

**EXECUTIVE
WEDNESDAY 29 JUNE 2022
DECISION SHEET**

PLEASE NOTE: Set out below is a summary of the decisions made by the Executive on Wednesday 29 June 2022. Further details of the discussion and decision making for each item can be viewed in the minutes of the meeting.

Agenda Item No.	Title of Report	Decision
1	APOLOGIES FOR ABSENCE	Apologies for absence were received from Cllr Angela Page.
2	DECLARATIONS OF INTEREST	Declarations made by Councillors Bennett and Lymer.
3	QUESTIONS	One question for oral reply and eight for written reply.
4	TO CONFIRM THE MINUTES OF THE MEETING HELD ON 25 MAY 2022	Minutes confirmed.
5	PROVISIONAL FINAL ACCOUNTS 2021/22	<p>(1) The provisional revenue and capital outturns for the 2021/22 financial year and the earmarked balances on the General Fund as at 31st March 2022 be noted.</p> <p>(2) The variations in 2021/22 impacting on the Council's 2022/23 financial position be noted.</p> <p>(3) The comments from Chief Officers as detailed in Appendix 2 to the report be noted.</p> <p>(4) The requests for carry forwards totalling £465k (net) be agreed as detailed in Appendix 6 to the report, subject to the funding being allocated to the Central Contingency in 2022/23 to be drawn down on the approval of the relevant Portfolio Holder.</p> <p>(5) The changes to the central contingency sum as detailed in paragraph 3.5 of the report be agreed.</p> <p>(6) It is agreed that a sum of £814k be set aside as a contribution to the CSC/CCG earmarked reserve as detailed in paragraph 3.8 of the report.</p>

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6	CAPITAL PROGRAMME OUTTURN 2021/22	The report detailing the capital outturn position for 2021/22 be noted.
7	AUTHORISATION TO PROCEED TO CONTRACT: ENERGY CONTRACTS	<p>(1) The award of further contracts be approved for the supply of electricity and gas via the United Learning Trust Procurement Services framework via a mini-competition for a contract duration of 3 years commencing October 2022.</p> <p>(2) An annual budget from October 2022 of £4,026k be approved for the purchase of Renewable Energy Guarantees of Origin (REGO) backed electricity, an increased requirement of £1,888k on the existing budget: Members note that the cost would be £3,965k for brown electricity, which would be a required budget increase of £1,827k.</p> <p>(3) An annual budget from October 2022 of £1,095k be approved for the purchase of Renewable Gas Guarantees of Origin (RGGOs) backed gas, an increased requirement of £736k on the existing budget; Members note that the cost would be £979k for brown gas, which would be a required budget increase of £620k.</p> <p>(4) A drawdown from the unallocated inflation provision in the 2022/23 Central Contingency be agreed of £1,312k for renewable energy, or £1,224k for brown energy, for the part year increased cost in 2022/23, and to reflect the full year annual budget impact in the financial forecast.</p> <p>(5) It is noted that the sums above are the indicative cost for first year of the 3 year contract - energy market volatility is hard to predict and cost may go up in years 2 and 3 or may fall.</p> <p>(6) REGO electricity and RGGO gas will be purchased which will cost more than brown energy.</p> <p>(7) Flexible procurement energy contracts be opted for to purchase energy in tranches during the period of the contracts.</p>

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		<p>(8) Authority be delegated to the Chief Officer to select suppliers based on quality and cost (management and delivery) criteria following the mini-competition; the cost criteria are the supplier management fees for servicing the account and delivering the flexible product mechanism - these elements are charged and added by the supplier to the cost of wholesale energy prices. The actual cost of energy shall be determined by the wholesale energy prices at the point of purchase plus the supplier's management and delivery fees and any other and any 'industry set' pass through network charges.</p> <p>(9) Authority be delegated to the Chief Officer to finalise the energy prices based on the quote at the point of the procurement.</p>
8	HOMES FOR UKRAINE	<p>(1) The contents of the report in relation to the current activities under the Homes for Ukraine scheme be noted.</p> <p>(2) The use of £1,171k funds to manage staffing and associated expenses with the ability to step up or reduce the number of staff according to the level of casework required be approved.</p> <p>(3) It is agreed that any other future changes in allocation or expenditure of funding are delegated to the Director of Housing, Planning & Regeneration and the Director of Finance in consultation with the Portfolio Holder for Resources, Commissioning and Contract Management.</p> <p>(4) The work of Cllr Kira Gabbert in assisting officers be commended.</p>
9	TRANSFORMING SEN TRANSPORT - SUPPORTING CHILDREN AND FAMILIES IN INNOVATIVE AND COST-EFFECTIVE WAYS	<p>(1) The draft transport policy be agreed for public consultation and the proposed transport initiatives recommended for progression in the report be endorsed.</p>

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		<p>(2) The introduction of Personal Transport Budgets and revisions to the mileage payment scheme be agreed.</p> <p>(3) The development of the Independent Travel Training Service be endorsed.</p> <p>(4) The retention of existing discretionary transport support for children under statutory school age be agreed.</p> <p>(5) The introduction of a vacant seat payment scheme where families who are not entitled to transport may purchase the use of available seats on a vehicle accessing their school where appropriate be agreed.</p> <p>(6) The transformation efficiency gains outlined in this report, required to deliver the medium-term financial plan for the Council, be noted.</p> <p>(7) Authority be delegated to the Director of Education to take a decision to implement the proposed policy changes in consultation with the Children, Education and Families Portfolio Holder following formal consultation and feedback relating to the proposed Transport Policy changes.</p>
10	ADULTS SUBSTANCE MISUSE CONTRACT VARIATION	<p>(1) The draw down of the total grant amount of £264k to be used as set out in Paragraphs 3.1 to 3.8 of the report be approved.</p> <p>(2) The variation of an additional £225k to the Adults Substance Misuse Contract for the financial year 2022/23 in order to continue with improvements in the quality and capacity of drug and alcohol treatment as set out in the grant conditions be approved.</p> <p>(3) The use of the Urgency Procedure under the Policy Development and Scrutiny Procedure Rules of the Constitution be approved for the reasons set out in paragraph 3.5 of the report.</p>

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11	PROCEED TO PROCUREMENT REPORT - THE ADVOCACY SERVICES CONTRACT	The commencement of a procurement process for a new Advocacy Service be approved; the new contract will commence on 1 April 2023 for a period of 5 years (31 March 2028) with the option to extend for up to a further two years (31 March 2030) at an estimated annual value of £321,900 and whole life value of £2,253,300.
12	ADOPTION OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT	<p>(1) The revised Planning Obligations Supplementary Planning Document (shown at Appendix 1 to the report) be approved for adoption.</p> <p>(2) The Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, be authorised to approve any further minor changes (e.g. related to formatting) to the Planning Obligations Supplementary Planning Document (shown at Appendix 1 to the report) prior to adoption.</p>
13	LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN REPORT	The content of the report, the published findings of the Local Government and Social Care Ombudsman and the actions taken in response be noted.
14	NEXT STEPS FOR THE CRYSTAL PALACE PARK REGENERATION PROJECT (PART 1)	<p>(1) Authority be delegated to the Director of Housing, Planning, Property and Regeneration to settle, agree and negotiate the commercial terms in respect of the proposed disposal of the housing sites subject to Executive approval and disposal by way of a grant of lease to the CPPT for the Park.</p> <p>(2) The terms of the shadow section 106 agreement attached to the agenda (Ref. Appendix F Part 2 Report) be noted, and the following confirmed –</p> <p>(i) in respect of any section of CPP to be retained by the Council and developed under a planning permission granted under</p>

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		<p>reference 20/00325/OUT, that it shall comply with the terms of the shadow section 106 agreement: or</p> <p>(ii) in respect of any section of CPP to be sold or leased, that no development shall be progressed on the relevant land until such time as the purchaser or lessee has entered into a section 106 agreement with the Council, incorporating the obligations from the shadow section 106 agreement that are relevant to the part of the site. It is acknowledged that certain obligations in relation to (non-residential) development of CPP covered in the s.106 agreement may be discharged by the Council under commercial agreements made between the purchaser/lessee and the Council.</p> <p>(3) An initial addition of £4.5m to the capital programme in 2023/24 be approved to forward fund the capital regeneration works in CPP, which will need to commence prior to any of the housing land capital receipt being received; it is noted that subsequent CPP works will then be funded from the capital receipt from disposal of the housing land.</p> <p>(4) The commencement of the forwarded funded heritage restoration capital works, limited to £4.5m (expected housing receipt £17.5m) be approved, noting that the capital programme will be regularly updated to reflect the impact of this on total scheme expenditure.</p> <p>(5) Officers be authorised to action the disposal of the Sydenham and Rockhill housing sites ("Housing Sites") in line with the approved Outline Planning</p>

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		<p>Application.</p> <p>(6) The placing of advertisements of the intention to dispose of the Housing Sites and the proposed disposal by way of a grant of a long lease of CPP to CPPT to section 123(2A) of the Local Government Act 1972 and the preparation of a further report in respect of any representations received be approved.</p> <p>(7) Approve the following course of action in respect of the capital requirements for the regeneration of the Park:</p> <p>(i) That any capital receipt generated by the disposal of the Housing Sites will be ringfenced solely for heritage works in CPP, as required by the enabling development Planning Permission, as set out in paragraph 3.10 of the report.</p> <p>(ii) That any capital receipt generated by the Housing Sites will be spent on the Park's Regeneration Plan capital scheme (including returning funds spent to date to the Council and the endowment) within ten years of the capital receipt entering the Council's bank account. If the funds are not spent within this time period, as set out in this report, the Council will be penalised by 2% per annum of the remaining funds and required to grant the penalty monies to the Trust.</p> <p>(iii) Approve that once the capital receipt for the Housing Sites is received that the Council's capital programme budget is increased in line with the value of the receipt, subject to details of that amendment with updated scheme costs and funding being agreed by the Executive through</p>

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		<p>the capital monitoring reporting process. Any such amendments will be subject to the principle that total spending on this scheme will never exceed actual income to the Council secured from capital receipts and grants and contributions from third parties.</p> <p>(iv) Agree that any interest accrued by the Council from the capital receipt for the Housing Sites is also used for the regeneration of the Park, with interest calculated at General Treasury Management rates, and the approved capital programme updated accordingly.</p> <p>(8) The spend to date of £1.185m returned to the Council will be used as the match funding required for grant applications effectively recycling the investment to date.</p> <p>(9) Authority be delegated to the Director of Housing, Planning, Property and Regeneration to settle, agree and negotiate the commercial terms in respect of the proposed disposal of the Housing Sites and disposal by way of a grant of a lease to the CPPT of the Park.</p> <p>(10) It is noted that the lease is to be granted on the basis of a long lease and on terms which are appropriate given the long-term nature of the interest to be granted by the Council; the Council shall obtain an independent valuation of the terms of the disposal of the Housing Sites and of the grant of lease in order to comply with the best value considerations pursuant to s.123 of the Local Government Act 1972, and relevant statute governing subsidy control.</p> <p>(11) That authority be delegated to vary the existing Environmental Services contracts in relation to CPP on or before</p>

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		<p>1 October 2022 so that, as such arrangements apply to CPP, the idverde Parks Management and Grounds Maintenance contract and the Veolia Parks Security contract shall come to an end on 31st March 2023, with the CPPT arranging new and equivalent contractual arrangements commencing on or before 1st April 2023; This authority will be given subject to the CPPT having sufficiently progressed tenders for replacement management and maintenance, and security contract(s) before 1 October 2022, to the satisfaction of the Director of Environment and Public Protection in agreement with the Director of Corporate Services and Governance.</p> <p>(12) Approve that the endowment fund to be met from the housing enabling receipt will be provided to CPPT as soon as sufficient funds are available to meet the target value of £4.3m, provided that at such time the Trust has already entered into a long lease for the Park. For avoidance of doubt, the amount provided for the endowment fund will be limited to the excess of the capital receipt from the enabling disposal that is not required to fund the Italian Terraces and Tidal Lakes, up to a maximum of £4.3m.</p> <p>(13) Approve that, as detailed in paragraph 3.22 of the report, subject to the CPPT lease commencing on 1st April 2023, the Council will in addition to the provision of the endowment fund, provide a grant to the Trust of £125k per annum to assist in the costs of management of CPP, noting that the payment of this grant will be reviewed every ten years and that the value of the grant shall increase annually in line with the Consumer Price Index from 1st April 2024 (capped at a maximum of 3% per annum), subject to the term of the lease.</p> <p>(14) To approve an additional project resource of £113k a year from 1 April 2023 for Culture and Regeneration for</p>

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		<p>overseeing the restoration works through to completion as set out in paragraph 3.26 of the report; this will fund one dedicated post and the costs of external specialist advice to deliver this complex scheme.</p> <p>(15) Necessary adjustments be made to revenue budgets to reflect the termination of current contract arrangements relating to management, maintenance and security services within Environment & Public Protection from 1st April 2023 and the loss of existing lease rental income from CPP to Property and Culture & Regeneration from 1st April 2023, as set out in section 6, and Part 2 of the same report.</p> <p>(16) The placing of advertisements of the intention to dispose of the remainder of the Park by way of a long lease to the Crystal Palace Park Trust pursuant to section 123(2A) of the Local Government Act 1972 and the preparation of a further report in respect of any representations received be approved.</p> <p>(17) Authority be delegated to the Director of Corporate Services and Governance in conjunction with and in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to take all of the necessary steps to appropriate for planning purposes the relevant site and to manage the implications arising therefrom and to deal with any compensation issues.</p> <p>(18) All matters relating to the legalities of the recommendations be delegated to the Director of Corporate Services and Governance in agreement with the Director of Housing, Planning, Property & Regeneration.</p>
15	CONTRACT AWARD: ACCOMMODATION AND TENANCY SUSTAINMENT FOR YOUNG PEOPLE (PART 1)	The award of contract for the Accommodation, Tenancy Sustainment and Support Service for young people be approved as detailed in the Part 2 report.

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16	PROVISION OF HOLIDAY AND SATURDAY GROUP BASED SHORT BREAKS - PERMISSION TO TENDER FOR NEW CONTRACT - GATEWAY 1 (PART 1)	Proceeding to tender be approved for a new contract for a Weekend and Holiday Short Breaks Service for Children with Disabilities as outlined in the report; the proposed contract is for three years with the option to extend for two further periods of two years each (3 + 2 + 2) with a planned contract commencement date of 1 April 2023. The estimated annual value, based on current service delivery, is £196,507 (estimated whole life value of £1,372,399).
17	FUTURE USE OF THE PHOENIX CENTRE (PART 1)	<p>(1) Entering into negotiations for the future use of the Phoenix Centre including the relevant Heads of Terms (“HOTS”) for any proposed lease be approved.</p> <p>(2) Authority be delegated to the Director for Housing, Planning and Regeneration in consultation with the Director of Education and the Children, Education and Families Portfolio Holder to finalise the HOTS for any proposed lease of the Phoenix Centre; and for the Director of Corporate Services and Governance and the Assistant Director of Legal Services to enter into any ancillary legal agreements relating thereto.</p> <p>(3) The proposed short-term use of the site by Riverside Special School, a Community Special School, creating an additional 16 specialist school places from September 2022 with the option for further additional places from September 2023 subject to statutory consultation, be endorsed; Riverside School would share the ground floor with the SEN Advisory teams and existing community organisations.</p>
18	PROCEEDING TO PROCUREMENT (GATEWAY 0): HOUSING SUPPORT - MENTAL HEALTH SERVICES (PART 1)	The procurement of a new joint adult mental health recovery and rehabilitation support@home service be approved to: (i) replace existing separate LBB

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		<p>and SELCCG contracts; (ii) be in place by October 2024 with an estimated annual contract value of £2.66m, split 50:50 between LBB and SELCCG; and (iii) deliver estimated efficiency savings of £166k per annum to LBB, and £110k per annum to SELCCG.</p>
19	<p>GATEWAY 1: SUPPORTED LIVING - AT PADUA ROAD, BROMLEY ROAD AND BROSSIE WAY (PART 1)</p>	<p>The commencement of a tender process for the contract of care and support into 3 supported living services for an initial period of 4 years, from 06/03/2023 to 05/03/2027, with the option to extend for a further period of up to 4 years from 06/03/2027 to 05/3/2031 be agreed at an estimated contract value as detailed in the Part Two report.</p>
20	<p>LEARNING DISABILITY SHORT BREAKS - GATEWAY REPORT (PART 1)</p>	<p>(1) The proposed changes to the provision of learning disability short breaks which will provide greater service user choice and control in regard to short breaks options be noted.</p> <p>(2) The commencement of a tender process for the contract of a bed-based short breaks service be agreed for an initial period of 5 years, from 01/04/2023 to 31/03/2028, with the option to extend for a further period of 3 years from 1/4/2028 to 31/3/2031 at an estimated contract value as detailed in the Part Two report.</p> <p>(3) It is agreed that the successful bidder will also provide day activities/short term short breaks at 118 Widmore Road on a spot purchase/direct payment basis whilst contracted to provide bed-based short breaks.</p>

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21	CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND SCRUTINY COMMITTEE	There were no additional items referred from Executive, Resources and Contracts PDS Committee.
22	LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000	The Executive agreed to move into part 2.
23	NEXT STEPS FOR THE CRYSTAL PALACE PARK REGENERATION PROJECT (PART 2)	Part 2 recommendations agreed.
24	CONTRACT AWARD: ACCOMMODATION AND TENANCY SUSTAINMENT FOR YOUNG PEOPLE (PART 2)	Part 2 recommendations agreed.
25	FUTURE USE OF THE PHOENIX CENTRE (PART 2)	Part 2 recommendations agreed.
26	GATEWAY 1: SUPPORTED LIVING - AT PADUA ROAD, BROMLEY ROAD AND BROSSÉ WAY (PART 2)	Part 2 recommendations agreed.
27	LEARNING DISABILITY SHORT BREAKS - GATEWAY REPORT (PART 2)	Part 2 recommendations agreed.

The meeting ended at 7.56 pm.

*Graham Walton
Democratic Services
04/07/22*