMMEDIATE%20ARTICLE%204%20DIRECTIONS%20TO%20REMOVE%20PERMITTED%20DEVELOPMENT%20RIGHTS%20FOR%20USE%20CLASS%20E%20T.pdf
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NON IMMEDIATE ORDER

7 JG 2021

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the GDPO, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as **Bromley North Business Improvement Area** unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:


SCHEDULE

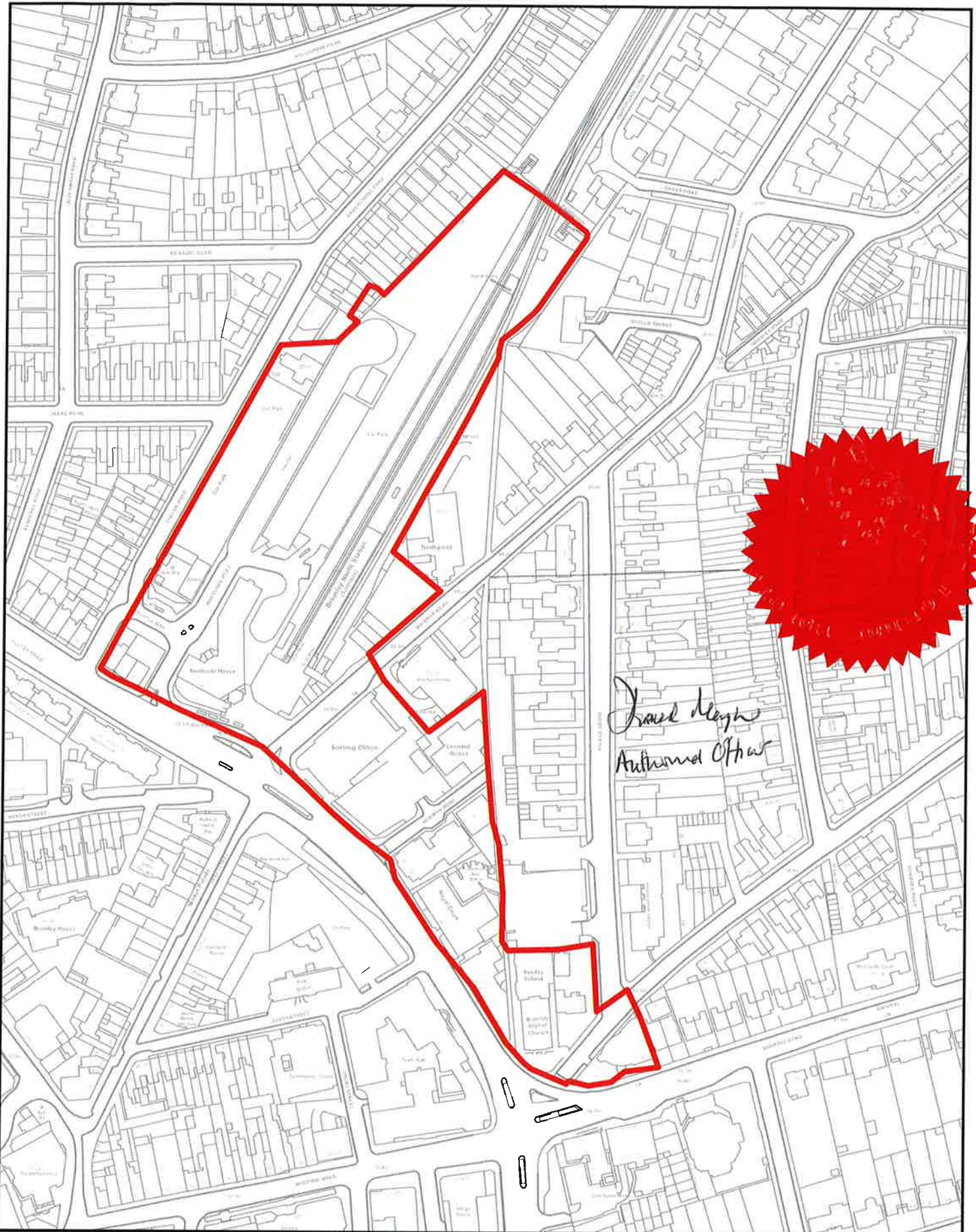
Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within class C3 (Dwellinghouses) of Schedule 1 to that Order.

It is intended that this Direction will come into effect not before 27th July 2022

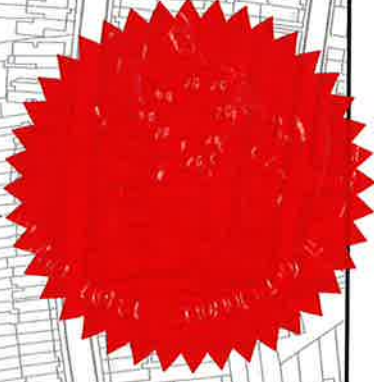
Made under the Common Seal of The Mayor and Burgesses of the London Borough of Bromley this 27th day of July 2021

The Common Seal of the Council was affixed to this Direction
In the presence of


Andrew May
Authorized Officer



Irene Myles
 Authorised Officer



**Planning Division
 Housing, Planning &
 Regeneration**



**Article 4 Direction Relating to
 Bromley North Area
 Business Improvement Area**



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 Ordnance Survey 100017661.

May 2021

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NON IMMEDIATE ORDER

7 15/ 2021

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the GDPO, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as **Bromley South Business Improvement Area** unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:

SCHEDULE

Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within class C3 (Dwellinghouses) of Schedule 1 to that Order.

It is intended that this Direction will come into effect not before ^{27th} July 2022

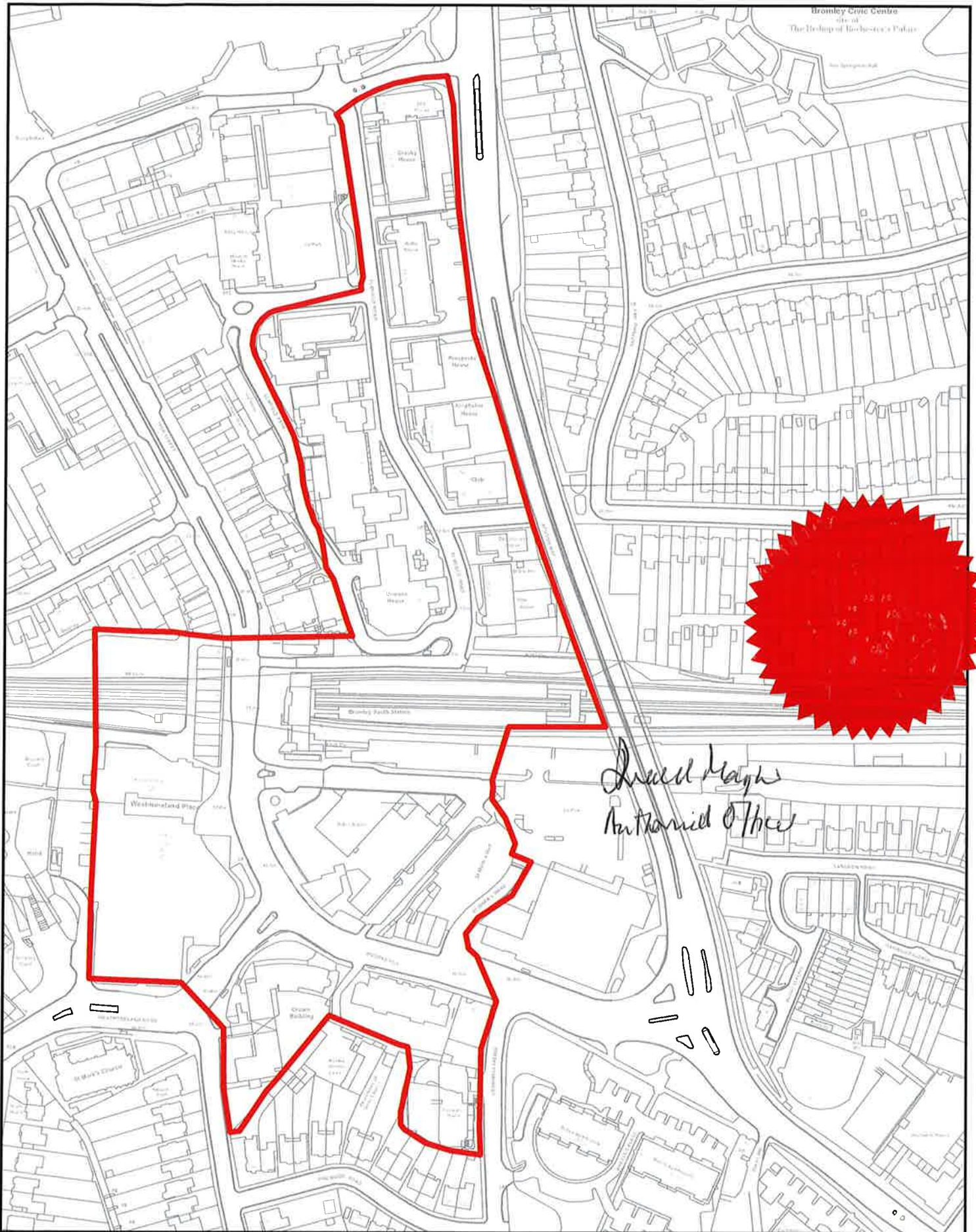
Made under the Common Seal of The Mayor and Burgesses of the London Borough of Bromley this ^{27th} day of July 2021

The Common Seal of the Council was affixed to this Direction
In the presence of

Lucy May

Authorised Officer





**Planning Division
Housing, Planning &
Regeneration**



**Article 4 Direction Relating to
Bromley South Area
Business Improvement Area**



DRAFT NON IMMEDIATE ORDER
7 / 7 / 2021

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
AS AMENDED

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the GDPO, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as **Crayfield Business / Industrial Park Strategic Industrial Location and Office Cluster** unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:

SCHEDULE

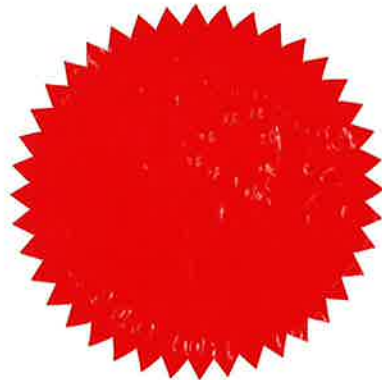
Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within class C3 (Dwellinghouses) of Schedule 1 to that Order.

It is intended that this Direction will come into effect not before ^{27th} July 2022

Made under the Common Seal of The Mayor and Burgesses of the London Borough of Bromley this ^{27th} day of July 2021

The Common Seal of the Council was affixed to this Direction
In the presence of

David Heyhas
Authorised Officer





**Planning Division
Housing, Planning &
Regeneration**



**Article 4 Direction Relating to
Crayfields Business/Industrial Park
SIL and Office Cluster**



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May 2021

0 15 30 60 **Page 78**
Meters

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NON IMMEDIATE ORDER

~~7/18~~ 2021

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the GDPO, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as **Knoll Rise Office Cluster** unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:

SCHEDULE

Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within class C3 (Dwellinghouses) of Schedule 1 to that Order.

It is intended that this Direction will come into effect not before ^{29th}.....July 2022

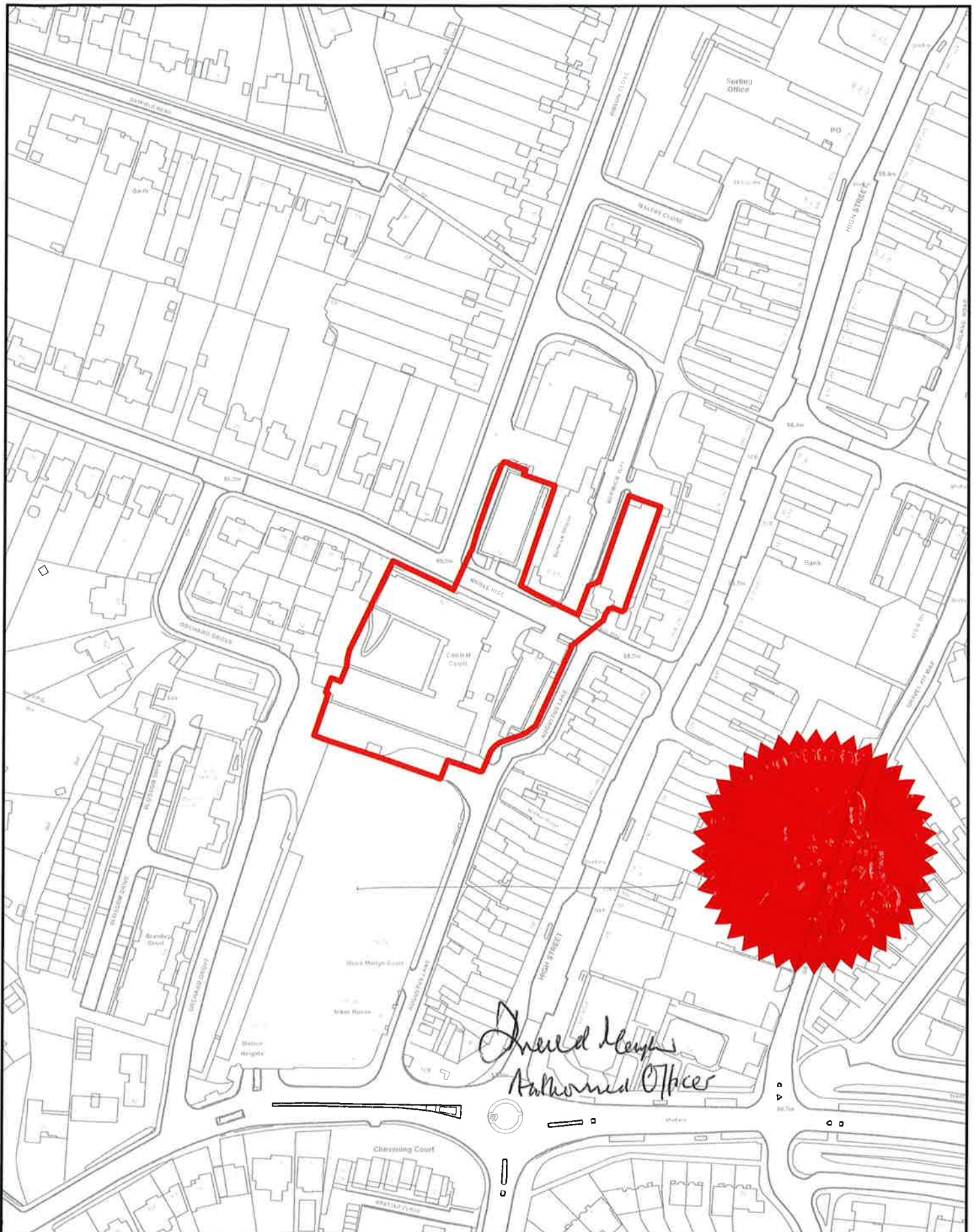
Made under the Common Seal of The Mayor and Burgesses of the London Borough of Bromley this ^{27th} day of July 2021

The Common Seal of the Council was affixed to this Direction
In the presence of

David Mayhew

Authorised Officer





**Planning Division
Housing, Planning &
Regeneration**



**Article 4 Direction Relating to
Knoll Rise Orpington
Town Centre, Office Cluster**



NON IMMEDIATE ORDER

~~73~~ 2021

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the GDPO, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as **London Road Business Improvement Area** unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:

SCHEDULE

Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within class C3 (Dwellinghouses) of Schedule 1 to that Order.

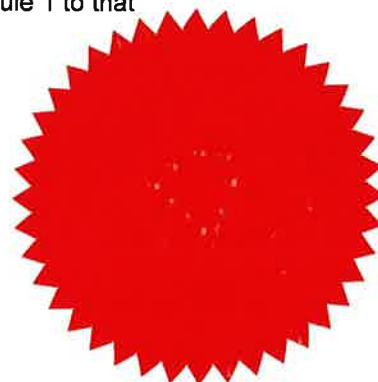
It is intended that this Direction will come into effect not before 27th July 2022

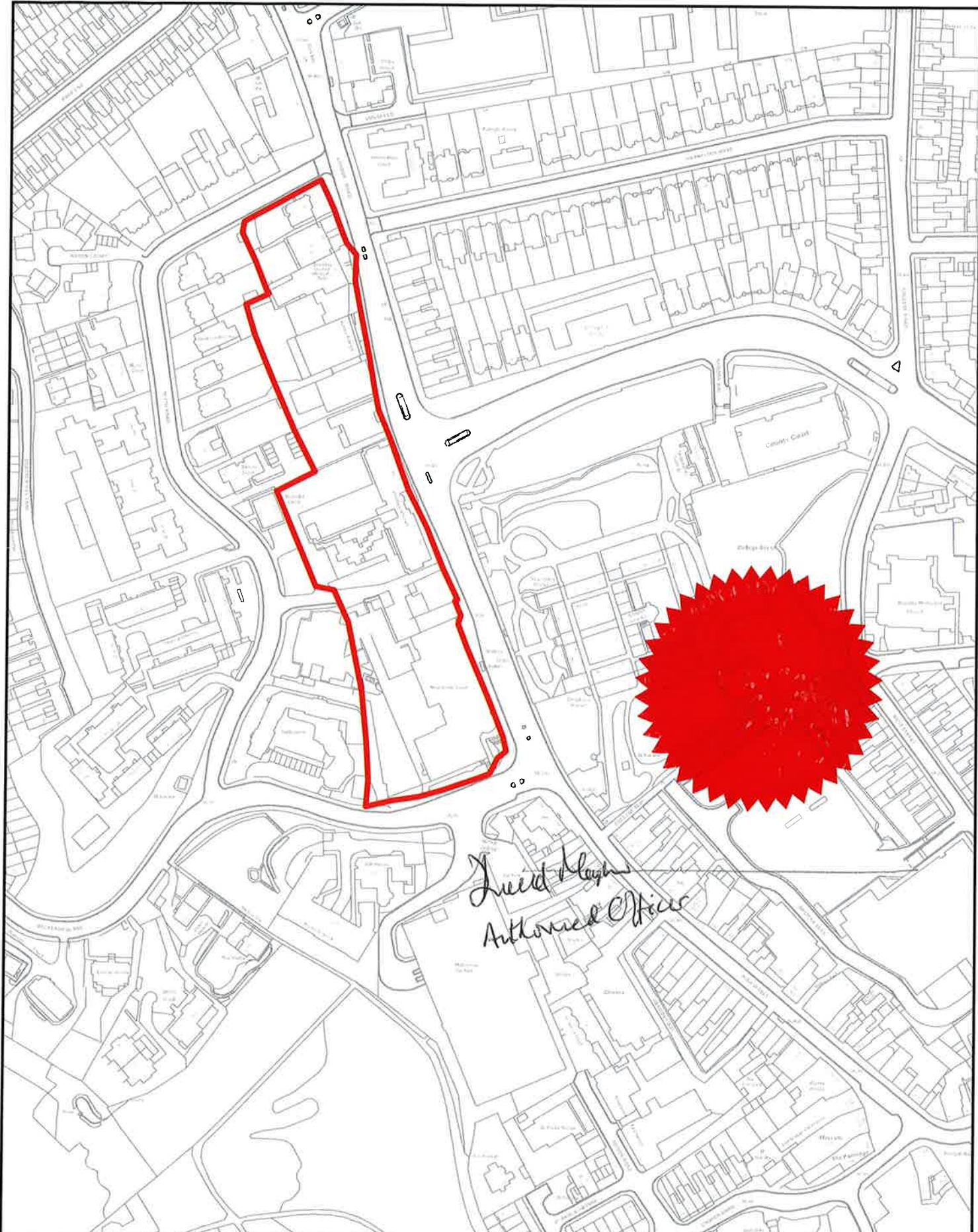
Made under the Common Seal of The Mayor and Burgesses of the
London Borough of Bromley this 27th day of July 2021

The Common Seal of the Council was affixed to this Direction
In the presence of

Imad Khan

Authorised Officer





**Planning Division
Housing, Planning &
Regeneration**



**Article 4 Direction Relating to
London Road Area
Business Improvement Area**



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May 2021

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7/4/2021
7/14/2021

NON IMMEDIATE ORDER

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS The London Borough of Bromley, being the appropriate local planning authority within the meaning of article 4 (5) of the GDPO, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on properties on the land edged red on the attached plan, and known as **Masons Hill Office Cluster** unless planning permission is granted on an application made under part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:


SCHEDULE

Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within class C3 (Dwellinghouses) of Schedule 1 to that Order.

It is intended that this Direction will come into effect not before ^{27th} July 2022

Made under the Common Seal of The Mayor and Burgesses of the
London Borough of Bromley this ^{27th} day of July 2021

The Common Seal of the Council was affixed to this Direction
In the presence of


David Mayo
Authorized Officer



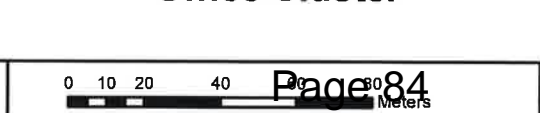
**Planning Division
Housing, Planning &
Regeneration**



**Article 4 Direction Relating to
Masons Hill Bromley
Office Cluster**

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Ordnance Survey 100017661.

May 2021



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Report No.
FSD22024

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **PORTFOLIO HOLDER FOR RENEWAL, RECREATION AND HOUSING**

For Pre-Decision Scrutiny by the Renewal, Recreation and Housing Policy Development and Scrutiny Committee on:

Date: 16th March 2022

Decision Type: Non-Urgent Executive Non-Key

Title: **BUDGET MONITORING 2021/22**

Contact Officer: Keith Lazarus, Head of Finance (ECS & Corporate)
Tel: 020 8313 4312 E-mail: Keith.Lazarus@bromley.gov.uk
James Mullender, Head of Finance (Adults, Health & Housing)
Tel: 020 8313 4196 E-mail: James.Mullender@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards);

1. Reason for report

This report provides an update of the latest revenue budget monitoring position for 2021/22 for the Renewal, Recreation and Housing Portfolio based on expenditure and activity levels up to the end of December 2021.

2. **RECOMMENDATION(S)**

The Renewal, Recreation and Housing Portfolio Holder is requested to:

- 2.1 Endorse the 2021/22 revenue budget monitoring for the Renewal, Recreation and Housing Portfolio.

Impact on Vulnerable Adults and Children

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

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: RR&H Portfolio Budgets
 4. Total current budget for this head: £20m
 5. Source of funding: Existing revenue budgets 2021/22
-

Personnel

1. Number of staff (current and additional): 200.23 fte
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 This report sets out the results of the latest quarterly revenue budget monitoring exercise for the 2021/22 financial year for the Renewal, Recreation and Housing Portfolio based on financial information available as at the end of December 2021. It should also be noted that monitoring this year now takes into account any ongoing impact of Covid-19 on the Portfolio's budgets, and anticipated application of available Covid-19 grant funding where relevant. To date, a sum of £945k has been provisionally allocated towards the additional costs of temporary accommodation (£800k) and loss of building control income (£145k).
- 3.2 The position for the third quarter is now a projected overall overspend of £102k on the Portfolio's controllable budgets on based on financial information available at that time. While this is an improvement on the overspend of £614k previously reported, this is largely attributable to an increase of £445k in the allocation of Covid-19 grants. There is also a further overspend of £11k on budgets controlled by other Portfolios.
- 3.3 The projected outturn is detailed in Appendix 1A, which shows the forecast spend for each division within the Portfolio compared to the latest approved budget. The main variations are summarised in the table below:

	£'000
Temporary accommodation costs	1,098
Supporting People	Cr 130
Housing Needs running costs	207
Temporary accommodation income	Cr 348
Building Control income	285
Other variations	Cr 65
Sub total	1,047
Application of Covid-19 grant funding	Cr 945
Total Variation – Controllable Budgets	102

- 3.4 Appendix 1B provides further detail and commentary on each of the projected variations within each service.
- 3.5 The following table provides a summary of the variations across the Portfolio's controllable budgets by type of spend:

	Budget £'000	Projection £'000	Variation £'000	%
Staffing	9,388	9,315 Cr	73	-0.8%
Running expenses	2,002	2,294	292	14.6%
Contracts	6,815	6,718 Cr	97	-1.4%
Temporary accommodation - costs	18,187	18,485	298	1.6%
Housing Benefits - payments	81,576	81,576	0	0.0%
Temporary accommodation - income	Cr 11,367	Cr 11,715 Cr	348	3.1%
Housing Benefits - subsidy	Cr 82,121	Cr 82,121	0	0.0%
Other income	Cr 9,329	Cr 9,299	30	-0.3%
Consultants	151	151	0	0.0%
	15,302	15,404	102	0.7%

4. POLICY IMPLICATIONS

- 4.1 To meet the ambitions for residents, the Council must use available resources deploy its workforce wisely. This is reflected in the “Making Bromley Even Better” ambition of Service Efficiency - ‘To manage our resources well, providing value for money, and efficient and effective services for Bromley’s residents’.
- 4.2 The “2021/22 Council Tax” report highlighted the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised to minimise the risk of compounding financial pressures in future years.
- 4.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council’s budgetary control and monitoring arrangements.

5. FINANCIAL IMPLICATIONS

- 5.1 A detailed breakdown of the projected outturn by service area is shown in Appendix 1A with explanatory notes in Appendix 1B.
- 5.2 Overall, an overspending of £102k on the Portfolio’s controllable budgets is projected to the year-end based on the information available for the first quarter of the year. This is inclusive of Covid-19 grant funding of £945k towards the additional costs of temporary accommodation.

6. COMMENTS FROM THE DIRECTOR OF HOUSING, PLANNING, PROPERTY & REGENERATION

- 6.1 £1,403k of growth was included in the housing budget for 2021/22 to reflect the continuing pressures in relation to homelessness and the provision of temporary accommodation. A total of £886k savings have also been included to mitigate these pressures.
- 6.2 Whilst approaches remain high, the ongoing supply of acquired properties and prevention work has continued to slow the rate of growth in nightly paid accommodation placements. However there is likely to be increased pressures now that the moratorium on evictions during the pandemic has been lifted as these cases make their way through the courts and the model above has been adjusted to reflect the increasing placements averaging 15 per month. This position does rely on the supply of acquired properties continuing to come through. This results in a projected £1,000k overspend on temporary accommodation (net of projected savings), with a £45k overspend on housing overall. As has been reported work is ongoing to increase the supply of affordable housing to continue to mitigate and reduce the current pressures relating to temporary accommodation particularly in relation to the increased ability to secure leased accommodation within temporary accommodation subsidy rates.
- 6.3 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 has successfully been taken to negate the risk of Government Designation for Special Measures due to Planning performance for the current year. However, this is based on the actions identified being implemented to reduce the risk of Government Designation in future years.

- 6.4 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 consultant's advice which creates additional costs.
- 6.5 The key risks in the Renewal, Recreation and Housing Portfolio continue to be:
- i) Increased homelessness and the associated costs particularly relating to the increased demand for placements across London.
 - ii) Increased rent arrears arising from roll out of Welfare reform and impact of COVID
 - iii) Reduced vacant housing association properties coming forward for letting
 - iv) Increased maintenance and repairs costs in relation to the travellers site required to maintain health and safety standards
 - v) Increase in planning applications and need to ensure application processing is sufficiently resourced
 - vi) Increases being seen in construction and maintenance costs
- 6.6 Finally, the immediate and ongoing impacts of the Covid-19 pandemic on budgets are only now becoming apparent. Significant losses in income, in particular from commercial rents, are expected as town centres have been severely affected during lockdown restrictions. There is also likely to be an increase in homeless presentations and families requiring temporary accommodation as the current moratorium on evictions is eased later in the year. The full impact in 2021/22 and future years remains difficult to assess and will be largely dependent on the easing of restrictions and recovery of the wider economy.

Non-Applicable Sections:	Legal, Personnel & Procurement Implications
Background Documents: (Access via Contact Officer)	2021/22 budget monitoring files within the Finance Department

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Renewal, Recreation & Housing Budget Monitoring Summary

2020/21 Actuals £'000	Division Service Areas	2021/22 Original Budget £'000	2021/22 Latest Approved £'000	2021/22 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	ENVIRONMENT AND COMMUNITY SERVICES DEPARTMENT							
	Planning							
32	Building Control	82	82	321	239	1	145	0
Cr 130	Land Charges	Cr 128	Cr 128	Cr 157	Cr 29	2	Cr 60	0
1,505	Planning	1,719	1,824	1,839	15	3	Cr 53	0
0	COVID grant to support impact of COVID on services	0	0	Cr 145	Cr 145			0
1,407		1,673	1,778	1,858	80		32	0
	Culture & Recreation							
897	Culture	827	927	932	5	4	128	0
4,729	Libraries	4,672	4,685	4,678	Cr 7	5	Cr 6	0
87	Town Centre Management & Business Support	79	79	58	Cr 21	6	Cr 10	0
5,713		5,578	5,691	5,668	Cr 23		112	0
	HOUSING DEPARTMENT							
	Operational Housing							
683	Supporting People	1,029	1,029	899	Cr 130	7	Cr 130	0
8,358	Housing Needs	8,807	8,036	9,041	1,005	8	1,135	Cr 509
0	Enabling Activities	0	0	0	0		0	0
Cr 1,863	Housing Benefits	Cr 1,961	Cr 1,211	Cr 1,211	0		0	0
214	Housing Improvement	Cr 21	Cr 21	Cr 51	Cr 30	9	Cr 35	0
0	COVID grant to support impact of COVID on services	0	0	Cr 800	Cr 800		Cr 500	0
7,392		7,854	7,833	7,878	45		470	Cr 509
14,512	Total Controllable	15,105	15,302	15,404	102		614	Cr 509
1,362	TOTAL NON CONTROLLABLE	Cr 865	Cr 826	Cr 815	11	10	380	0
5,724	TOTAL EXCLUDED RECHARGES	5,464	5,464	5,464	0		0	0
21,598	TOTAL RR & H PORTFOLIO TOTAL	19,704	19,940	20,053	113		994	Cr 509

Reconciliation of Latest Approved Budget

£'000

Original budget 2021/22

19,704

Items Approved:

Carry Forward Requests

Next Steps Accommodation Programme expenditure		239
Next Steps Accommodation Programme income	Cr	239
Rough Sleepers Initiative Grant expenditure		70
Rough Sleepers Initiative Grant income	Cr	70
Homelessness Reduction Grant expenditure		89
Homelessness Reduction Grant income	Cr	89
Project X Implementation		105
Asset Recovery Incentivisation Scheme expenditure		85
Asset Recovery Incentivisation Scheme income	Cr	85
Historic England Hydro works Grant expenditure		37
Historic England Hydro works Grant income	Cr	37
Custom Build Grant expenditure		75
Custom Build Grant income	Cr	75
New Homes Bonus - Regeneration		73
Discretionary Business Grants expenditure		7,388
Discretionary Business Grants income	Cr	7,388

Central Contingency Adjustments

Rough Sleepers Initiative Grant expenditure		315
Rough Sleepers Initiative Grant income	Cr	315
Accommodation for Ex-Offenders expenditure		113
Accommodation for Ex-Offenders income	Cr	113
Protect Plus Grant expenditure		5
Protect Plus Grant income	Cr	5
Cold Weather Fund Grant expenditure		46
Cold Weather Fund Grant income	Cr	46
Protect and Vaccinate Funding expenditure		35
Protect and Vaccinate Funding income	Cr	35

	Domestic Abuse Act: Homelessness new burdens expenditure		13
	Domestic Abuse Act: Homelessness new burdens income	Cr	13
	Homelessness Prevention expenditure		424
	Homelessness Prevention income	Cr	424
	Support for Vulnerable Renters income	Cr	771
	COVID grant to support impact of COVID on services expenditure		425
	COVID grant to support impact of COVID on services income	Cr	425
	COVID Income Compensation expenditure		20
	COVID Income Compensation income	Cr	20
	UC roll out - Claimant Fault Overpayment Recoveries		750
Other	R&M Planned Maintenance adjustment		
	Culture and Regeneration		100
	Operational Housing	Cr	61
	Household Support Fund expenditure		1,868
	Household Support Fund grant income	Cr	1,868
	Resources for Crystal Palace Park Transfer to the Trust		40
Latest Approved Budget for 2021/22			<u>19,940</u>

REASONS FOR VARIATIONS

1. Building Control Dr £239k

There is a decrease in the number of applications and therefore a reduction in income in this area. This is partially due to the continued impact that COVID-19 restrictions are having on activity, but also as a result of residents choosing to buy these services from Independent Approved Inspectors. Deposits of plans, Building Control Notices and First Inspections are the income streams that are affected most. A £285k shortfall of income is currently projected within Building Control. The service is currently holding some vacant posts resulting in an underspend of £75k on staffing, with other running costs forecast to be £29k over budget.

Covid grants of £145k have now been allocated to partially offset this impact this financial year.

In accordance with Building Account Regulations and as in previous years, the resultant net deficit of £94k will need to be drawn down from the earmarked reserve for the Building Control Charging Account, which would leave a deficit balance of £46k to be recovered in future years. A review of charges is currently being undertaken.

2. Local Land Charges Cr £29k

In the first part of the financial year there was a significant increase in the number of searches resulting in a projected overachievement of income of £50k at Q2. However the income is now only forecast to overachieve by £9k as the number of searches has started to decrease in recent months. Staffing is forecast to underspend by £20k this financial year. In accordance with regulations and as in previous years, the net credit of £29k will be transferred to the Land Charges reserve, increasing the credit balance to £74k to be adjusted in future years.

3. Planning Dr £15k

Staffing is projected to overspend by £34k due to additional hours being worked and salary vacancy factor not being achieved in all planning teams. Subsequent to the initial marked increase in the number of planning applications at the beginning of the financial year the numbers have now levelled out and this income stream is currently forecast to be on budget. Planning pre-apps are currently forecast to exceed the income target by £46k. However the admin income element of the mayoral CIL, retained by LBB, is forecasting a shortfall of £33k based on current activity levels. The £33k budget for local plan implementation will not be spent this financial year as there are no plans to undertake this work currently. Appeals awarded this financial year will result in a further £11k overspend. Other minor variations in supplies and services result in a £16k overspend.

4. Culture Dr £5k

Staffing is projected to overspend by £52k this financial year. This is due to staff undertaking COVID-19 support tasks instead of their usual capital project work meaning these staffing costs cannot be funded through the capital programme. Actual staffing costs diverted from capital are £82k, however there are underspends relating to revenue funded posts as a result of vacancies which partly absorb these salary overspends. The resulting overspend will be offset by part of the New Burdens grant held within Business Support. Film Fixer income is anticipated to overachieve the income target by £57k. This is mainly due to a high demand to use Bromley locations in recent months. There are £6k of costs associated with the installation of ventilation systems at the learning shops to comply with COVID-19 recommendations. Other variations will result in a small £4k overspend.

The Executive agreed in March 2021 to provide conditional financial support to MyTime, the operator of the Council's leisure sites, in recognition of the impact of Covid-19 on the leisure sector. So far, no payments have been necessary as MyTime's trading performance so far this year since reopening has exceeded expectations. However, the situation continues to be subject to detailed scrutiny and monitoring although no variation is reported at this stage.

In addition to any direct financial support, the Executive also agreed to waive rental payments that are due on its leisure sites, subject to ongoing review. A waiver to December 2021 has so far been agreed. The controllable budget for this is within the Resources, Commissioning & Contract Management Portfolio.

5. Libraries Cr £7k

There is a small underspend of £7k projected across the library services relating to staffing and rents.

6. Town Centre Management & Business Support Cr £21k

Staffing is forecast to underspend this financial year by £19k due to a vacant post. Business support grant distribution costs are forecast to be in the region of £33k and New Burdens Grant has been awarded to offset these costs. A further amount of £52k of this grant will also offset the salary costs of those posts in Culture diverted from capital project work. Due to the Borough's economic data being out of date, an evidence study is currently being tendered and the cost of this will be in the region of £52k this financial year.

7. Supporting People Cr £130k

The Supporting People budget is currently forecast to underspend by £130k on the SLA contracts. Gateway reviews are planned for a number of these contracts during 2021-22 which may result in increased costs as the current prices have been fixed for a number of years, as well as potential increases in provision.

8. Housing Needs Dr £1,005k

Temporary accommodation is currently projected to overspend by £1,000k. The projection is based on the number of current households as at the end of December 2021 and an assumed increase of 15 households each month for the remainder of the financial year (including the potential intake under the Severe Weather Emergency Protocol). This assumption reflects an expectation of higher numbers of evictions this year. A provision of £200k for non-recovery of rent arrears has also been assumed in this forecast.

At the start of 2021-22 the number of households in Nightly Paid Accommodation was 1,181 and currently stands at 1,161. It is currently expected that numbers will increase to around 1,205 by the end of the financial year, at an average cost of around £6,080 per property per annum.

These numbers exclude other schemes like More Homes Bromley, Orchard & Shipman, ex-residential care homes, and the Bromley Private Sector Leasing Scheme. Once these have been included there are currently in excess of 1,800 households placed in temporary accommodation to whom the Council has a statutory rehousing duty under the homelessness legislation.

Transformation savings totalling £491k had been identified for 2021-22 with the following schemes planned to be completed to provide a longer term alternative to expensive nightly paid accommodation: Burnt Ash Lane, Bushell Way & Anerley Town Hall car park schemes (60 units total) - saving £179k; Beehive Phase 2 (26 units) - £123k; Orchard & Shipman Joint Venture (c280 units acquired over 12-24 months) - £189k. The Full Year Effect of these savings is estimated at around £2.3m. Since the September budget monitoring, there has been progress with the Beehive Phase 2 programme and the in-year savings have been achieved and are now reflected in the Nightly Paid Accommodation forecast. The other schemes, however, have been delayed and a revised expected saving is now shown below.

The Travellers Site service is expected to overspend on the utilities budget by £34k and an underachievement of the Site Fee Income budget of £56k due to some plots remaining void for the remainder of 2021-22. Emergency repair work to the water supply has been required at the Star Lane Site adding an additional cost of £93k to the Repairs and Maintenance budget.

More Homes Bromley. Additional costs have been incurred including the level of tops being payable in year. This has led to an overspend of £174k.

In-year total salary underspends of £8k have been identified as areas of the service face challenges in recruiting appropriate staff. The turnover savings target has been achieved and additional underspends are now forecast.

Additional property related costs, including Ground Maintenance costs, have been incurred during the year at the Multi Unit Facilities and at some Beehive properties. This is forecasting an overspend of £80k.

Summary of overall variations within Housing Needs:	£'000
Temporary Accommodation - current numbers and assumed in-year increases	426
Temporary Accommodation - bad debt provision	200
Temporary Accommodation - transformation savings	Cr 50
Travellers Sites	183
Salaries	Cr 8
More Homes Bromley	174
Property Related costs	80
Total variation for Housing Needs	<u>1,005</u>

9. Housing Improvement Cr £30k

There are in-year underspends on salaries in the Housing Improvement service, with the expectation that the vacant posts will be not filled until March 2022.

10. Non Controllable Dr £11k

Rental Income remains under pressure in all portfolios following the impact of COVID and the ability for tenants in all sectors to pay rents. As the year progresses it is anticipated that further shortfalls will arise. Rental waivers of c£146k have already been agreed with one tenant although this is largely offset by an allocation of Covid grant funding.

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.

Report No.
FSD22030

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **RENEWAL, RECREATION & HOUSING PORTFOLIO HOLDER**

Date: **For pre-decision scrutiny by the Renewal, Recreation & Housing PDS Committee on 16th March 2022**

Decision Type: Non-Urgent Executive Non-Key

Title: **CAPITAL PROGRAMME MONITORING - 3RD QUARTER 2021/22**

Contact Officer: David Dobbs, Head of Corporate Finance & Accounting
Tel: 020 8313 4145 E-mail: david.dobbs@bromley.gov.uk

Chief Officer: Peter Turner, Director of Finance
Tel: 020 8313 4668 E-mail: peter.turner@bromley.gov.uk

Ward: All

1. Reason for report

On 9th February 2022, the Executive received a report summarising the current position on capital expenditure and receipts following the 3rd quarter of 2021/22. The Executive agreed a revised Capital Programme and an updated Capital Strategy for the five-year period 2021/22 to 2025/26. This report highlights changes agreed by the Executive in respect of the Capital Programme for the Renewal, Recreation & Housing Portfolio. The current programme for this portfolio is set out in Appendix A and detailed comments on individual schemes are shown in Appendix B.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to note and acknowledge the second quarter capital monitoring position, as agreed by the Executive on 9th February 2022.

Impact on Vulnerable Adults and Children:

1. Summary of Impact:
-

Corporate Policy

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

Financial

1. Ongoing costs: Not Applicable
 2. Budget head/performance centre: Capital Programme
 3. Total current budget for this head: £67m for the Renewal, Recreation & Housing Portfolio over the four years 2021/22 to 2025/26
 4. Source of funding: Capital grants, capital receipts, S106 and earmarked revenue contributions
-

Personnel

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

Legal

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

Procurement:

1. Summary of Procurement Implications:
-

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

Third Quarter Capital Monitoring

- 3.1 A revised Capital Programme was approved by the Executive on 9th February 2022, following a detailed monitoring exercise carried out after the 3rd quarter of 2021/22. The base position is the programme approved by the Executive on 24th November 2021, as amended by variations approved at subsequent Executive meetings.
- 3.2 During this cycle of monitoring, the following changes were made to schemes in the Renewal, Recreation and & Housing Portfolio Programme.
- West Wickham Housing & Library was added to the Capital Programme as a new scheme totalling £9.641m across 2022/23 and 2023/24
 - Following a Special Executive meeting held on 27th January, a supplementary estimate of £3.174m capital expenditure was added to the York Scheme in the Capital Programme for 2022/23.
- 3.3 During the 3rd quarter monitoring exercise, £238k of planned capital expenditure was re-phased from 2021/22 into 2022/23.
- 3.4 The current position in the Renewal, Recreation & Housing Portfolio Programme is shown in the table below, with further details attached as Appendix A whilst Appendix B shows actual spend against budget during 2021/22, together with detailed comments on individual scheme progress.

	2021/22	2022/23	2023/24	2024/25	2025/26	TOTAL 2021/22 to 2024/25
	£'000	£'000	£'000	£'000	£'000	£'000
Programme approved by Executive 24/11/21	36,669	16,514	10	1,010	0	54,203
Approved Programme prior to 1st Quarter monitoring	36,669	16,514	10	1,010	0	54,203
<u>Variations approved by Executive</u>						
West Wickham Housing & Library	0	4,800	4,841	0	0	9,641
York Rise: Additional Estimate	0	3,174	0	0	0	3,174
Re-Phasings	Cr 238	238	0	0	0	0
Total amendments to the Capital Programme	Cr 238	8,212	4,841	0	0	12,815
Total Revised Renewal, Recreation & Housing Programme following Q2 monitoring	36,431	24,726	4,851	1,010	0	67,018

Post-Completion Reports

- 3.5 Under approved Capital Programme procedures, capital schemes are subject to a post-completion review within one year of completion. After major slippage of expenditure in prior years, Members confirmed the importance of these as part of the overall capital monitoring framework. These reviews should compare actual expenditure against budget and evaluate the achievement of the scheme's non-financial objectives. There are no post-completion reports currently due for the Renewal, Recreation & Housing Portfolio.

4. POLICY IMPLICATIONS

- 4.1 Capital Programme monitoring, and review is part of the planning and review process for all services. The capital review process requires Chief Officers to ensure that bids for capital investment provide value for money and match Council plans and priorities.

5. FINANCIAL IMPLICATIONS

- 5.1 These were reported in full to the Executive on 9^h February 2022.

Non-Applicable Sections:	Legal, Personnel and Procurement Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	<p>Capital Programme Monitoring Qtr.3 2020/21 (Executive 10/02/21)</p> <p>Capital outturn 2020/21 (Executive 30/06/2021)</p> <p>Capital Programme Monitoring Qtr.1 2021/22 (Executive 15/07/21)</p> <p>Capital Programme Monitoring Qtr.2 2021/22 (Executive 24/11/21)</p> <p>Capital Programme Monitoring Qtr.2 2021/22 (Executive 09/02/22)</p>

RENEWAL, RECREATION & HOUSING PORTFOLIO - APPROVED CAPITAL PROGRAMME 9th FEBRUARY 2022								
Capital Scheme/Project	Total Approved Estimate	Actual to 31.03.21	Estimate 2021/22	Estimate 2022/23	Estimate 2023/24	Estimate 2024/25	Responsible Officer	Remarks
	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's		
LIBRARIES & MUSEUMS								
Relocation of Exhibitions - Bromley Museum	395	393	2	0	0	0	Lydia Lee	Approved by Executive 10/06/15
Biggin Hill Memorial Museum	3,202	3,018	184	0	0	0	Lydia Lee	Approved by Executive 02/12/15. £106k funding from Treasury Grant, Executive 15/06/16 £157.4k Treasury Grant, £3.2k BHMM Trust
Chislehurst Library Redevelopment	1,000	0	0	0	0	1,000	Sara Bowery	Funded from Capital Receipts
TOTAL LIBRARIES & MUSEUMS	4,597	3,411	186	0	0	1,000		
LEISURE TRUST CLIENT - RECREATION								
Bromley MyTime Investment Fund	4,443	4,439	3	0	0	0	Alicia Munday	Revenue contribution to capital works
Replacement of District Heating System Boilers & Works to Walnut Leisure Centre	1,500	108	300	1,092	0	0	Matt Wyatt	Approved by Executive 10th July 2019
Norman Park Athletics Track	300	309	-9	0	0	0	Lydia Lee	
West Wickham Leisure Centre	993	370	623	0	0	0	Alicia Munday	
TOTAL LEISURE TRUST CLIENT - RECREATION	7,236	5,227	917	1,092	0	0		
HOUSING								
Gateway Review of Housing I.T System	679	1,047	-368	0	0	0	Sara Bowrey	Approved by Executive 11/02/15
Payment in Lieu Fund - Properties Acquisitions	1,326	1,224	102	0	0	0	Sara Bowrey	Funded from PIL (S106) receipts
Payment in Lieu Fund - Site K	672	672	0	0	0	0	Sara Bowrey	Funded from PIL (S106) receipts
Affordable Housing - Bromley Town Centre	2,726	0	2,726	0	0	0	Sara Bowrey	Funded from PIL (S106) receipts
Housing Feasibility Studies	100	0	100	0	0	0	Sara Bowrey	Funded from Growth Fund
Banbury House demolition/site preparation	185	182	3	0	0	0	Mike Watkins	
Provision of Housing supply in Anerley & Chislehurst	6,247	592	1,786	4,000	0	0	Sara Bowrey	Approved by Executive 21/05/19. Funded from £7.5m from the Housing Investment Fund earmarked reserve, and £0.9m identified in the 2018/19 Provisional Final Outturn
Provision of Housing - Burnt Ash Lane	4,359	448	3,911	0	0	0	Alicia Munday	Approved by Council 14/10/19. Funded from £500k S106 and £3.286m Investment Fund
Modular Build - York Rise	9,174	28	4,972	4,174	0	0	Alicia Munday	Approved Council 15/07/19. Funded from £2.5m for Housing Investment fund and £3.5m Investment fund.
West Wickham Housing & Library	0	0	0	4,800	4,841	0	Alicia Munday	New Scheme
London private sector renewal schemes	3,742	3,332	410	0	0	0	Philip Dodd	100% external funding
Empty Homes Programme	620	621	-1	0	0	0	Philip Dodd	100% external funding
Renovation Grants - Disabled Facilities	20,742	13,725	7,017	0	0	0	Philip Dodd	Govt grant £1,681k in 2016/17; Gov't grant £1,838k in 2017/18 (additional £178k received); Govt grant £1,995k in 2018/19
TOTAL HOUSING	50,572	21,872	20,657	12,974	4,841	0		
OTHER								
Feasibility Studies	70	21	19	10	10	10	Keith Lazarus	
Bromley North Village Public Realm Improvement	6,652	6,582	0	70	0	0	Lydia Lee	Renewal and improvement of Bromley North; £3,298k TfL; £1,829k GLA Outer London Fund; £25k private sector; £1,500k Capital receipts.
Penge Town Centre	746	578	0	168	0	0	Lydia Lee	Approved Executive 24/03/15 - funded by New Homes bonus

RENEWAL, RECREATION & HOUSING PORTFOLIO - APPROVED CAPITAL PROGRAMME 9th FEBRUARY 2022								
Capital Scheme/Project	Total Approved Estimate	Actual to 31.03.21	Estimate 2021/22	Estimate 2022/23	Estimate 2023/24	Estimate 2024/25	Responsible Officer	Remarks
	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's		
Orpington Town Centre - Walnut Centre & New Market infrastructure	875	843	32	0	0	0	Lydia Lee	Approved Executive 24/03/15 - funded by £400k New Homes bonus and £125k High Street Fund, Exec 30/11/16 £106k from S106 fund, Exec 06/12/17 £163k from S106 Fund
Bromley High Street Improvements	4,599	2,923	1,676	0	0	0	Lydia Lee	Funded from PIL (S106) receipts £0.360m), Growth Fund (£2.9m), Developer Contribution (£0.1m) & Capital Financing. Approved Executive 07/11/17 Council 11/12/17
Site G	24,292	4,170	12,122	8,000	0	0	Mike Watkins	
Crystal Palace Park Improvements	2,583	2,597	-14	0	0	0	Lydia Lee	£160k LBB £2m GLA funded (Executive 22/07/14) £116k Historic England grant
Crystal Palace Park - Alternative Management C	1,120	1,134	-14	0	0	0	Lydia Lee	Approved by Executive 12/02/20. Potentially to be funded from £2.340m Strategic Investment Pot, £0.5m Historic England grant, £0.296m TfL Highway works, £0.005m Friends of Crystal Palace Subway
Crystal Palace Park Subway	3,009	0	597	2,412	0	0	Lydia Lee	
Crystal Palace Park Regeneration	65	0	65	0	0	0	Lydia Lee	Approved by Executive 18/10/16 Urgent water and drainage works (statutory duty)
Chipperfield Road Development - St Paul's Cray	105	46	59	0	0	0	Mike Watkins	
Star Lane Traveller Site	250	119	131	0	0	0	Sara Bowrey	
TOTAL OTHER	44,366	19,013	14,673	10,660	10	10		
TOTAL RENEWAL, RECREATION & HOUSING PORTFOLIO	106,772	49,523	36,433	24,726	4,851	1,010		

RENEWAL, RECREATION & HOUSING PORTFOLIO - APPROVED CAPITAL PROGRAMME 9TH FEBRUARY 2022			
Capital Scheme/Project	YTD Spend @ 19/01/22	21/22 Budget	Remarks
LIBRARIES & MUSEUMS			
Relocation of Exhibitions - Bromley Museum	0	2	Scheme complete. Commitments to be deleted.
Biggin Hill Memorial Museum	46	184	Defects complete. Activity Plan in delivery until Summer 2022.
Chislehurst Library Redevelopment	0	0	Market exercise undertaken by Property team.
TOTAL LIBRARIES & MUSEUMS	46	186	
LEISURE TRUST CLIENT - RECREATION			
Bromley MyTime Investment Fund	0	3	A report was submitted to the Executive on 28 November 2018 setting out a range of proposals for a 40 year lease between London Borough of Bromley and My Time. All existing contractual and financial agreements between both parties came to an end as at 1st April 2019. Allocation of £671k added to budget at year end. Last balance payment now made. Budget holder to review remaining commitments. Scheme completed.
Replacement of District Heating System Boilers & Works to Walnut Leisure Centre	27	300	"Works to the district heating plant at Orpington have been the subject of extensive review. Feasibility work continues in order to establish the best value route to replace or reconfigure the whole system, with consideration given to potential redevelopment plans. Partial reconfiguration has been allowed for within this year with the majority of works being concluded in 22/23."
Norman Park Athletics Track	0 Cr	9	Scheme completed and now in defects period.
West Wickham Leisure Centre	0	623	Executive committee to review options at September 21 committee.
TOTAL LEISURE TRUST CLIENT - RECREATION	27	917	
HOUSING			
Gateway Review of Housing I.T System	123 Cr	368	
Payment in Lieu Fund - Properties Acquisitions	30	102	
Payment in Lieu Fund - Site K	0	0	
Banbury House demolition/site preparation	0	3	
Affordable Housing - Bromley Town Centre	0	2,726	
Housing Feasibility Studies	0	100	
Provision of Housing supply in Anerley & Chislehurst	2,982	1,786	
Provision of Housing - Burnt Ash Lane	3,094	3,911	Approved by Exec on 2nd August 2019. For the design and construction of up to 25 residential units in a car park behind Burnt Ash Lane, off of Brindley Way, Bromley. Currently under construction.
Modular Build - York Rise	202	4,972	Awaiting planning permission.
London private sector renewal schemes	23	410	£411k already re-phased from 2019/20 into 2020/21 and 2021/22. Activity in this area lessened during Covid restrictions. Cost of materials has risen within building sector which are likely to impact and increase rate of spend. Currently reviewing contractor arrangements with Procurement.
Empty Homes Programme	29 Cr	1	Activity in this area lessened during Covid. Now has increased focus, about to recruit to vacant post.
Renovation Grants - Disabled Facilities	947	7,017	Work on DFG's continued during the pandemic and continues to grow as Covid restrictions are relaxed. Looking at feasibility of additional Grants Officer to increase capacity. Cost of materials has risen within the building sector which is likely to impact and increase rate of spend. Currently considering an increase to the schedule of rates.
TOTAL HOUSING	7,430	20,657	
OTHER			

RENEWAL, RECREATION & HOUSING PORTFOLIO - APPROVED CAPITAL PROGRAMME 9TH FEBRUARY 2022			
Capital Scheme/Project	YTD Spend @ 19/01/22	21/22 Budget	Remarks
Feasibility Studies	2	19	£10k budget per year for feasibility works.
Bromley North Village Public Realm Improvements	0	0	Scheme has completed. The remaining budget required for remedial works is expected to be used in 2020/21, therefore £65k has been re-phased into 2020/21.
Penge Town Centre	0	0	The New Homes Bonus (NHB) funded project consisting of public realm improvements, Shopfront improvements, Business Support, and Wayfinding. The scheme was to implement planned TfL bus route and carriageway improvements. The scheme commenced implementation in November 2017 and completed September 2018. Manufacture of new wayfinding infrastructure is due to be commence in February, with installation expected in the Spring. Additional street furniture will also be installed, a plaques for a new heritage trail will be installed by the end of the financial year. Funds for a second round of shop front improvements will be used in the next financial year and therefore £150k has been re-phased into 2020/21. However Covid caused delay and rephasing required to 2021/22.
Orpington Town Centre - Walnut Centre & New Market infrastructure	34	32	High Street Fund and New Homes Bonus funded project to enhance the pedestrian experience of the prime shopping areas to increase footfall. This includes paving, lighting, treatment for trees, new street furniture, and new market infrastructure. Berkeley Homes have made a further payment of £163k of Section 106 contributions towards the Walnuts Public Realm Improvement project. The scheme is now completed, although remedial works to the tree pits are currently being undertaken. The final account is being reviewed; any unused funds will be used to fund aspects of the scheme that were removed due to cost pressures (such as a new town clock).
Bromley High Street Improvements	33	1,676	Report going to the Executive in September 2021 to seek approval for a revised final phase of the scheme.
Site G	355	12,122	Executive 24.03.15 - Housing Zone bid and Site G report 24/03/15 - £360k PIL and £2.7m from Growth fund (Bromley Town Centre). 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. Total anticipated cost of £24,292k was noted. 2 properties purchased in 2018 for approx £800k. Approval for rephasing of £3.16m from 2019/20 and FY budget to be submitted to Nov 2019 Exec. New commercial arrangements approved by Executive July 2021.
Crystal Palace Park Improvements	16	Cr 14	Remaining commitments relate to retention payments and unspent contingency. Final accounts agreed. Defect rectification delayed due to Covid-19 therefore final sums not paid.
Crystal Palace Park - Alternative Management Options	Cr 4	Cr 14	Remaining spend relates to planning process costs.
Crystal Palace Park Subway	91	597	Scheme progressing to programme
Crystal Palace Park Regeneration	0	65	Next phase of scheme post planning permission as agreed by June Executive
Chipperfield Road Development - St Paul's Cray	0	59	This should remain as is – the balance of the budget will be utilised this f/yr. to get the site ready for market. Reappraisal of LBB requirements now being undertaken. Anticipated that Property will take the site to market in Autumn 2021.
Star Lane Traveller Site	0	131	
TOTAL OTHER	526	14,673	
TOTAL RENEWAL, RECREATION & HOUSING PORTFOLIO	8,030	36,433	

Report No.
HPR2022/017

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **EXECUTIVE**
For Pre-decision scrutiny by the Renewal, Recreation and Housing Committee on 16th March 2022

Date: 30th March 2022

Decision Type: Urgent Executive Key

Title: **AGREEMENT FOR THE USE OF VARIOUS TENANCY AGREEMENTS FOR BROMLEY OWNED HOUSING**

Contact Officer: Lynnette Chamielec, Assistant Director of Housing
Lead Officer Tel: 0208 313 4009 E-mail:
Lynnette.chamielec@bromley.gov.uk

Chief Officer: Sara Bowrey, Director of Housing, Planning & Regeneration.

Ward: All

1. REASON FOR REPORT

- 1.1 As a result of the Council owning its own Housing Stock Officers are seeking formal approval for the Council to adopt the use of a variety of Tenancy Agreements for Bromley Owned Housing.
-

2. RECOMMENDATION(S)

- 2.1 The Renewal, Recreation and Housing PDS Committee are asked to note the report and provide their comments for consideration by the Executive.

The Executive are asked to:

- 2.2 Agree for Housing officers to grant the following Tenancy Agreements to Bromley Residents residing in Bromley owned housing as set out in para 3.10 of this report.
- 2.3 Delegate Authority to the Director of Housing, Planning & Regeneration in consultation with the Director of Corporate Services to finalise the Tenancy Agreements and implement and issue to individual tenants.

- 2.4 To note that Officers are working with Campbell Tickell to produce a full suite of amended and/or new Policies and Procedures that will come back to the Executive in June/July 2022 that will support the Councils statutory obligations with regards to its own housing.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The Council's house building programme is focused on affordable housing and seeks to ensure that vulnerable adults and young people are supported to remain in their own homes wherever possible or to secure alternative suitable and sustainable accommodation solutions.
-

Corporate Policy

1. Policy Status: Existing Policy: The new tenancy agreements support existing priorities set out in the Council's Housing Strategy to support Bromley Residents into permanent homes.
 2. BBB Priority: Children and Young People Excellent Council Safe Bromley Supporting Independence:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Housing Needs Budget
 4. Total current budget for this head: £7.7m (2022/23)
 5. Source of funding: Existing Revenue Budget
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Personnel

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

Legal

1. Legal Requirement: Statutory Requirement: See Section 8
 2. Call-in: Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): There are approximately 1,700 households in Temporary Accommodation to whom the Council owes a statutory duty, of which around 1,166 are in costly forms of nightly paid temporary accommodation.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Council transferred its housing stock to Clarion Housing Association (formerly known as Broomleigh) in 1992. In July 2020 Council approved the re-opening and setting up of a Housing Revenue Account (“HRA”) for the provision of affordable housing.
- 3.2 The Council was registered as a provider of social housing by the regulator on 29 September 2020 (Reg no: 5103). Under the regulations the Council can hold up to 200 units of accommodation outside of the HRA. The Council have the authority of the Secretary of State to hold the initial 60 units that are currently being developed within the General Fund.
- 3.3 The Executive approved the initial 3 Council led developments at Burnt Ash Lane Kevin Fenton Mews), Bushell Way (Chris Whitty Place) and Anerley Car Park (George Grove Road). Under the Housing & Regeneration Act 2008 and the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 despite the initial 60 properties being held in the General Fund and regardless of the management and accounting arrangements in place for the social housing stock, as the Council is the landlord of the social housing they will be regulated as a registered provider and are required to satisfy certain legal requirements.
- 3.4 In September 2021, the Director of Housing, Planning and Regeneration through the Assistant Director of Legal awarded a contract via an exemption from competitive tendering to Trower’s & Hamlin to author a number of Tenancy Agreements for the use for tenants residing in Bromley owned properties with a view to Discharging the Council’s statutory housing duties.

Summary of Business Case

- 3.5 The Council has an existing framework of policies through the Allocations Policy and Tenancy Strategy and Tenancy Management policy in addition to policies and procedures through existing contracts to manage our tenancies that support the use of Introductory and Secure Tenancy agreements for Bromley residents.
- 3.6 As the Council has not held its own stock for a considerable amount of time and are relatively new as a registered Social Housing Provider due to the small number of properties at this stage, these existing frameworks and contracts with Registered Providers will enable the robust and fair management of our tenancies and our ambition to sustain those tenancies .
- 3.7 As Bromley increases its own stock, we will need to develop a number of our own additional policies and procedures to support our robust management and to ensure that we continue to meet all of our statutory responsibilities in respect of being a Social Housing Landlord in addition to ensuring that we introduce a financially sustainable model now and in the future.
- 3.8 Officers are already working with Campbell Tickell on its policies and procedures in relation to the Council becoming a Social Housing Provider and owning its suite of policies and procedures to ensure compliance as a statutory landlord including the aligning of the Orchard & Shipman Policies and Procedures in the interim whilst they manage these properties on behalf of the Council. Further Policies, Procedures and Frameworks will be brought forward for Member’s consideration in early Summer 2022.
- 3.9 In addition to the Policies, Procedures and frameworks and given the nuances of the various different types of Bromley owned stock and the wider transformation programme Officers are proposing to bring a Gateway 0 report back to the Executive in Summer 2022 setting out the procurement principles with a Gateway 1 report to follow in the Autumn of 2022 setting out the

business case and details of any proposed Procurement for the longer-term Housing Management arrangements.

3.10 It is anticipated that the initial 60 properties will be ready for tenancing over the next 6 to 8 weeks and Officers are looking to grant the following tenancies to these households and all future households accommodated in Bromley owned stock moving forward in compliance with our statutory duties and tenancy policy to support the sustainment of households within longer term permanent accommodation:

- New tenants moving in to one of our homes will be offered an introductory tenancy for a period of 12 months.
- If the tenancy proves to be successful for all parties, then a tenant will be moved onto a Secure tenancy.
- If concerns are identified during the Introductory Tenancy a tenant will be offered a Fixed Term Tenancy for a further period of 4 years, to enable the Council and its partners to support the longer-term sustainability of that tenancy. (Although the Council reserves the right to end the tenancy if it is required).
- If the Fixed Term Tenancy is successful, the tenant will be converted to a Secure Tenancy after the fixed term period.
- Existing tenants who hold a Secure Tenancy will be offered the Secure Tenancy Agreement.
- As a last resort, if there is a breach of tenancy and the breach cannot be resolved by non-legal remedies, then we will take legal action to resolve the issue or to recover possession of the property. Where appropriate demotion of an already secure tenancy as a viable alternative to repossession may be considered.

Service Profile / Data Analysis

3.11 More than 5,000 households' approach with housing difficulties which could lead to homelessness each year. There are currently approximately 1,700 Bromley households in Temporary Accommodation these are predominantly located outside, the borough. This includes c.1,166 households in costly and unsatisfactory nightly paid Temporary Accommodation. It costs the Council an average of £6,100 per household in Nightly Paid accommodation, this in turn puts a strain on LBB's budgets which impacts on other services.

4. IMPACT ASSESSMENTS

4.1 The Management of these units will enable the Council to support residents to remain close to specialist services and schooling and minimise the cost of providing essential support services such as SEN transport. The units also enable the Council to maintain close access to employment for those that work locally. The proposed tenancies will assist in the robust management of our new housing stock with clearly detailed responsibilities for both tenants and the Council as the landlord.

5. POLICY CONSIDERATIONS

- 5.1 The Council has a number of statutory rehousing duties. This Contract will support the Council to ensure a sufficient supply of accommodation to meet its statutory rehousing duties as a statutory landlord.
- 5.2 The Council has a published Homelessness and Housing Strategies, which sets out the approved strategic policy in terms of homelessness and housing provision. This includes temporary accommodation and settled housing provision to reduce the reliance on nightly paid accommodation. The Council already works with a range of providers in the provision of affordable housing and the option of an HRA increases the range of options available to maximise access and supply to affordable housing provision.
- 5.3 The Council are working with Campbell Tickell on its suite of policies and procedures in relation to the Council becoming a Social Housing Provider and owning its own housing stock to ensure that all the required policies and procedures are in place to ensure compliance as a statutory landlord including the aligning of the Orchard & Shipman Policies and Procedures in the interim whilst they manage these properties on behalf of the Council.

6. IT AND GDPR CONSIDERATIONS

- 6.1 There are no direct IT or GDPR considerations as a result of agreeing to grant the different types of Tenancy agreements. The issuing of the Tenancy Agreements will be managed by the Council's appointed Managing Agent Orchard & Shipman where we have already covered of the exchange of data and the GDPR implications. Officers will continue to consult with the Head of Information as required.

7. PERSONNEL CONSIDERATIONS

- 7.1 There are no direct resource implications as a result of agreeing to grant the different types of Tenancy agreements. Any future resource requirements will be set out and addressed in future reports.

8. LEGAL CONSIDERATIONS

- 8.1 A tenancy agreement creates a legally binding contract between landlord and tenant. The Council needs to have in place the different types of tenancy agreements listed in paragraph 3.10 to distinguish between tenancy types. The terms and conditions of tenancy will specify the obligations and rights of landlord and tenant and set out other legal essential terms.

Non-Applicable Sections:	Financial Considerations, Procurement Rules, Strategic Property, Impact Assessments, Procurement and Project Timescales and Governance Arrangements, Stakeholder Engagement, Social Value and Local / National Priorities, Market Considerations, Options Appraisal and Preferred Option
Background Documents: (Access via Contact Officer)	[Title of document and date]

Annual Scrutiny Report from the Renewal, Recreation and Housing PDS Committee

Chairman: Cllr Yvonne Bear

Vice-Chairman: Cllr Gary Stevens

The Committee met six times this municipal year, including one special meeting. Each meeting has scrutinised the reports for decision by the Renewal, Recreation and Housing Portfolio Holder and considered policy development for key areas across the portfolio.

The municipal year has been a very busy one for the Renewal, Recreation and Housing PDS Committee, with many important policy developments and strategic initiatives coming forward for scrutiny.

Some of the most important proposals we have helped shape have included:

- The building of the council's first social housing in decades. The committee has overseen delivery of over 100 socially rented units built on Council owned land at Burnt Ash Lane Plaistow, the former Annerley Town Hall Car Park, Bushel Way Chislehurst and York Rise Orpington with the first 3 of these now nearing completion. In addition, new contracts with Beehive and Orchard and Shipman have enabled more homes to be acquired to address demand for affordable housing.
- Distribution of millions of pounds of grants to businesses to help them recover from the impact of the Covid pandemic.
- The launch of the Council's first Economic Development Strategy which seeks to understand the dynamics of the local economy and explore how best to support its future growth for the prosperity of the borough and its residents. This strategy also encompasses a digital infrastructure strategy which seeks to rapidly ramp up the rollout of full fibre broadband and 5G mobile connectivity across the borough, critical both for business and individuals who are now increasingly working from home. Big improvements have been seen over the last year as a result of the increased focus.
- Key investment in the Boroughs cultural assets. The biggest projects reviewed include the renovation of Crystal Palace Park, a major initiative which will seek to restore the key assets in the Park back into full use including the dinosaurs and subway, and the provision of a new library in West Wickham which will also come with some further social housing.
- Extensive enhancements in planning policies, including the creation of a conservation area in Shortlands, numerous Article 4 Directions including one which will require all HMO conversions in the Borough to require planning permission and the launch of the Orpington Supplementary Planning Guidelines which outlines a vision for how Orpington can be optimally and sympathetically developed in the future.

In addition, the Committee scrutinised the portfolio budget and raised concerns about the continually rising cost pressures on housing.

The Committee also analysed the contract register throughout the year, challenging on specific contracts to ensure that they are being managed effectively and there is suitable foresight of where new contracts are required. Similarly, it considered the Risk

Register on a regular basis, highlighting potential new risks and challenging identified impacts.

Regular thematic sessions have been introduced which enable a deep dive into specific aspects of the Portfolio. Extremely informative presentations have been made to members on the state of the local economy, homelessness and the performance of the housing team in addressing demand for accommodation, challenges within the planning department, and key culture, leisure and town centre regeneration projects. These presentations have been enhanced by external attendees from MyTime, GLL and the major local Housing Associations.

I would like to thank all the Members of the Committee for their diligence and hard work throughout the year. A lot of work has been carried out, which has covered a very broad range of subjects. I would also like to thank officers for their efforts in bringing forward clear and informative reports and presentations which have enabled members to make properly informed recommendations about the important work carried out in this portfolio.

Councillor Yvonne Bear
Chairman, Renewal, Recreation and Housing PDS Committee

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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