

EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 22 March 2023

Present:

Councillor Simon Fawthrop (Chairman)
Councillor Robert Evans (Vice-Chairman)
Councillors Jeremy Adams, Mark Brock,
David Cartwright QFSM, Kira Gabbert, Julie Ireland,
Simon Jeal, Jonathan Laidlaw, Tony Owen, Chris Price,
Will Rowlands, Shaun Slator, Mark Smith and
Melanie Stevens

Also Present:

Councillor Christopher Marlow, Portfolio Holder for Resources,
Commissioning and Contracts Management

Councillors Colin Smith, Leader of the Council (attended virtually)

99 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Ruth McGregor and Councillor Price attended as substitute.

100 DECLARATIONS OF INTEREST

Councillor Fawthrop declared that his wife was an employee of the Council.

101 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Three written questions were received and these are attached at Appendix A.

102 MINUTES OF THE EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE MEETING HELD ON 2 FEBRUARY 2023 (EXCLUDING EXEMPT ITEMS)

The minutes of the Executive, Resources and Contracts PDS Committee meeting held on 2 February 2023 (excluding exempt information), were agreed and signed as a correct record.

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103 MATTERS OUTSTANDING AND WORK PROGRAMME Report CSD23045

The report dealt with the Committee's business management including matters outstanding from previous meetings and the proposed work plan for the next municipal year.

In respect of matters outstanding from previous meeting, the Director of Finance confirmed that the Treasury Management Strategy was currently being updated and would reflect the changes discussed at the last meeting.

The Committee noted that the update on Biggin Hill Airport would be presented to the Executive in the autumn and would be scrutinised by the Executive, Resources and Contracts PDS Committee in line with established pre-decision scrutiny processes.

A Member asked when a report about Digital Exclusion would be presented to Committee. The Chairman highlighted that there would need to be a discussion around the most appropriate committee to consider the issue but that the item should be programmed as soon as possible.

RESOLVED: That the report be noted.

104 FORWARD PLAN OF KEY DECISIONS

The Committee noted the Forward Plan of Key Decisions covering the period February 2023 to May 2023.

105 SCRUTINY OF THE CHIEF EXECUTIVE

The Chief Executive, Mr Ade Adetosoye, attended the meeting to respond to questions from the Committee. A written update for the Committee had been circulated as part of the agenda papers. Mr Adetosoye responded to questions. The following points were raised:

- The Committee thanked the Chief Executive for his comprehensive and detailed report.
- Members discussed the local arrangements being put in place for the Coronation of King Charles III. The Chief Executive highlighted that the Local Authority should be proud of the preparations that had already been put in place. The necessary measures were in place to enable celebrations to take place in green spaces and the necessary flexibility would be applied to facilitate applications. The Council's contractor Id Verde had apologised for some of the confusion around the arrangements and the Chief Executive confirmed that processes were now in place to ensure that celebrations for this historic event would run smoothly.
- In relation to demand management, there was an acute awareness that challenges were growing, especially in front door services such as

Children and Families. The Chief Executive highlighted that the Council had won an award for its work on demand management.

- Turning to the issue of hybrid working, the Chief Executive reported that in the local context, it was clear that Bromley staff were maintaining levels of productivity seen prior to the pandemic. There was evidence that staff were working beyond their contractual hours and the Chief Executive had witnessed officers maintaining excellent service delivery.
- In respect of staff attending the office, the Chief Executive explained that the interface between officers and residents had to be maintained and this required some staff being present in the office. Staff were, on average, coming into the office 2 to 3 days a week, however, attendance was based on the requirements of the service. Team Leaders were empowered to establish rotas for office attendance that met the needs of their service. In due course a staff survey would be undertaken to establish the views of staff regarding the current flexible working arrangements.
- A Member highlighted the need to ensure that the Council was meeting its duty of care to staff when they were working from home. It was also noted that the contract of employment for staff cited the Council Offices as the primary base. There were two sides to this: firstly, staff could reasonably be required to attend the office when necessary; secondly, those staff who wanted to be office based needed to be provided with a suitable desk space and there was a need to ensure sufficient desk capacity following the office move.
- The Chief Executive highlighted that staff wellbeing remained a priority. Members noted that at the start of the pandemic HR had undertaken a great deal of work to put in place a comprehensive package of measures to support staff wellbeing. A wellbeing support document was produced, and it was notable that levels of sickness for those staff working from home had fallen. Stress risk assessments were conducted, and guidance was in place for home working and health and safety. Teams were also encouraged to meet in person and Team Leaders undertook regular one to ones.
- The Committee noted that the review of the constitution was one of the key priorities for the Director of Corporate Services and Governance.
- Bromley hosts had been incredibly welcoming to Ukrainian families and there had been very few cases of arrangements breaking down. The Homes for Ukraine Hub had been very successful at providing access to key services and support in one place. There were Hub models for other services, such as Care Leavers, and options extend this model to other service areas were under consideration.
- The Council was on target to deliver on its net zero by 2027 target. Discussions with contractors were ongoing and the Environment and Community Services PDS Committee would be considering whether proposals to extend the net zero target to contractors should be developed. In terms of the work being done by Council Officers to move towards net zero carbon, the move to the new offices would

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certainly help. One of the proposals under consideration was having a single office space for staff working after 5pm. This would mean that only a small area of the building would need to be powered after 5pm.

- Targets within the Transformation Programme had been met. Further savings had been identified for the next financial year and proposals would be presented to Members. There were 12 key areas of work, including workstreams covering digital transformation and demand management and growth – Early Intervention.

The Committee thanked the Chief Executive for his informative and helpful update. Members congratulated all staff who had been nominated for awards and thanked all staff for their hard work.

106 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

The Committee considered the following reports on the Part 1 agenda for the meeting of the Executive on 29 March 2023:

5. BUDGET MONITORING 2022/23 Report FSD23025

The report provided the first budget monitoring position for 2022/23 based on expenditure and activity levels up to the end of December 2022. The report also highlighted any significant variations which would impact on future years as well as any early warnings that could impact on the final year end position.

In response to a question, the Assistant Director of Legal Services confirmed that the Legal Services overspend was currently in the region of £465,000. The vast majority of the overspend related to support to children and families, but also planning and litigation. Members noted that there had been an increase in demand and the overspend related to counsel fees. The Assistant Director noted that there was an ongoing review of Legal Services and the outcome of this, and any recommendations, would be reported to the Chief Officers Executive. Any changes to the budget would need to be approved by Members.

The Chairman requested that further information about the Learning and Development fees and the Strategy fees be circulated following the meeting.

RESOLVED: That Executive be recommended to

- 1. Consider the latest financial position.**
- 2. Note a projected net overspend on services of £9,683k forecast based on information as at December 2022.**
- 3. Note the comments from Chief Officers detailed in Appendix 2.**

4. **Note a projected increase to the General Fund balance of £65k as detailed in section 3.3.**
5. **Note the full year cost pressures of £13.069m as detailed in section 3.4.**
6. **Agree the release of funding from the 2022/23 central contingency as detailed in paragraphs 3.2.2 to 3.2.5.**
7. **Agree the release of £500k from the CEF Health Reserve Fund for expenditure in the CEF department as detailed in para. 3.8.**
8. **Agree the set aside of £400k for Homes for Ukraine staffing costs for 2023/24 as detailed in para. 3.9.**
9. **Agree the release of £2m from the health reserve for the ICB as detailed in para. 3.10.**
10. **Agree the set aside a one off sum of £630k as an earmarked reserve for EHCP's/High Needs costs for 2023/24 and 2024/25 to be met from the 2022/23 central contingency as detailed in para. 3.11.**
11. **Agree the set aside of £635k as an earmarked reserve for Legal costs as detailed in para. 3.12 and in Part Two (Appendix 7) of the report.**
12. **Agree that any unspent Homes for Ukraine funding be set aside as an earmarked reserve to meet ongoing spend commitments, where funding is not available, relating to Homes for Ukraine as detailed in para. 3.13.**
13. **Refer any issues to individual Portfolio Holders for further action.**
14. **Request that Council agree to the release of £2m from the Health reserve for the ICB as detailed in para. 3.10.**

**8. OPERATIONAL BUILDING REPAIR AND MAINTENANCE
BUDGET 2023/24
Report HPR2023/021**

Members of the Executive considered the Council's draft 2023/24 Budget at their meeting on 8 February 2023. The report set out indicative budget allocations reflected in the Draft 2023/24 Budget report for operational building maintenance against the two sources of funding: the repairs and maintenance budget, and the Building Investment Fund.

Members noted that the operational building repair and maintenance budget had been predicated on the assumption that the properties identified for sale would sell. It was noted that there was a requirement to maintain properties

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until they did sell. There had been a good level of interest in the properties identified for sale and Officers reported that the sale values achieved at recent auctions had exceeded expectations.

In response to a question regarding the Churchill Theatre, the Assistant Director for Property advised the Committee that negotiations with the Trafalgar Group were ongoing and it was likely that an update would be presented to the Executive in May 2023. Members recognised that the Churchill Theatre remained a significant maintenance liability.

In response to a question, the Assistant Director of Property explained that some of the lessons learnt from the recent operational property review included the need to properly maintain any property assets and set aside an adequate property maintenance budget. Members also recognised that there was a need to prioritise maintenance across a large estate and maintain a comprehensive asset register. Work was underway to develop an asset register, and this would enable proactive maintenance.

The Assistant Director of Property explained that any health and safety issues took immediate priority. In relation to the bell tower at Community House, within 48 hours of concerns being raised the tower had been inspected by a surveyor and within 72 hours it had been scaffolded as a precaution. Work was now underway to ascertain the most cost-effective way of removing the tower.

RESOLVED: That Executive be recommended to

- 1. Noting the 2023/24 Budget report approved by Executive on 8 February 2023, approve the following expenditure for operational building maintenance for 2023/24:**
 - Repairs and maintenance - £2.513m.**
- 2. Note the provision of £2m in 2023/24 for the Building Investment Fund (BIF), as included in the 2023/24 Budget report. This will be the last year of such provision.**
- 3. Note that combined these sums provide a total maintenance budget of £4.513m.**
- 4. Delegate authority to the Director of Housing, Planning, Property and Regeneration to vary the programmes and budget allocations where such action is considered necessary to either protect the Council's assets or make the most effective use of resources.**

**9. OPERATIONAL PROPERTY REFURBISHMENT PROGRAMME -
PROCUREMENT AND AWARD OF CONSTRUCTION
CONSULTANCY SERVICES
Report HPR2023/020**

The report sought the procurement and award of expert advice to inform appraisal work, scoping and contractor procurement to implement the refurbishment work, followed by the procurement of building contractors to deliver the Operational Property Refurbishment Programme which has resulted from the Operational Property Review report dated 30th November 2022 as considered and approved on 12th December 2022 at a meeting of the Council's Full Council.

The Senior Development and Programme Manager (Major Projects) highlighted a typographical error in the report explaining that paragraph 7.1 of report should read lot 2 (not lot 12). It was noted this error had been corrected in the report published on the website and a similar error was correct in the accompanying Part 2 report.

In response to a question, the Senior Development and Programme Manager (Major Projects) explained that the refurbishment programme was being managed by the Operational Property Management Board with representation from a range of departments across the Council. Regular reports were also provided to the Transformation Board and the Lead Consultant would be managed by the Lead Programme Manager with individual Programme Managers overseeing individual work streams.

RESOLVED: That Executive be recommended to

- 1) Note the contents of the report and agree the following recommendations subsequent to the OPR report dated 30th November 2022 as considered and approved on 12th December 2022 at a meeting of the Council's Full Council.**
- 2) Approve the procurement and award of Construction Consultancy Services via a compliant direct appointment utilising the NHS SBS framework to ensure value for money and accelerated delivery as detailed in Part 2 of this report be approved.**
- 3) Agree that Officers progress the various Workstreams identified at 3.40 of the OPR report dated 30th November 2022 as set out in 2.11 of this report and as considered and approved on 12th December 2022 at a meeting of the Council's Full Council by scoping, costing and proceeding to procurement of building contractor/s via a complaint framework.**
- 4) Delegate authority to the Director of Housing, Planning, Property and Regeneration, to agree and settle all the commercial terms arising.**

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- 5) **Delegate authority to the Assistant Director of Legal Services to enter into all relevant legal agreements required in relation to and any other necessary ancillary legal documentation relating thereto, including (but not limited to):**
 - **The appointment and warranty for the Construction Consultancy Services provider and related sub-consultants.**
 - **The negotiation of all associated lease amendments and service agreements and where required amendments to existing leases and agreements to be entered into at the time of building contract award.**
- 6) **Agree that Officers provide further report/s to the Executive for consideration prior to the award of works packages to building contractors which will be procured utilising a compliant framework in accordance with the Council's procurement procedures and regulations.**
- 7) **Agree that Officers continue to provide regular updates to the Portfolio Holder on progress of the OPR.**

10. BROMLEY HOUSEHOLD SUPPORT FUND

The report noted the Government announcement regarding the Household Support Fund (HSF) and set out proposals for the allocation and distribution of the HSF.

Following the meeting, Councillor Chris Price, sent a number of questions to the Head of Compliance & Strategy. The questions and the responses are attached at Appendix B.

RESOLVED: That Executive be recommended to

- 1) **Note Bromley Council's allocation for the Household Support Fund (HSF) of £3,735,765.**
- 2) **Approve the drawdown of £3,735,765 from the 2023/24 Central Contingency to the Operational Housing revenue budget.**
- 3) **Approve the full utilisation of this ringfenced grant, in 2023/24, as detailed in paragraph 3.9 of the report.**
- 4) **Delegate any final or additional changes to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Resources, Commissioning & Contracts Management.**

107 POLICY DEVELOPMENT AND OTHER ITEMS

A ANNUAL SCRUTINY REPORT 2022/23 Report CSD23030

The Committee noted the Annual Policy Development and Scrutiny Report for 2022/23. Any further comments and amendments would be incorporated by Democratic Services prior to submission to Full Council on 24th April 2023.

A Member suggested that it might be helpful for a Task and Finish Group to review the operation of the PDS Committee to identify areas of best practice that could be extended to other committees. The Chairman noted that there was not a “one size fits all” approach and that there should be flexibility with the work of Committees. The Chairman highlighted that he was open to any suggestions for different and better working practices.

Another Member noted the importance of thanking staff for the work they did to support committee processes.

The Committee noted that the current structure of the Environment and Community Services PDS Committee was being reviewed by the Chairman of that committee.

RESOLVED: That the Annual Policy Development and Scrutiny Report be approved for submission to Full Council.

108 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**

109 PRE-DECISION SCRUTINY OF EXEMPT EXECUTIVE REPORTS

The Committee considered the following reports on the Part 2 agenda for the meeting of the Executive on 29 March 2023:

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16 BUDGET MONITORING 2022/23 PART 2 APPENDIX

The Committee noted the Part 2 appendix.

**17 OPERATIONAL PROPERTY REFURBISHMENT PROGRAMME - PROCUREMENT
AND AWARD OF CONSTRUCTION CONSULTANCY SERVICES (PART 2)**

The Committee supported the recommendations set out in the Part 2 report.

The Meeting ended at 8.53 pm

Chairman

EXECUTIVE, RESOURCES & CONTRACTS

POLICY DEVELOPMENT & SCRUTINY COMMITTEE

THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR WRITTEN REPLY BY THE PORTFOLIO HOLDER FOR RESOURCES, COMMISSIONING AND CONTRACTS MANAGEMENT AND THE CHAIRMAN OF THE EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE

1. From Councillor Alisa Igoe to the Portfolio Holder for Resources, Commissioning and Contracts Management

With regard to Education Outcomes for Children in Bromley Schools 2022 (Item 9e on the CEF PDS Agenda – 14.03.23) which states that *“In 2022 54.4% of children eligible for free school meals in Bromley reached a Good Level of Development.”* (Paragraph 5.3, Page 189)

A drop from 59% in 2019 (last report: CEF20004), however, it was good to learn at Full Council that we continued to support 9,200 schoolchildren with free school meals during school holidays between October 2022 and February 2023, with 4 lots of £15 food vouchers. Could you please confirm I am correct these were Oct half term £30, Christmas £15 and February half term £15

Reply:

I can confirm that four lots of £15 food vouchers were issued via the Household Support Fund between October 2022 and February 2023. These comprised £30 for October half term, £15 for the Christmas break and £15 for February half term.

2. From Mrs Susan Sulis, Secretary Community Care Protection Group to the Chairman of the Executive, Resources and Contracts PDS Committee

The Information Commissioners advice, in respect of the FOI Act and Environmental Regulations Requests, is that, for a request to be valid, it must be in writing, but requesters do not need to mention the Act. Does Bromley Council accept this advice, when dealing with written requests for information?

Reply:

Bromley are aligned to the guidance from the ICO and the obligations of the act. Bromley will only accept written request via the webform, email or posted letter.

2. From Mrs Susan Sulis, Secretary Community Care Protection Group to the Chairman of the Executive, Resources and Contracts PDS Committee

Who has responsibility for ensuring that correct practice is followed?

Reply:

FOI case management is devolved across the Council with departmental coordinators handling cases relevant to their area. The Head of Information Management along with member of the team set policy, standards, and procedural guidance as well as deliver training opportunities for FOI and EIR case management.

Household Support Fund – Questions from Councillor Price

1. **Have the voluntary sector been consulted in running out the new scheme?**
2. **If so which organisations?**
3. **The section on households is a little bit unclear. Can you confirm if a household has to have someone with a disability in it or is it open to all household groups mentioned whether with a disability or not? In effect can households with one of the following issues only be allowed to apply – domestic abuse, large families, single income households, carers, vulnerable households experiencing exceptional financial hardship?**
4. **Again I very much welcome the introduction of the payment card as a very good option for households. Can you confirm if this has any restrictions on the retailers that can accept the cards (presuming that the retailer accepts credit/debit cards)?**
5. **With regards to the branding on the card, I hope it will just have the company logo (Mastercard/visa) and nothing to identify that it is funded through Bromley or the Household Support Fund.**
6. **Is there a standard amount that will be awarded to each household?**
7. **What is the time gap between when a household can apply to the fund again?**

We are planning to meet with our voluntary sector organisations, subject to sign off at Executive on Wednesday night. However we envisage working in strong partnership with those organisations to ensure that we have the reach required to support this particular cohort of eligible individuals.

The proposed eligible cohorts are residents suffering from domestic abuse, large families, single income households, carers, vulnerable households experiencing exceptional financial hardship these may or not have a disability.

There are no restrictions on the payment card, it works in the same way as a debit or credit card.

The card will not bear any branding related to Bromley Council or the Household Support Fund

There will be a standard amount of £200 awarded to each eligible household

The receipt of this funding isn't time-barred and applicants who are eligible for this tranche of funding will be permitted to receive assistance whilst funding remains available (regardless of previous awards).