

EXECUTIVE

Minutes of the meeting held on 24 October 2012 starting at 7.00 pm

Present:

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Robert Evans, Peter Morgan,
Colin Smith, Tim Stevens and Stephen Wells

Also Present:

Councillor Eric Bosshard, Councillor Russell Mellor,
Councillor Alexa Michael and Councillor Richard Scoates

64 APOLOGIES FOR ABSENCE

All Members were present.

65 DECLARATIONS OF INTEREST

Councillor Arthur declared an interest in item 15 – Residential and Nursing Home Contracts for Older People.

Councillor Carr declared an interest as his daughter did casual work for Bromley Mytimeactive. Councillor Morgan declared an interest as his daughter worked for Kier Property and Councillor Stevens as he was on the Board of Bromley Mytimeactive.

66 MINUTES

a) Minutes

RESOLVED that the Minutes of the meeting held on 12th September 2012, excluding exempt information, be confirmed.

b) Matters Arising Report

Reference was made to the following 2 matters:

a) Proposals for the Biggin Hill Heritage Centre (Minute 33 – 25th July 2012 refers) - the Chairman advised that he had had several meetings with representatives from the Trust following on from the decision to release limited funding to them in July. At a meeting last week it had become apparent that the Trust shared the concerns of the Council that insufficient progress was being made in respect of fund raising. It was expected that the Trust would be in contact with the Council to see how a deliverable scheme could be achieved. The Executive would be kept advised of the situation. The

Portfolio Holder for Renewal and Recreation advised that he would be visiting the Biggin Hill site to look at the practicalities of what might be done.

b) Minute 107-14th December 2011: Community Infrastructure Levy – Consultation and Draft Regulations: The Chairman reported that the Development Control Committee at its meeting on 20th September 2012 had discussed the government's recent announcements on proposed changes to planning policy. Of particular concern was the proposal on increasing existing permitted development rights for extensions. The Committee had requested the Leader together with the Chairman of Development Control Committee to write to the Secretary of State expressing the Council's concerns. Councillor Carr reported that this had been done and that they had also met with the Planning Minister last week to explain the Council's serious reservations over the proposals. Councillor Arthur commented that at his local Residents' Association meeting recently they had referred to a letter from the Leader explaining the situation and would be making their own representations to the government on the proposals. He suggested that other Residents' Association might also be encouraged to do the same and the opportunity to raise this could be at the forthcoming Residents Seminar in November.

RESOLVED that the report be noted.

67 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Two written questions had been received and circulated from a member of the public, the details of which are set out in the Appendix to these minutes.

68 CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2012/13

Report RES12174

The Executive considered a report on the current position in respect of capital expenditure and receipts following the 2nd quarter of 2012/13 and seeking approval to a revised Capital Programme. It was noted that subject to approval of the changes proposed the Capital Programme for 2012/13 to 2015/16 would increase by £4,295k and the 2012/13 estimate by £1,459k.

The Finance Director advised that most of the changes related to externally financed schemes as well as the rephasing of a number of schemes into later years. The Chairman referred to the Bromley Mytime Investment Fund and its inclusion in the 2012/13 Capital Programme and asked for a report on its utilisation to be submitted at a later date.

RESOLVED that

- 1) the report be noted including the rephrasing of a total of £3.0m from 2012/13 into later years and approval be given to agree the revised Capital Programme;
- 2) the following amendments to the Capital Programme be agreed:
 - i) virements within the Education Capital Programme to allocate funding to individual schemes to match actual expenditure in 2012/13 (as set out in paragraph 3.2 of the report);
 - ii) the addition of £1,590k in 2012/13 in respect of additional Basic Need grant support in 2012/13 to fund additional pupil places (as set out in paragraph 3.3 of the report);
 - iii) the addition of £448k in respect of additional Short Breaks for Disabled Children capital funding in 2012/13 (as set out in paragraph 3.4 of the report);
 - iv) the addition of £72k for costs relating to the acquisition of 95 High Street, Bromley, funded by a contribution from the Property Investment Fund (as detailed in paragraph 3.5 of the report);
 - v) the addition of £625k in 2012/13 in respect of additional PCT funding for the Learning Disability Reprovision Programme (as detailed in paragraph 3.6 of the report);
 - vi) a reduction of £9k in 2012/13 to the Town Centre budgets funded by the Outer London Fund (as detailed in paragraph 3.7 of the report);
 - vii) the addition of £574k in respect of the Bromley MyTime Investment Fund budget for 2012/13 (as detailed in paragraph 3.8 of the report);
 - viii) the addition of £1,267k to reflect revised grant contributions from Transport for London towards the cost of various highways schemes (as detailed in paragraph 3.9 of the report); and
 - ix) the reduction of £68k per annum (£272k over the 4 year period 2012/13 to 2015/16) to reflect the reduced revenue contribution to Disabled Facilities Grants (as detailed in paragraph 3.10 of the report).

69 DRAW DOWN OF FUNDING FOR BROMLEY SEN AND DISABILITY PATHFINDER FUNDING

Report ED12051

Consideration was given to a report requesting the release of funds held in the 2012/13 central contingency to the Education and Care, Bromley Pathfinder budget. The report also updated members on progress with

Bromley's Pathfinder work since achieving Pathfinder status in September 2011 as part of a joint bid with Bexley to test the SEN & Disability Green Paper proposals. Bromley and Bexley Pathfinder was one of 20 Pathfinders agreed across England and concentrated on children with complex needs and disabilities from birth up to aged 25 years.

Pathfinder funding of £75k for 2011/12 had been released to Bromley by the DfE in November 2011 with a further £150k in March 2012. A bid for additional funding of up to £15k for 2012/13 had also been successful resulting in a total amount of £165k for Pathfinder work in 2012/13 being made available. Conditions on the use of the funding included repayment to the DfE if the monies were not used as set out in Bromley's bid. The Education Portfolio Holder spoke in support of the request to release the £165k from the Central Contingency to take forward the Pathfinder work as outlined in the report.

RESOLVED that

- 1) approval be given for the release of £165k funding from the central contingency into the Pathfinder Budget to be used as detailed in paragraph 5.2 of the report; and**
- 2) the progress of the Bromley and Bexley SEN and Disability Green Paper Pathfinder be noted.**

70 PROCUREMENT STRATEGY FOR MULTI DISCIPLINARY CONSULTANCY SERVICES FOR CAPITAL BUILDING PROGRAMME

Report DRR12/ 096120

Members discussed a report concerning the best way for the Council to procure professional consultancy services since the cessation of its consultancy agreement with Frankham Consultancy Group at the end of 2010. Currently without a framework consultant each contract had been tendered separately in line with Contract Procedure rules. However, over the next 4 years the Council was planning to deliver up to £19m of capital projects through Basic Needs Capital Grant as part of its programme to deliver sufficient school place across the Borough as well as up to £5m for other departments. The Council's spend on consultancy services to deliver the capital building projects over this period was estimated in the region of £3-4m. Consideration had therefore been given to various options to procure consultancy services, the pros and cons of which were detailed in the report. Based on the outcome of this work the Executive's approval was being sought to the procurement of professional consultancy services through existing London frameworks with the London Boroughs of Haringey and Lewisham.

In response to member questions the officers advised that although the Council would be entering into agreements with the Boroughs for use of their framework services it was not obliged to use them for every scheme. In

addition the Council would not be committing any funding for this other than a joining fee of £1000 annually over the 4 year period for the Lewisham agreement. A full appraisal of Haringey's framework would be carried once the Access Agreement was signed.

RESOLVED that

1) the proposed strategy for the procurement of multi disciplinary consultancy services for the delivery of the Council's Education Capital Programme and other capital building works be agreed; and

2) the Director of Resources be authorised to negotiate and enter into the Access Agreements under the Construction Related Consultants Services (CRCS 212) Framework Agreement led by Haringey Council and the London Borough of Lewisham Framework Agreement for Construction-Related Consultancy services in accordance with clauses 3.6.1 and 13.1 of the Council's Contact Procedure Rules.

71 APPROVAL OF PROCUREMENT STRATEGY AND OUTLINE PROPOSAL FOR SCHEME AT RIVERSIDE SPECIAL SCHOOL

Report ED12050

The Executive discussed a report on the proposed capital scheme to remodel and expand Riverside School to provide additional school places for the increasing numbers of secondary aged pupils presenting with ASD as previously reported to members (Minute 173 – 11th April 2012 refers). Approval had been given to go ahead with the proposal, pending the outcome of statutory consultations which it was noted were due to be completed by the end of December 2012. Members had also agreed the draw down of appropriate funding and approval was now being sought to the building works necessary to expand the school which had been discussed in conjunction with the Head Teacher and School Governing Body. The Education Portfolio Holder spoke in support of the proposals which would provide an additional 52 secondary school places with the intention of classroom accommodation being ready for September 2013.

In view of the tight timescales to get the accommodation available by September next year the Executive was asked to agree delegating authority to Chief Officers to accept a tender for the works, subject to it being within budget. The Director of Renewal and Recreation advised that a report would be submitted back to the Executive before final sign off of the contract.

RESOLVED that

1) approval be given to the fully costed appraisal for the scheme at Riverside School;

- 2) approval to value engineer the scheme at project award stage should tenders be in excess of the 5% of the approved estimate, be delegated to the Director of Education and Care Services;
- 3) delegated authority be given to the Director of Education and Care Services and Director of Resources to accept a tender for these works as long as the tender sum can be contained within the budget available;
- 4) the Director of Education and Care Services be authorised to submit planning applications in association with these works; and
- 5) the underspend on the capital scheme 'Reconfiguration of Special Schools' be used to contribute towards the funding of the Riverside Special School project.

REPORT OF THE CONSTITUTION WORKING GROUP

The fourth report of the Constitution Improvement Working Group was submitted for consideration and contained 19 recommendations on a wide range of issues including keeping the Council's current Leader and Executive form of governance, streamlining routine Portfolio Holder decisions and enhancing the role of full Council meetings etc. The proposals would be a matter for determination by Council but had already been discussed by the General Purposes & Licensing Committee and the Executive and Resources PDS Committee whose view and comments had been circulated.

The Chairman proposed that the report be referred without debate direct to Council where all members would have the opportunity to express their comments. The views of both Committees were noted including the recommendation from the Executive & Resources PDS Committee which would also be forwarded to Council.

RESOLVED that the fourth report and recommendations of the Constitution Improvement Working Group be referred to Council for consideration, together with the views of the General Purposes & Licensing Committee and the Executive & Resources PDS Committee.

72 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

There were no additional issues to be reported from the Executive & Resources PDS Committee.

73 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 the 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*

74 AWARD OF CONTRACT: LEARNING DISABILITY SERVICES FRAMEWORK

Consideration was given to a report detailing the results of the tendering process for a framework agreement for learning disability Supported Living Core and 1: 1 support services and approved the award of the contract for 5 years, with potential to extend for 2 further 2 year periods.

75 EXEMPT MINUTES OF THE MEETING HELD ON 12TH SEPTEMBER 2012

The exempt Minutes of the meeting held on 12th September 2012 were confirmed.

76 GATEWAY REVIEW OF TENANCY SUPPORT SERVICES

The Executive considered a report setting out options for the tenancy support service currently provided by Affinity Sutton and agreed that open competitive tenders for the support service be sought for a period of 2 years with effect from 1st April 2013.

77 RESIDENTIAL AND NURSING HOME CONTRACTS FOR OLDER PEOPLE

Further to Minute 21 (20th June 2012) the Executive considered a report on the results of the tenders received for nursing home care and agreed the recommendation in respect of the award of the contract. As a result of lack of bids for residential care places an alternative procurement approach was agreed.

**78 ASSET MANAGEMENT PLANNING - POST REVIEW REPORTS
BIGGIN HILL LIBRARY AND SWIMMING POOL AND THE
PAVILION DEVELOPMENT**

In accordance with Capital Programme Procedures requiring schemes to be formally reviewed within a year of their completion the Executive received a report on the outcome of reviews of the Biggin Hill Swimming Pool and Library scheme and the Pavilion Leisure Centre Scheme. Members noted the final outturn figures and agreed the budgetary arrangements.

**79 CHURCHILL PLACE, BROMLEY (OPPORTUNITY SITE G) -
PROCUREMENT UPDATE**

Further to Minute 192/1 (23rd May 2012) the Executive considered a report on the results of the Pre-Qualification Stage of the procurement process for the selection of a development partner for Churchill Place (Site G) and agreed to proceed with the next stages of the procurement process in conjunction with the companies listed in the report.

80 CAPITAL RECEIPTS

The Executive considered a schedule of anticipated capital receipts.

Chairman

The Meeting ended at 7.20 pm

EXECUTIVE MEETING

24th October 2012

WRITTEN QUESTIONS BY A MEMBER OF THE PUBLIC

From Mr Collin Willetts of the Resources Portfolio Holder

- 1) Could the Portfolio Holder tell me on what date did the Council sell the land incorporating the Leasons Centre to Croudace Partnerships Ltd?
- 2) Assuming the sale of the Leasons Centre land to Croudace Partnership Ltd was this subject to a committee report and could the Portfolio Holder tell me if Cray Valley West ward member's views were sought, if so what were their views/comments?

Reply:

- 1) The sale to Croudace Partnerships Ltd has not yet completed. Conditional contracts were exchanged on 22nd May 2012. The sale is conditional on the purchaser obtaining planning permission for residential development.
- 2) The offers received for the property were reported to the Executive and Resources PDS Committee on 14th November 2011 for pre-decision scrutiny. The report was included on Part II of the agenda. Ward Members' views were sought and Councillors Ellis and Ince both attended the meeting and expressed some reservations which would in part be dealt with through the planning process.