

EXECUTIVE

Minutes of the meeting held on 15 October 2014 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 Diane Smith and
Councillor Angela Wilkins

73 APOLOGIES FOR ABSENCE

Apologies were provided for Councillor Nicholas Bennett and Councillor Russell Mellor, often in attendance at Executive meetings as non-Executive Members.

74 DECLARATIONS OF INTEREST

There were no declarations.

75 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 10TH AND 19TH SEPTEMBER 2014

Minutes of the meeting held on 10th September 2014 were agreed as were tabled minutes of the meeting held on 19th September 2014.

Concerning the minutes of the 10th September meeting and Minute 61 thereof (*Gateway Report – Proposals for Re-tendering of the Churchill Theatre Management Contract*), and whether a proposed break clause for redevelopment at years 10, 15 and 20 was exercisable by both parties for their benefit, the position provided that this would be a break clause exercisable only by L B Bromley and only if the site were to be subject to redevelopment i.e. a Landlord break for redevelopment purposes upon Site G proceeding or other future developments taking place on Site G. It was in effect a developer's break clause with L B Bromley having the ability to break (the contractor being tied into the contract).

A matters arising report was also provided for Members.

76 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions.

**77 TEMPORARY ACCOMMODATION UPDATE - USE OF
 MANORFIELDS AS TEMPORARY ACCOMODATION**

Report CS15087

Report CS15087 set out proposals to use Manorfields, a former residential care home, as temporary accommodation to enable the Council to meet its statutory housing duties, and to assist towards mitigating the significant cost incurred by increased use of nightly paid accommodation.

A similar proposal implemented at Bellegrave in November 2013 had been well-maintained and managed, and was now delivering predicted savings.

RESOLVED that:

(1) use of Manorfields as temporary accommodation to meet the Council's statutory housing obligations under the homelessness legislation be approved;

(2) capital funding requirements of £563k for refurbishment and associated fees to bring Manorfields to a suitable standard for the purpose at (1) above be approved and met from the Council's Central Contingency Sum for Homelessness; and

(3) use of Orchard and Shipman to oversee the project through the planning and refurbishment process, and then to lease and manage Manorfields as temporary accommodation under the existing leasing and temporary accommodation management scheme agreed in December 2010, be approved.

**78 HOMELESSNESS AND WELFARE REFORM DRAW-DOWN
 FROM CENTRAL CONTINGENCY**

Report CS14095

Members were updated on pressures and challenges associated with homelessness and temporary accommodation, and the range of initiatives being pursued to reduce the rising budget pressures where possible. Members were recommended to approve a draw-down of £653k from the sum of £1.2m held in central contingency for homelessness and welfare reform pressures.

Within initiatives to reduce the rising budget pressures, consultation had started on proposed revisions to the allocations scheme, which it was hoped would lead to a reduction in numbers on the housing register to some 2,000. Following consultation, a further report would seek approval of the revisions.

RESOLVED that:

(1) a sum of £653k set aside in central contingency for homelessness and welfare pressures be released; and

(2) in consideration of the current pressures and likely budget impact going forward, the mitigating actions underway be supported.

79 SUBSTANCE MISUSE SERVICES

Report CS14072

Approval was sought to extend from January 2015 to December 2015 three existing contracts with Crime Reductions Initiatives (CRI) for the provision of an integrated drug and alcohol service covering Stabilisation and Assessment, Recovery, and Intensive Prescribing. Approval was also sought to extend from January 2015 to December 2015 the contract with Kent Council on Alcohol (KCA) to provide an integrated drug and alcohol service for children and young people.

The matter was previously considered by the Executive at its meeting on 16th July 2014. Given the sums involved Members wanted a full understanding of this area and for the Care Services PDS Committee to give the matter further consideration before a final decision is taken. Accordingly Report CS14072 provided further details.

It was proposed to tender for a new substance misuse service to take effect following any contract extensions. The service would be re-specified with the aim of combining individual service elements into a single contract. It was intended to deliver further value for money. In providing for the treatment of patients with alcohol and/or drug dependence, the service formed part of the Authority's statutory obligation for public health provision.

A number of views were outlined in discussion. The number of adults in Bromley drinking at levels which increase the risk of harm to health would, it was suggested, need correction (first bullet point at paragraph 3.2.1 of Report CS14072). It was felt the report focused on the extent of alcohol and drug dependency nationally and locally rather than on offering options to effectively address the problem. As a local initiative, it was necessary to be assured on value for money and it was questioned whether resources might be better targeted at prevention/early intervention with a possible increased role for local police enforcement. Increased medical evidence would also be helpful.

As the contract was originally tendered by the former Bromley PCT as part of a pan-London contract, a more "Bromley centric" approach was suggested with a re-negotiated contract based on local needs. The Deputy Leader proposed a six month rather than 12 month extension of the contracts during which time further (medical) evidence and information could be obtained. If more time was needed a further three month extension could be considered. Noting the mandatory Public Health outcome for successfully completing treatment, i.e. being free from the substance of choice and not re-presenting within six months, the Leader questioned whether there might be those

leaving treatment re-presenting after six months. He suggested a greater role for intervention, with the Better Care Fund possibly funding some of the issues in conjunction with a possible role for primary care.

In further comment, it was suggested that effective treatment can positively reduce crime levels. Treatment had been successfully completed in a number of cases and those requiring clinical intervention needed ongoing support and help. The Portfolio Holder for Care Services supported an extension of the contracts suggesting there would be much more focus in considering a new contract. He supported early intervention but suggested that some aspects of service outcomes were difficult to quantify.

It was highlighted that 20% of patients completed drug dependency treatment i.e. not presenting back to services within six months. This compared favourably with treatment for a number of other conditions. After six months there is a reasonable prospect of the patient not relapsing. The Public Health grant covered both acute and preventative elements, and with contracts extended, both savings and a revised policy approach could be considered in a new contract e.g. increased early intervention. A full 12 month extension would be necessary to develop a new policy, tender new requirements, and complete decision making. Revised specifications for a new contract could be brought to Members at an early stage e.g. April/May 2015 with further reports provided at subsequent key stages to enable Member input. It might be possible to direct some funds towards further prevention measures if savings could be made in a new contract.

Taking account of comments made, the Portfolio Holder for Resources offered his support to extend the contracts by 12 months, subject to interim reports at three and six months. However, it was important for Members to be provided with appropriate information.

The Leader put the recommendation at 2.2. of Report CS14072 to a vote alongside the wish for a policy review of the service and both were agreed by a majority. The Deputy Leader asked that his vote against be recorded.

The Leader emphasised the importance of providing clarity to Members on outcomes that can be expected from the service.

RESOLVED that:

(1) in line with the Council's Contract Procedure Rules (CPR) –

- **the three existing contracts with CRI for the (a) Stabilisation and Assessment Service, (b) Recovery Service, and (c) the Intensive Prescribing Service, be extended for a period of one year from January 2015 until December 2015 and**
- **the contract with KCA for the children and young people's substance misuse service (BYPASS) be extended for a period of one year from January 2015 until December 2015; and**

(2) a policy review be undertaken to develop a revised approach to counter substance misuse in preparation for the procurement of a new contract effective from January 2016 and progress reports be brought back to the Executive after three and six months.

80 ADOPTION GRANT DRAW-DOWN

Report CS14089

Approval was sought for the draw-down of non-ring fenced grant comprising £345,700 in 2014/15 and £272,400 in 2015/16 to improve performance on adoption and permanence for looked after children.

Adoptions had increased from 10 in 2011-12 to 14 in 2013-14. This year 21 adoptions were projected. Draw-down of adoption reform grant in 2013/14 significantly helped to speed the assessment and matching of adoptive families and children awaiting placement.

Family Courts however were now more challenging of adoption plans following a Court of Appeal Judgment last year. This in turn had led to a significant increase in children made subject to Special Guardianship Orders (SGOs) as an alternative plan for securing 'permanence'. SGOs involved the payment of maintenance to carers for two years and costs of social work support for three years. High support levels were required for some of the families. The Implications of the new family justice requirements (included in the Children and Families Act 2014), requiring the conclusion of Care Proceedings within 26 weeks, had placed significant pressure on completing such assessments within tight timescales. Use of the Adoption reform grant to support the activity over the next two years would remove the need for additional financial support through general growth. With SGOs and associated processes, the Portfolio Holder for Education felt there could be a risk of children moving out of the adoption window.

The Leader suggested that SGOs were preferred to residential placements. The number of residential placements was reducing as a consequence of increased adoptions. Draw-down of the grant would enable the authority to demonstrate compliance with the new legislation and a number of adopters would continue to be recruited. Some 20+ adoptions would be regularly achieved and further adoptions might be possible with any change in courts practice. Capacity is necessary to deal with priorities such as more adoption medicals and family group conferences; without the investment it would not be possible to comply with timescales.

To address difficulties in recruiting children's social workers, staff had been moved into key posts with other posts backfilled. Experienced social worker staff were generally assigned to adoption work. Any recruitment would be temporary given uncertainties on whether there might be further grant in future.

Executive
15 October 2014

The Portfolio Holder for Public Protection and Safety recommended funding for 2014/15 and a progress report to Members before considering the release of further funding for 2015/16. This approach was agreed.

RESOLVED that:

(1) draw-down of £345,700 non-ring fenced adoption reform grant for 2014/15 be approved; and

(2) draw-down of £272,400 for 2015/16 be deferred, pending consideration of a progress report nearer to 2015/16.

81 DRAW-DOWN OF GOVERNMENT GRANT FUNDING HELD IN CONTINGENCY TO SUPPORT THE LOCAL AUTHORITY IN IMPLEMENTING THE SEN REFORMS AND PATHFINDER CHAMPION SUPPORT

Report ED15082

Draw-down of funds was requested from the following grants held in central contingency:

- SEND Implementation (New Burdens) Grant (to implement reforms of the Children and Families Act 2014 from September 2014, particularly the transfer of Statements of Special Educational Needs and Learning Difficulty Assessments to Education, Health and Care Plans); and
- Bromley Pathfinder Champion Grant (for Pathfinder Champion work with partners at L B Bexley and L B Enfield to support implementation of the new SEN and Disability reforms in 15 non pathfinder London local authorities designated as London Region 1).

RESOLVED that:

(1) draw-down of £151,960 from central contingency in respect of the 2014/15 SEND Implementation Grant be approved, with the remaining £107,357 ring-fenced for draw-down in 2015/16; and

(2) drawdown of £71,063 from central contingency in respect of the 2014/15 SEN Pathfinder Champion Grant be approved.

82 COMMISSIONING - PROPOSED TOTAL FACILITY MANAGEMENT CONTRACT

Report DRR14/089

Members were briefed on the outcome of the market intelligence exercise concerning Facility Management and Public Protection Services. Report DRR14/089 set out a commissioning programme in line with the Council's financial strategy, commencing with a "gateway" report to the Executive in

February 2015, including confirmation of the baseline option that would be market tested. There would be detailed work on specifications for all the services which would be key to achieving a successful outcome. Under the Community Right to Challenge, expressions of interest could be made by staff or community groups before 31st December 2014.

The timetable for the project had been developed so it could be delivered as far as possible without the risk of challenge. Due diligence of contractors was needed by L B Bromley and contractors would need to carry out due diligence of L B Bromley. Stages in the procurement path were outlined to Members and Member approval would be sought at key points in the process.

Councillor Wilkins (Crystal Palace) felt that both services and rates of pay for staff could decline in the private sector and she was sceptical that savings could be made through contracting out the services. She was particularly concerned about the level of service that would be provided and hoped there would be effective engagement with end users. In response, it was highlighted that further reports would be provided with opportunities for Member input. Although the services would be market tested, this was not indicative of them all being outsourced. Some organisations had advantages of scale for absorbing costs and better ICT models which a small organisation would not possess. L B Bromley also had a good track record of dealing with contracts and monitoring performance. This worked well by having a “thin” client. A number of existing contractors were also required to attend relevant PDS meetings and account for service performance; officers also maintained an ongoing dialogue. More would also be expected of Members to scrutinise contracts effectively. Given the financial climate, there was no alternative to commissioning.

Supporting market testing, the Portfolio Holder for Renewal and Regeneration suggested that it was not essential to package services into large bundles.

RESOLVED that as part of the tender process:

(1) the services identified at Appendix 1 to Report DRR14/089 form the basis for the ‘bundle’ of services to be market tested, subject to any further comments that might be received and finalised at the Gateway report stage; and

(2) expressions of interest be sought under the Community Right to Challenge until 31st December 2014.

83 STREET LIGHTING - INVEST TO SAVE

Report ES14071

In November 2012, it was agreed that £8.507m could be drawn down from the Invest to Save Fund to allow the replacement of 7,902 lamp columns and 11,902 lanterns, including the installation of a Central Management System

(CMS) to facilitate remote control of lighting levels and reduce night time inspections.

It has since been identified that fewer “at risk” steel columns require replacement, so reducing projected column replacements to 6,748 and reducing the number of lanterns needing replacement by 1,154. A remaining balance of £1.2m could then be used to replace more lanterns and increase the level of energy savings. It was proposed that the number of lantern replacements would increase to 14,377, providing additional energy savings of £46k per annum. There would also be carbon allowance savings of £5k per annum.

RESOLVED that the proposed amendment to the street lighting Invest to Save project be approved, namely to replace fewer lamp columns and instead convert more lanterns as set out at paragraphs 3.18 to 3.20 of Report ES14071.

84 PUBLIC TOILET PROVISION

Report ES14085

It was proposed to close Penge High Street public toilet and introduce the Community Toilet Scheme (CTS) at three locations in the town.

Before considering the recommendations, Members agreed to defer the report to the Executive’s next meeting on 26th November 2014. The outcome of a 28 day period of targeted consultation could then be considered by Members. Consultation was initiated by displaying a formal notice affixed to the door of the public toilet and this was undertaken on 15th October 2014.

The three proposed CTS providers, as recorded in Report ES14085, were members of the *Open London* scheme and would accordingly provide public toilet facilities free of charge. Since publication of the report, Weatherspoon’s had withdrawn their participation and a third CTS location was therefore sought. Any replacement CTS provider who was not an *Open Door* member would be paid up to £1,000 per annum by L B Bromley (plus VAT) depending on facilities available.

RESOLVED that consideration of Report ES14085 and its recommendations be deferred to the Executive’s next meeting on 26th November 2014.

85 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 and Resources PDS Committee.

86 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

87 EXEMPT MINUTES OF THE MEETING HELD ON 10TH SEPTEMBER 2014

The exempt minutes were agreed.

88 LEARNING DISABILITY SUPPORTED LIVING CONTRACT AWARD

Report CS15092

Members were apprised of the outcome of tendering for care and support in five adult learning disability (LD) schemes. Recommendations were also made on award of contract.

89 AWARD OF CONTRACTS FOR CLARE HOUSE AND WORSLEY BRIDGE SCHOOLS AND FINAL SETTLEMENT OF THE LANGLEY PARK SCHOOL FOR BOYS CONTRACT

Report ED15106

Report ED15106 recommended the award of contracts for Basic Need Capital Programme schemes at Clare House and Worsley Bridge Primary Schools.

The report also set out the Final Settlement Agreement resolving all remaining disputed items for the Langley Park School for Boys One School Pathfinder project, and the transfer of a sum from Dedicated Schools Grants to cover remaining costs of the project.

90 THE GLADES SHOPPING CENTRE: MALL REFRESHMENT

Report DRR14/087

Partner consent was sought to a programme of mall refreshment works at the Glades Shopping Centre, along with agreement to the Council's contribution as its share of the cost of the works.

Chairman

The Meeting ended at 9.01 pm