



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 1 August 2023

To: Members of the
EXECUTIVE

Councillor Colin Smith (Chairman)

Councillor Kate Lymer (Vice-Chairman)

Councillors Yvonne Bear, Nicholas Bennett J.P., Aisha Cuthbert, Christopher Marlow,
Angela Page and Diane Smith

A meeting of the Executive will be held at Bromley Civic Centre on **WEDNESDAY 9
AUGUST 2023 AT 7.00 PM**

TASNIM SHAWKAT

Director of Corporate Services & Governance

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

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 5 JULY 2023 (Pages 3 - 16)

4 QUESTIONS

In accordance with the Council's Constitution, members of the public may submit one question each on matters relating to the work of the Committee. Questions must have been received in writing 10 working days before the date of the meeting - by 5pm on **Wednesday 26 July 2023**.

Questions seeking clarification of the details of a report on the agenda may be accepted within two working days of the normal publication date of the agenda – by **5pm on Thursday 3 August 2023**.

5 LAND AT GODDARD ROAD, BECKENHAM BR3 4BN & THE COTTAGE, CHURCH HOUSE GARDENS BROMLEY BR2 0EJ & PARKFIELD REC LODGE, BROMLEY BR2 8DD - FREEHOLD DISPOSALS (Pages 17 - 22)

- 6 **PROCUREMENT STRATEGY FOR LEISURE CENTRE MAJOR WORKS PROGRAMME** (Pages 23 - 32)
- 7 **CHANGING PLACES TOILETS ROUND 2 FUNDING** (Pages 33 - 40)
- 8 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

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

Items of Business

Schedule 12A Description

- | | | |
|----|--|---|
| 9 | EXEMPT MINUTES OF THE MEETING HELD ON 5 JULY 2023 (Pages 41 - 42) | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
| 10 | PART 2: LAND AT GODDARD ROAD, BECKENHAM BR3 4BN & THE COTTAGE, CHURCH HOUSE GARDENS BROMLEY BR2 0EJ & PARKFIELD REC LODGE, BROMLEY BR2 8DD - FREEHOLD DISPOSALS (Pages 43 - 54) | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

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EXECUTIVE

Minutes of the meeting held on 5 July 2023 starting at 7.00 pm

Present:

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

Also Present:

Councillor Simon Jeal

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Christopher Marlow and Councillor Angela Page. The Chairman of the Executive, Resources and Contracts PDS Committee, Councillor Fawthrop, had also sent apologies.

15 DECLARATIONS OF INTEREST

There were no apologies for absence.

16 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 17 MAY 2023

The minutes of the meeting held on 17 May 2023 (excluding exempt information), were agreed and signed as a correct record.

17 QUESTIONS

One question for written response had been received and this is attached at Appendix A.

**18 PROVISIONAL FINAL ACCOUNTS 2022/23
Report FSD23041**

The report considered the 2022/23 provisional outturn at portfolio level and Council wide as well as the potential implications for the Council's financial position in 2023/24. The purpose of the report was to give a broad overview of the financial outturn.

The 2022/23 provisional outturn provided for a zero increase in general fund balances, subject to the recommendations in this 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.

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The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 3 July 2023 and the Committee had supported the recommendations and proposed the following additional recommendation:

That Directors ensure that all future growth/cost pressures, prior to being reported to members for consideration, include all mitigation options and savings relating to their respective service areas recognising that any such additional costs are currently unfunded given the Council's budget position.

RESOLVED: That

- 1. The provisional revenue and capital outturns for the 2022/23 financial year and the earmarked balances on the General Fund as at 31st March 2023 be noted;**
- 2. The variations in 2022/23 impacting on the Council's 2023/24 financial position be noted;**
- 3. The comments from Chief Officers as detailed in Appendix 2 of the report be noted;**
- 4. The requests for carry forwards totalling £644k (net) as detailed in Appendix 6 be approved, subject to the funding being allocated to the Central Contingency in 2023/24 to be drawn down on the approval of the relevant Portfolio Holder;**
- 5. The changes to the central contingency sum as detailed in para. 3.5 of the report be agreed;**
- 6. A sum of £149k be set aside as a contribution to the Loneliness Strategy earmarked reserve as detailed in para. 3.8.1 of the report;**
- 7. Council be recommended to set aside a sum of £2,000k as a contribution to the Building Infrastructure earmarked reserve as detailed in para. 3.8.2 of the report;**
- 8. A sum of £675k be set aside as a contribution to the Capital Fund earmarked reserve as detailed in para. 3.8.3 of the report;**
- 9. A sum of £400k be set aside as a contribution to the Arboricultural Backlog Fund earmarked reserve as detailed in para. 3.8.4 of the report;**
- 10. The utilisation of the Growth Fund as detailed in para 3.9 of the report be noted; and**
- 11. The redesignation of various earmarked reserves for utilisation for capital financing as detailed in para 3.6.3 of the report be agreed.**
- 12. Directors ensure that all future growth/cost pressures, prior to being reported to members for consideration, include all mitigation options**

and savings relating to their respective service areas recognising that any such additional costs are currently unfunded given the Council's budget position.

**19 CAPITAL PROGRAMME OUTTURN 2022/23
Report FSD23043**

The report set out the final outturn on capital expenditure and receipts for 2022/23. Capital expenditure in the year was £21.0m, compared to the final approved budget of £120.8m, resulting in a total net variation of Cr £99.8m. For funding purposes, £50.0m slippage was assumed in the quarter 3 capital monitoring report, so there was an overall variation of Cr £49.8m 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 3 July 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The capital outturn position for 2022/23 be noted; and**
- 2. It be noted that the revenue outturn report elsewhere on the agenda requests the redesignation of various earmarked reserves which have been assumed in the capital programme financing.**

**20 APPOINTMENT OF ASCOT SERVICES TO RUN THE
FACILITIES MANAGEMENT AT CHURCHILL COURT**

The report (and the accompanying Part 2 report) provided Members with a recommendation to make a direct award via exemption to competitive tendering to Ascot Services to run the Facilities Management at Churchill Court for an interim contract of up to two years. The proposed direct award was to ensure necessary service provision was in place from the point of exchange and completion for Churchill Court, noting that a full and compliant procurement process for the longer-term service requirements would commence and be completed as soon as reasonably possible.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 3 July 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 3. The report be noted.**
- 4. A direct award via exemption to competitive tendering be made to Ascot FM for the services detailed in this report for a period of up**

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to two years from 28 July 2023 at an upper estimate of £1.562M per annum (whole life upper estimate of £3.125M).

5. **Authority be delegated to the Director of Housing, Planning, Property and Regeneration to conclude negotiations with Ascot Services to determine the scope and estimated contract value for this interim contract award and, if needed, to vary the scope of the services as the Council relocates from the Civic Centre to Churchill Court over the period of the contract term – noting the capped FM cost at paragraph 2.2 of the report.**
6. **Authority be delegated to the Assistant Director of Legal Services to finalise and engross the contract as negotiated at paragraph 2.3 of the report.**
7. **It be noted that, during the term of the interim contract, a full and compliant procurement process for the Facilities Management requirement will be undertaken as soon as reasonably possible for a new contract to commence within the interim period if possible (and no later than 28 July 2025). This will be subject to formal Member decision on the procurement strategy in due course.**

21 IT MANAGED SERVICE CONTRACT AWARD

This report accompanies a Part 2 report also being considered on this agenda which recommends that the Council awards a contract for the provision of IT Services.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 3 July 2023 and the Committee had supported the recommendations.

RESOLVED: That

1. **Award the IT Services Contract as detailed in the accompanying Part 2 report for a contract period of five years to begin on 16th December 2023, with the option to extend for a further five years and including the optional service as noted in Part 2 of this report.**
2. **Delegate to the Director of Corporate Services and Governance in consultation with the Portfolio Holder for Resources, Commissioning and Contract Management, the authorisation to extend this contract for the period, and on the basis, of the recommendation at 2.1 in this report.**
3. **Delegate authority to the Director of Corporate Services and Governance to take decisions necessary to enable the implementation of the contract with the recommended bidder and to conclude all necessary contractual documentation.**

4. **Note that the procurement process and associated activities have been undertaken with due regard to and compliance with necessary regulation, rules and guidelines and with the participation of all required internal services and functions. A summary of the process and activities is provided in this report.**

22 HOUSING WITH CARE STRATEGY Report ACH23-026

The report set out the background behind what will form a 10-year 'Bromley Housing with Care Strategy' and an associated action plan. The strategy would create a roadmap taking Bromley's housing with care arrangements from where they currently are to where the Council will want to be over the next 10 years in order to meet resident demand.

A demand and needs analysis predicted an increased demand from vulnerable adults who would need to be supported to live at home and accommodated in special housing. The developing strategy was looking to mitigate the financial risk to the Council in meeting this demand and offer residents who needed extra help desirable housing and support in the community rather than in residential care homes.

The Council's vision was for older people and vulnerable adults, to have a home that would be safe, promote independence, and support good health and wellbeing, as well as quality of life. This in turn would be supported by a vibrant housing with care market that would keep pace with changes in our population.

The Housing with Care Strategy would also address the current issues relating to the quality of provision in some of the older units to ensure they were meeting the needs of residents through the fit-for-purpose built environment.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 27 June 2023 and the Committee had supported the recommendations.

RESOLVED: That the proposed strategy be approved.

23 HOUSING OPTIONS & PREVENTION OF HOMELESSNESS FINANCIAL SPEND AUTHORISATION Report HPR2023/042

The Council's Housing Department had a statutory obligation to provide advice and information to all residents, to prevent or relieve their homelessness in line with the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.

The Council received Homelessness Prevention Grant funding from the Department of Levelling Up, Homes and Communities (DLUHC) to assist it in

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undertaking these duties, including specialist funding for vulnerable groups within the local authority region. In previous years, this funding had been received on an annual basis; however, in this round, the Council had been allocated £3.75m in funding for 2023/24 and a further £3.78m for 2024/25. Included within this funding was a dedicated Domestic Abuse Allocation of £69k for 2023/24 and a further £100k for 2024/25.

The Council had also been allocated up to £148k funding per annum for 2023/24 and 2024/25 for the Accommodation for the Ex-Offenders Programme (AFEO) and in addition, £428k for Rough Sleeping Initiative 5 funding for 2023/24.

The report set out the breakdown of the pots of DLUHC homelessness funding received, how it would be utilised through initiatives and schemes to prevent homelessness, and how it would enhance the homelessness service offered to those fleeing domestic violence.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and the Committee had supported the recommendations.

RESOLVED:

1. **That the drawing down and spend of the following be approved:**
 - i) **Increase in Homelessness Prevention Grant for 2023/24 of £360k.**
 - ii) **The Accommodation for the Ex-Offenders Scheme grant funding of up to £148k per annum for 2023/24 and 2024/25**
 - iii) **The Rough Sleeping Initiative 5 (2023-24) grant funding of up to £428k.**
2. **Note that the report sets out the planned allocation of resources for the above three Grants.**

24 UK SHARED PROSPERITY FUND: PEOPLE AND SKILLS FUNDING Report HPR2023/040

The report provided a summary of the plans for the UKSPF People and Skills funding allocation accessed through Local London and sought authority to accept the grant. The report set out recommendations for the spend of the grant.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and the Committee had supported the recommendations.

RESOLVED: That

8. **The acceptance of the allocation of the UKSPF grant funding totalling £534,800 be agreed, the revenue budgets be adjusted**

accordingly, and the funding to be used for the interventions set out in paragraphs 3.6 - 4.17 of the report.

9. **Authority be delegated to the Director of Education and the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing to move funding between the programmes to best respond to demand and ensure outputs and outcomes are met.**
10. **The additional monies already allocated to Bromley through existing programmes set out in 3.4 of the report be noted.**

25 DIGITAL INFRASTRUCTURE: STRATEGIC INVESTMENT FUND HPR2023/033

The report provided a summary of the proposal submitted to the Strategic Investment Fund and sought authority for progressing with the project. It also sought funding to maximise the economic benefits of the proposal.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and the Committee had supported the recommendations.

RESOLVED: That

11. **Subject to a successful bid outcome the use of up to £1m funding from SIF to deploy dark fibre using the communications provider procured by GLA via the TfL framework be agreed.**
12. **A new one-off capital budget of £48,600 funded from the Council's Growth Fund earmarked reserve for connecting three new CCTV camera sites and one existing dark fibre network extension be approved.**

26 ADOPTION OF ORPINGTON TOWN SUPPLEMENTARY PLANNING DOCUMENT Report HPR2023/038

The report recommended the adoption of the Orpington Town Centre Supplementary Planning Document (SPD). The SPD provided guidance to assist with the determination of planning applications in the Orpington Town Centre area, including guidance on design requirements.

A draft SPD underwent public consultation from 9 March 2022 to 1 July 2022. A significant number of responses were received covering a number of issues. The final SPD included a number of amendments in response to comments received.

The SPD also included minor amendments suggested by Development Control Committee at their meeting on 13 June 2023; and the Renewal,

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Recreation and Housing Policy Development and Scrutiny Committee at their meeting on 15 June 2023 included in the report to the Executive at Appendix 4.

RESOLVED: That the Orpington Town Centre Supplementary Planning Document (shown at Appendix 1 of the report) be adopted as a local development document, subject to any further minor changes (e.g. related to formatting or mapping) prior to adoption.

**27 ADOPTION OF THE URBAN DESIGN GUIDE
SUPPLEMENTARY PLANNING DOCUMENT
Report HPR2023/039**

The report recommended the adoption of the Urban Design Guide Supplementary Planning Document (SPD). The SPD provided guidance on urban design to inform development proposals coming forward in Bromley, with the aim of ensuring consistent high-quality design.

A draft SPD underwent public consultation from 28 October 2022 to 9 December 2022. A number of responses were received covering various issues. The final SPD includes a number of amendments in response to comments received.

The SPD also included minor amendments suggested by Development Control Committee at their meeting on 13 June 2023; and the Renewal, Recreation and Housing Policy Development and Scrutiny Committee at their meeting on 15 June 2023. Further to the minor amendments suggested by these two committees, the Executive agreed the following amendment to guidance note 19, parts A and B:

- a) ~~Following~~ **Noting** the Healthy Streets Approach...
- b) ~~Taking~~ **Noting** an inclusive holistic approach...

RESOLVED: That

1. **The Urban Design Guide Supplementary Planning Document (shown at Appendix 1 of the report) be adopted as a local development document, subject to any further minor changes (e.g. related to formatting or mapping) prior to adoption.**
2. **The following documents be withdrawn:**
 - **Supplementary Planning Guidance 1 - General Design Principles**
 - **Supplementary Planning Guidance 2 - Residential Design Guidance**
 - **Design guides for shop fronts in Beckenham, Chislehurst and Bromley North Village**

**28 WATERBODY MANAGEMENT: KELSEY PARK LAKE
Report ES20281**

The report recommended that the Council remove silt from Kelsey Lakes to ensure that it meets its responsibilities as a riparian owner and to protect biodiversity. The report set out the recommended procurement strategy for delivering these works and sought to draw down funding allocated in the capital programme to undertake surveys, prepare the tender for the works and to create a Project Manager post to manage the delivery of this project. The report also identified desilting projects being undertaken at Croydon Canal and Glassmill Pond.

The report had been scrutinised by the Environment and Community Services PDS Committee at its meeting on 29 June 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. A variation to idverde's contract b agreed at a one-off value of £63k to undertake the survey work identified at paragraph 3.10 of the report and prepare the technical specifications for the tender of a works contractor.**
- 2. It be agreed to proceed to procurement for a works contractor to deliver the project in accordance with the procurement strategy set out in paragraphs 3.21 – 3.24 of the report.**
- 3. Authority be delegated to the Director of Environment & Public Protection, in consultation with the Portfolio Holder for Sustainability, Green Services and Open Spaces, to award the works contract to the successful tenderer up to the value remaining in the capital programme for the Kelsey Lakes.**
- 4. A 15-month fixed term Project Manager post be created to deliver the project using the capital programme funding for Kelsey Lakes at an estimated cost of £80k as set out in paragraph 3.27 of the report.**
- 5. A one-off variation to idverde's contract of £17.5k for 2023/24 be approved to fund the desilting project at Croydon Canal identified at paragraph 3.29 of the report.**

**29 DELIVERY OF ARBORICULTURAL SERVICES
Report ES20282**

The report was accompanied by a Part 2 report of the same title. For the reasons set out in that report, this report recommended that additional suppliers were procured to supplement the current arrangements for the delivery of the Council's arboricultural service. The report also recommended

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that additional funding was drawn down from the Healthy Bromley earmarked reserve to finish delivery of the Tremendous tree planting project.

The report had been scrutinised by the Environment and Community Services PDS Committee at its meeting on 29 June 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The procurement of additional suppliers to supplement the current arrangements for the delivery of arboricultural services be agreed, subject to the specific recommendations in Part 2.**
- 2. The drawdown of an additional £566k from the Healthy Bromley earmarked reserve be approved to enable the delivery of the Tremendous project.**

**30 LONDON CRICKET TRUST NON-TURF PITCHES FUND
Report HPR2023/032**

The London Borough of Bromley had been approached by London Cricket Trust offering a £40k grant to fund the installation of four NTPs (Non-Turf Pitches) in four parks across the borough. The report sought approval to accept the funding and proceed with the works.

The Executive agreed to add the following second resolution:

- 2. Agree to delegate decisions on final locations for the Non-Turf Pitches to the Director of Housing Planning Property and Regeneration in consultation with the Renewal Recreation and Housing Portfolio Holder, ward councillors and stakeholders.**

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The England and Wales Cricket Board/ London Cricket Trust Grant be accepted, and it be agreed to proceed to procurement for the installation of the Non-Turf Pitches, and the scheme be added to the capital programme.**
- 2. It be agreed to delegate decisions on final locations for the Non-Turf Pitches to the Director of Housing Planning Property and Regeneration in consultation with the Renewal Recreation and Housing Portfolio Holder, ward councillors and stakeholders.**

31 VARIATIONS TO THE CONTRACT FOR PARKS MANAGEMENT AND GROUNDS MAINTENANCE Report ES20287

The report set out a number of recommendations to make variations (modifications) to the contract for parks management and grounds maintenance services with idverde at a total combined value of £2.463m (£4.597m if the contract extension option is taken).

The report also sought delegated authority for the Director of Environment & Public Protection and the Portfolio Holder for Sustainability, Green Services and Open Spaces to agree variations (modifications) to the contract under a scheme of delegation set out in paragraph 3.21.

The report had been scrutinised by the Environment and Community Services PDS Committee on 29 June 2023 and the committee had supported the recommendations.

RESOLVED: That

1. **The following variations (modifications) to the contract for parks management and grounds maintenance with idverde be approved:**
 - (i) **Up to £880k for the delivery of projects funded by the Platinum Jubilee Parks Fund, as set out in paragraphs 3.6 – 3.8**
 - (ii) **Up to £235k per annum for the remaining contract term (£940k cumulatively for the initial term or £2.82m if extended) for park infrastructure repairs, as set out in paragraphs 3.9 – 3.11**
 - (iii) **£69k per annum for the remaining contract term (cumulatively £276k for the initial term of £828k if extended) for additional weekend cleansing, as set out in paragraphs 3.12 – 3.14.**
 - (iv) **Up to £71k per annum for the remaining contract term (cumulatively £284k for the initial term or £852k if extended) for PROW infrastructure works, as set out in paragraphs 3.15 – 3.16**
 - (v) **£83k for the initial term (£97k if extended) for the payment of the Countryside Stewardship Grants as set out in paragraphs 3.17 – 3.18.**
2. **Authority be delegated to the Assistant Director Environment (Carbon Management & Greenspace) to undertake variations as required and through the appropriate contractual process for resolution 1 (i), (ii) and (iv) within the values authorised.**

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3. The scheme of delegation for authorisations in relation to future variations (modifications) to the contract for parks management and grounds maintenance as set out in paragraph 3.21 of the report be approved.

32 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.

33 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**

34 EXEMPT MINUTES OF THE MEETING HELD ON 17 MAY 2023

The exempt (not for publication) minutes of the meeting held on 17 May 2023, were agreed and signed as a correct record.

35 PART 2: APPOINTMENT OF ASCOT SERVICES TO RUN THE FACILITIES MANAGEMENT AT CHURCHILL COURT

The Executive considered the report and agreed the recommendations.

36 PART 2: IT MANAGED SERVICE CONTRACT AWARD

The Executive considered the report and agreed the recommendations.

37 PART 2: DELIVERY OF ARBORICULTURAL SERVICES

The Executive agreed the recommendations outlined in the report.

The Meeting ended at 7.50 pm

Chairman

EXECUTIVE**5 July 2023****Questions for Written Reply****1. From Mrs Sue Sulis to the Portfolio Holder for Public Protection and Enforcement**

Which Bromley Council posts are represented on the Bromley Borough Resilience Forum, and on which dates did the Forum meet since 1/4/21 ?

Reply:

The following Council posts are represented on the Bromley Borough Resilience Forum. Emergency Planning & Corporate Resilience Forum.

Emergency Planning Manager (Chair & Secretariat); Head of Trading Standards and Commercial Regulation; Food Safety Manager, Health Safety & Licensing Manager; Director of Public Health; Health Protection Specialist Nurse.

The Forum meets 3 times a year. Since 1/4/21 the forum has met on the following dates: 05/07/21,15/11/21, 07/03/22, 04/07/22, 14/11/22, and 06/03/23. It is scheduled to meet on 03/07/23 and 13/11/23

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Agenda Item 5

Report No.

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: EXECUTIVE

Date: Wednesday 09 August 2023

Decision Type: Non-Urgent Executive Key

Title: LAND AT GODDARD ROAD, BECKENHAM BR3 4BN & THE COTTAGE, CHURCH HOUSE GARDENS BROMLEY BR2 0EJ & PARKFIELD REC LODGE, BROMLEY BR2 8DD – FREEHOLD DISPOSALS

Contact Officer: Alexi Borg, Surveyor, Estate Management
Tel: 020 313 4098
E-mail: alexi.borg@bromley.gov.uk

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: Bromley Town Centre, Clock House, Bromley Common & Holwood

1. REASON FOR THE REPORT

- 1.1 The report has two focusses; the first being to seek approval to accept an offer received and recommended, and the second to seek approval to list two properties via auction at the reserve prices professionally advised and recommended.
- 1.2 The three properties that this report relates, listed below, are freehold interests held by the Council that have been identified as surplus to requirement and included in the disposal programme to generate capital receipts to be ringfenced for works identified under the Council's Operational Property Review.

The properties:

- Land at Goddard Road, Beckenham BR3 4BN
- The Cottage, Church House Gardens, Bromley BR2 0EJ
- Parkfield Recreational Ground Lodge, Bromley BR2 8DD

Land at Goddard Road, Beckenham BR3 4BN

- 1.3 A suitable offer for recommendation has now been received for the freehold interest of the property known as Land at Goddard Road, Beckenham BR3 4BN. This report seeks approval to accept the recommended offer and to proceed with the transaction.

The Cottage, Church House Gardens, Bromley BR2 0EJ & Parkfield Recreational Ground Lodge, Bromley BR2 8DD

- 1.4 The freehold interest for both properties known as The Cottage, Church House Gardens and Parkfield Rec Lodge have now undergone prolonged marketing campaign's on a private treaty/ informal tender basis. This report seeks approval to switch the method of sale and to dispose of the properties via auction utilising a reputable auctioneer and at the reserve prices recommended.

2. RECOMMENDATION(S)

Land at Goddard Road, Beckenham BR3 4BN

- 2.1 Authorise acceptance of the offer received for the Councils freehold interest known as Land at Goddard Road, Beckenham BR3 4BN and to proceed with the transaction.
- 2.2 Details of the commercial terms of the offer being recommended for freehold disposal are commercially sensitive and therefore included within Part 2 of this report.

The Cottage, Church House Gardens, Bromley BR2 0EJ & Parkfield Recreational Ground Lodge, Bromley BR2 8DD

- 2.3 Authorise placing both the freehold interests known as, The Cottage, Church House Gardens, Bromley BR2 0EJ and Parkfield Rec Lodge, Bromley BR2 8DD to market via auction with a reputable auctioneer at the reserve prices professionally advised.
- 2.4 Members are recommended to note the contents of this report and to refer to the Part 2 Report of the same title for specific recommendations.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal:
 2. Ongoing costs: n/a
 3. Budget head/performance centre: n/a
 4. Total current budget for this head: n/a
 5. Source of funding: n/a
-

Personnel

1. Number of staff (current and additional): Not applicable
 2. If from existing staff resources, number of staff hours: Not applicable
-

Legal

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

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

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

3. COMMENTARY

3.1 Land at Goddard Road, Beckenham BR3 4BN

- 3.1.1 The Council seeks to dispose of the freehold interest in 'the Property' known as 'Land at Goddard Road, Beckenham, Bromley BR3 4BN'. The Property comprises a plot of land extending to approximately 0.98 acres (0.39 hectares), irregular in plan with a gradual fall from east to west and secured with a variety of perimeter fencing. The only construction on-site being a small, prefabricated hut at the sites entrance. The double gated entrance to the site is via Cobalt Close, a modern housing development to the south. Prior to the land becoming vacant for a significant period of time (15+ years), the Property was let for use as temporary allotments. The property has an Urban Open Space planning policy designation across the entire site.
- 3.1.2 Marketing agents SHW were instructed March of this year, with marketing going live at the start of April.
- 3.1.3 Details of the marketing campaign, professional advice received, and commercial terms recommended for the freehold disposal are commercially sensitive and therefore included within Part 2 of this report.

3.2 The Cottage, Church House Gardens, Bromley BR2 0EJ & Parkfield Recreational Ground Lodge, Bromley BR2 8DD

The Cottage, Church House Gardens, Bromley BR2 0EJ

- 3.2.1 The Council seeks to dispose of the freehold interest in 'the Property' known as The Cottage, Church House Gardens, Bromley BR2 0EJ. The Property comprises a plot of land extending to approximately 0.17 acres situated on the western boundary of Church House Gardens, in Bromley town centre, and fronting Glassmill Lane. The property includes a three-bedroom, two-storey, detached cottage extending to a floor area of approximately 1,000 sq ft (92 sq m) with a private wrap-around garden. The property is accessed solely via a pedestrian entrance from Glassmill Lane.
- 3.2.2 In preparation of the site for disposal, the gated vehicular entrance to the Property via Church House Gardens has now been closed, replacing the double gates with fixed fencing. This is to protect the Council from the potential of any future prescriptive right of way arising to the Purchaser over the park. In addition, any offer for the freehold interest is to be made subject to a restriction on title, prohibiting the formation of any access along parts of the Property's boundary that adjoin Church House Gardens Park by a purchaser. The boundary fencing will become the responsibility of the new purchaser and will be required to be kept in good repair.
- 3.2.3 Marketing commenced with a local estate agent since February of this year and as such it can be considered that the current method of property sale has been well tested. Further details of the current marketing campaign, being commercially sensitive, are included in Part 2 of this Report.
- 3.2.4 This report seek authority to proceed with the recommendation to place the property to market via auction utilising a reputable auctioneer and at the reserved prices professionally advised, and as detailed in Part 2 of this report.

- 3.2.5 The Council seeks to dispose of the freehold interest in 'The Property' known as Parkfield Rec Lodge, Bromley BR2 8DD. The property comprises a plot of land extending to approximately 0.20 acre (0.08 hectare) situated adjacent Parkfield Recreational Ground and set back off Whitebeam Avenue. The Property includes a vacant three-bedroom detached bungalow extending to approximately 1,100 sq ft that occupies a cul-de-sac aspect and sits with gardens to all elevations. The bungalow requires extensive improvement by way of essential repair and refurbishment throughout.
- 3.2.6 In preparation of the site for disposal, the gated entrance to the Property via Parkfield Recreational Ground has been closed up, replacing the pedestrian gate with fixed fencing. This is to protect the Council from the potential of any future prescriptive right of way arising to the Purchaser over the park. In addition, any offer for the freehold interest is to be made subject to a restriction on title, prohibiting the formation of any access along parts of the Property's boundary that adjoin Parkfield Recreational Ground by a purchaser. The boundary fencing will become the responsibility of the new purchaser and will be required to be kept in good repair.
- 3.2.7 Marketing commenced with a local estate agent March of this year and as such it can be considered that the current method of property sale has been well tested. Further details of the current marketing campaign, being commercially sensitive, are included in Part 2 of this Report.
- 3.2.8 This report seeks authority to proceed with the recommendation to place the property to market via auction utilising a reputable auctioneer and at the reserved prices professionally advised, and as detailed in Part 2 of this report.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There is not considered to be an impact on Vulnerable Adults and Children as a consequence of this decision.

5. POLICY IMPLICATIONS

- 5.1 N/A

6. FINANCIAL IMPLICATIONS

- 6.1 The proposed disposals of the Council's freehold interest would result in a capital receipt payable to the Council. Further details are set out in Part 2.

7. PERSONNEL IMPLICATIONS

- 7.1 N/A

8. LEGAL IMPLICATIONS

- 8.1 The Council has power under s.123 of the Local Government Act 1972 ("The Act") to dispose of land for the best consideration that can reasonably be obtained (usually based on open market value).
- 8.2 S.123 of the Local Government Act 1982 confers power to the Secretary of State to give general consent for the purposes of land disposals by local authority in Part 7 of the 1972 Act.
- 8.3 The Local Government Act 1972: General Disposal Consent 2003 removes the requirement to seek specific consent from the Secretary of State for any disposal of land where the local authority

considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the well-being criteria in the Local Government Act 2000:

- i) the promotion of improvement of economic well-being;
- ii) the promotion of improvement of social well-being;
- iii) the promotion of improvement of environmental well-being;
- and the “under-value” (i.e. the difference between the unrestricted value of the interest to be disposed of and the consideration accepted) is £2,000,000 or less.

8.4 Applications for specific consent, if appropriate, should be sent to the DCLG and include the following information:

- Written description of the land and buildings, the location
- Written description of how the land is currently held by the Council
- Details of any leases, encumbrances such as easements
- Summary of the proposed disposal/transaction
- Detailed valuation report signed by a qualified member of RICS. Ideally valuation should be done no earlier than 6 months before application for consent.

8.5 This only applies to land held as general fund land. It does not apply to land sold under 2.233 TCPA 1990.

8.6 This report in the property surveyors’ comments confirms that the best consideration test pursuant to the Act has been met.

9. PROCUREMENT IMPLICATIONS

9.1 Are dealt with in the Part 2 Report of the same title.

Non-Applicable Sections:	HR and Policy
Background Documents: (Access via Contact Officer)	

Report No.
HPR2023/044

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Renewal, Recreation and Housing Policy Development and Scrutiny Committee on Monday 7 August 2023

Decision Type: Non-Urgent Executive Non-Key

Title: PROCUREMENT STRATEGY FOR LEISURE CENTRE MAJOR WORKS PROGRAMME

Contact Officer: Alicia Munday, Head of Regeneration
E-mail: Alicia.munday@bromley.gov.uk
Max Graham, Regeneration Project Manager
E-mail: Max.Graham@bromley.gov.uk

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: Orpington; West Wickham;

1. Reason for decision/report and options

- 1.1 In advance of the primary decision in October to proceed with major works at the Walnuts and West Wickham leisure centres, and subject to that decision, Executive are asked to approve the in-principle procurement strategy for the procurement of a suitable contractor for the delivery of the project, including project management and works. This will allow preliminary procurement arrangements to commence which will support a reduced timetable for the overall delivery of the project and the potential for a formal Contract Award decision to be sought within the planned October 2023 report.
-

2. RECOMMENDATION(S)

The Renewal, Recreation and Housing PDS is asked to note the contents of this report and make any comments available to the Council's Executive.

The Council's Executive is asked to:

- 2.1 Note the intent to seek formal decision by October 2023 on proceeding with the Walnuts and West Wickham Leisure Centre project, including scope of works and agreed budget.
- 2.2 Subject to 2.1, approve the in-principle procurement strategy set out in Option 1 (paragraph 3.10) for the delivery of the Walnuts and West Wickham Leisure Centre project by utilising a compliant framework to appoint a suitable delivery partner to deliver the project, including required works.
- 2.3 Note that any formal award of contract arising from the in-principle procurement strategy will still be subject to Executive decision and will not proceed except alongside, or subsequent to, the primary decision to proceed with the project as per 2.1.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Transformation Policy

1. Policy Status: Existing Policy Further Details: Operational Property Review
 2. Making Bromley Even Better Priority:
 - (1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: No Cost, Further Details: No cost at this stage, full costs of work proposals will be provided to Executive later this year.
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: All options considered in this report are compliant.
-

Property

1. Summary of Property Implications: The MyTime lease can be broken for the major works planned.
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: N/A
-

Impact on the Local Economy

1. Summary of Local Economy Implications: 3.10.3 notes opportunities to maximise the benefit to the local economy.
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: N/A
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Awaiting Comments

3. COMMENTARY

- 3.1. As part of the Council's Operational Property Review led by the Property division, condition surveys were undertaken on all the Council's properties. This review included leisure facilities, and both the Walnuts and West Wickham facilities were identified as requiring significant investment. A provisional sum of £27.1m (plus £500k feasibility funding) was therefore identified for these works (Executive Report Nov 2022 and March 2023). Given the scale of works required, and likely total replacement of some significant parts of the facilities, this is a major works programme which not only secures the facilities for the future, but also increases the potential of the facilities to secure a rental yield.
- 3.2. In 2018, leisure centre facilities in Bromley were moved to 40 year leases with Mytime Active. The facilities were grouped into two lots, with Group 1 facilities on a Full Repair and Insurance Lease (FRIL) with Mytime Active. The council retained maintenance responsibility for the Group 2 properties which include the West Wickham and Walnuts leisure centre sites. It is envisaged that the undertaking of these significant works will result in the West Wickham and Walnuts facilities being moved into Group 1, where the operator is responsible for a FRIL lease as well as a commercial rent paid to the Council on the properties.
- 3.3. On 29th March 2023 the Executive agreed that officers could progress the OPR workstreams and proceed to procurement via the NHS SBS framework. Whilst this is the approach for much of the OPR programme, which is being led by the Property team, there are a number of workstreams being managed by the Culture and Regeneration division, including the Walnuts and West Wickham Leisure Centres. This report focusses on the recommended approach for the major works of the Walnuts and West Wickham leisure centres.
- 3.4. The Walnuts (built 1970) and West Wickham (built 1967) Leisure Centres are amongst the boroughs most used facilities, averaging in excess of c.20,000 visits per month. An Indoor Sports Facilities Needs Assessment for Bromley discovered that across the borough, the supply of swimming pools available to the community has the ability meet current demand from residents. Both the Walnuts and West Wickham leisure centres are important to meeting this demand, however, the age and quality of the pools at these centres make them less attractive to users and they have corresponding lower utilisation levels. Should both centres be improved, utilisation would increase and unmet demand from across the borough would decrease.
- 3.5. Given the above information, the Council appointed a specialist leisure services partner (Alliance Leisure Services) via a compliant framework to undertake feasibility works that consider the following:
 - Engagement with residents and stakeholders to discuss their priorities
 - Facilities modelling – predominantly looking at what facilities are available across the Borough and nearby to ensure we are meeting recommended levels of service
 - Surveys – to review the current state and what is possible on the sites and within the fabric of the existing buildings
 - Sustainability – operational modelling that ensures any investment becomes sustainable and generates a future income
- 3.6. To date, a wide range of feasibility works have already been completed in order to investigate the works required and potential of each centre. These works include, amongst others, Structural, MEP, Pool Filtration and Topological surveys and assessments. The specialist delivery partner also facilitated a wide-reaching public engagement exercise gathering over 6000 responses which, alongside demographic, opportunity and competition analysis, has since informed initial facility mix proposals. The results of the work undertaken to date, alongside the

works currently being carried out, will be presented to Executive in October 2023. This report will seek decision on the scope of the works and the associated budget.

3.7. The below table provides an indicative timeline for the delivery of this project:

Detailed Surveys of Buildings undertaking	April-July 2023
Initial site plans drafted	July 2023
Initial costs appraisal within budget of what can be delivered	July 2023
Executive Approval for works and next phase of works, including appointment of delivery partner for works, alongside agreement of operator model and likely rental yield for redeveloped centres	October 2023
Serve Notice to MyTime Active on the first leisure centre to undergo works	October 2023
Draft details plans	October -November 2023
Submit Planning Application and Building regs compliance	December 2023
Tender of Operator	October-January 2023
Works to commence on first site	Late 2024
Works to be completed on first site	Summer 2026
Works to commence on second site	Autumn 2026
Works to be completed on second site	Summer 2028

3.8. Although this early feasibility work is not yet complete, given that both leisure facilities are at risk of imminent closure given the current condition of the buildings, officers would like to secure the procurement strategy for the anticipated works in order to add pace to the programme and secure works as quickly as possible following the completion of the feasibility study and the Executive decision on proceeding with the works. This report sets out the recommended procurement strategy for the delivery partner and works elements of the leisure centre major works programme.

3.9. The feasibility study is expected to be completed in September and reported to Executive in October 2023. This will provide a detailed breakdown of what works are needed and what works can be completed within the budget allocated as part of the OPR. The report will also set out recommendations for the future operator model of the facilities. The following options relate solely to the delivery partner and works element of the programme. It should be noted that all procurement options are subject to Executive decision on proceeding with the project in October 2023.

OPTIONS APPRAISAL

- 3.10. **Option 1** – Subject to Executive Approval of the main works programme in October 2023, appoint a delivery partner under a Development Agreement via the UK Leisure Framework. The UK Leisure Framework is a compliant single supplier framework created by Denbighshire County Council. As such, it is a compliant route to procurement and has been used by other Councils for similar leisure service projects. The single supplier available through the framework is Alliance Leisure Limited who are already familiar with the project and the Council as they are undertaking the feasibility works. They will act as the delivery partner, responsible for delivery of the overall project, in partnership with the Council, including contracting for the principal works contractor and holding the contract with them. Procurement via this route will allow the Council to benefit from the skills, expertise and extensive network that Alliance Leisure have in the leisure industry which is one of the key features of the framework. The delivery partner would be responsible for contracting the principle works contractor, any additional subcontractors and day to day management of the build works, minimising the risk to the Council. The delivery partner will work with the Council to ensure that all key project requirements are met within budget. A significant advantage of this approach is that the delivery partner has confirmed they will commence the preliminary procurement of the principle works contractor immediately and at their risk, working in partnership with Council officers. The approach to the procurement is outlined in point 3.10.3 and would be carried out with zero risk or cost to the Council, pending Executive decision on proceeding with the project. Approval of this option would expedite the appointment of both the delivery partner and the principle works contractor and allow for progress to be made at pace subject to Executive approval of the main works programme later this year. Should this option be agreed, formal award of contract will also be sought from Executive as part of the October 2023 report.
- 3.10.1. It should be noted that even though Alliance Leisure, via the UK Leisure Framework, has been used to source the feasibility works for this project, there is no requirement for the Council to use the framework for this next stage. The UK Leisure Framework is recommended due to being set up specifically for projects of this type with the single supplier available through the framework, Alliance Leisure, having the required expertise and experience in leisure centre delivery. Alliance Leisure have significant experience of delivering refurbished, redeveloped and new leisure centres for local authorities and have worked with many contracting authorities as a compliant route to procurement. This includes over 220 leisure developments since their founding, including the following schemes on behalf of contracting authorities:
- White Oak Leisure Centre, Sevenoaks District Council - £20m, new build
 - Ramsgate Leisure Centre, Thanet District Council - £4.2m, redevelopment
 - Monmouth Leisure Centre, Monmouthshire County Council - £7.4m, refurbishment
 - SC2 indoor water park, Denbighshire County Council - £17m, new build
 - Chard Leisure Centre, Somerset Council - £16m, new build
 - Duncan Edwards Leisure Centre, Dudley Borough Council - £18m, new build
 - Cheltenham Leisure Centre, Cheltenham Borough Council - £2.5m, refurbishment
 - Northallerton Leisure Centre, Hambleton District Council - £2.5m, refurb & extension
- 3.10.2. This route could allow the principal delivery partner and principal works contractors to be ready to appoint within two months, noting that award of contract for either the delivery partner or their sub-contractors would not be made until Executive decision on proceeding with the project has been confirmed. This would allow the project to proceed at pace with the delivery of these works subject to Executive approval to commence the project planned for October 2023.

- 3.10.3. The delivery partner has indicated the following approach for the appointment of works sub-contractors: pre-vetted works contractors via the UK Leisure Framework would be invited to bid for the works and conduct site visits. The competition would involve the submission of multiple quality questions alongside a pricing schedule. The questions would examine, amongst other things, their leisure experience, methodology and social value. Bidders would be asked to make their best endeavours to hire local subcontractors where possible and engage with the local skills and employment programmes developed by the Council. These would be evaluated as part of the social value question which, alongside other questions, would be evaluated by both Council and delivery partner staff. Candidates would be invited to interviews with the Council to answer questions regarding their submission and a principal contractor would be chosen after that. A similar approach has been taken for principal works contractors for the following councils:
- Durham County Council, Bishop Auckland Leisure Centre
 - Shropshire Council, Whitchurch Leisure Centre
 - Northeast Derbyshire Council, Clay Cross Active
 - Wychavon District Council, Droitwich Leisure Centre
 - Somerset Council, Chard Leisure Centre
- 3.10.4. Given the complexity and risks involved in delivering leisure schemes and the current fluctuating and unpredictable market conditions, this option benefits from bringing a principal works contractor on board early in the design development process. This would enable close integration between the tender and technical specifications, input on buildability and specialist subcontractor packages early in the design stages and forms a strategic approach to life cycle maintenance throughout the entire project. In addition, this option reduces the risk of designs not aligning with the budget as the contractor will be able to provide costings advice while the designs are still being developed.
- 3.11. **Option 2** - this is as per Option 1 except that the delivery partner will be wholly responsible for conducting the appointment of principle works contractors without input from the Council on the selection of contractors. This may allow them to conduct their procurement route quicker, however there is no time saving in this as proceeding will still be dependent upon the overall Executive decision in October 2023. For this reason, together with reduced Officer input to the process, the option is not recommended.
- 3.12. **Option 3** – Subject to Executive Approval of the main works programme in October 2023, appoint a delivery partner only via the UK Leisure Framework. This would mean that Alliance Leisure Services would be the delivery partner of the Leisure Centre Major Works programme but not responsible for the principal works contractor. The Council would hold a contract with the delivery partner to support the delivery of the programme but would seek to procure and hold a contract directly with a principal works contractor separately. The benefit of this option is that the Council will run its own tender programme and will be in full control of the procurement for the works contractor. However this option would delay works to the programme, likely for several months or more, while a full procurement process is conducted by Council officers. It is not expected that this route to procurement will secure any improved value as opposed to option 1, given the experience of the delivery partner in procuring works of this type via the UK Leisure Framework.
- 3.12.1. The indicative timeline highlighted point 3.7 is not compatible with this option and would need to be re-worked. It is likely that this option would delay work to the first site until Spring 2025.
- 3.13. **Option 4** - Subject to Executive Approval of the main works programme in October 2023, the Council seeks to procure via an open tender (or similar) for both the delivery partner and the main works contractor, either together or separately, to support the delivery of the

programme of works. This option may broaden the scope of the market but will significantly delay the delivery timeline of the project by at least 6 to 12 months. It is not expected that this route to procurement will secure any improved value as opposed to option 1 as the UK Leisure Framework is specifically set up for projects of this type.

- 3.13.1. The indicative timeline highlighted point 3.7 is not compatible with this option and would need to be re-worked. It is likely that this option would delay work to the first site until at least Summer 2025.

PREFERRED OPTION

- 3.14. Option 1 – Option 1 is a compliant route that allows for progressing with this programme of works at pace while also considering value for money and retaining council control over key appointment decisions. Early commencement of the tender for a principal works contractor would be at zero cost and risk to the Council as the delivery partner will proceed at their own risk with any formal contract awards subject to Executive decision on proceeding with the project. Whilst Option 2 does not impact the timeline of delivery, the Council would not be involved in the appointment of key contractors, unlike option 1. Option 3 and 4 are not recommended as they result in significant delays to the programme which creates significant risk given the very poor state of the buildings.

4. FINANCIAL IMPLICATIONS

- 4.1 The total budget for the leisure centres element of the Operational Property Review is £27.6m, comprising £27.1m for works and £0.5m for feasibility studies.
- 4.2 The contents of this report have no direct financial implications. If the proposal is approved, the financial implications of the delivery model, dependent on outcomes of the exercise described, will be considered in the relevant future reports.

5. LEGAL IMPLICATIONS

- 5.1 As stated in the Procurement Implications below, this report requests Members to make a decision on how to proceed with procuring the works programme for the West Wickham and Walnuts Leisure Centres in principle with any specific decision on how to proceed to award any works contracts to be made later in the year by the Executive.
- 5.2 The Council has the legal power to hold, maintain and develop its landholdings and buildings in connection with its functions and general powers in the way described in this report in particular in connection with its leisure and recreation powers under section 19 of the Local Government Act (Miscellaneous Provisions) Act 1976.
- 5.3 This report conditionally recommends procuring the works programme required to the West Wickham and Walnuts Leisure Centres, via the UK Leisure Framework Agreement. As these public works contracts would be in excess of the financial thresholds of the Public Contracts Regulations 2015 (the Regulations), which is currently £5,336,937 excluding VAT, then those works must be procured in accord with the Regulations. The use of a compliant framework agreement to procure the works is permitted under Regulation 33.
- 5.4 Members will note that as this report does not recommend any particular works or services to be undertaken by Alliance Leisure then they will be working at their own risk in any preparatory work before this matter comes before the Executive for a decision later this year. Alliance Leisure's current contracts with the Council are to conduct the feasibility studies on both leisure centres.

6. PROCUREMENT IMPLICATIONS

- 6.1 This report seeks to set out a decision in principle for the procurement strategy in preparation for the main works programme for the Walnuts and West Wickham Leisure Centres only and no award of contract is being recommended at this time.
- 6.2 This report seeks an agreement, subject to Executive Approval of the main works programme later this year, for Alliance Leisure to undertake preparatory works through the UK Leisure Framework run by Denbighshire County Council, with various options set out as above.
- 6.3 All options as given above offer the Council a compliant route under the Public Contract Regulations, and the Preferred Option, as set out above is in compliance with the Regulations, the Council's Contract Procedure Rules and the UK Leisure Framework.
- 6.4 Executive are asked to note that any work undertaken by Alliance Leisure, as part of this decision in principle would be undertaken at their own risk, as set out above, this decision does not constitute an award of contract. The award of contract will be set out in a subsequent report that will be subject to Executive Approval of the main works programme later this year.
- 6.5 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

7. PROPERTY IMPLICATIONS

- 7.1 Both the Walnuts Leisure Centre and West Wickham are owned freehold by the Council but are occupied and operated by Mytime Active on commercial lease arrangements as follows:
- Walnuts Leisure Centre – leased to Mytime Active for a term of 25 years dated 4th April 2019, commencing 1st April 2019, on a 40 year term expiring 31st March 2059 at a peppercorn (nil) rent.
 - West Wickham Leisure Centre - leased to Mytime Active for a term of 25 years 4th April 2019, commencing 1st April 2019, on a 40 year term expiring 31st March 2059 at a peppercorn (nil) rent.
- 7.2 There is a landlord break clause within each lease allowing the Council to terminate the lease at any time by serving a break notice on the tenant at least 12 months prior to the break date. To effect this break clause the Landlord is required to have passed a formal resolution or resolutions to: 'Demolish or reconstruct the property or substantial part of it or the building of which the property or a substantial part of that building or to carry out substantial works of construction at the property or the building of which it forms part or to sell the property'
- 7.3 Regeneration colleagues leading on the proposed programme of works will need to instruct the Council's Estates Team on this matter and ensure that suitable notice is given to trigger the break clause to enable such works to take place with the benefit of vacant possession as it will not be possible to undertake the proposed works with the tenant in situ.
- 7.4 This report sets out an intention to then seek a future tenant to occupy and operate the leisure centres following completion of the works on a commercial basis including on FRI lease terms and paying a commercial rent. The Council's Estates Team will need to be instructed in this regard to appoint suitable advisors to secure a future tenant at the appropriate point in the future ensuring the Council meets its statutory obligations with regards to Section 123 of the

Local Government Act 1972 regarding best value which is relevant to all leases with a term of 7+ years.

8. IMPACT ON THE LOCAL ECONOMY

- 8.1 Procurement of large contracts such as this provide an opportunity to increase the development of dense local supply chains (including SMEs), to support local employment and to retain and circulate wealth in the local economy.
- 8.2 3.10.3 notes opportunities in this process to maximise this potential. Officers should work in partnership with the delivery provider to consider the inclusion of employment conditions, social value and environmental considerations in the decision-making process.

9. WARD COUNCILLOR VIEWS

Awaiting Comments

Non-Applicable Headings:	Impact on Vulnerable Adults and Children Transformation/Policy implications Personnel Implications Carbon Reduction/social value implications Impact on Health and Wellbeing Customer Impact
Background Documents: (Access via Contact Officer)	Report No. HPR2023/034

Report No.
HPR2023/045

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Renewal Recreation and Housing Policy Development and Scrutiny Committee on Monday 7 August 2023

Decision Type: Non-Urgent Executive Key

Title: CHANGING PLACES FACILITIES ROUND 2 FUNDING

Contact Officer: Max Graham, Regeneration Project Manager
E-mail: Max.Graham@bromley.gov.uk

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: All Wards

1. Reason for decision/report and options

- 1.1 The team has been successful in the second round of DLUHC Changing Places funding and awarded a further £185k to be spent on installing a two Changing Places facilities in the borough.
- 1.2 Officers are seeking formal approval to accept and spend the grant monies in line with the parameters of the grant funding.
-

2. **RECOMMENDATION(S)**

The Renewal, Recreation and Housing Committee is asked to note the contents of this report and make comments available to the Council's Executive.

The Council's Executive is asked to:

- 2.1 **Approve the allocation and spend of the Changing Places Fund grant monies which total £185k, in line with the interventions set out in the funding application and within this report, to enable the delivery of two further Changing Places facilities across the borough before 31 March 2024.**
- 2.2 **Approve the distribution of funds to MyTime Active and to the Metropolitan Police Hayes Sports Club to deliver Changing Places facilities at Biggin Hill Leisure Centre and The Warren subject to signed management and maintenance agreements.**
- 2.3 **Delegate authority to the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to agree any changes to the delivery of Changing Places programme within the boundaries of the grant funding available and legal contract with DLUHC.**

2.4 Approve a funding application for any additional funding rounds announced by DLUHC where suitable locations can be found and secured with no ongoing revenue costs.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The delivery of two further Changing Places facilities across the borough will have a positive impact upon vulnerable adults and children. The completion of these facilities will enable residents to access their local communities, enjoy days out and visit green spaces and leisure facilities in a safe manner.
-

Transformation Policy

1. Policy Status: Existing Policy:
 2. Making Bromley Even Better Priority:
 - (1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
-

Financial

1. Cost of proposal: £185k
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Changing Places
 4. Total current budget for this head: £185k
 5. Source of funding: Department for Levelling Up, Housing and Communities
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: N/A
-

Property

1. Summary of Property Implications: The Council will not be required to provide maintenance resource for the new facilities.
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: delivery of facilities will add social value.
-

Impact on the Local Economy

1. Summary of Local Economy Implications: beneficial societal impact as those who are excluded from the local economy have more opportunities to partake.
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Positive benefits for those with complex needs.
-

Customer Impact

1. Estimated number of users or customers (*current and projected*): 1,290 estimated Changing Places users within the Borough
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Positive

3. COMMENTARY

- 3.1 In February 2023, the Council was awarded £185k grant funding from the Department of Levelling Up, Housing and Communities (DLUHC) following an application to the Changing Places Fund. The Changing Places Fund provides capital funding to local authorities to deliver Changing Places facilities in existing buildings and for the provision of standalone modular Changing Places facilities. The Council has previously received £220k from the same grant fund to deliver four changing places facilities across the borough which are already in delivery and have been reported to and agreed by the Executive.
- 3.2 The full background to this report is set out in report HPR2022/043 which was received by the Renewal, Recreation and Housing Committee in October 2022.
- 3.3 Changing Places facilities support people with complex and multiple disabilities whose needs are not met by a standard accessible toilet. Changing Places facilities are larger and contain specialist equipment including an adult-sized changing bench and ceiling track hoist.
- 3.4 Consultation with Changing Places users from the borough was carried out to determine the priority locations for new Changing Places facilities prior to the submission of the grant application. The results of the consultation determined parks and green spaces, and leisure facilities were the preferred locations for Changing Places provision. This is in line with national consultation carried out by Muscular Dystrophy UK which identified that parks and open spaces, leisure facilities and healthcare buildings were all key locations for provision.
- 3.5 Subsequently officers identified the following sites for Changing Places toilets in the second funding application: Biggin Hill Leisure Centre and The Warren (Hayes) this is in addition to the locations funded originally at Princess Royal University Hospital (PRUH), Crystal Palace Park, High Elms Country Park and the Pavilion Leisure Centre. All facilities will be completed by Spring 2024. All these sites have operators in place that will be responsible for the ongoing management and maintenance of the facility and will be required to sign a legal agreement committing them to this.
- 3.6 The delivery of these facilities will significantly improve the spread of Changing Places facilities across the borough, therefore increasing access to parts of the borough for people with disabilities that severely limit mobility, and those with profound and multiple learning disabilities.
- 3.7 Once a facility is complete, under the terms of the grant it requires registration by the Changing Places Consortium. The Consortium is working with DLUHC on the delivery of the Changing Places Grant Fund and is a group who work to support the rights of people with disabilities and the Changing Places Campaign in the UK. Registration of the facility ensures that the internal fitout and equipment meets the requirements of a Changing Places facility.
- 3.8 The Changing Places Fund provides capital funding to deliver the Changing Places facilities and does not include funding to cover any ongoing management and maintenance. The Council will not be responsible for the ongoing management and maintenance of the Changing Places facilities. External partners at each proposed location agreed in principle to cover the ongoing management and maintenance prior to the Council submitting the funding bid. Partners at each site will be required to sign a legal agreement which outlines their management and maintenance responsibility prior to the grant money being transferred.

- 3.9 Biggin Hill Leisure Centre requires £120k and the Warren requires £65k of grant funding in order to install a changing places facility. The entirety of this sum is funded via the DLUHC grant award.
- 3.10 MyTime Active and the Metropolitan Police will be responsible for the management and maintenance of their respective facilities at Biggin Hill Leisure Centre and The Warren and will be required to enter into a legal agreement with the Council which sets out their ongoing responsibility.
- 3.11 MyTime Active and the Metropolitan Police will be expected to undertake the works for the Changing Places facilities directly without Council involvement. On completion of the site, registration of the facility, and signing of the management and maintenance agreement the Council will transfer MyTime £120k and the Metropolitan Police £65k for the sites.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There are over 250,000 people in the UK who require a Changing Places facility. The Changing Places Consortium provides a list of all registered publicly accessible Changing Places facilities within the UK. There are only Three registered Changing Places facilities in the borough listed by the Changing Places Consortium, two of which are in Bromley Town and the third is now at PRUH. The lack of provision of adequate facilities results in residents, their families, assistants and carers being excluded from their local communities, prevented from having days out and enjoying large areas of the borough. This leads to increased isolation and has negative impacts upon health and wellbeing
- 4.2 The delivery of two further Changing Places facilities across the borough will have positive impacts and enable people who use Changing Places facilities, including people with complex and multiple disabilities, their families, and carers, to enjoy days out in a safe and comfortable manner.

5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 Making Bromley Even Better: Ambition 1 Children and Families
- 5.2 Making Bromley Even Better: Ambition 2 Adults and Older People

6. FINANCIAL IMPLICATIONS

- 6.1 The service has been successful in securing a further £185k to be spent on installing a further two Changing Places facilities in the borough.
- 6.2 These facilities will be built using the secured grant funding at no cost to the council, with the ongoing maintenance being provided for by the venues where these toilets are being installed, this means there is no ongoing revenue cost for the council either.

7. LEGAL IMPLICATIONS

- 7.1 This report seeks approval to:
- i) Approve the allocation and spend of the Changing Places Fund grant monies which total £185k, in line with the interventions set out in the funding application and within this report, to enable the delivery of two further Changing Places facilities across the borough before 31 March 2024;

- ii) Approve the distribution of funds to MyTime Active and to the Metropolitan Police Hayes Sports Club to deliver Changing Places facilities at Biggin Hill Leisure Centre and The Warren subject to signed management and maintenance agreements;
 - iii) Delegate authority to the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to agree any changes to the delivery of Changing Places programme within the boundaries of the grant funding available and legal contract with DLUHC; and
 - iv) Approve a funding application for any additional funding rounds announced by DLUHC where suitable locations can be found and secured with no ongoing revenue costs.
- 7.2 The full background to this report is set out in report HPR2022/043 which was received by the Renewal, Recreation and Housing Committee in October 2022. The Portfolio Holder approved the decision to proceed to procurement via an exemption from competitive tender to the Contractor named in the Part 2 Report for two modular Changing Places facilities, one at Crystal Palace Park and one at High Elms Country Park.
- 7.3 Under section 19 of the Local Government Act 1976 the Council has the legal power to provide and maintain such facilities in connection with any other recreational facilities as the authority considers appropriate. This includes the delivery of Changing Places facilities as outlined in this report.
- 7.4 As set out in report HPR2022/043, a works contract of this value is below the Public Contracts Regulations 2015 (the Regulations) works threshold, a full procurement exercise under the Regulations is not required.
- 7.5 A direct award of a contract by way of an exemption between £100k and £1M must be approved by the Portfolio holder with the agreement of the Chief Officer, Assistant Director of Contracts and Governance, Director of Finance, and the Director of Corporate Services (CPR 13.1). Officers must ensure all Grant conditions are understood and adhered to at all times and site operators enter a management and maintenance agreement.
- 7.6 The Portfolio Holder for Renewal, Recreation and Housing may approve this report as the role of Policy Development and Scrutiny relating to Renewal, Recreation and Housing includes receiving reports, making recommendations and performance monitoring of services relating to leisure and culture.

8. PROPERTY IMPLICATIONS

- 8.1 This report confirms the successful receipt of grant funding for the installation of two changing places toilet facilities at two sites. Ownership and occupation of these sites is noted below:
- Biggin Hill Leisure Centre – owned freehold by the Council, and occupied on a commercial lease by MyTime Active commencing 1st April 2019, for a 40 year term, expiring 31st March 2059.
 - The Warren (Hayes) – the Council has no legal interest in this property. It is owned freehold by the Mayor’s Office for Policing and Crime and is held leasehold by the Metropolitan Police Hayes Sports Club Limited.
- 8.2 This report confirms that the occupiers of the two sites will utilise the grant funding to install changing place toilet facilities and that ongoing revenue required to maintain these will be at their expense. As the Council are the freehold owner of Biggin Hill Leisure Centre, should the lease be terminated (there are landlord and tenant break clauses within the lease), that

responsibility would fall back to the Council. However, the Council has no reason for foresee either party terminating the lease at present.

- 8.3 Any landlord consent required for alterations under the terms of the lease to Mytime will need to be followed in the usual way.

9. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 9.1. There are over 250,000 people in the UK who require the use of a Changing Places facility and current provision does not meet this need.
- 9.2. The Council obtained feedback from Changing Places users to determine the impact that new Changing Places facilities would have. Respondents stated that the provision of facilities would reduce anxiety and stress, would enable days out and would enable individuals to use facilities in a safe environment.

10. IMPACT ON THE LOCAL ECONOMY

- 10.1 Lacking in scale, it is difficult to monetise the benefits of providing Changing Places toilets. This difficulty is also acknowledged by the Government at national level. The intervention here is therefore neutral on impact on the local economy.

The substantial benefits are instead societal.

These include:

- That it supports people who are excluded from the economy to take part in everyday activities such as travel, shopping or attending leisure/sport events.
- The quality of life for disabled people and their carers is likely to be significant, increasing levels of dignity, autonomy and freedom.

11. IMPACT ON HEALTH AND WELLBEING

- 11.1 The delivery of two further Changing Places facilities across the borough will have positive impacts and enable people who use Changing Places facilities, including people with complex and multiple disabilities, their families, and carers, to enjoy days out in a safe and comfortable manner.

12. CUSTOMER IMPACT

- 12.1 The Council has set up a working group to progress the delivery of Changing Places facilities throughout the borough. The Changing Places Project Group is a cross-department group comprising Council officers from across the Departments, NHS South East London CCG and Need2Change who represent service users. Service areas represented from the Council include Adult Learning Disabilities and SEND; Environment and Community Services; Culture and Regeneration; and Occupational Therapy, as well as representatives from community organisations Need2Change, Bromley Mencap and Your Voice in Health and Social Care.
- 12.2 Changing Places users were consulted on priority locations for Changing Places facilities within the borough. These views informed the funding bid and the choice of locations for proposed facilities to ensure that local residents benefit from the delivery of the project.

13. WARD COUNCILLOR VIEWS

- 13.1 “We thank Officers for their time and support in sourcing this funding and especially for the funds to be spent in Biggin Hill. We look forward to working with MyTime and Officers in working up the plans and seeing the installation of this much needed and I am sure valued facility.” – Cllr Melanie Stevens
- 13.2 Ward Cllrs requested that the facilities were made available to all members of the public, however given the specialist facilities being provided and the grant conditions this is not possible – Hayes and Coney Hall Ward Councillors.

Non-Applicable Headings:	Personnel and Procurement Implications
Background Documents: (Access via Contact Officer)	HPR2022/043 (Part 1 and Part 2) and Executive Report No. HPR2023/011

Agenda Item 9

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

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