

EXECUTIVE

Minutes of the meeting held on 28 November 2012 starting at 7.00 pm

Present:

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

Also Present:

Councillor Nicholas Bennett J.P., Councillor Eric Bosshard,
Councillor William Huntington-Thresher and Councillor
Richard Scoates

82 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Robert Evans.

83 DECLARATIONS OF INTEREST

There were no declarations of interest.

84 MINUTES

(a) Minutes

RESOLVED that the minutes of the meeting held on 24th October 2012, excluding those containing exempt information, be confirmed.

(b) Matters Arising

Report RES12203

The Executive received an update on matters arising at previous meetings. It was noted that the Leader had written to Nick Boles M.P., the Planning Minister, about the Government's proposed changes to planning, and a copy was appended to the report.

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

One question for written reply had been received from Councillor William Huntington-Thresher – the answer is attached as an appendix to these minutes.

86 TECHNICAL REFORMS OF COUNCIL TAX
Report RES12164

The report set out changes under the Local Government Finance Act 2012 which would enable Councils to set locally the level of Council tax discount that could be awarded in certain circumstances from 1st April 2013. It was confirmed that the legislation had now received Royal Assent. It was proposed that Bromley would apply 0% discount to Second Homes, "Class A" exemption (empty dwellings undergoing major repair) and "Class C" exemption (vacant dwellings), would make no change in respect of "Class L" exemption (liability of mortgagees in possession) and would not apply the Empty Homes Premium in 2013/14.

Executive and Resources PDS Committee had supported the recommendations with the additional comment that a six month grace period should be allowed for Class C exemptions where the homeowner has deceased. This was allowed for in the regulations and the qualifying period would start on 1st April 2013. Overall, the new arrangements would encourage owners to bring empty properties back into use more quickly.

RESOLVED that the following options be approved –

- **0% discount be applied to Second Homes from 01 April 2013;**
- **0% discount be applied to "Class A" exemption from 01 April 2013;**
- **0% discount be applied to "Class C" exemption from 01 April 2013;**
- **No change be made in respect of "Class L" exemption;**
- **The Empty Homes Premium not be applied for the financial year 2013/14.**

87 BUDGET MONITORING 2012/13
Report RES12195

The Committee considered the third budget monitoring report for 2012/13 based on expenditure and activity levels up to September 2012. An underspend of £3,113,000 for 2012/13 was currently projected.

RESOLVED that

(1) The latest financial position be noted.

(2) It is noted that a projected net underspend of £3,131k is forecast based on information as at September 2012; this consists of a £3,113k net underspend on services and additional council tax freeze grant income of £18k (as in section 3.1 of the report).

(3) The projected increase to the General Fund balance of £1,581k made up of £3,131k underspends detailed in (2) above, offset by carry

forwards of £1,550k funded from underspends in 2011/12 (as in section 3.9 of the report) be noted.

(4) It is noted that the report assumes, at this stage, that any underspends on the 2012/13 Central Contingency Sum will be set aside to meet a contribution to the Insurance Fund and an Income Risk Reserve as detailed in section 3.1 of the report.

(5) The comments from the Director of Renewal and Recreation, the Director of Resources and the Director of Education and Care Services, as detailed in sections 3.2, 3.3 and 3.4 of the report, be noted.

(6) It is noted that a report elsewhere on the agenda requests the drawdown of funds to support Public Health transition as detailed in section 3.5.4 of the report.

(7) The early warnings detailed in section 3.12 of the report be noted.

88 PUBLIC HEALTH TRANSITION GRANT
Report CEO1211

The report set out details of the transition of Public Health responsibilities from the PCT to the Council on 1st April 2013. A number of work-streams had been set up under a local Transition Board to support the changes involving both Council and Public Health staff, including HR, information governance and IT, contracts and commissioning, legal, finance and communications. There would be quarterly progress reports in to the Health and Wellbeing Board.

The Department of Health and the PCT cluster were providing transition funding and officers had been successful in drawing in transition funding for Bromley. The Leader commented that with all London boroughs going through a similar process of integration there should be ways to use these resources more effectively. Officers confirmed that Bromley was working closely with the London and South East London Boards to share learning as the project developed. Much of the expenditure would need to be on direct costs such as computer software and licences. As Public Health became embedded with the Council its costs would become part of the normal overheads for running the service.

RESOLVED that

(1) Agreement for the drawing down of funds to support Public Health transition be confirmed.

(2) The process for managing and monitoring the allocation of funding for each work-stream be agreed.

89 PUBLIC HEALTH TRANSFER OF CONTRACTS
Report CEO1210

The report summarised the arrangements for transferring responsibility of around sixty existing contracts commissioned by Public Health to the Council on 1st April 2013. This would allow the Council to set priorities and allocate resources. The contracts had been divided into five types: (A) simple, mainly non-clinical contracts, (B) more complex clinical contracts, (C) contracts which would not be transferring and which would be terminated, (D) small service level agreements with general practices and pharmacies, and (E) contracts associated with the Drug Action Team and Substance Misuse service which were already commissioned by Education and Care Services – funding for these would no longer come through the PCT, but otherwise the arrangements would stay largely the same. Most contracts were set up on an annual basis to expire on 31st March 2013, so to ensure continuity and stabilise services one year extensions would be sought.

The Finance Director and Director of Public Health offered to circulate further details of the costs of the Public Health service and the numbers of people served under these contracts to Members.

The Leader commented that it would be crucial that effective governance arrangements were in place for the Health and Wellbeing Board, and suggested that the Constitution Improvement Working Group should look at its role and constitution. Final regulations were still awaited, but the Board would have a membership with Members in the majority and would work closely with Public Health and the Clinical Commissioning Group. There was still concern across the boroughs at the potential top-slicing of funds by the Mayor of London.

RESOLVED that

(1) The approach being proposed nationally for the transfer of assets and liabilities from the PCT to the Council be noted.

(2) The approach being taken for managing these contracts be confirmed and officers be authorised to proceed.

90 PROCUREMENT STRATEGY FOR MODULAR BUILDINGS FOR 'SCHOOLS CAPITAL PROGRAMME'
Report ED12067

The Council had a requirement for modular buildings to ensure that it met its statutory requirements for providing sufficient school places. Since 2011 these had been provided through LB Lewisham's Modular Building Framework. This had recently been re-tendered and authority was being sought to use the new framework. The Education Portfolio holder confirmed that a substantial increase in pupil numbers was expected throughout the rest of the decade.

RESOLVED that

(1) The proposed strategy for the procurement of modular buildings and associated building works in conjunction with the delivery of the Council's Education Capital Programme be agreed.

(2) The Director of Resources be authorised to negotiate and enter into the Access Agreement under the LB Lewisham Framework Agreement for the Lewisham Modular Buildings Framework in accordance with clauses 3.6.1 and 13.1 of the Council's Contract Procedure Rules.

91 PARKING SHARED SERVICES

Report ES12110

The Executive considered a report seeking approval to proceed with a shared parking service with LB Bexley. The Environment PDS Committee meeting on 20th November 2012 had supported the proposed shared parking service, but added an additional request that an assessment of externalisation opportunities be brought forward once the shared service had been successfully established with a report on options in 12 months' time. Executive and Resources PDS Committee and General Purposes and Licensing Committee had considered the proposals at a joint meeting on 21st November 2012; although General Purposes and Licensing Committee had approved a technical resolution to enable officers within the proposed shared service to discharge LB Bexley functions, Members had raised concerns and Executive and Resources PDS Committee had agreed that it did not support the current proposal and considered that all alternative approaches should be considered before a decision was made. Councillors William Huntington-Thresher and Eric Bosshard attended the Executive's meeting to explain their committees' positions.

The Director and Assistant Director of Environmental Services responded to the issues that had been raised at the earlier committee meetings. It was confirmed that LB Bexley were not asking for any financial penalties on Bromley to be included in the collaboration agreement, and emphasised that, although further outsourcing could be looked at once the shared parking service was established, large parts of the service were already outsourced to enforcement and ICT contractors. The most likely part of the service to be outsourced was debt recovery, which was already the most efficient in London. The shared service would be based in Bromley and managed by Bromley, but there would be reporting lines to members in both authorities. The savings figure of £100k was a conservative estimate, and the final figures would depend on which staff were assimilated into the new structure. About 10 fte posts would be removed, with comparable savings for both Councils.

Councillor Eric Bosshard stated that although he supported measures to drive down costs there were too many un-quantified factors and the savings on offer were too modest. He considered that the proposals should be supported by a robust business plan, and suggested that the Council should have a business plan template ready to use in such circumstances. He considered

that this was an opportunity for staff to take over the service, or for the whole service to be outsourced – he was concerned that if a shared service was set up now it would need to be unravelled before any future outsourcing solution could be imposed. He and his Committee remained concerned about dual responsibility for the service.

Councillor William Huntington-Thresher emphasised that the service was focussed on policy aims of keeping road traffic flowing and modifying driver behaviour while at the same time not penalising residents unnecessarily. His Committee considered that the current proposals would enable the Council to make quick savings while still providing an opportunity to consider outsourcing an established and larger service in the future.

The members of the Executive considered the report and the various representations, concluding that the Council should push ahead with the proposals and achieve the savings. They considered that the questions around financial risk and management structure had been dealt with, and that there should be no further delay, agreeing with the approach of establishing the new service before making any decisions on outsourcing. The greater scale of the shared service would provide better opportunities for outsourcing. However, they requested that the Collaboration Agreement should come back to Members for approval.

RESOLVED that

- (1) The responses received from staff and their representatives with regard to entering a shared parking service with LB Bexley be noted.**
- (2) The proposal for a shared parking service between the boroughs of Bromley and Bexley to be established on the basis set out in the report be approved.**
- (3) A further report be made as soon as possible for the formal Shared Services Collaborative Agreement between LB Bromley and LB Bexley for the provision of parking services to be considered and approved.**
- (4) An assessment of the opportunities for externalisation of the service be brought forward once the shared service has been successfully established.**

92 LOCAL GOVERNMENT OMBUDSMAN REPORT
Report RES12201

The Local Government Ombudsman had recently found maladministration causing injustice in a complaint against the Council concerning delays in the implementation of a young person's statement of special educational needs. It was recommended that the Council accept the recommendations of the Ombudsman and authorise payment of compensation totalling £7,000.

RESOLVED that the findings of the Ombudsman's report be accepted and payment of the suggested compensation to the complainant be authorised.

93 CARBON REDUCTION COMMITMENT (CRC) SCHEME: 2011/12 ANNUAL REPORT
Report ES12123

The Executive received annual reports on the Carbon Reduction Commitment (CRC) scheme, which was a significant corporate financial liability; the report set out activity during 2011/12 including the purchase of carbon allowances to cover 2011/12's emissions. The Leader confirmed that the Council had pressed for academies to become responsible for the financial liabilities relating to their own carbon emissions, and the Director of Environmental Services agreed to pursue this again.

RESOLVED that

(1) The need for sustained action to continue to improve data quality and reduce energy use and carbon emissions in order to reduce the Council's financial liabilities under the CRC scheme be endorsed.

(2) A further annual report be received next year setting out scheme compliance, emissions and allowance costs for 2012/13 together with a four year forecast of the Council's financial liabilities.

94 CARBON MANAGEMENT PROGRAMME: PROGRESS REPORT 2011/2012
Report ES12122

The Council's Carbon Management Programme (CMP) and Carbon Management Fund (CMF) had been established by the Executive in October 2008 to help reduce energy costs and carbon emissions. This was now the fourth annual report, summarising the Council's progress in reducing its energy consumption and carbon footprint in 2011/12.

It was noted that emissions from Bromley Mytime buildings had increased between 2010/11 and 2011/12, but it was confirmed that these costs were recovered from Mytime.

RESOLVED that

(1) The contribution of all Council departments in achieving an 18% reduction (6,637t) in emissions and £389k avoided spend over the past four years (against the 2006/2007 baseline) be noted.

(2) Continuing action to reduce emissions and costs be approved with the aim of achieving:

- (a) the 25% emissions reduction target by the end of March 2013;**
- (b) future efficiencies (as in section 3.34 of the report), as advised by the Programme Board.**

(3) An annual progress report be received in one year's time, detailing 2012/13 performance and how the Council ultimately performed against its five-year, 25% reduction ambition.

95 FORMAL CONSULTATION ON OUTLINE SERVICE PROPOSALS AND PROCUREMENT STRATEGY: CUSTOMER SERVICES
Report RES12204

The report summarised the options for the future provision of customer services, which included Bromley Knowledge (web services), Reception Services and the Contact Centre. It was proposed to make substantial savings by outsourcing these services to a private contractor, and it was recommended that officers should negotiate with Capita and Liberata to explore this.

The Chairman invited Glenn Kelly, Staff Side Secretary, to address the meeting on behalf of the staff involved. He emphasised that the Customer Service Centre was the face and voice of the Council and set the tone for residents' perceptions of the organisation. Staff were trained and experienced, with detailed local knowledge – these services could not be provided so effectively from other parts of the country. With £185k of savings already removed from the budget, it was difficult to see how a private contractor could maintain standards and create a profit. Bromley had the highest proportion of people over 80 years old in London, and these people needed to be able to speak directly to staff who could assist them. He also criticised the large clientside shown in the proposals, and the failure to use the Council's reserves to maintain services and standards. He concluded that staff would ballot for industrial action if the proposals went ahead.

Members recognised that this was a well-run service that was highly regarded by residents. The Leader emphasised that the recent public meetings had demonstrated that residents wanted the Council to examine all options for delivering services more efficiently. All options should be considered and market tested, whether in-house or outsourced, but it was important to retain the local knowledge provided by a largely locally-based staff.

The Director of Resources confirmed that it would be possible to engage with both Capita and Liberata without having to go through a formal procurement process, which would be required if other providers were to be considered.

RESOLVED that the Director of Resources be asked to explore opportunities with suitable providers for Customer Services as outlined in the report, noting the importance of maintaining service standards and recognising the need for well-trained staff with local knowledge.

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

There were no other issues to be reported from Executive and Resources PDS Committee.

97 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**

98 EXEMPT MINUTES OF THE MEETING HELD ON 24TH OCTOBER 2012

The exempt minutes of the meeting held on 24th October 2012 were confirmed.

99 AWARD OF STREET LIGHTING MAINTENANCE AND IMPROVEMENTS CONTRACT AND STREET LIGHTING INVEST TO SAVE INITIATIVE

The Executive awarded contracts for street lighting maintenance and improvements for an initial ten year period and agreed invest to save proposals to replace the Council's older street lighting stock.

100 STREET WORKS TENDER REPORT (NRSWA)

The Executive awarded a new contract for inspection of streetworks to commence on 1st April 2013 for an initial period of three years, with the option to extend for a further two or four years.

The Meeting ended at 8.46 pm

Chairman

COUNCILLOR QUESTION FOR WRITTEN REPLY

From Councillor William Huntington-Thresher of the Education Portfolio Holder

You will have probably have seen the press coverage of the Decision by St Olave's School to terminate the use of the Scout Hut in Goddington Lane by the Scouts and other community groups. It is thought that the school is looking to sell the site rather than keep it for an educational use. The future of the scout group is a big concern to Orpington residents and there does not appear to be alternative suitable venue:

- (a) As the school has not yet become an Academy does it require LBB's approval to dispose of part its grounds or otherwise terminate educational use of the part of the site?
- (b) If it did, would the Council be inclined to permit the sale & termination of educational use?
- (c) Would the council be willing to write to St Olave's highlighting its concerns over the closure of the scout group and the loss of educational use of the grounds provided by the council to St Olave's on behalf of the local community for educational use?

Reply:

- (a) The school does not require any consent to terminate the lease of the scout hut – that is a matter of landlord and tenant law between the school and the scouts. The school would have to notify Bromley in writing if they intended to dispose of the land, stating how much they expected to get for the land and what capital project they were going to spend the proceeds on. Bromley then would have 6 weeks to respond. If Bromley objects to the sale/use of the proceeds it must give reasons and the parties should discuss the matter with the aim of reaching agreement. If no agreement can be reached either party may refer the matter to an Adjudicator.
- (b) Any decision would depend on the information provided by the school as to the purpose of the sale and proposed use of the sale proceeds.
- (c) We would be happy to write to the school suggesting that whatever plans the school had in the medium term they consider making a portion of land available elsewhere on their site for this scout group, recognising as we do the important work the scout association does in working with young people.

However, with regard to any potential loss of land for educational use, we understand the school intends to use the proceeds for a major redevelopment of the site to allow expansion of the school and improvement of facilities for teaching.