

**EXECUTIVE AND RESOURCES  
POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 18 October 2012

**Present:**

Councillor Eric Bosshard (Chairman)  
Russell Mellor (Vice-Chairman),  
Councillors Douglas Auld, Ruth Bennett, Judi Ellis,  
John Getgood, Ellie Harmer, Brian Humphrys, Nick Milner,  
Tom Papworth and Sarah Phillips.

**Also Present:**

Councillor Graham Arthur, Councillor Stephen Carr,  
Councillor Robert Evans and Councillor Richard Scoates

**240 APOLOGIES FOR ABSENCE AND NOTIFICATION OF  
SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Nicholas Bennett and William Huntington-Thresher, who were replaced by Councillors Mrs Anne Manning and Samaris Huntington-Thresher respectively, and from Councillor Will Harmer.

**241 DECLARATIONS OF INTEREST**

Councillor Douglas Auld declared an interest in item 15 on the Executive's agenda (Residential and Nursing home Contracts for Older People) as his wife was employed as a senior social worker.

Councillor Sarah Phillips declared an interest as a governor of Bromley Adult Education College.

**242 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE  
PUBLIC ATTENDING THE MEETING**

No questions had been received.

**243 MINUTES OF THE EXECUTIVE AND RESOURCES PDS  
COMMITTEE MEETING HELD ON 6TH SEPTEMBER 2012  
(EXCLUDING EXEMPT ITEMS)**

**RESOLVED** that the minutes of the meeting held on 6<sup>th</sup> September 2012 (excluding exempt information) be confirmed.

**244 MATTERS ARISING FROM PREVIOUS MEETINGS**  
Report RES12142

The Committee received an update report on matters arising from previous meetings, and additional information was tabled concerning Library Book Supply Contracts (Minute 226) and changes to Landfill Tax (Minute 230 (6)).

A meeting of the Transport Priorities Working Group was being arranged (Minute 224) – this would be looking at all options for improving rail, tube, DLR and tram links.

In relation to minute 231 it was confirmed that the current proposals for shared regulatory services with Croydon and Bexley had been abandoned – this was partly due to problems in establishing the gross costs of the three services. Some other shared services had already been delivered, but the suitability of services for this needed to be considered on a case by case basis.

**245 FORWARD PLAN OF PRIVATE AND KEY DECISIONS**

The Committee noted the Forward Plan of Private and Key Decisions.

**246 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

One question for oral response had been received from Councillor Sarah Phillips, and one question for written response from Mr Colin Willetts. Details are set out in the appendix to these minutes.

**247 UPDATE ON PUBLIC HEALTH**

The Portfolio Holder for Resources, Councillor Graham Arthur, gave the Committee an update on the new arrangements for public health, for which he had executive responsibility. The legislation was leading to the demise of Primary Care Trusts and Strategic Health Authorities and the establishment of Health and Wellbeing Boards, with GP's taking a lead on commissioning health services and local authorities taking responsibility for public health. Bromley had already appointed its Director of Public Health, established Bromley at the centre of pan-London interaction, set up local procedures and re-located public health staff (23 fte) to the Civic Centre. The Joint Strategic Needs Assessment was now a more useful document, and the £10m public health budget would be investigated to find efficiencies. Councillor Arthur confirmed that additional money was available to integrate health and social care services for older people, and he was liaising with Jo Johnson MP about the future of Orpington Hospital.

Asked about the attitude of GP's to their new role, Councillor Arthur stated that probably many GP's were not particularly interested, but the key leaders were very committed and engaged. He clarified that the Council was not

taking over all the PCT's commissioning responsibilities, only public health. Most health commissioning would be carried out by Clinical Commissioning Groups, often at regional level. This could lead to opportunities for the Council as a provider. Bromley was chairing the South London Partnership and working closely with neighbouring boroughs. In concluding, Councillor Arthur stated that he was looking forward to being more creative and proactive with public health campaigns.

## **248 RESOURCES PORTFOLIO - PRE-DECISION SCRUTINY**

The Committee considered the following reports for pre-decision scrutiny on matters where the Resources Portfolio Holder was minded to take a decision.

### **248.1 INSURANCE FUND - ANNUAL REPORT 2011/12**

Report RES12168

The Insurance Fund Annual Report provided statistics on insurance claims for the previous two years. Despite a one-off top up of £0.5m in 2011/12, the value of the fund had declined from £3.2m to £3m as the value of claims had exceeded contributions. A mid-year review had been carried out and there was an early warning that a further top-up of £1m may be needed in 2012/13 to maintain the fund at a prudent level.

The largest area of claims was highways, for pedestrian injuries and damage to cars, and there was a balance between maintenance levels and claims. Members were assured that claims were vigorously resisted where the Council considered that they were unfounded – figures on the claims rejected could be produced for Members.

The Council's insurance service was run in-house by three staff (2.05fte); it was confirmed that outsourcing had been considered, but it was judged that it would be more expensive.

**RESOLVED that the report and the early warning of a potential need for a top-up of the insurance fund be noted.**

### **248.2 TREASURY MANAGEMENT: MID-YEAR REVIEW REPORT 2012/13**

Report RES12167

The Committee considered the mid-year Treasury Management review, summarising activity up to 30<sup>th</sup> September 2012. The report recommended changes to the investment criteria that formed part of the Councils' Annual Investment Strategy to include corporate bonds and Payden Sterling Reserve Fund as eligible investment vehicles – these would require the approval of full Council.

Amended recommendations were tabled – these asked Council to include “vanilla” corporate bonds (i.e. with no derivative structures) and the Payden Sterling Reserve Fund as eligible investment vehicles in

the Council's Investment Strategy and approve changes to the prudential indicators as set out in Annex B1 of the report. In addition, the Portfolio Holder was asked to agree that officers continue to explore other low-risk lending options and report back to a future meeting.

**RESOLVED that the recommendations be supported.**

### **248.3 MANORFIELDS, AVALON ROAD, ORPINGTON**

The Manorfields Care Home had closed in July 2010, but the site had been retained while investigations were carried out into alternative uses for the property. There was now no Council use for the property so it was proposed that it be declared surplus to requirements and advertised for sale on the open market.

In response to questions, officers stated that the Education and Care Services Department had confirmed that the property was not needed for education use, and other potential Council uses had been fully considered, including accommodation for the homeless. It was suggested that accommodation for the homeless could be specified in the sale particulars, but it was confirmed that the Council's first responsibility was to secure best value from the sale.

**RESOLVED that the recommendations be supported.**

## **249 QUESTIONS FOR THE LEADER OF THE COUNCIL**

The Chairman invited the Leader of the Council, Councillor Stephen Carr, to address the Committee. He emphasised the uncertainty that had to be dealt with in terms of changing legislation, new guidelines, academies and changes to business rates and Council tax support. He had been involved in lobbying government on these issues, meeting with ministers such as Lord Hill on academies and Nick Boles MP on the proposed changes to planning permitted development rights. He had also been involved in the roll-out of the green garden waste scheme and work on Orpington, Beckenham and Bromley town centres. The Cabinet had examined the baseline reviews for all services, and these had now been passed to PDS Chairmen for consideration.

The reorganisation of Children and Young People Services and Adult and Community Services into the new Education and Care Services Department had been successful and the streamlining was leading to real savings. The new Children's Board, which he chaired as Lead Member for Children's Services was now meeting monthly – this was a private meeting involving key members and senior officers, but Councillor Carr was happy for the minutes to be made available to other Members. The recent Ofsted inspection of children's safeguarding arrangements had resulted in a judgement of "satisfactory" for the Council, a better outcome than several other Councils tested under the new regime achieved.

On the issue of the changes to council tax benefit, no decisions had been made and there were options open to the Council to mitigate the impact of the changes. The Government had recently made £100m available to Councils to assist in the transition to the new arrangements, and this would be looked at.

**250 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS**  
Report RES12171

The Committee considered the following reports on the agenda for the meeting of the Executive on 24<sup>th</sup> October 2012.

**(5) Capital Programme Monitoring – 2<sup>nd</sup> Quarter 2012/13**  
Report RES12174

The report summarised the current position on capital expenditure and receipts following the second quarter of 2012/13 and sought approval for a revised capital programme.

**RESOLVED that the recommendations be supported.**

**(6) Draw Down of Funding for Bromley SEN and Disability Pathfinder Funding**  
Report ED12051

The Executive was being asked to approve the release of £165k of funding from central contingency to the Pathfinder Budget.

**RESOLVED that the recommendations be supported.**

**(7) Procurement Strategy for Multi Disciplinary Consultancy Services for Capital Building Programme**  
Report DRR12/096120

The Council's multi-disciplinary services consultancy agreement with Frankham Consultancy had ended in 2010, and the Council had been without a framework consultant since then. The Council's spend on consultancy to deliver the capital programme over the next four years was estimated to be in the region of £3-4m. The Council had been involved in initiatives to create pan-London purchasing agreements for this type of service, and approval was sought to enter into the framework agreements led by LB Haringey and LB Lewisham. The Committee was informed that further assessment was needed on Haringey's framework.

**RESOLVED that the recommendations be supported.**

**(8) Approval of Procurement Strategy and Outline Proposal for Scheme at Riverside Special School**  
Report ED12050

The report set out the proposed capital scheme to remodel and expand Riverside School to provide additional school places. The recommendations included authority for officers to value engineer the scheme at project award stage should tenders be in excess of 5% of the approved estimate, and a Member queried why this percentage was not reduced to 2.5%. The Committee was informed that it was normal practice to allow this 5% tolerance, as long as costs could be contained within the estimated budget.

**RESOLVED that the recommendations be supported.**

**(9) Report of the Constitution Improvement Working Group**

The Constitution Improvement Working Group's fourth report made recommendations on keeping the Council's current Leader and Executive form of governance, streamlining routine portfolio holder decisions, enhancing the role of full Council meetings, Councillors' IT, freedom of information requests and Councillor numbers. The report was being considered by General Purposes and Licensing Committee and the Executive before being referred to Council for decision on 12<sup>th</sup> November.

Members commented on a number of the individual recommendations. Councillor Tom Papworth stated that although he did not particularly support area planning committees he would like to see the development of area committees dealing with other issues such as road schemes at a more local level, closer to residents. He also called for publication of freedom of information responses as suggested in recommendation 18. Councillor John Getgood added that the Council should webcast all of its meetings. Councillor Mrs Anne Manning countered that the Council had to get the basics right before pursuing more exciting options. Other Members supported the recommendations for Members' IT.

The Committee discussed recommendation 6, which proposed that major planning applications be determined by full Council rather than by the Development Control Committee. Councillors Mrs Anne Manning and Russell Mellor felt that, with the presentations and site visits involved, it was impractical to ask a group of 60 Councillors, many of whom would be without substantial experience in planning matters, to take these decisions. It would also diminish the role of the Development Control Committee. The Committee agreed that recommendation 6 should be amended to delete the phrase about planning applications being referred to full Council at the request of twenty Members, but a motion to support the deletion of recommendation 6 altogether was defeated.

**RESOLVED that the recommendations be supported, except recommendation 6, which the Executive is recommended to amend by deleting the words “or at the request of twenty Members of the Council.”**

## **251 BRIEF UPDATES FROM PDS CHAIRMEN**

PDS Committee Chairmen reported on the work of their Committees as follows –

**Public Protection and Safety PDS Committee** – Councillor Douglas Auld reported that the Chief Executive of the South London and Maudsley NHS Foundation Trust (Slam) had informed the Council that the Trust was content with its staffing and security arrangements at the Royal Bethlem Hospital and would not be implementing any of the PDS Committee’s recommendations. A meeting was being arranged with the Trust which the Leader and the Portfolio Holder would attend.

The Committee had received an update from the Police Borough Commander, Chief Superintendent Stephanie Roberts. She had informed Members that a crackdown on uninsured drivers in July and August had resulted in 272 vehicles being seized and numerous arrests. She also summarised plans for a new policing model in London which would be introduced in spring 2013, following a period of consultation. This would probably involve Bromley having to share a borough commander with another borough.

Other issues considered by the Committee included plans for a shared stray dogs service with LB Southwark. Other Councils were expressing an interest in the service. Also, the Junior Citizenship Scheme was working well, supported by volunteers from a number of different organisations. The YOT Partnership was seeing a reduction in clients and the inspection carried out in November 2011 had showed that the service had improved greatly.

**Renewal & Recreation PDS Committee** – Councillor Sarah Phillips summarised the major issues that her Committee was involved in, including library provision in Penge and Anerley, the future of the Cotmandene and Mottingham Learning Shops, the bid to TfL for funding for Beckenham town centre, the Orpington Business Improvement District (BID) and the variable message signing being installed in Bromley which should be operational at the end of November in time for Christmas shoppers. She also mentioned the apprenticeship scheme which had now received 35 applications and 120 expressions of interest.

Councillor Nicholas Bennett (Education PDS Committee) and Councillor William Huntington-Thresher (Environmental Services PDS Committee) were not able to be at the meeting, so written updates from them had been circulated before the meeting. The Committee discussed whether it would be useful for written reports to be circulated as a matter of course at all future meetings.

**RESOLVED that PDS Committee Chairmen circulate written summaries of their Committees' work for future meetings.**

**252 WORK PROGRAMME 2012/13**  
Report RES12172

The Committee considered an update on its work programme and the progress of Working Groups.

**RESOLVED that**

**(1) The Committee's work programme and the progress of working groups be noted.**

**(2) The New Technology Working Group be reconvened, with the same membership of Councillors Will Harmer (Chairman), Nicholas Bennett, Judi Ellis, Roxhannah Fawthrop and Kate Lymer, to consider Members' IT issues in response to the Constitution Improvement Working Group's fourth report.**

**253 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**

**254 EXEMPT MINUTES OF THE MEETING HELD ON 6TH SEPTEMBER 2012**

The exempt minutes of the meeting held on 6<sup>th</sup> September 2012 were confirmed.

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

The Committee considered and commented on exempt reports on the agenda for the Executive's meeting on 24<sup>th</sup> October 2012 as follows –

Gateway Review of Tenancy Support Services  
Award of Contract: Learning Disability Support Services



Residential and Nursing Home Contracts for Older People  
Asset Management Planning – Post Review Reports:  
    Biggin Hill Library and Swimming Pool and the Pavilion Development  
Churchill Place, Bromley (Opportunity Site G) Procurement Update  
Capital Receipts

The Meeting ended at 9.00 pm

Chairman

## **Appendix 1**

### **QUESTIONS TO THE RESOURCES PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS**

#### **QUESTIONS FOR ORAL RESPONSE**

##### **From Cllr Sarah Phillips -**

- (1) How can Bromley employees be re-assured that the potential transition to local pay and conditions will be dealt with professionally and efficiently?
- (2) How would a roll-out operate in practice?

##### **Reply –**

As you are aware the academic employees (262 lecturers) and 4 Management Grade staff at the Bromley Adult Education College (BAEC) are already employed on local (Bromley) terms and conditions of employment. The Council therefore believes that the time is now right to extend the local arrangement to the rest of its workforce (including 48 non academic/non Management Grade Staff at the BAEC) by proposing to replace the current national and regional negotiating frameworks with a localised merited pay award process. Teachers are not affected by the proposals because the core aspects of their terms of employment are set in statute.

Please note that apart from the annual pay review process which will be managed locally the Council is proposing to withdraw from the national/regional frameworks on “as is” basis. There have been over 50 staff consultation meetings attended by over 900 staff including 2 sessions for BAEC staff where the proposals were discussed in detail. During the consultation meetings staff have been reassured that the proposals will enable the Council to innovate and flex its reward strategies to reflect local circumstances, in a way not always possible under the existing national and regional frameworks. More importantly, staff and their representatives were also reassured that the Council has no desire to offer less competitive terms and conditions of employment now or in the future. The outcome of staff consultations will be reported to a special meeting of the General Purposes and Licensing Committee on 23<sup>rd</sup> October 2010 for Member consideration.

##### **Supplementary Question:**

Councillor Phillips reported that she had just attended the Assistant Chief Executive (HR)'s presentation which had helped to answer many of her questions. She asked whether, given the HR resources needed to implement the changes should they be agreed, moving to the new terms and conditions could be expected to go smoothly and what the proposed timetable was to

inform staff. The Portfolio Holder stated that if more resources were needed Members would be informed by the Assistant Chief Executive (HR). He also stated that many presentations had already been held for staff and he felt that although there had initially been a fear of change there was a gradual understanding of the opportunities.

**QUESTION FOR WRITTEN RESPONSE**

**From Mr Colin Willetts -**

Could the Portfolio Holder tell us if the Council propose any future changes to the existing care facility at Bellegrove, Mickleham Road, Orpington, Kent BR5 2RJ, if yes, what are these proposed changes?

**Reply –**

The future of the former Belle Grove Care Home has not yet been decided. The Council is considering options through its asset management planning process.