

EXECUTIVE

Minutes of the meeting held on 29 June 2022 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors Kate Lymer (Vice-Chairman), Yvonne Bear,
Nicholas Bennett MA J.P., Aisha Cuthbert,
Christopher Marlow and Diane Smith

Also Present:

Councillor Simon Fawthrop and Councillor Simon Jeal

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Angela Page.

11 DECLARATIONS OF INTEREST

Councillor Nicholas Bennett declared an interest in minute 17 (Homes for Ukraine) as two Ukrainian refugees were staying at his house.

Councillor Kate Lymer declared an interest in relation to minute 18 (Transforming SEN Transport) as her nephew and godson used SEN transport.

12 QUESTIONS

One question for oral reply and eight questions for written reply were received – the questions and answers are set out in Appendix A.

13 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 25 MAY 2022

RESOLVED that the minutes of the meeting held on 25th May 2022 be confirmed.

14 PROVISIONAL FINAL ACCOUNTS 2021/22 Report FSD22052

The report considered the 2021/22 provisional outturn at portfolio level and Council wide as well as the potential implications for the Council's financial position in 2022/23. The purpose of the report was to give a broad overview of the financial outturn.

The 2021/22 provisional outturn provided for a £290k increase in general fund balances, subject to the recommendations in the report being agreed.

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

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22nd June and the Committee had supported the recommendations.

RESOLVED that

(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.

(2) The variations in 2021/22 impacting on the Council's 2022/23 financial position be noted.

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

(4) The requests for carry forwards totalling £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.

(5) The changes to the central contingency sum as detailed in paragraph 3.5 of the report be agreed.

(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.

15 CAPITAL PROGRAMME OUTTURN 2021/22
Report FSD22057

The report set out the final outturn on capital expenditure and receipts for 2021/22. Capital expenditure in the year was £19.3m, compared to the final approved budget of £73.6m, resulting in a total net variation of Cr £54.3m. For funding purposes, £40.0m slippage was assumed in the quarter 3 capital monitoring report, so there was an overall variation of Cr £14.3m in the use of capital receipts and external and revenue contributions.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22nd June and the Committee had supported the recommendations.

RESOLVED that the report detailing the capital outturn position for 2021/222 be noted.

16 AUTHORISATION TO PROCEED TO CONTRACT: ENERGY CONTRACTS

Report HPR2022/031

The Leader had agreed in October 2020 the procurement strategy for energy supplies. The agreed approach was to award contracts for the supply of electricity and gas via the United Learning Trust Procurement Services framework over a period of five years, with an initial fixed term deal of two years. The agreed approach was subject to a review within the first two years, prior to any further call offs from the framework.

The report presented a review of the current gas and electricity contracts and sought approval to award further contracts for the Council's electricity and gas supplies via a flexible energy purchasing route for a further 3 years using the United Learning Trust framework following a mini-competition.

The report also highlighted that, subject to members' consideration, the budget for green sourced gas and electricity supplies would need to increase to £5.12M due to increases in supply costs.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22nd June and the Committee had supported the recommendations.

RESOLVED that

(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.

(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.

(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.

(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.

(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.

(6) REGO electricity and RGGO gas will be purchased which will cost more than brown energy.

(7) Flexible procurement energy contracts be opted for to purchase energy in tranches during the period of the contracts.

(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.

(9) Authority be delegated to the Chief Officer to finalise the energy prices based on the quote at the point of the procurement.

17 HOMES FOR UKRAINE
Report HPR2022/032

The report provided an update on the Homes for Ukraine response by the Council and approach going forward. An update on the Homes for Ukraine scheme would be provided to the Executive quarterly; this report was the first of the updates.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22nd June and the Committee had supported the recommendations.

RESOLVED that

(1) The contents of the report in relation to the current activities under the Homes for Ukraine scheme be noted.

(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.

(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.

(4) The work of Cllr Kira Gabbert in assisting officers be commended.

18 TRANSFORMING SEN TRANSPORT - SUPPORTING CHILDREN AND FAMILIES IN INNOVATIVE AND COST-EFFECTIVE WAYS
Report CEF22042

Following a review of SEN Transport operations in Bromley, officers proposed that the Council introduce changes to transport policy to enable a broader offer of support for families giving greater access to preferred schools, improved transport options and better flexibility in the service offer.

The report highlighted the potential benefits to children and families accessing SEN transport support whilst developing a culture of supported self-help, placing children and families at the centre of policy developments and helping young adults to develop independence. It sought agreement to introduce demand management initiatives, including personal transport budgets, independent travel training and maximising flexible approaches to procurement and transport delivery options that will improve the lives of young people accessing services, introduce efficiencies and improve consistency of service offers.

The Executive was invited to approve amendments to existing transport support measures, where this may deliver cost reductions or where existing arrangements may inhibit access to proposed initiatives.

The report introduced a rationale for the necessary updating of Transport Policies last reviewed in 2014 and introduced revised policy proposals that aligned with the latest legislative changes and Government guidance.

The report sought agreement to a public consultation on the proposed Transport Policies to be undertaken in the coming weeks and sought delegated authority for a decision to be taken by the Director of Education in consultation with the Portfolio Holder pending the outcome of the consultation due to run until September 2022.

The report had been scrutinised by the Children, Education and Families PDS Committee at its meeting on 28th June and the Committee had supported the recommendations.

RESOLVED that

(1) The draft transport policy be agreed for public consultation and the proposed transport initiatives recommended for progression in the report be endorsed.

(2) The introduction of Personal Transport Budgets and revisions to the mileage payment scheme be agreed.

(3) The development of the Independent Travel Training Service be endorsed.

(4) The retention of existing discretionary transport support for children under statutory school age be agreed.

(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.

(6) The transformation efficiency gains outlined in this report, required to deliver the medium-term financial plan for the Council, be noted.

(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.

19 ADULTS SUBSTANCE MISUSE CONTRACT VARIATION Report ACH22-024

The Substance Misuse Service for Adults was an integrated provision for drugs and alcohol services with the aim of moving individuals from the position of problematic drugs and/or alcohol misuse to a position of stability, improved health and positive engagement with employment and/or education and the community.

On 21st May 2018, the Executive had approved the award of the contract to Change Grow Live for the provision of Adult Substance Misuse Services for a period of three years commencing on 1st December 2018 to 30th November 2021, with the option to extend for a further period of two years. On 26th May 2021, the Executive approved the extension of the contract for two years from 1st December 2021 to 30th November 2023 utilising the extension option built into the Contract. The whole life value (inclusive of the extension option) was £6,745k.

In April 2021, the Council received a non-recurring Local Authority Grant of £207k to support improvements to reduce drug related offending and deaths in 2021/22. Agreement to draw down this funding and vary the Adults Substance Misuse contract was approved by the Executive on 26th May 2021.

In April 2022, the Office for Health Improvements and Disparities (OHID) made available a further grant, with a total of £264k being allocated for the financial year 2022/23. It was proposed to utilise this grant via Public Health programme co-ordination (£39k) and a further variation to the existing Adults Substance Misuse contract (£225k).

The report sought authorisation to draw down the OHID Grant and agree the subsequent variation to the Adults Substance Misuse contract.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 28th June and the Committee had supported the recommendations.

RESOLVED that

(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.

(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.

(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.

20 PROCEED TO PROCUREMENT REPORT - THE ADVOCACY SERVICES CONTRACT

Report ACH22-017

The Advocacy Service contract expired on 31 March 2023 and there was no further option to extend this contract which was in its final extension period.

The contract was awarded to Advocacy for All following a competitive tender and commenced on 1 April 2018 for a period of three years with the option to extend up to a further two years on a 1 year + 1 year basis.

This report sought Executive approval to commence the procurement of a new Advocacy Service to ensure the Council met its statutory duty in providing an Advocacy Service under the Care Act 2014 and Care and Support Advocacy Service Regulations 2014.

A Gateway 0 report had been presented to PDS and Executive in February 2022. The main scope and purpose of that report had been to evidence the ongoing statutory requirement and illustrate that the commissioning options had been adequately researched, and that there was a shared understanding of what was to be achieved by the key stakeholders. The Gateway 1 report confirmed the commissioning and procurement approach.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 28th June and the Committee had supported the recommendations.

RESOLVED that 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.

**21 ADOPTION OF THE PLANNING OBLIGATIONS
SUPPLEMENTARY PLANNING DOCUMENT**
Report HPR2022/024

The report recommended the adoption of the revised Planning Obligations Supplementary Planning Document (SPD). The Draft SPD had undergone six weeks of public consultation between 9 March 2022 and 22 April 2022, and whilst generally there was support for its content, there were some minor amendments in the proposed version in response to consultation comments. There were also minor amendments as a result of comments from Development Control Committee on 7th June and the Renewal, Recreation and Housing Policy Development and Scrutiny Committee on 14th June. The revised SPD was necessary to reflect changes following the adoption of the Bromley Community Infrastructure Levy (CIL) and changes to national, regional and local planning policy that had occurred since the date of publication of the current SPD (2010.)

RESOLVED that

(1) The revised Planning Obligations Supplementary Planning Document (shown at Appendix 1 to the report) be approved for adoption.

(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.

**22 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN
REPORT**
Report HPR2022/028

A Public Report had been issued by the Local Government and Social Care Ombudsman following the upholding of a complaint about the Local Authority's provision of housing.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 14th June 2022 and the Committee had supported the recommendations.

RESOLVED that the content of the report, the published findings of the Local Government and Social Care Ombudsman and the actions taken in response be noted.

**23 NEXT STEPS FOR THE CRYSTAL PALACE PARK
REGENERATION PROJECT (PART 1)**
Report HPR2022/022

The report provided an update on the Regeneration Plan for Crystal Palace Park and set out the next steps to take forward the capital scheme.

The report made recommendations in relation to securing the legal agreements to dispose of the residential sites as part of the housing Enabling Development securing funding for the first phases of works, as well as transferring the Park to the Crystal Palace Park Trust (CPPT).

The Leader thanked officers for the hard work that had gone into this project, and commented that although substantial funding for the Park had been lined up it was important that the project remained within budget.

The capital programme provisions in the report would be reported to full Council for approval.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 14th June 2022 and the Committee had supported the proposals.

RESOLVED that

(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.

(2) The terms of the shadow section 106 agreement attached to the agenda (Appendix F, Part 2 Report) be noted, and the following confirmed –

- (i) in respect of any section of CPP to be retained by the Council and developed under a planning permission granted under reference 20/00325/OUT, that it shall comply with the terms of the shadow section 106 agreement: or**
- (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.**

(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.

(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.

(5) Officers be authorised to action the disposal of the Sydenham and Rockhill housing sites ("Housing Sites") in line with the approved Outline Planning Application.

(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.

(7) Approve the following course of action in respect of the capital requirements for the regeneration of the Park:

(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.

(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.

(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 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.

(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.

(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.

(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.

(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.

(11) That authority be delegated to vary the existing Environmental Services contracts in relation to CPP on or before 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.

(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.

(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.

(14) To approve an additional project resource of £113k a year from 1 April 2023 for Culture and Regeneration for 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.

(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.

(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.

(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.

(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.

24 CONTRACT AWARD: ACCOMMODATION AND TENANCY SUSTAINMENT FOR YOUNG PEOPLE (PART 1)
Report HPR2022/023A

In February 2022, Executive approved proceeding to procurement for the Accommodation and Tenancy Sustainment service for Young People. The report set out the result of the competitive tender process and recommended the award of the contract (as detailed in the Part 2 report.)

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 14th June 2022 and the Committee had supported the proposals.

RESOLVED that the award of contract for the Accommodation, Tenancy Sustainment and Support Service for young people be approved as detailed in the Part 2 report.

25 PROVISION OF HOLIDAY AND SATURDAY GROUP BASED SHORT BREAKS - PERMISSION TO TENDER FOR NEW CONTRACT - GATEWAY 1 (PART 1)
Report CEF22035A

The current contract for provision of Holiday and Saturday Short Breaks for Disabled Children is due to end on 31 March 2023 with all existing contractual options to extend further exhausted. The estimated annual value of the current contract was £196,057 p.a, with a whole life value, inclusive of the extension options used, of £968,753.

This report followed the Gateway 0 report which set out the service, background, history and potential options for recommissioning the service. This report was approved at the Council Executive Meeting on 30 March 2022. It detailed the commissioning actions to be taken to determine the procurement route to be taken to tender for the new service. The current report provided an update on these and requested approval to tender according to the plan outlined within it.

This Part 1 report should be read alongside the accompanying Part 2 report.

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

RESOLVED that 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).

26 FUTURE USE OF THE PHOENIX CENTRE (PART 1)
Report CEF22043A

The report updated members on the planned future use of the Phoenix Centre, Masons Hill, Bromley.

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

RESOLVED that

(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.

(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.

(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.

27 PROCEEDING TO PROCUREMENT (GATEWAY 0): HOUSING SUPPORT - MENTAL HEALTH SERVICES (PART 1)
Report ACH22018

The provision of adult mental health recovery and rehabilitation accommodation-based support (residential care and supported living) and floating support services ensures that the London Borough of Bromley (LBB) and South East London Clinical Commissioning Group (SELCCG) meet their dual duties under the Care Act 2014, where there is a requirement for people to be supported to remain in the community; and the Mental Health Act 1983 in relation to hospital discharge.

LBB and SELCCG currently contracted 61 units of accommodation-based support within the borough, and more than 300 hours of floating support per week. The existing budget for these services had a combined annual value more than £2.94m, split between LBB and SELCCG (£1.5m LBB / £1.44m SELCCG).

The report advised members on the procurement options for future adult mental health recovery and rehabilitation accommodation-based support and floating support services in Bromley and sought approval to replace the existing service model with a new joint adult mental health recovery and rehabilitation support@home service contract in 2024, underpinned by the section 75 agreement between LBB and CCG.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 28th June and the Committee had supported the recommendations.

RESOLVED that the procurement of a new joint adult mental health recovery and rehabilitation support@home service be approved to:

- (i) replace existing separate LBB 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.

28 GATEWAY 1: SUPPORTED LIVING - AT PADUA ROAD, BROMLEY ROAD AND BROSSIE WAY (PART 1)
Report ACH22-020

The Council had a number of contracts to provide care and support into learning disability supported living services in the Borough. This current contract was awarded to Southside Partnership (also known as Certitude) by the Executive on 28 May 2018 for a period of 5 years commencing 3 September 2018 with the option to extend for a further period of 2 years from 3 September 2023 until 2 September 2025.

As detailed in the Part 2 report, the Provider had requested that they hand over the service prior to the end of the contract period and commissioners were proposing to commence the retendering of these services. The annual value of the contract relating to this tender was detailed in a Part 2 report.

This report sought Executive approval to commence the procurement of the service in accordance with the arrangements set out in the report to enable the commencement of a new contract on 6 March 2023.

The report should be read in conjunction with the Part Two report.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 28th June and the Committee had supported the recommendations.

RESOLVED that 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.

29 LEARNING DISABILITY SHORT BREAKS - GATEWAY REPORT (PART 1)
Report ACH22-019

The Council currently had a contract in place with Ambient Support to provide a bed-based short breaks (formerly referred to as respite) service for adults with a learning disability. The contract was awarded for a two-year period from 01/04/2021 to 31/03/2023 and, as the contract was awarded following a direct negotiated contract award process, there was no opportunity to extend. The current short breaks contract provided for 6 beds under a block arrangement at 118 Widmore Road at the cost detailed in the Part Two report, with up to 4 additional beds available for spot purchase.

Within the Gateway Report approved by the Leader in November 2020, members were advised that the future provision of short breaks for people with learning disabilities would be considered over the lifespan of the current contract and would include consultation in relation to any proposals made.

This report advises members on the outcomes of the consultation work to determine the future model for adult learning disability short break provision and seeks agreement to commence a tender process for the bed-based short breaks service and a day service at the same location.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 28th June and the Committee had supported the recommendations.

RESOLVED that

(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.

(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.

(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.

30 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.

31 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**

**32 NEXT STEPS FOR THE CRYSTAL PALACE PARK
REGENERATION PROJECT (PART 2)**

The Executive considered Part 2 information relating to Crystal Palace Park.

**33 CONTRACT AWARD: ACCOMMODATION AND TENANCY
SUSTAINMENT FOR YOUNG PEOPLE (PART 2)**

The Executive considered part 2 details of the contract, and approved the recommendations.

**34 PROVISION OF HOLIDAY AND SATURDAY GROUP BASED
SHORT BREAKS - PERMISSION TO TENDER FOR NEW
CONTRACT - GATEWAY 1 (PART 2)**

The Executive approved proposals to tender for a new contract.

35 FUTURE USE OF THE PHOENIX CENTRE (PART 2)

Members received an update on the planned future use of the Phoenix Centre, Masons Hill, Bromley.

**36 GATEWAY 1: SUPPORTED LIVING - AT PADUA ROAD,
BROMLEY ROAD AND BROSSÉ WAY (PART 2)**

The Executive considered part 2 details of the contract and approved the recommendations in the report.

**37 LEARNING DISABILITY SHORT BREAKS - GATEWAY
REPORT (PART 2)**

The Executive considered part 2 details of the contract and approved the recommendations.

The Meeting ended at 7.56 pm

Chairman

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EXECUTIVE

29 June 2022

(A) Question for Oral Reply:

(1) From Michael Meekums to the Portfolio Holder for Renewal, Recreation and Housing

Background: When the current LBB Local Plan was consulted on some years ago, the draft included a map showing Areas of Archaeological Significance (AAS). The draft Planning Obligations Supplementary Planning document refers to Archaeological Priority Areas (APAs) in place of AAS. These are shown on a new map on the council website. However this new map has not been sent out for consultation. When will the new map on APAs (which differ from the current AAS) be sent out for consultation in line with the standard procedure LBB has previously followed for the Local Plan?

When will the new map showing Archaeological Priority Areas, forming part of the Local Plan, be sent out to the public for consultation?

Reply:

The new Archaeological Priority Areas are intended to be formally adopted as part of the Local Plan review. This will be subject to consultation in future, and as part of this consultation comments could be made on the areas including any suggestions for amendments. The Council will engage with Historic England on any comments received.

The Local Plan archaeological areas [available here – <http://www.planvu.co.uk/bromley/>] remain the formally adopted areas but the new areas identified as part of the Historic England review are considered to be a strong material consideration ahead of formal adoption of the Local Plan review. The 'Archaeology in Bromley' webpage [available here - <https://www.bromley.gov.uk/local-history-heritage/archaeology-bromley/>] makes this clear, and includes an interactive map of the new areas. The Historic England review is a comprehensive, up-to-date document and aligns with the approach set out in policy HC1 of the London Plan. It is noted the review results in 54% of the borough falling within an APA, compared with only 9.5% of the borough based on the current designations.

Supplementary Question:

In light of the answer to the earlier question would the committee consider changing the reference to Archaeological Priority Areas to Draft Archaeological Priority Areas?

Reply:

No amendment is considered necessary. The Council's website clearly clarifies the role of the updated Archaeological Priority Areas and how these areas interact with the current adopted Local Plan.

(B) Questions for Written reply:

(1) From Kevin Rose to the Portfolio Holder for Transport, Highways and Road Safety

Grovelands Road BR5. Over the years there has been increasing traffic passing through and cars and motorbikes travelling at high speeds which is very dangerous to all pedestrians including school children at Midfield Primary School. I cannot be the only resident that has raised this concern before. I'd like to know if there is any measures in place to put down speed humps to slow traffic down?

Reply:

Although there have not been any injury collisions in recent years, I have asked the Traffic and Road Safety team to look at Grovelands Road to see if any measures might be introduced to discourage speeding, such as roadside posters.

It is not the policy of the council to build road humps as these impede the emergency services and increase noise and vibration.

(2) From Susan Sulis, Community Care Protection Group to the Portfolio Holder for Transport, Highways and Road Safety

Effective cleaning of street drains is an essential element in a strategy to combat Surface Water Flooding.

- (a) Are difficulties accessing gullies, due to on street parking, being recorded, evaluated and reported to Members, particularly in streets subject to flooding?
- (b) Are there results for those in the Crays affected by 2021 floods?

Reply:

There are around 35,000 roadside gullies in the borough, and these are cleaned on a two yearly basis or as required.

The flooding on 20th October 2021 was exceptional and exceeded the capacity of the gully system to cope with the amount of rain which fell in such a short time.

(3) From Susan Sulis, Community Care Protection Group to the Portfolio Holder for Transport, Highways and Road Safety

Has the Council carried out studies to explore the feasibility of initiatives to: -

- a) inform residents of the importance of providing access to Contractor's cleaning vehicles, and reporting blocked drains?
- (b) notify residents of the Contractor's schedules and alert them digitally to the actual arrival times?
- (c) enlist the help of Street Friends?

Reply:

The council cleans around 18,000 gullies a year and it would be impracticable to notify householders. Signs and cones are placed, and notices posted on cars. Residents will be reminded in the twice-yearly Environment Matters to move cars when a gully clean is imminent in their street. Blocked gullies can now be reported on Fix My Street. We will look at the suggestion to ask the Street Friends to help.

(4) From Liz Thomas to the Portfolio Holder for Sustainability, Green Services and Open Spaces

In response to a question to the ECS Committee on 17/11/21 the Council stated that it will be working with its service providers to align their environmental commitments with Bromley's own ambitions. Please can you provide details of the ambitions that they will be aligning with.

Reply:

Service Providers are expected to assist the Council in delivering all the 'Making Bromley Even Better' ambitions, but specifically in terms of the environment, the ambition for residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.

The objectives and actions associated with how this ambition will be achieved are outlined in the Environment and Community Services Portfolio Plan, and several service specific plans such as the Reduction and Recycling Plan and the Air Quality Action Plan.

In terms of carbon reduction, the Council will continue to work with its main suppliers, supporting their alignment with the Council's own ambitious net 2027 zero targets and the achievement of continuous and robust environmental improvement.

(5) From Liz Thomas to the Portfolio Holder for Sustainability, Green Services and Open Spaces

In Beckenham Lane levels of PM10, PM2.5 and NO2 exceed all three WHO air pollution limits. PM2.5 is over twice the WHO limit. The International Agency for Research on Cancer has classified air pollution, in particular PM2.5, as a leading cause of cancer. What will the Council be doing to reduce the health risk here?

<https://addresspollution.org/results/7ad6de11-2462-412d-887a-5cae801898cd>

<https://www.eea.europa.eu/themes/air/health-impacts-of-air-pollution>

Reply:

The London Borough of Bromley meets the Government's Air Quality Objectives on Beckenham Lane.

There is a diffusion tube on Beckenham Land to monitor NO2, the results for the year 2021 are 27.1 µg/m3 and as such meets the Air Quality Objective for NOx. Addresspollution.org states that PM2.5 is 11.16µg/m3 and PM10 at this address is 18.23µg/m3, these also meet the Air Quality Objectives.

The National Air Quality Objectives and Air Quality Standards Regulations set the limit and target values with which the UK must comply. These limits are:

PM2.5 limit of 20 µg/m³

PM10 limit of 40 µg/m³ as an annual mean.

NO₂ limit of 40 µg/m³ as an annual mean and 200 µg/m³ not to be exceeded more than 18 times a year as an hourly mean.

The London Borough of Bromley has several strategic documents that relate to issues that affect air quality. The main document is the Borough's Air Quality Action Plan 2020-25. This details action points that cover how the London Borough of Bromley will address air pollution.

The data provided on addresspollution.org is modelled and the limits stated are the World Health Organisations (WHO) recommendations as revised in October 2021. These are lower than the regulatory requirements set out in the Air Quality Objectives. WHO pollution limits are aspirational and according to their own research, 97% of global cities do not meet WHO pollution guidelines.

We have several strategic documents that relate to issues that affect air quality. The main document is the Borough's Air Quality Action Plan 2020-25. This details action points that cover how the London Borough of Bromley will address air pollution.

(6) From Brayley Small to the Portfolio Holder for Sustainability, Green Services and Open Spaces

Some Local authorities, such as Lewes District Council and Eastbourne Council have used 'civic crowdfunding' to raise additional funds for climate mitigation work whilst engaging with and involving the community, and potentially increasing community wealth. What is the Council's view of this initiative?

<https://www.local.gov.uk/case-studies/lewes-district-eastbourne-borough-councils-and-university-sussex-citizens-and-climate>

Reply:

The Carbon Management Team works continuously to source funding opportunities that will support the council with borough-wide initiatives - all forms of credible funding options, including civic crowdfunding, are considered for their appropriateness.

At a borough level, the Council continues to develop its approach to tackling emissions and is working with a wide range of borough stakeholders to deploy more and more carbon/energy reduction initiatives.

(7) From Jamie Devine to the Portfolio Holder for Renewal, Recreation and Housing

In answer to a question to the Executive on 12 January 2022, the Council stated that Bromley's Planning Obligations Supplementary Planning Document (SPD) requires a

developer to make payments if the required levels of carbon dioxide reduction targets are not achieved. What are those targets? Who measures and/or calculates the reduction? How much has been received to date for targets missed and how have those receipts been used?

Reply:

The 'target' is based on a London Plan policy, where major development proposals must make a 35% reduction on the levels that are required to satisfy Building Regulations approval – as such, the 'target' depends on the development being constructed. The Council determines the levels (and if any offset is payable) during assessment of the planning application (through the submission of an 'Energy Assessment'). So far £550k has been received, £250k of which has been identified for expenditure. Details on the expenditure of all S106 income are set out in the annual Infrastructure Funding Statements that are reported to the Development Control Committee and posted on the Council's website.

(8) From Jamie Devine to the Portfolio Holder for Sustainability, Green Services and Open Spaces

A 2020 report commissioned by the Ministry of Defence (MOD) explored the implications of climate change for UK defence and security, finding that '...there does not yet appear to be routinised cooperation between stakeholders who could be involved in responding to climate change-related threats in advance of an emergency, including...local authorities' (section 2.2.9, page 15). Has Bromley been contacted by the MOD about addressing this?

https://www.rand.org/pubs/research_reports/RRA487-1.html

Reply:

I am not aware of any correspondence from the MOD concerning this particular issue.

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