



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 6 October 2023

To: Members of the  
**EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND  
SCRUTINY COMMITTEE**

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

A meeting of the Executive, Resources and Contracts Policy Development and  
Scrutiny Committee will be held Bromley Civic Centre on **TUESDAY 17 OCTOBER  
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/>*

## **PART 1 AGENDA**

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

### **STANDARD ITEMS**

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

In accordance with the Council's Constitution, 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: Tuesday 3 October 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 Wednesday 11 October 2023.

a **QUESTIONS FOR THE CHAIRMAN OF EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE**

b **QUESTIONS FOR THE RESOURCES, COMMISSIONING AND CONTRACTS MANAGEMENT PORTFOLIO HOLDER**

4 **MINUTES OF THE EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE MEETING HELD ON 18 SEPTEMBER 2023 (EXCLUDING EXEMPT ITEMS) (Pages 5 - 20)**

5 **MATTERS OUTSTANDING AND WORK PROGRAMME (Pages 21 - 26)**

6 **FORWARD PLAN OF KEY DECISIONS (Pages 27 - 36)**

### **HOLDING THE EXECUTIVE TO ACCOUNT**

7 **PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS**

Members of the Committee are requested to bring their copy of the agenda for the Executive meeting on 18 October 2023.

The Executive, Resources and Contracts PDS Committee will be looking at the following items on the Executive Agenda:

- Churchill Theatre & Central Library Building, High Street, Bromley BR1 3UH
- Relocation of Central Library
- Leisure Centre Major Works Programme
- Our Bromley Magazine

8 **POLICY DEVELOPMENT AND OTHER ITEMS**

a **RISK MANAGEMENT\_(Pages 37 - 52)**

b **REVIEW OF FREEDOM OF SPEECH FOR EMPLOYEES\_(Pages 53 - 60)**

### **PART 2 AGENDA**

9 **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.

**10 EXEMPT MINUTES OF THE MEETING HELD ON  
18 SEPTEMBER 2023 (Pages 61 - 64)**

**11 PRE-DECISION SCRUTINY OF EXEMPT  
EXECUTIVE REPORTS**

The Executive, Resources and Contracts PDS  
Committee will be looking at the following items on  
the Executive Agenda:

- Part 2: Churchill Theatre & Central Library  
Building, High Street, Bromley BR1 3UH
  - Part 2: Relocation of Central Library
  - Part 2: Leisure Centre Major Works
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## **EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 18 September 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, Ruth McGregor, Tony Owen, Will Rowlands,  
Shaun Slator and Michael Tickner

### **Also Present:**

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

### **25 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillor Melanie Stevens.

### **26 DECLARATIONS OF INTEREST**

In respect of Item 9(13) – Homes of Ukraine Quarterly Update - Councillors Gabbert and Ireland declared that they hosted Ukrainian families. Councillor Simon Jeal confirmed that his Register of Interest reflected that he was a Trustee of Experts by Experience (XbyX).

### **27 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

### **28 MINUTES OF THE EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE MEETING HELD ON 3 JULY 2023 (EXCLUDING EXEMPT ITEMS)**

The minutes of the Executive, Resources and Contracts PDS Committee meeting held on 3 July 2023 (excluding exempt information), were agreed and signed as a correct record.

### **29 MATTERS OUTSTANDING AND WORK PROGRAMME Report CSD23103**

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

Members noted that the Free Speech Report would be presented in October 2023.

**RESOLVED: That the report be noted.**

### **30 FORWARD PLAN OF KEY DECISIONS**

The Committee noted the Forward Plan of Key Decisions covering the period August to November 2023.

Members noted that the report concerning the Churchill Theatre would be presented to the Executive in October 2023 and would be scrutinised by this Committee prior to consideration by the Executive.

### **31 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, making the following comments –

- In relation to the systems in place to ensure that Officers were replying to communications from residents in a timely manner, senior officers received an update on complaints on a weekly basis. There was also monitoring and scrutiny from the Local Government Ombudsman and where elected Members received complaints from residents these should be raised with individual officers.
- The Council had a strong Workforce Development Team and there was a Workforce Development Plan in place. In terms of supporting the workforce, free counselling sessions were available to staff if required. In addition, the Chief Executive ran regular “Ask the Chief Executive” sessions which were open to all staff as well as One to One Sessions which staff could request. Furthermore staff were encouraged to raise any concerns with managers and senior leaders. The Chief Executive reiterated his strong belief that the Council’s greatest asset was its staff without whom the Council could not deliver services to residents.
- Support to Youth Services continued and the Chief Executive continued to chair the Youth Service Improvement Board.
- The Transformation Plan was the delivery mechanism for the Corporate Plan. As the Transformation Plan 2024-2028 was developed there would be regular updates provided to Members.
- An update on air quality was provided to the recent meeting of the Environment and Community Services PDS Committee.
- Members noted that there was an emerging issue around the backlog in food safety inspections due to the national shortage of staff. Whilst high risk areas currently received oversight, there was a need to address staffing to enable the monitoring of lower risk areas.

- The Council was compelled to meet the legal requirements of statutory inspections and Officers would continue work to ensure this happened.
- A report on the Churchill Theatre would be presented to Members in October.
- In terms of monitoring the performance of staff working from home, the Chief Executive explained that in monitoring performance, managers relied on and trusted staff. Whether staff worked from home or in the office, performance was measured through the delivery of objectives and outcomes, ensuring the needs of residents were met. The Chief Executive confirmed that he was confident that staff were giving more than 100% and delivering for the Borough's residents.

The Committee thanked the Chief Executive for his comprehensive and informative update.

### **32 RESOURCES, COMMISSIONING AND CONTRACTS MANAGEMENT PORTFOLIO - PRE-DECISION SCRUTINY**

The Committee considered the following report where the Resources, Contracts and Commissioning Portfolio Holder was recommended to take a decision.

#### **A CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2022/23 Report FSD23054**

On 20 September 2023, the Executive was due to receive a report summarising the current position on capital expenditure and receipts following the first quarter of 2023/24 and will be asked to agree a revised capital programme for the five-year period 2023/24 to 2027/28. The report before the Committee highlighted changes to be put to the Executive in respect of the capital programme for the Resources, Commissioning and Contract Management portfolio. The revised programme for this portfolio was set out in Appendix A and detailed comments on individual schemes were shown in Appendix B; while Appendix C detailed the variance between the 2022/23 budget and the outturn position at year end.

Members noted that the move to the new Civic Offices would deliver some net annual savings and there was a need to consider the future use of earmarked reserves.

**RESOLVED: That the Portfolio Holder be recommended to note and acknowledge the changes to be put to the Executive on 20 September 2023.**

### **33 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS**

The Committee considered the following reports on the Part 1 agenda for the meeting of the Executive on 20 September 2023:

**5 BUDGET MONITORING 2023/24  
Report FSD23059**

The report provided the first budget monitoring position for 2023/24 based on expenditure and activity levels up to the end of June 2023. 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 concerning the impact of recent changes to postal votes, the Chief Executive (in his capacity of Returning Officer) confirmed that he was comfortable with the current position. A small grant had been received to support the changes and a report would be presented to the October meeting of General Purposes and Licensing Committee setting out the work being done to address the changes.

**RESOLVED: That the Executive be recommended to**

- 1. Consider the latest financial position;**
- 2. Note a projected net overspend on services of £6,137k forecast based on information as at June 2023;**
- 3. Note the comments from Chief Officers detailed in Appendix 2;**
- 4. Note the carry forwards being requested for drawdown as set out in paragraph 3.3 of the report;**
- 5. Note a projected reduction to the General Fund balance of £445k as detailed in section 3.4;**
- 6. Note the full year cost pressures of £9.750m as detailed in section 3.5;**
- 7. Agree the release of funding from the 2023/24 central contingency as detailed in paragraphs 3.2.2 to 3.2.15;**
- 8. Note the use of the Homes for Ukraine grant in paragraph 3.9 ;**
- 9. Identify any issues that should be referred to individual Portfolio Holders for further action;**
- 10. Request that Council:**
  - (a) agree a sum of £1.8m be drawn down from the 2023/24 contingency as detailed in paragraph 3.2.2.**
  - (b) agree a sum of £4.25m be transferred to the capital programme as detailed in paragraph 3.2.15.**

**6 CAPITAL PROGRAMME MONITORING 2023/24  
Report FSD23056**

The report summarised the current position on capital expenditure and receipts following the first quarter of 2023/24 and seeks the Executive's approval to a revised capital programme.

The Director of Finance reported to Members that this was the Council's most challenging Capital Programme, highlighting the importance of disposals and capital receipts.



In response to a question concerning why capital receipts were lower than forecast, the Director of Finance explained that the Council used to have residual receipts which were no longer there. Members noted that the Council was on track for the capital receipts relating to the OPR (Operational Property Review) properties.

The Committee further noted that rental income from properties would be reviewed as part of the 2024/25 Budget Setting Process and an update would be presented to Members in January 2024.

**RESOLVED: That Executive be recommended to**

- 1. Note the report, including a total re-phasing of £60,366k from 2023/24 into future years, and agree a revised capital programme.**
- 2. Note the need going forward, given the full utilisation of capital receipts by 2025/26 forecast in this report and the limited options to replenish this resource in the future, to consider funding options for all new schemes, including external borrowing where appropriate.**
- 3. Recommend that Council approve the following amendment to the capital programme (paragraph 3.3)**
  - (i) increase of a total £2,656k in relation to Disabled Facilities Grant (£2,443k original award plus £213k supplementary award)**
  - (ii) increase of £55k in relation to Devolved Formula Capital**
- 1. Note that a report elsewhere on the agenda requests a supplementary capital estimate of £4,250k for additional costs associated with the move to Churchill Court, to include the use of £2,250k from the Growth Fund**
- 2. Note that a report elsewhere on the agenda requests the addition of £25,500k for a housing scheme at Bromley North and £15,200k for a housing scheme at Beckenham.**

**7 OFFICE FOR LOCAL GOVERNMENT AND THE LOCAL AUTHORITY DATA EXPLORER**

The report provided a briefing on the new Office for Local Government, its intended purpose and planned activity. The Department for Levelling Up, Housing and Communities (DLUHC) established the Office for Local Government (Oflog) in July 2023.

In launching Oflog, DLUHC referenced Local Councils as a critical partner in the Government's objective to 'level up'. Acknowledging that there is no shared view of what 'good performance looks like' in local government Oflog will address this by "improving access to data, increasing transparency and fostering accountability – while also highlighting excellence and showcasing success."

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DLUHC had emphasised that Oflog was not a replacement for the withdrawn Audit Commission. Oflog would not produce performance league tables; nor would it add new responsibilities on local authorities. Instead Oflog would recognise and celebrate councils, so others could learn from them. It would also start to detect local authorities at risk of potential failure earlier in the process of decline. Where local authorities were identified as 'at risk of failure', Oflog would convene dialogues between councils and expert local leaders to explore the issues in more detail.

In considering the report, a Member questioned the real value added by the new Oflog and suggested that Chief Officers and Portfolio Holders should be asked to detail the value they currently derive from London Councils.

Another Member suggested that the Children, Education and Families PDS Committee should be asked to review the data in respect of Further Education.

**RESOLVED: That Executive be recommended to**

- 1. Note the establishment of the Office for Local Government.**
- 2. Note the initial key metrics launched to monitor the effectiveness of local authorities; and**
- 3. Note Bromley's relatively good performance against all 18 metrics.**

**8 AWARD OF CONTRACT FOR WORK AT NEW CIVIC OFFICES  
Report ESD20315**

A report went to the Executive on 30<sup>th</sup> November 2022 and then went to Full Council on 12<sup>th</sup> December 2022 setting out the recommendations to purchase the freehold of the Direct Line Site known as Churchill Court with a view to moving the Council's offices off the Civic Centre site and disposing of the same.

The Part 2 report set out the outcome of the tender process and award of contract for the construction fit out and building conversion.

The Part 2 report covered the programme budget which had now been refined and set out in this report. In addition, this report updated Members on the dual running costs and overall programme timetable.

In respect of the savings being delivered as a result of the move to the new Civic Offices, the Committee were reminded that the cost of refurbishing the existing Civic Centre was significantly higher as a result of issues of backlog maintenance and maintenance going forward. This meant that the new offices would deliver a significant saving in the longer term. The Director of Housing, Planning Property and Regeneration highlighted that there had been no major capital receipt to fund the work that would have been required to the existing Civic Centre and the Council's satellite sites that also required maintenance. As a result, the new building delivered year-on-year savings as well as new commercial opportunities.

In addition, the Chairman noted that the new building was more sustainable in the longer term. The Committee requested that details of the savings being delivered from the move to the new officers be provided to Members following the meeting.

In response to a question, the Director of Housing, Planning, Property and Regeneration confirmed that the capital receipts from the sale of the existing Civic Centre had been offset against the overall contract price. Members noted that the Civic Centre site was currently out to market and interest had been high.

**RESOLVED: That Executive be recommended to note the report.**

## **9 BIGGIN HILL AIRPORT NOISE ACTION PLAN UPDATE**

At the meeting of the Executive on 8 February, Officers, in consultation with the Portfolio Holder for Resources, Commissioning and Contract Management, were authorised to work with Biggin Hill Airport Limited (BHAL) regarding the Noise Action Plan, with the objective of agreeing enhancements to improve the situation for residents under the flightpath.

It was also agreed that an update would be provided back to the Executive after six months.

In response to a question, the Director for Housing, Planning, Property and Regeneration confirmed that in respect of the appointment of the consultants, a number of interviews had been held and Vanguardia had extensive experience of NAPs and had provided advice on such issues in relation to a number of major airports, including Heathrow. Members requested that further information concerning Vanguardia's credentials be circulated following the meeting.

The Committee noted that, in January 2024, the report for Executive would be published in line with statutory publication deadlines (i.e. 5 clear working days before the Executive, Resources and Contracts PDS and Executive meetings in January). The Chairman also highlighted that the PDS Committee was able to add further recommendations for the Executive to consider.

The Committee further noted that resident representations had been shared with Vanguardia who are working with the Council to develop measures to be considered in discussions with Biggin Hill Airport.

A Member highlighted that the current situation was not satisfactory, and the Council was currently not serving its residents properly. In order to resolve this, it would be prudent for the Council to help facilitate Biggin Hill Airport meet directly with residents as soon as practicable. Officers agreed to take the point away and investigate whether a meeting would be practicable.

Members of the Committee supported the Council appointing its own acoustic consultants and a long-serving Member highlighted that the Council had

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bought the Airport to protect the environment and these key principles needed to be borne in mind during the process of negotiation as the noise from the airport was affecting the lives of residents.

The Portfolio Holder reminded Members that the Council was constrained by landlord/tenant law but hoped that the seriousness with which the Council took this matter was clear to residents.

Councillor Robert Evans proposed the following additional recommendation which was seconded by Councillor Simon Fawthrop:

*That Members note that if no substantive progress is made by January 2024 alternative options for progressing matters will be reported back to the Executive for consideration.*

The notion was put to the vote and CARRIED.

**RESOLVED: That Executive be recommended to**

- 1. Note that a specialist aviation consultant, Vanguardia, has been appointed to advise the Council on the Noise Action Plan and best industry standards around noise reduction and abatement.**
- 2. Note that correspondence with BHAL is ongoing and a further update will be reported back to the Executive in January 2024. The Council is working towards reaching a substantive agreement on the Noise Action Plan and related matters by that date.**
- 3. Note that if no substantive progress is made by January 2024 alternative options for progressing matters will be reported back to the Executive for consideration.**

**HOUSING DELIVERY UPDATE  
Report HPR2023/051**

Following the Operational Property Review in November 2022, the report provided an update on the Council owned sites that have been earmarked for affordable housing development as well as an update on the Greater London Authority (GLA) grant for affordable home with recommendations in relation to progressing sites for social housing provision.

The Head of Regeneration introduced the report, setting out the following additional recommendation which was endorsed by the Committee:

*(4) Members area asked to note that tenancies on new builds are offered initially on a starter tenancy, and tenants are made aware of their rights on their tenancy including any right to buy as may become appropriate during their tenancy periods.*

The Head of Regeneration explained that the report had been circulated to Members of the Renewal, Recreation and Housing PDS Committee. Councillor Chris Price had submitted some questions and had been provided with a response.

In response to a question, the Director of Housing, Planning, Property and Regeneration acknowledged that there was an insufficient supply of 4+ bedroom housing. Where the Council was able to develop the market, it would however, in the meantime it would continue to take longer to house families requiring larger properties. A Member suggested that it would be helpful to ask that the Renewal, Recreation and Housing PDS Committee review the delivery of larger 4+ bedroom housing in acknowledgement of the acute need that exists.

The Committee noted that further bids for funding could be submitted to the GLA, and this would be considered if further schemes came forward. It was however noted that the GLA funding did not fully fund the schemes.

**RESOLVED: That Executive be recommended to**

- 1. Approve accepting the revised Greater London Authority (GLA) Grant of £37,959k to support the delivery of 217 (note this is for the Grant, not the number that may be delivered) affordable homes through the indicative sites, set out below:**
  - Bromley North
  - Beckenham
  - Bellegrove (subject to further feasibility works to be reported to the Executive)
  - Manorfields (subject to further viability assessment to be reported to the Executive)
  - Poverest (subject to further viability assessment to be reported to the Executive)
- 2. Approve external borrowing in relation to the financing requirements of the Bromley North and Beckenham capital financing requirements, as set out in section 6 of this report.**
- 3. Approve the following recommendations in relation to each site listed above:**

**Bromley North**

- (a) Subject to the determination of the Bromley North Planning Application, expected in October 2023:**
  - ii. Authorise the addition of the Bromley North Scheme to the Capital Programme at an estimate of £25.5m noting that this is the scheme cost, not the cost to the Council, and note that the Council is foregoing a potential capital receipt of £5.0m in relation to this site.**

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- iii. **Approve the allocation of £515k of S106 funding towards the affordable housing element of the Bromley North Scheme.**
- iv. **Approve the acceptance of the £720k grant from the BLRF towards the Bromley North Scheme, delegating authority to the Director of Housing, Planning, Property & Regeneration in conjunction with Director of Corporate Services to agree legal matters related to the grant and discharge of conditions.**
- v. **Approve award of contract, as set out in paragraphs 3.12 to 3.14, to the provider named in the Part 2 Report for multi-disciplinary consultancy services for RIBA Stages 3b to 7 of the Bromley North Scheme at an estimated whole life value as detailed in the Part 2 Report, noting there will be a break clause in the contract at RIBA Stage 4a should the scheme not progress to award of contract for construction works.**
- vi. **Note, as set out in paragraph 3.15, that Cost and Project Management services for the Bromley North scheme will be tendered separately to ensure stringent financial governance. The estimated value of those contracts is £390k and will, subject to Executive approval of the main recommendations, proceed to procurement and award within Officer delegated authority.**
- vii. **Approve proceeding to procurement, as set out in paragraph 3.11 and paragraphs 3.16 – 3.17, via a compliant route (either framework or closed tender process) for a works contractor for the initial enabling works for Bromley North at an estimated value of £720k in line with BLRF grant conditions, noting that the commencement of the enabling works contract will be dependent on award of contract for the main construction contract for the entire development of the scheme.**
- viii. **Approve, in principle as set out in paragraph 3.18, proceeding to procurement for the design and build works contract at the end of RIBA Stage 4a for the Bromley North scheme at an estimated value of £21m, with delegated authority to the Director of Housing, Planning, Property & Regeneration to approve the detailed procurement strategy in agreement with the Portfolio Holder, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance, noting that award of contract and commencement of the scheme if considered financially viable will be subject to Executive decision in due course.**
- ix. **Approve the implementation, as far as possible, of recommendations 2.4.1 to 2.4.7 in the event of the Bromley North Planning decision being deferred, noting that no contracts will be awarded until and if Planning is secured; and noting that if the Bromley North Planning application is not granted then none of the recommendations will be taken forward.**

#### **Beckenham Site**

- (a) **Subject to undertaking sufficient public engagement, the submission of the Beckenham Car Park (Appendix B) scheme to Planning be approved, noting that the site has already been**

- developed to RIBA Stage 3a. It be noted that if the scheme is not submitted within the near future, there is a risk that the surveys procured as part of the planning process will be superseded by forthcoming policies and will therefore need to be re-commissioned at an additional cost.
- (b) The addition of the Beckenham Site to the Capital Programme be authorised at an estimate of £15.2m noting that this is the scheme cost, not the cost to the Council, and it be noted that the Council is foregoing a potential capital receipt of £0.9m in relation to this site.
  - (c) In principle as set out in paragraph 3.23 of the report, proceeding to procurement for multi-disciplinary consultancy services for RIBA Stages 3b to 7 for the Beckenham Scheme at an estimated whole life value of £669be approved, with authority delegated to the Director of Housing, Planning, Property & Regeneration to approve the detailed procurement strategy in agreement with the Portfolio Holder, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance, noting that award of contract will be subject to Portfolio Holder decision in due course.
  - (d) It be noted, as set out in paragraph 3.24 of the report, that Cost and Project Management services for the Beckenham scheme will be tendered separately to ensure stringent financial governance. The estimated value of those contracts is £167k and will, subject to Executive approval of the main recommendations, proceed to procurement and award within Officer delegated authority.

#### **Bellegrove, Manorfields and Poverest Sites**

- (a) It be approved that Feasibility funding for sites now added to the capital programme (West Wickham, Bromley North and Beckenham) are 'refunded' from the relevant capital budgets to allow detailed feasibility for Bellegrove, as well as further scoping for Manorfields and Poverest sites.
- (b) It be approved that, in principle as set out in paragraph 3.27 – 3.29, proceeding to procurement for multi-disciplinary consultancy services for RIBA Stages 2 to 7 for the Bellegrove Scheme at an estimated whole life value of £1.5m, with delegated authority to the Director of Housing, Planning, Property & Regeneration to approve the detailed procurement strategy in agreement with the Portfolio Holder, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance, noting that award of contract will be subject to Executive decision in due course, including detail on break clauses within the contract should the scheme not progress.
- (c) It be noted, as set out in paragraph 3.30 of the report, that Cost and Project Management services for the Bellegrove scheme will be tendered separately to ensure stringent financial governance. The estimated value of those contracts is £383k and will, subject to Executive approval of the main recommendations, proceed to procurement and award within Officer delegated authority.
- (d) It be approved that Bellegrove will commence a decant of the site from February 2024.

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- (e) It be approve bids for other grants towards housing schemes as may be available and appropriate.
  - (f) Authority be delegated to the Director of Housing, Planning, Property & Regeneration in conjunction with the Director of Corporate Services and Governance any legal matters related to the development of Council sites for housing, including Land Appropriation matters for both planning purposes and appropriation into the Housing Revenue Account upon completion of the schemes.
  - (g) Authority be delegated to the Director of Housing, Planning, Property & Regeneration in conjunction with the Director of Corporate Services and Governance and the Director of Environmental Services relating to any matters of road adoptions or works with TFL as part of the Housing Schemes listed.
  - (h) It be noted that a decision not to continue with any of the sites listed will result in a return of the GLA grant and/or the BLRF grant.
4. Note that tenancies on new builds are offered initially on a starter tenancy, and tenants are made aware of their rights on their tenancy including any right to buy as may become appropriate during their tenancy periods.

**13 HOMES FOR UKRAINE QUARTERLY UPDATE REPORT  
Report HPR2023/032**

The report provided an update on the Homes for Ukraine response by the Council and the approach going forward.

An update on the Homes for Ukraine scheme would be provided to Executive quarterly, this report was the third of the update reports.

The Committee expressed its huge congratulations to the Team for the work they had been undertaking. Members recognised that the celebration events were well received, and the hub model was working well. The Committee also paid tribute to Councillor Gabbert who had been the interface between the Council and the Ukrainian community. It was noted that schools were now being actively encouraged to apply for all the available grants.

Members noted that there was recognition that this was a temporary solution, although there was no end to the war in sight. There was a pan-London group that fed back data and information relating to ongoing pressures to central government. To date no information had been provided about further funding and this remained a concern, particularly in light of the overall housing pressures.

**RESOLVED: That Executive be recommended to note the contents of this report in relation to the current activities under the Homes for Ukraine scheme.**



**16 COMMUNITY HOUSE, SOUTH STREET, BROMLEY BR1 1RH &  
BECKENHAM PUBLIC HALLS, BROMLEY ROAD,  
BECKENHAM BR3 5JE - FREEHOLD DISPOSALS**

The report sought authorisation to select a preferred purchaser following marketing of the below properties:

- Community House, South Street, Bromley BR1 1RH
- Beckenham Public Halls, Bromley Road, Beckenham BR3 5JE

The two properties were freehold interests held by the Council that had been identified as surplus to requirement to be included in the Disposal Programme as authorised by the Executive Committee in November 2022.

Capital receipts generated through the Disposal Programme are to be used to part fund the capital investment being undertaken across the Council's operational estate as set out within the Operational Property Review.

A Member highlighted that there was huge interest from residents as well as concern about the impact on the voluntary sector.

In response to a question relating to Community House, the Director of Housing, Planning, Property and Regeneration confirmed that whilst a schedule of costs was not available for bidders, bidders were permitted to undertake their own surveys and the site was being sold "as seen". Any buyer would be required to undertake their own due diligence.

The Committee noted that in respect of Beckenham Halls, both bidders had offered community use.

**RESOLVED: That Executive be recommended to**

**Community House, South Street, Bromley BR1 1RH**

- 1. Authorise acceptance of Offer A received for the Council's freehold interest known as Community House, South Street, Bromley BR1 1RH and to proceed to completion with the transaction.**
- 2. Delegate authority to the Director of Housing, Planning and Regeneration to finalise terms of sale in order to proceed with the transaction and conclude the disposal.**
- 3. Delegate authority to the Director of Housing, Planning and Regeneration to accept Offer C, formalise the terms and complete the transaction, should Offer A fail to complete.**
- 4. Fund the legal and professional costs associated with completing the transaction from the capital receipt received.**

5. **Note that 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.**

**Beckenham Public Halls, Bromley Road, Beckenham BR3 5JE**

6. **Authorise acceptance of Offer A received for the Council's freehold interest known as Beckenham Public Halls, Bromley Road, Beckenham, BR3 5JE be authorised and to proceed to completion with the transaction.**
7. **Delegate authority to Director of Housing, Planning and Regeneration to finalise terms of sale in order to proceed with the transaction and conclude the disposal.**
8. **Delegate authority to the Director of Housing, Planning and Regeneration to accept Offer B, formalise the terms and complete the transaction, should Offer A fail to complete.**
9. **Fund the legal and professional costs associated with completing the transaction from the capital receipt received.**
10. **Note that 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.**

**34 POLICY DEVELOPMENT AND OTHER ITEMS**

**A COUNCIL MOTION- -DIGITAL INCLUSION  
Report CDS23114**

At its meeting on 15 May 2023, following a resolution from Full Council, the Committee resolved to "request that Chief Officers review their directorates and take reasonable steps to review digital inclusion within existing policies and report back to the Executive, Resources and Contracts PDS Committee by September 2023 if any deficiencies are identified". The report set out the feedback received from the directorates.

Members thanked the Officers involved in the preparation of the report. The Chairman highlighted that across Council services alternative methods for resident engagement were available.

A Member highlighted that the London Borough of Bromley had an aging population and, citing the example of the introduction of cashless parking, expressed concern that elderly residents were being digitally excluded.

Another Member suggested it would be helpful for councillors to have an established process for reporting when instances of digital exclusion were identified.

**RESOLVED: That the information from service departments be noted.**

**35 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**

**36 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 20 September 2023:

**24 PART 2: AWARD OF CONTRACT FOR WORK AT NEW CIVIC OFFICES**

The Committee considered the report and endorsed the recommendations.

**25 PART 2: COMMUNITY HOUSE, SOUTH STREET, BROMLEY BR1 1RH & BECKENHAM PUBLIC HALLS, BROMLEY ROAD, BECKENHAM BR3 5JE - FREEHOLD DISPOSALS**

The Committee engaged in a detailed discussion about the report and recommendations presented in Part 2. During the discussion, Councillor Simon Jeal proposed that the Executive be recommended to accept Offer C. The motion was seconded by Councillor Julie Ireland, put to the Vote and was LOST.

Consequently, the Committee voted to recommend to Executive that the recommendations outlined in both the Part 1 and Part 2 reports be agreed. This vote was CARRIED.

(Councillors Simon Jeal, Jeremy Adams and Ruth McGregor requested that their vote against be recorded.)

**27 PART 2: CAPITAL PROGRAMME APPENDIX E**

The Committee noted the Part 2 information.

**28 PART 2: HOUSING DELIVERY UPDATE**

The Committee considered the report and endorsed the recommendations.

**37 PART 2 CONTRACT REGISTER AND CONTRACTS DATABASE**

The report presented September 2023's Corporate Contracts Register for consideration.

Detailed scrutiny of individual contracts was the responsibility of the six PDS Committees with ER&C PDS taking an overview of the Council's larger value (£200k+) contracts to ensure that commissioning and procurement activity was progressed in a consistent manner. The report provided both the Council wide £200k+ register together with the £50k+ register specific to the ER&C Portfolio.

The Contracts Register presented in 'Part 2' of this agenda included a commentary on each contract to inform Members of any issues or developments.

The Committee noted that the two contracts flagged for attention had been extended since the publication of the report.

The Chairman requested that Officers give consideration to how the contracts register could be streamlined and slimmed down.

**RESOLVED: That the report be noted.**

The Meeting ended at 10.01 pm

Chairman

# Agenda Item 5

Report No.  
CSD23126

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** EXECUTIVE, RESOURCES AND CONTRACTS POLICY  
DEVELOPMENT AND SCRUTINY COMMITTEE

**Date:** Tuesday 17 October 2023

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

**Title:** MATTERS OUTSTANDING AND WORK PROGRAMME

**Contact Officer:** Philippa Gibbs, Democratic Services Officer  
Tel: 020 8461 7638 E-mail: Philippa.Gibbs@bromley.gov.uk

**Chief Officer:** Director of Corporate Services and Governance

**Ward:** All Wards

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1. Reason for decision/report and options

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

- Monitoring progress against actions arising from previous meetings; and
- Developing the 2023/24 Forward Work Programme.

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2. **RECOMMENDATION(S)**

That PDS Committee reviews and comments on:

1. Progress on matters arising from previous meetings; and
2. The 2023/24 work programme, indicating any changes or particular issues that it wishes to scrutinise for the year ahead.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

### Transformation Policy

1. Policy Status: Not Applicable:
  2. Making Bromley Even Better Priority (delete as appropriate): Not Applicable:
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £366k
  5. Source of funding: Revenue Budget
- 

### Personnel

1. Number of staff (current and additional): 6
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable: Non-Executive reports are not subject to call-in
- 

### Procurement

1. Summary of Procurement Implications: Not Applicable
- 

### Property

1. Summary of Property Implications: Not Applicable
- 

### Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

#### Matters Outstanding from Previous Meetings

3.1. There are no matters outstanding from previous meetings.

#### Work Programme

3.2 Each PDS Committee determines its own work programme, balancing the roles of (i) pre-decision scrutiny and holding the Executive to account, (ii) policy development and review and (iii) external scrutiny. ERC PDS Committee has the additional role of providing a lead on scrutiny issues and co-ordinating PDS work.

3.3 PDS Committees need to prioritise their key issues. The work programme also needs to allow room for items that arise through the year, including Member requests, call-ins and referrals from other Committees. Committees need to ensure that their workloads are realistic and balanced, allowing sufficient time for important issues to be properly scrutinised. Members also need to consider the most appropriate means to pursue each issue – the current overview and scrutiny arrangements offer a variety of approaches, whether through a report to a meeting, a time-limited working group review, a presentation, a select committee style meeting focused on a single key issue, or another method.

3.4 **Appendix 1** sets out the ERC PDS Committee Work Programme for 2023/24, including: the provisional report title (or activity); the lead division; and Committee's role. Committee is invited to comment on the proposed schedule and suggest any changes it considers appropriate. Other reports will be added to the 2023/24 Work Programme as items arise. In addition, there may also be references from other committees, the Resources, Contracts and Commissioning Portfolio Holder, or the Executive.

#### Sub-Committees and Working Groups

3.5 The Policy Development and Scrutiny Toolkit suggests that each Committee should aim to carry out no more than two or three full scale reviews each year, and it offers guidance and techniques for prioritising reviews. At a time of pressure on Member and officer resources it is important that any additional work is carefully targeted at priority issues where improvements can be achieved. In recent years, this Committee has examined a number of issues through its Working Groups - part of the Committee's workload may include follow-up work on some of these reviews.

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children, Transformation/Policy Implications, Financial Implications, Personnel Implications, Legal Implications, Procurement Implications, Property Implications, Carbon Reduction/Social Value Implications, Customer Impact, Ward Councillor Views
Background Documents: (Access via Contact Officer)	Minutes of previous meetings

**EXECUTIVE, RESOURCES & CONTRACTS PDS COMMITTEE  
WORK PROGRAMME 2023/24**

<b>Meeting Date: 27 November 2023</b>	<b>Division</b>	<b>Committee Role</b>
Matters Arising/Work Programme/Forward Plan	Democratic Services	Standard Items
Executive Agenda	Various	Pre-decision scrutiny
Treasury Management – Quarter 2 Performance 2022/23 & Mid-Year Review	Finance	Pre-decision scrutiny (PH)
Insurance Fund – Annual Report 2022/23	Finance	Pre-decision scrutiny (PH)
Capital Programme Monitoring Q2.	Finance	Pre-decision scrutiny (PH)
Section 106 Agreements: Update*	Planning	PDS Committee
BT/ICT Contract Monitoring Report	IT	PDS Committee – Monitoring Report
Risk Registers	Audit	Information Briefing
<b>Meeting Date: 16 January 2024</b>	<b>Division</b>	<b>Committee Role</b>
Matters Arising/Work Programme/Forward Plan	Democratic Services	Standard Items
Executive Agenda	Various	Pre-decision scrutiny
Capital Programme Monitoring - 2nd Quarter 2022/23	Finance	Pre-decision scrutiny (PH)
Update on OPR	Property	PDS Committee
Benefits Service Monitoring Report	Revenues & Benefits	PDS Committee – Monitoring Report
Revenues Service Monitoring Report	Revenues & Benefits	PDS Committee – Monitoring Report
Exchequer Service - Contract Performance Report	Finance	PDS Committee – Monitoring Report
Customer Services - Contract Performance Report	Customer Services	PDS Committee – Monitoring Report
Scrutiny of the Resources, Commissioning & Contract Management Portfolio Holder (including short written summary)	N/A	PDS Committee
Scrutiny of the Leader (including short written summary)	N/A	PDS Committee



<b>Meeting Date: 5 February 2024</b>	<b>Division</b>	<b>Committee Role</b>
Matters Arising/Work Programme/Forward Plan	Democratic Services	Standard Items
Executive Agenda	Various	Pre-decision scrutiny
Capital Programme Monitoring Q.3	Finance	PH Pre-Decision Scrutiny
Annual Investment Strategy 2023/24 and Quarter 3 Treasury Management Performance	Finance	PH Decision/Council
Scrutiny of the Resources, Commissioning and Contract Management Executive Assistant ( <i>if applicable</i> ) (including short written summary)	N/A	PDS Committee
Free Speech (Chairman's Request)	Corporate Services/HR	PDS Committee
Contracts Register and Contracts Database Update	Governance and Contracts	PDS Committee
Property Investment Update	Property	PDS Committee
Risk Register (Red Risks)	Audit	Information Briefing
<b>Meeting Date: 25 March 2024</b>	<b>Division</b>	<b>Committee Role</b>
Matters Arising/Work Programme/Forward Plan	Democratic Services	Standard Items
Executive Agenda	Various	Pre-decision scrutiny
Post-Completion Review of Oracle Fusion Implementation	Finance.	PDS Committee.
Scrutiny of The Leader (including short written summary)	N/A	PDS Committee
Scrutiny of the Chief Executive (including short written summary)	N/A	PDS Committee
Annual PDS Report 2022/23	Democratic Services	PDS Committee

\*Part 2 (Exempt) Report

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**LONDON BOROUGH OF BROMLEY**

**FORWARD PLAN OF KEY AND PRIVATE EXECUTIVE DECISIONS PUBLISHED ON: 19 SEPTEMBER 2023**

**PERIOD COVERED: September 2023 - December 2023**

**DATE FOR PUBLISHING NEXT FORWARD PLAN OF KEY AND PRIVATE EXECUTIVE DECISIONS: 31 OCTOBER 2023**

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
<b>COUNCIL</b>						
COUNCIL TAX LEVEL 2024/25	Council	26 February 2024  Executive, PDS Committees, business community & local residents	Meetings	Contact Officer:  Peter Turner Tel: 020 8313 4668 <a href="mailto:peter.turner@bromley.gov.uk">peter.turner@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
REVENUE BUDGET 2024/25	Council	26 February 2024  Executive, PDS Committees, business community and local residents	Meetings	Contact Officer:  Peter Turner Tel: 020 8313 4668 <a href="mailto:peter.turner@bromley.gov.uk">peter.turner@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
CAPITAL STRATEGY 2024 TO 2028	Council	26 February 2024  Executive, PDS Committees and key stakeholders	Meetings	Contact Officer:  Peter Turner Tel: 020 8313 4668 <a href="mailto:peter.turner@bromley.gov.uk">peter.turner@bromley.gov.uk</a>	<u>Meetings in public</u>	Reports and relevant background documents.

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
ANNUAL INVESTMENT STRATEGY 2024/25	Council	26 February 2024  Executive, Resources & Contracts PDS Committee	Meetings	Contact Officer:  Peter Turner Tel: 020 8313 4668 <a href="mailto:peter.turner@bromley.gov.uk">peter.turner@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
TREASURY MANAGEMENT STRATEGY 2024/25	Council	26 February 2024  Executive, Resources and Contracts PDS Committee	Meetings	Contact Officer:  Peter Turner Tel: 020 8313 4668 <a href="mailto:peter.turner@bromley.gov.uk">peter.turner@bromley.gov.uk</a>	<u>Meeting in public</u>	Reports and relevant background documents
<b>EXECUTIVE</b>						
CHURCHILL THEATRE	Executive	18 October 2023  Executive, Resources and Contracts PDS Committee	Meetings	Contact Officer:  Vince Sibley  <a href="mailto:Vince.Sibley@bromley.gov.uk">Vince.Sibley@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings</u>	Report and relevant background information
BROMLEY CENTRAL LIBRARY	Executive	18 October 2023  Executive, Resources and Contracts PDS Committee	Meetings	Contact Officer:  Lydia Lee Tel: 020 8313 4456 <a href="mailto:lydia.lee@bromley.gov.uk">lydia.lee@bromley.gov.uk</a>	<u>Meeting in Public</u>	Report and relevant background documents

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
LEISURE CENTRE REFURBISHMENT	Executive	18 October 2023  Executive, Resources and Contracts PDS Committee	Meetings	Contact Officer:  Alicia Munday Tel: 020 8313 4559 <a href="mailto:Alicia.Munday@bromley.gov.uk">Alicia.Munday@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings.</u>	Report and relevant background documents
ADOPTION OF BROMLEY TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT	Executive	18 October 2023  Renewal Recreation and Housing PDS Committee	Meetings	Contact Officer:  Ben Johnson Tel: 020 8461 7845 <a href="mailto:ben.johnson@bromley.gov.uk">ben.johnson@bromley.gov.uk</a>	<u>Meeting in Public</u>	Reports and relevant background documents
CRM REPLACEMENT CAPITAL PROJECT - WEBSITE REDESIGN UPDATE REPORT	Executive	29 November 2023  Executive, Resources and Contracts PDS Committee	Meetings	Contact Officer:  Duncan Bridgewater Tel: 0208 461 7676 <a href="mailto:Duncan.Bridgewater@bromley.gov.uk">Duncan.Bridgewater@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
AWARD OF BUILDING CONTRACT FOR OPR (1)	Executive	29 November 2023  Executive, Resources and Contracts PDS Committee	Meetings	Contact Officer:  Darren Essex <a href="mailto:darren.essex@bromley.gov.uk">darren.essex@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings.</u>	Report and relevant background documents

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
ADOPTION OF LEISURE STRATEGY	Executive	29 November 2023  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Alicia Munday Tel: 020 8313 4559 <a href="mailto:Alicia.Munday@bromley.gov.uk">Alicia.Munday@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
UPDATE THE OPR	Executive	29 November 2023  Executive Resources and Contracts PDS Committee	Meetings	Contact Officer:  Darren Essex  <a href="mailto:darren.essex@bromley.gov.uk">darren.essex@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
HOUSING MANAGEMENT CONTRACT (AWARD REPORT)	Executive	29 November 2023  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Michelle Bowler Tel: 020 8313 4014 <a href="mailto:Michelle.Bowler@bromley.gov.uk">Michelle.Bowler@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
AWARD OF CONTRACT: BEAM LTD	Executive	29 November 2023  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Lydia Lewinson Tel: 020 8461 7691 <a href="mailto:lydia.lewinson2@bromley.gov.uk">lydia.lewinson2@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
OLDER PEOPLE'S BLOCK BEDS	Executive	29 November 2023  Adult Care and Health PDS Committee	Meetings	Contact Officer:  Kelly Sylvester Tel: 020 8461 7653 <a href="mailto:kelly.sylvester@bromley.gov.uk">kelly.sylvester@bromley.gov.uk</a>	<u>Meeting in Public</u>	Report and relevant background documents
SECTION 31 AGREEMENT BETWEEN LONDON BOROUGH OF BROMLEY AND OXLEAS NHS TRUST FOR THE INTEGRATED PROVISION OF MENTAL HEALTH SERVICES	Executive	29 November 2023  Adult Care and Health PDS Committee	Meetings	Contact Officer:  Kelly Sylvester Tel: 020 8461 7653 <a href="mailto:kelly.sylvester@bromley.gov.uk">kelly.sylvester@bromley.gov.uk</a>	<u>Meeting in public</u>	Reports and relevant background documents
LONDON BOROUGHS LEGAL ALLIANCE FRAMEWORK AGREEMENT FOR BARRISTERS	Executive	29 November 2023  Executive, Resources and Contracts PDS Committee	Meeting	Contact Officer:  Shupriya Iqbal Tel: 020 8461 7161 <a href="mailto:shupriya.iqbal@bromley.gov.uk">shupriya.iqbal@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
AWARD OF CONTRACT FOR WORKS AT OAKLANDS PRIMARY SCHOOL	Executive	29 November 2023  Children, Education and Families PDS Committee	Meetings	Contact Officer:  Robert Bollen Tel: 020 8313 4697 <a href="mailto:Robert.Bollen@bromley.gov.uk">Robert.Bollen@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
HOUSING IT SYSTEMS	Executive	07 February 2024  Renewal Recreation and Housing PDS Committee	Meeting	Contact Officer:  Tracey Wilson Tel: 020 8313 4515 <a href="mailto:tracey.wilson@bromley.gov.uk">tracey.wilson@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
FAMILY DRUG ALCOHOL COURT	Executive	07 February 2024  Children, Education and Families PDS Committee	Meetings	Contact Officer:  Kelly Sylvester Tel: 020 8461 7653 <a href="mailto:kelly.sylvester@bromley.gov.uk">kelly.sylvester@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings.</u>	Report and relevant background documents
AWARD OF CONTRACT - CAPITAL WORKS AT RED HILL PRIMARY SCHOOL	Executive	07 February 2024  Children, Education & Families PDS Committee	Meetings	Contact Officer:  Robert Bollen Tel: 020 8313 4697 <a href="mailto:Robert.Bollen@bromley.gov.uk">Robert.Bollen@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings.</u>	Report and relevant background documents



WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
ASTLEY CENTRE	Executive	07 February 2024  Adult Care and Health PDS Committee	Meetings	Contact Officer:  Christian Markandu  <a href="mailto:christian.markandu@bromley.gov.uk">christian.markandu@bromley.gov.uk</a>	<u>Meeting in Public</u>	Report and relevant background documents
HOUSING ALLOCATION SCHEME AND CHOICE BASED LETTINGS POLICY	Executive	07 February 2024  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Lynnette Chamielec Tel: 020 8313 4009 <a href="mailto:Lynnette.Chamielec@bromley.gov.uk">Lynnette.Chamielec@bromley.gov.uk</a>	<u>Meeting in public</u>	report and relevant background documents
GATEWAY 2 AWARD - ADULT MENTAL HEALTH RECOVERY AND REHABILITATION SUPPORT @ HOME SERVICE	Executive	07 February 2024  Adult Care and Health PDS Committee	Meetings	Contact Officer:  Kelly Sylvester Tel: 020 8461 7653 <a href="mailto:kelly.sylvester@bromley.gov.uk">kelly.sylvester@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings.</u>	Report and relevant background papers
AWARD OF BUILDING CONTRACT FOR OPR (2)	Executive	June 2024  Executive, Resources and Contracts PDS Committee	Meetings	Contact Officer:  Darren Essex  <a href="mailto:darren.essex@bromley.gov.uk">darren.essex@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings.</u>	Report and relevant background documents
<b>ADULT CARE &amp; HEALTH PORTFOLIO</b>						

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
VARIATION TO THE PRIMARY AND SECONDARY INTERVENTION SERVICE	Portfolio Holder for Adult Care and Health	Between 21 November 2023 and 30 November 2023  Adult Care & Health PDS Committee	Meetings	Contact Officer:  Ola Akinlade Tel: 020 8313 4744 <a href="mailto:ola.akinlade@bromley.gov.uk">ola.akinlade@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meeting with exempt material considered during confidential proceedings</u>	Report and relevant background documents
<b>CHILDREN, EDUCATION &amp; FAMILIES PORTFOLIO</b>						
FAMILY GROUP CONFERENCE - APPROVAL TO AWARD GATEWAY REPORT	Director of Children's Services	Between 01 November 2023 and 30 November 2023  Children, Education & Families PDS Committee	Meetings	Contact Officer:  Bola Bakare Tel: 0208461 7614 <a href="mailto:bola.bakare@bromley.gov.uk">bola.bakare@bromley.gov.uk</a>	<u>Report is expected to be considered in the public part of the meetings with exempt material considered during confidential proceedings.</u>	Report and relevant background information
<b>PUBLIC PROTECTION &amp; ENFORCEMENT PORTFOLIO</b>						
<b>RENEWAL, RECREATION &amp; HOUSING PORTFOLIO</b>						

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
PERFORMANCE OF THE LIBRARIES CONTRACT SIX MONTH REVIEW	Portfolio Holder for Renewal, Recreation and Housing	November 2023  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Paula Young Tel: 020 8461 7281 <a href="mailto:Paula.Young@bromley.gov.uk">Paula.Young@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background information
MOTTINGHAM LEARNING SHOP	Portfolio Holder for Renewal, Recreation and Housing	November 2023  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Lydia Lee Tel: 020 8313 4456 <a href="mailto:lydia.lee@bromley.gov.uk">lydia.lee@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
REGENERATION STRATEGY UPDATE	Portfolio Holder for Renewal, Recreation and Housing	November 2023  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Lydia Lee Tel: 020 8313 4456 <a href="mailto:lydia.lee@bromley.gov.uk">lydia.lee@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents
CRYSTAL PALACE UPDATE	Portfolio Holder for Renewal, Recreation and Housing	November 2023  Renewal, Recreation and Housing PDS Committee	Meetings	Contact Officer:  Alicia Munday Tel: 020 8313 4559 <a href="mailto:Alicia.Munday@bromley.gov.uk">Alicia.Munday@bromley.gov.uk</a>	<u>Meeting in public</u>	Report and relevant background documents

WHAT IS BEING DECIDED?	WHO IS THE DECISION MAKER?	WHEN WILL THE DECISION BE MADE AND WHO WILL BE CONSULTED BEFORE THE DECISION IS MADE?	HOW WILL THE CONSULTATION TAKE PLACE?	HOW CAN YOU MAKE COMMENTS ON THE DECISION BEFORE IT IS MADE?	WILL THIS ITEM BE CONSIDERED IN PUBLIC OR IN PRIVATE?	WHAT SUPPORT DOCUMENTS AND OTHER INFORMATION WILL BE AVAILABLE?
LONE WORKER DEVICES	Director of Housing, Planning, Property and Regeneration	December 2023	Email	Contact Officer: Tracey Wilson Tel: 020 8313 4515 <a href="mailto:tracey.wilson@bromley.gov.uk">tracey.wilson@bromley.gov.uk</a>	<u>Part 1 Decision Statement</u>	Report and relevant background documents
<b>RESOURCES, COMMISSIONING &amp; CONTRACT MANAGEMENT PORTFOLIO</b>						
<b>SUSTAINABILITY, GREEN SERVICES AND OPEN SPACES</b>						
KELSEY PARK BRIDGES	Director of Environment and Public Protection	Between 02 October 2023 and 31 January 2024	Email	Contact Officer: David Braybrook Tel: 020 8313 4440 <a href="mailto:david.braybrook@bromley.gov.uk">david.braybrook@bromley.gov.uk</a>	<u>Private delegated decision.</u>	Part 1 Decision Statement
<b>TRANSPORT, HIGHWAYS AND OPEN SPACES</b>						

London Borough of Bromley: 020 8464 3333 [www.bromley.gov.uk](http://www.bromley.gov.uk)

Contact Officer: Philippa Gibbs, Chief Executive's Department: 020 8461 7638, [philippa.gibbs@bromley.gov.uk](mailto:philippa.gibbs@bromley.gov.uk)

Report No.  
FSD23062

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** EXECUTIVE, RESOURCES AND CONTRACTS POLICY  
DEVELOPMENT AND SCRUTINY COMMITTEE

**Date:** Tuesday 17<sup>th</sup> October 2023

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

**Title:** RISK MANAGEMENT

**Contact Officer:** Tasnim Shawkat, Director of Corporate Services and Governance –  
Corporate Services Risk Register  
Tel: 020 8461 7899    E-mail: [tasnim.shawkat@bromley.gov.uk](mailto:tasnim.shawkat@bromley.gov.uk)

Peter Turner, Director of Finance – Finance Risk Register  
Tel: 020 8313 4338    E-mail: [peter.turner@bromley.gov.uk](mailto:peter.turner@bromley.gov.uk)

Charles Obazuaye, Director of Human Resources, Customer Services and  
Public Affairs – Human Resources and Customer Services Risk Register  
Tel: 020 8313 4335    E mail: [charles.obazuaye@bromley.gov.uk](mailto:charles.obazuaye@bromley.gov.uk)

**Chief Officer:** Director of Finance

**Ward:** (All Wards);

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1. Reason for decision/report and options

This report provides Members of the Executive, Resources and Contracts Policy, Development and Scrutiny Committee with the net 'High' (Red) risks extracted from the Corporate Services, Finance and Human Resources and Customer Services Risk Registers.

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2. **RECOMMENDATION**

**That the Executive, Resources and Contracts Policy, Development and Scrutiny Committee review and comment on the Risk Register extracts and commentary, and direct any queries they may have to the relevant Contact Officer.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: There are no direct implications for Vulnerable Adults and Children arising from the attached Risk Register extracts, although failure of the Council to meet its commitments in any risk area could directly impact on life chances.
- 

### Transformation Policy

1. Policy Status: Not Applicable:
  2. Making Bromley Even Better Priority  
To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- 

### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Not Applicable
  4. Total current budget for this head: £ Not Applicable
  5. Source of funding: Not Applicable
- 

### 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: None:
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications: Where applicable, the risk category is reflected as Contractual and Partnership.
- 

### Property

1. Summary of Property Implications: Where applicable, the risk category is reflected as 'Property' or 'Physical', which includes hazards/risks associated with buildings.
- 

### Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Where applicable, the risk category is reflected as Environmental.
-

### Impact on the Local Economy

1. Summary of Local Economy Implications: Where applicable, the risk category is reflected as Economic.
- 

### Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: There are no direct Health and Wellbeing Implications arising from the attached Risk Register extracts, although failure of the Council to meet its commitments in any risk area could directly impact on life chances.
- 

### Customer Impact

1. Estimated number of users or customers (current and projected): This report is intended primarily for the benefit of Members of the Executive, Resources and Contracts Policy, Development and Scrutiny Committee.
- 

### Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 This report provides Members of the Executive, Resources and Contracts Policy, Development and Scrutiny Committee with the net 'High' (Red) rated risks for the areas falling within their remit.
- Corporate Services (Appendix A)
  - Finance (Appendix B)
  - Human Resources and Customer Services (Appendix C)
- 3.2 Previously, this report has been presented as an 'Information Briefing'. However, at their meeting of 4<sup>th</sup> July 2023, Members of the Audit and Risk Management Committee requested that all risk reports for PDS Committees are presented as standard agenda items.
- 3.3 Each Director retains responsibility for risk management within their division, which includes identifying and assessing risks, and ensuring that effective controls and / or actions are in place where appropriate. Internal Audit coordinate the Risk Management process via the Corporate Risk Management Group and the Audit and Risk Management Committee.
- 3.4 In order to provide a greater degree of assurance that risks are being effectively managed, Members of the Audit and Risk Management Committee agreed at the July meeting that risk owners should provide additional commentary on any risks where the net score remains 'High'. **Appendix D** of this report contains the commentary provided by risk owners for the following risks:

#### **Corporate Services**

- IT Security Failure
- Information Request non-compliance

#### **Finance**

- Financial Strategy

#### **Human Resources, Customer Services and Public Affairs**

- Insufficient Fire Safety Arrangements

### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There are no direct implications for Vulnerable Adults and Children arising from the attached Risk Register extracts, although failure of the Council to meet its commitments in any risk area could indirectly impact on life chances.

### 5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 Where applicable, the risk category in all registers is reflected as 'Financial, Operational'.



## 6. FINANCIAL IMPLICATIONS

6.1 The Finance department's net Red Risk is attached as Appendix B. Where applicable, the risk category in all registers is reflected as 'Financial, Operational'.

## 7. PERSONNEL IMPLICATIONS

7.1 The Human Resources' department's net Red Risk is attached as Appendix C. Where applicable, the risk category in all risk registers is reflected as 'Personnel, Operational'.

## 8. LEGAL IMPLICATIONS

8.1 Where applicable, the risk category in all registers is reflected as 'Legal, Operational'.

## 9. PROCUREMENT IMPLICATIONS

9.1 Where applicable, the risk category in all registers is reflected as 'Contractual and Partnership'.

## 10. PROPERTY IMPLICATIONS

10.1 Where applicable, the risk category is reflected as 'Physical / Property', which includes hazards/risks associated with buildings.

## 11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

11.1 Where applicable, the risk category is reflected as Environmental.

## 12. IMPACT ON THE LOCAL ECONOMY

12.1 Where applicable, the risk category is reflected as Economic.

## 13. IMPACT ON HEALTH AND WELLBEING

13.1 There are no direct Health and Wellbeing Implications arising from the attached Risk Register extracts, although failure of the Council to meet its commitments in any risk area could directly impact on life chances.

<b>Non-Applicable Headings:</b>	Customer Impact Ward Councillor Views
Background Documents: (Access via Contact Officer)	None

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## Appendix A - Corporate Services Net 'High' Risks

										DATE LAST REVIEWED:	14/09/23		
REF	DIVISION	RISK TITLE & DESCRIPTION	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK RATING <i>(See next tab for guidance)</i>			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK RATING <i>(See next tab for guidance)</i>			FURTHER ACTION REQUIRED	RISK OWNER
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING		
1	Corporate Services	IT Security failure	<p><b>Cause(s):</b> Failure of IT Security (responsibility across Bromley &amp; BT) to manage risk of attack or intrusion leading to potential corruption / loss of data / loss of systems</p> <p><b>Effect(s):</b> Loss of service, potential fines, resident dissatisfaction</p>	Data and Information	4	5	20	<ul style="list-style-type: none"> <li>-Application of effective security management including effective application of anti-virus protection and security measures through the IT Contract with BT</li> <li>- Regular Penetration Testing undertaken</li> <li>- Information Security Team in place</li> <li>- Patch updates undertaken regularly</li> <li>- IG training programme</li> <li>- PSN Compliant</li> </ul>	3	5	15	<ul style="list-style-type: none"> <li>- Security Operation Centre(SOC) will be implemented by December/January which will proactive monitoring of the LBB Data and Infrastructure.</li> </ul>	Vinit Shukle
16	Corporate Services	Information Request non-Compliance	<p><b>Cause(s):</b> Failure to meet timescales under FOIA, EIR and GDPR Failure to provide suitable answers in respect of these requests or correctly apply exemptions</p> <p><b>Effect(s):</b> 1. Distress on wellbeing of customers 2. Impact on operational integrity 3. Reputational damage to services and the authority as a whole 4. Liability in law 5. Economic damage to authority due to fines</p>	Data and Information - Operational	4	5	20	<ul style="list-style-type: none"> <li>SAR Team formed in the Information Management Team to ensure timely triage, collation, redaction and response.</li> <li>Appeal to COE, CLT, Manager's Briefing and all officers to support the information coordinators</li> </ul>	4	4	16	<ul style="list-style-type: none"> <li>Annual and increased training and awareness</li> <li>- experienced resources to triage and redact where necessary</li> <li>- improved technical measures to assist Data searches</li> </ul>	Director of Corporate Services/Vinit Shukle

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### Appendix B - Finance Net 'High' Risks September 2023

REF	DIVISION	RISK TITLE & DESCRIPTION (a line break - press alt & return - must be entered after the risk title)	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK RATING (See next tab for guidance)			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK RATING (See next tab for guidance)			DATE LAST REVIEWED:	18/09/23	
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED		RISK OWNER
5	Finance	Failure to deliver a sustainable Financial Strategy which meets with Making Bromley Even Better priorities and failure of individual departments to meet budget	<p><b>Cause(s):</b></p> <ol style="list-style-type: none"> <li>The 2023/24 Draft Budget report to Executive identified the need to reduce the Council's 'budget gap' of £28.6m per annum by 2026/27. The Council received a one-year financial settlement for 2023/24, with various funding allocations for 2024/25, creates uncertainty on funding levels for the medium term.</li> <li>The fundamental review of local government funding through the Fair Funding Review and Business Rate review is now expected to be delayed until at least 2025/26 which adds to financial uncertainty in considering the impact on the financial forecast for 2024/25 to 2026/27. Apart from cost/growth pressures relating to SEN, social care and homelessness, the significant cost increases relating to inflation continue for some time and uncertainty on the future timing of the Adult Social Reforms remain. These factors can have a significant impact on the future years' 'budget gap' identified above. More background is included in the Draft 2023/24 Budget and Update on the Council's Financial Strategy 2024/25 to 2026/27 report to Executive on 18th January 2023 and 2023/24 Council Tax report of 6th February 2023.</li> <li>Failure to meet departmental budgets due to increased demand on key services resulting in overspends: Housing (homelessness and cost of bed and breakfast); Adult Social Care (reforms and ageing population); Children's Social Care; Education (central costs and high needs transport); Waste (growing number of households) and limited delivery of planned mitigation savings.</li> <li>The risk of the Council not being able to carry out its statutory duties (e.g. pupil admissions, school improvement, child protection) as a consequence of funding pressures not being met.</li> <li>Dependency on external grants to fund services (schools and housing benefits are ring-fenced) - effect if grant reduces (Public Health services) or ceases.</li> <li>Increases in national living wage will have cost implications to the Council over the next few years (e.g. care providers and carers).</li> <li>Local government may be required to take on new funding responsibilities in the future without adequate funding.</li> <li>Impact of future welfare reforms and the phased roll out of Universal Credit.</li> <li>Failure to identify and highlight frauds and weaknesses in the system of internal control (which invariably have a financial impact). Overall, fraud losses are mainly benefit related (Council Tax Support / Single Person Discount).</li> </ol> <p><b>Effect(s):</b></p> <ul style="list-style-type: none"> <li>Increased overspends in particular services</li> <li>Council unable to carry out its statutory duties due to services cuts</li> <li>Reputational damage</li> </ul>	Financial - Operational	5	5	25	<p><b>Strategic Controls:</b></p> <ol style="list-style-type: none"> <li>Regular update to forward forecast</li> <li>Regular analysis of funding changes and new burdens including full year impact</li> <li>Early identification of future savings required</li> <li>Transformation options considered early in the four year forward planning period</li> <li>Budget monitoring to include action from relevant Director to address overspends including action to address any full year additional cost</li> <li>Mitigation of future cost pressures including demographic changes</li> <li>Quarterly review of growth pressures and mitigation</li> <li>Continue to progress with opportunities for the Transformation Review towards meeting future year budget gap</li> </ol> <p><b>Operational Controls:</b></p> <ol style="list-style-type: none"> <li>Management of Risk document covering inflation, capping, financial projections etc. attached to budget reports</li> <li>Departmental risk analysis</li> <li>Reporting of financial forecast updates in year to provide an update of financial impact and action required</li> <li>Obtain monthly 'need' / current data to assist in any early action required</li> <li>Obtain regular updates / market intelligence</li> <li>Reporting full year effect of budget variations</li> <li>Analysis of government plans and changes</li> </ol>	4	5	20	The Council continues to explore transformation opportunities to help meet the ongoing budget gap	Director of Finance	

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## Appendix C - Human Resources and Customer Services Net 'High' Risks

											DATE LAST REVIEWED:	22/09/23	
REF	DIVISION	RISK TITLE & DESCRIPTION	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK RATING			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK RATING			FURTHER ACTION REQUIRED	RISK OWNER
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING		
12	Health and Safety/Property	<b>Insufficient fire safety arrangements</b> Non compliance with Regulatory Reform (Fire Safety) Order 2005, as amended by the Fire Safety Act 2021	<b>Cause(s)</b> - No trained fire responsible person (legal) for some sites - Insufficient numbers of trained fire wardens and fire marshals onsite to safely manage an evacuation (in accordance with the Fire Risk Assessments) - Insufficient fire safety and fire fighting equipment - Property related issues, including property not being suitable for fire safety requirements - Insufficient arrangements for outside of normal working hours - Insufficient arrangements to support those who may need additional assistance evacuating in a fire - including the lack of undertaking of personal emergency evacuation plans - Fire risk assessments not undertaken - Insufficient arrangements for monitoring who is on site at any given time e.g. check in and check out arrangements - Lack of clarity on who is responsible for what should there be an emergency <b>Effect(s)</b> - Non compliance with the Regulatory Reform (Fire Safety) Order 2005, as amended by the Fire Safety Act 2021 - Inadequate plans for fire safety and evacuation for current occupation plans putting staff and visitors at risk	Health & Safety/Property	4	5	25	1. Reduced number of staff on site 2. Check in and check out arrangements adopted at the Civic Centre site 3. Fire evacuation instructions for the Civic Centre site published 4. All staff required to complete fire prevention and evacuation e-learning course 5. Currently trying to recruit more volunteers to be fire wardens 6. New monthly allowance provided to fire wardens to encourage more people to volunteer 7. Fire Safety is standing item at Corporate Health and Safety Committee 8. Fire Safety policy published 9. Arrangements for new accommodation implemented and are under constant review 10. Fire drills undertaken	3	5	15	- Learning and Development to arrange training. - Facilities Management to ensure Fire Risk Assessments are completed. - Facilities Management to engage fire safety supplier to produce Emergency Plans for sites. - Civic Centre Emergency Plan is to include the revised fire evacuation procedure which meets the best practice advice from the London Fire Brigade and HSE. - Facilities Management team to implement new signage etc. - Facilities Management team to distribute emergency plan to site occupiers and to arrange training on plan for fire marshals. - Fire safety documents to be stored corporately to retain corporate knowledge and ensure regularly reviewed. - Fire Safety to be added to COE agenda as a standing item. - Fire drills to be undertaken. - Alternatives to current Civic Centre check in and check out arrangements to be reviewed due to issues with current arrangements. - The creation of a Fire Safety Committee is to be considered.	Director of HR, Customer Services and Public Affairs & Director of Housing, Planning and Regeneration

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## Appendix D - Commentary on Net 'High' risks

Finance Risk Register			
Risk Title & Descriptor	Risk Owner	NET score and risk rating	Commentary
<p>Financial Strategy <i>Failure to deliver a sustainable Financial Strategy which meets with Making Bromley Even Better priorities and failure of individual departments to meet budget</i></p>	<p>Director of Finance</p>	<p>20 - High</p>	<p>Local Government faces the challenge of the impact of inflation, service and cost pressures continuing to reflect demographic changes and new burdens whilst income from council tax and government funding is not expected to be able to keep pace with inflation and other cost pressures. There is an increase in reported Section 114 notices and capitalisation directions which is a sign of deteriorating financial position facing local authorities. Although these were initially caused by poor governance and financial management, more are expected as due to the ongoing funding challenges, whilst needing to maintain statutory services. This Council has a statutory duty to have a balanced budget and the funding challenge is also faced by this Council as reported to Executive and Council as part of the annual budget process.</p> <p>The transformation programme and options to generate income will continue but the scale of cost pressures including housing, adult and children's social care and special educational needs (and possibly higher inflation in the future) creates a deteriorating financial position in the medium to longer term.</p> <p>Bromley is 'better placed' than many authorities but the significant financial challenges remain. The awaited Government review of local government finance continues to be deferred and is not expected until at least 2026/27.</p>

			<p>On that basis, the significant financial sustainability risk is likely to remain in the medium to longer term without a fundamental review of local government finance.</p> <p>Work will continue to deliver a balanced budget but the ongoing financial sustainability challenge remains.</p>
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<b>Corporate Services Risk Register</b>			
<b>Risk Title &amp; Descriptor</b>	<b>Risk Owner</b>	<b>NET score and risk rating</b>	<b>Commentary</b>
IT Security Failure	Assistant Director - IT	15 – High	Security Operation Centre(SOC) will be implemented by December/January which will proactive monitoring of the LBB Data and Infrastructure.
Information Request non compliance	Director of Corporate Services & Governance	16 – High	Annual and increased training and awareness - experienced resources to triage and redact where necessary - improved technical measures to assist Data searches

**Human Resources, Customer Services and Public Affairs Risk Register**

Risk Title & Descriptor	Risk Owner	NET score and risk rating	Commentary
<p>Insufficient fire safety arrangements  <i>Non compliance with Regulatory Reform (Fire Safety) Order 2005, as amended by the Fire Safety Act 2021</i></p>	<p>Director of HR, Customer Services and Public Affairs &amp; Director of Housing, Planning and Regeneration</p>	<p>15 – High</p>	<p>Due to the vast number of LBB sites, and due to the higher risk nature of work undertaken at our sites, including waste collections and supporting vulnerable persons, the risk rating will always be somewhat high.</p> <p>Given the known ongoing issues with LBB’s fire safety arrangements, as noted in the causes box for this risk on the risk register, and the severe findings noted in some of the recently completed fire risk assessments, the risk remains high. Some actions have now been progressed, such as some of the courses needing to be delivered have now been delivered.</p> <p>Actions to be taken include:</p> <ul style="list-style-type: none"> <li>- Learning and Development to arrange training – Ongoing – Accountable officer: Assistant Director of Human Resources</li> <li>- Facilities Management to ensure Fire Risk Assessments are completed – Ongoing – Accountable officer: Director of Housing, Planning, Property and Regeneration.</li> <li>- Facilities Management to engage fire safety supplier to produce an Emergency Plans – As soon as possible – Accountable officer: Director of Housing, Planning, Property and Regeneration.</li> <li>- Facilities Management team to implement new signage – Ongoing – Accountable officer: Director of Housing, Planning, Property and Regeneration.</li> <li>- Facilities Management team to distribute emergency plan to site occupiers and to arrange training on plan for fire marshals</li> </ul>

			<ul style="list-style-type: none"> <li>- As soon as possible – Accountable officer: Director of Housing, Planning, Property and Regeneration.</li> <li>- Fire safety documents to be stored corporately to retain corporate knowledge and ensure regularly reviewed – Ongoing – Accountable officers: Director of Housing, Planning, Property and Regeneration &amp; Director of Human Resources, Customer Services &amp; Public Affairs.</li> <li>- Fire Safety to be added to COE agenda as a standing item – As soon as possible – Accountable officer: Director of Housing, Planning, Property and Regeneration &amp; Director of Human Resources, Customer Services and Public Affairs.</li> <li>- Fire drills to be undertaken – Ongoing – Accountable officer: Director of Housing, Planning, Property and Regeneration.</li> </ul> <p>Alternatives to current Civic Centre check in and check out arrangements to be reviewed due to issues with current arrangements – As soon as possible – Accountable officer: Director of Human Resources, Customer Services and Public Affairs &amp; Director of Housing, Planning, Property and Regeneration.</p>
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Report No.  
CSD22020

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** ERC PDS COMMITTEE

**Date:** 17 October 2023

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

**Title:** REVIEW OF THE COUNCIL'S MEASURES ON  
FREEDOM OF SPEECH FOR EMPLOYEES

**Contact Officer:** Shupriya Iqbal, Assistant Director, Legal Services  
0208 461 7161 E-mail: Shupriya.Iqbal@bromley.gov.uk

**Chief Officer:** Tasnim Shawkat, Director of Corporate Services and Governance  
Charles Obazuaye , Director of HR, Customer Services and Public  
Affairs

**Ward:** All

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#### 1. REASON FOR REPORT

1.1 The Chairman of ERC PDS committee requested a report to review the Council's process, policy and procedure to protect and defend freedom of speech for Council staff and for those who work for the Council's contactors. This report looks at the process, policy, and procedure to protect and defend freedom of speech for Council staff and considers the measures available to staff who work for the Council's contractors.

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#### 2. RECOMMENDATIONS

2.1. Members are asked to note the contents of the report and make any recommendations to the Executive or GP&L.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
- 

### Corporate Policy

1. Policy Status: Existing Policy Further Details
  2. BBB Priority: Managing our Resources well
- 

### Financial

1. Cost of proposal: No Cost:
  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): Not applicable
  2. If from existing staff resources, number of staff hours: Not Applicable
- 

### Legal

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

### Procurement

1. Summary of Procurement Implications:
- 

### Customer Impact

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

### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 Members of ERC PDS wish to be informed of the current process, procedures, and policies the Council currently has to enable employees to speak out on issues without fear of being ostracised or disciplined. It is recognised that as a part of good governance of an organisation it is important that employees feel free to speak out about issues of concern or poor practice. There is also wider legal framework to protect freedom of speech/expression for individuals and the rights of an organisation to protect confidentiality and rights of others. This report will set out below the legal framework around protection of free speech followed by the current LBB measures available to staff to raise concerns.

### **4. LEGAL FRAMEWORK**

#### **Article 10 of the Human Rights Act**

- 4.1 Under Article 10 everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- 4.2 This right comes with qualifications, which must be construed narrowly. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 4.3 Article 10 affords a particularly high degree of protection to political speech and disclosure of information in the public interest. There is little scope for interfering with such speech.
- 4.4 Under the Human Rights Act 1998 the Council is a public authority and therefore must not act incompatibly with the right to freedom of expression in carrying out its public functions. The Council's relationship with its employees will in most cases be a matter of private law. However Article 10 rights and duties form part of the employment relationship – and present a liability risk to the Council – in two important ways.
- 4.5 First, an Employment Tribunal considering an unfair dismissal claim brought by a Council employee would itself be bound to act compatibly with Article 10. It would therefore apply free speech protections in assessing whether the Council had acted reasonably in dismissing the employee. Tribunals are increasingly disposed to entertain Article 10 arguments, therefore the Council needs to be alive to the risks in dismissing employees even for apparently 'offensive' speech.
- 4.6 Second, recent decisions of the Employment Appeal Tribunal in cases such as *Higgs v Farmor's School* (2023) EAT has highlighted that gender critical belief that an employee may hold is a religious and philosophical belief and therefore a protected characteristic under the Equality Act 2010. The Employment Appeal

Tribunal (EAT noted that protection for belief is not limited to merely holding the belief without the ability to express those beliefs. The protection also covers the lawful manifestation of the belief. The EAT found that employers cannot decide to discipline or dismiss an employee for manifesting a protected belief on the basis that someone else might be offended. Doing so risks discrimination unless an employer has also considered whether the action is both necessary and proportionate. Any objective justification of a restriction is always dependent on context and is employment-specific.

The above developments pose particular risks for the Council in dealing with competing rights. The EAT set out some broad principles to help employers take a balanced approach which employers should consider when dealing with complaints of offensive speech against employees:

- the nature of the employment relationship;
- the content and tone of what was said;
- who the likely audience is or was;
- whether the views intrude on others' rights;
- the likely impact on the employer's business;
- whether the employee or worker made it clear the views were personal;
- any wider reputational risk; and
- any power imbalance between the employee or worker and their employer.

4.7 Whilst Article 10 gives protection to freedom of expression in the workplace, the Council legitimately expects staff to respect others and not cause offence to other employees, Members or third parties they deal with. It is important to note that offensive speech *per se* is protected by Article 10 and the English common law. It cannot on its own justify interference with speech rights, in particular where the speech concerns debate of questions of public interest, i.e. politics. However, when offensive speech harms the Council's interests, or makes the employment relationship untenable, it can be a fair ground for dismissal. It is therefore important that the Council's HR policy recognises this distinction, takes into account all relevant circumstances, and does not rely on a blanket prohibition of offensive speech.

4.8 The Council's employment contract and employment policies and procedures set out clear standards of behaviour expected from employees. For example, hate speech or sexual or racial abuse or other forms of discrimination incompatible with the Council's obligations under legislation such as the Equality Act 2010 and the Council's equal opportunities policy and thus is not acceptable to the Council. If an employee expresses him or herself in a way that is defamatory, discriminatory, or harassing then this could lead to disciplinary action against the offending employee. Freedom of speech within the employment context is subject to responsibility and accountability hence staff cannot for example, make disparaging remarks about their employers without consequences.

4.9 The Equality Act 2010 provides protection for individuals in the event of treatment that is considered unfair. It both protects expression of belief, as set out above,



and restricts certain speech relating to 'protected characteristics', although the tribunal has held that it does not protect 'hyper-sensitivity'. There are 9 protected characteristics in the Equality Act 2010 namely age, disability, race, religion and philosophical beliefs, sex, sexuality, marriage and civil partnership, gender reassignment and being pregnant and maternity leave. Freedom of expression and the protection of these individual characteristics have been tested in the employment tribunal due to the potential conflict that arises between competing rights.

- 4.10 The Employment Rights Act 1996 set out the rights of employees in situations such as dismissal, unfair dismissal, parental leave, and redundancy. The contract of employment also sets out obligations on both the employer and the employee to regulate the employment relationship. There is an implied obligation on both employer and employee not to act in any way that is calculated to, or likely to, breach trust and confidence. Any unlawful restrictions or prohibitions from expressing a legitimate view can potentially give rise to arguments that there has been a breach of the implied trust and confidence obligation in the employment contract. A breach of this obligation could potentially give rise to unfair/constructive dismissal claims, pursuant to the Employment Rights Act 1996.
- 4.11 Under the Local Government and Housing Act 1989 certain posts are politically restricted to ensure political impartiality of local government staff. Officers in politically restricted posts cannot express political views likely to undermine their impartiality or public confidence in their neutrality.

## **5. RAISING CONCERNS (WHISTLEBLOWING) POLICY**

- 5.1 The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) protects whistle-blowers from detrimental treatment by their employer as a result of making a public interest disclosure. To be counted as a public interest disclosure / "whistleblowing" disclosure, information must be disclosed; it is not sufficient to gather information or threaten to make a disclosure. The individual reporting must reasonably believe that the information relates to one of six categories listed in The Employment Rights Act:
- commission of a criminal offence
  - failure to comply with a legal obligation
  - a miscarriage of justice
  - danger to the health and safety of any individual
  - damage to the environment
  - the deliberate concealment of information falling within any of these categories.
- 5.2 A public interest disclosure must, in the reasonable belief of the employee, be made in the public interest. It will not be a public interest disclosure if the person making the disclosure commits an offence by making the disclosure, for example, under the Official Secrets Act. A public interest disclosure must be made to certain people (e.g. the employer) in order to attract statutory protection.
- 5.3 The Employment Rights Act requirements are addressed by the Council in its Raising Concerns (Whistleblowing) Policy. Employees are often the first to realise that there may be something wrong within an organisation. The Whistleblowing Policy is intended to encourage and enable employees and

members to raise serious concerns. This policy applies to all those who work for the Council whether full-time or part-time, employed through an agency, contractors or as a volunteer.

- 5.4 The procedures in the policy are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. Complaint about an employee's employment or how they have been treated fall outside this procedure and are dealt with under the grievance procedure.
- 5.5 The Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk. These include:
- conduct which is an offence or a breach of law
  - disclosures related to miscarriages of justice
  - health and safety risks, including risks to the public as well as other employees
  - the unauthorised use of public funds
  - possible fraud and corruption
  - sexual, physical, verbal, or financial abuse of clients
- 5.6 The policy sets out how concerns can be raised and provides contact information for relevant senior officers and Members. Concerns may be raised verbally or in writing. The Council gives the assurance under the policy that individuals will not be at risk of losing their jobs or suffer any detriment as a result of raising a genuine concern under the policy. The policy encourages staff to raise concerns with Members if they feel unable to raise them with officers. The Employment Rights Act provides legal protection in this regard to those who raise genuine concerns falling within the remit of the Act.
- 5.7 The Policy also signposts those with concerns to Protect which is a charity which provides independent advice. Members should note that the Whistleblowing policy is currently under review and a revised policy will be presented to the Audit and Risk Management committee on 2 November 2022 for approval.
- 5.8 Under the Whistleblowing policy staff employed through agencies or employed by the Council's contractors can raise concerns in the same way that Council staff can.
- 5.9 In addition to the above legal route and safeguards in place there are other options available to raise concerns.

## **6. STAFF SURGERIES**

- 6.1 All staff are able to meet with the Chief Executive at staff surgeries on a one to one basis to discuss issues and concerns. Staff are also able to meet with Service Directors on a one to one basis to raise concerns.

## **7. DEPARTMENTAL REPRESENTATIVES AND TRADE UNIONS**

7.1 The Council has a number of staff who are departmental representatives. The role of departmental representatives are as follows:

- To represent employees within their own departments as part of the council's consultative process
- Who work alongside other departmental representatives and trade unions to ensure that employees interests are represented
- To be consulted on organisational change other work related proposals
- Support employees and suggest options available on an individual or collective basis send meetings with chief officers and trade unions

7.2 Trade Unions are also available to staff individually or collectively. The role, of trade unions include:

- negotiating agreements with employers on pay and conditions
- discussing big changes like large scale redundancy
- discussing members' concerns with employers
- going with members to disciplinary and grievance meetings

7.3 Staff can raise issues of concern with departmental representatives and trade union representatives. Both sets of representatives have informal and formal access to the Chief Executive and the Director of HR, Customer Services and Public Affairs. The Chief Executive encourages the departmental representatives and the trade union representatives to raise issues of concerns with him in a timely and sensitive manner of behalf of staff.

## **8. GRIEVANCE PROCEDURE**

8.1 In the course of the normal employee/manager relationship, employees may raise problems or complaints that are dealt with informally at source. The purpose of the Grievance Procedure is to establish a formal arrangement under which individual employees or groups of employees who feel aggrieved about a matter relating to their employment, which they have tried to resolve informally with their manager without success, can register that grievance. The aim of the procedure is for grievances to be heard and determined promptly and fairly and as close as possible to the point of origin.

## **9. BROMLEY VALUES**

9.1 Bromley Council values of Respect, Empower, Ambition and Learn (REAL) set out the fundamental standards which govern the behaviours of individuals within the Council. Bromley values are embedded into how the Council recruits, manages, and develops staff so that we can achieve the Council's organisational goals. The Council also has a clear set of competency framework to help establish consistent standards across all service areas and to collectively towards achieving organisational goals. The four key behaviours that form the core of the Council's competency framework for managers and employees are:

- accountability and responsibility

- building relationships
- communication
- continuous improvement

9.2 Culturally, staff are empowered and encouraged to raise ideas and opinions. As our greatest assets ‘the voice of staff is key to the transformation journey’ and the delivery of ‘Making Bromley even a better place’. Hence, the Council actively seek their opinions and suggestions through a number formal and informal channels including staff surveys, ‘Ask the Chief Executive sessions, the use of online suggestion box (Ideas’ Aloud) on the Transform website, and so on.

9.3 The Council’s Equal Opportunities Policy also sets out how the Council treats all people with equal respect, concern and consideration and sets out principles the Council will promote in the employment context, service provision, community leadership and so on.

**10. LEGAL IMPLICATIONS**

10.1 Legal implications are set out within the body of the report.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children/Policy/Financial/Personnel/Procurement
Background Documents: (Access via Contact Officer)	Raising Concerns (Whistleblowing) policy

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