

EXECUTIVE

Minutes of the meeting held on 24 March 2015 starting at 7.00 pm

Present:

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

Also Present:

Councillor Nicholas Bennett J.P., Councillor William
Huntington-Thresher and Councillor Angela Wilkins

158 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Peter Morgan – Members sent their best wishes for a speedy recovery from his recent operation. Apologies were also received from Councillor Eric Bosshard.

159 DECLARATIONS OF INTEREST

There were no declarations of interest.

160 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 11TH FEBRUARY 2015 Report CSD15042

The Committee received an update on matters arising from previous meetings.

RESOLVED that the minutes of the meeting held on 11th February 2015 (excluding exempt items) be confirmed.

161 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Three questions for written response had been received – these are set out in [appendix 1](#).

162 BUDGET MONITORING 2014/15 Report FSD15024

The Executive received the fifth budget monitoring report for 2014/15 based on expenditure and activity levels up to the end of January 2015. The report set out cost pressures, significant variations and early warnings - a net underspend of £478k was forecast. The release of £120k grant funding from Central Contingency for Helping People Home and the creation of earmarked reserves for surplus rental income generated from properties used for

temporary accommodation purchased from payment in lieu funds and for the Welfare Fund were proposed and the report also recommended that Council establish a Financial Planning/Risk Reserve.

The Portfolio Holder for Education emphasised that schools would see more money in their budgets for the coming year than ever before, and that discussions were on-going to move the Adult Education service to a more secure funding position.

The installation of the RFID system into the remaining nine libraries was questioned, but this was linked to reducing staffing costs. The concern would be brought to the attention of the Portfolio Holder and service manager.

The Leader concluded that the direction of travel was good, but every effort should continue to be made to come in on budget.

RESOLVED that

(1) The projected net underspend on services of £478k forecast based on information as at January 2015 is noted.

(2) The comments from the Executive Director of Education, Care and Health Services, the Director of Transformation and Regeneration and the Executive Director of Environment and Community Services as detailed in sections 3.2, 3.3 and 3.4 of the report be noted.

(3) The release £120k grant funding from Central Contingency for Helping People Home be agreed as detailed in paragraph 3.5.2 of the report.

(4) The projected decrease to the General Fund balance of £1.1m to £18.9m as detailed in paragraph 3.6.1 of the report be noted.

(5) The Prior Year Adjustments totalling £1,220k as detailed in section 3.7 of the report be noted.

(6) The Early Warnings as detailed in section 3.8 of the report be noted.

(7) The full year cost pressures of £5.1m as detailed in section 3.9 of the report be noted.

(8) The creation of an earmarked reserve for surplus rental income generated from properties used for temporary accommodation purchased with Payment In Lieu funds as detailed in section 4.3 be agreed.

(9) Council be recommended to create a Financial Planning/Risk Reserve as detailed in section 4.4 of the report.

(10) The creation of an earmarked reserve for the Welfare Fund as detailed in section 4.5 of the report be agreed.

163 PHASE 2 - DRAW-DOWN OF GOVERNMENT (NEW BURDENS) GRANT FUNDING HELD IN CONTINGENCY TO SUPPORT THE LOCAL AUTHORITY IN IMPLEMENTING THE SPECIAL EDUCATIONAL NEEDS REFORMS

Report ED15082

The Government had provided New Burdens Grants in 2014/15 and 2015/16 to assist local authorities in meeting their statutory duties to deliver reforms in Special Educational Needs, in particular to move existing statements to education health and care plans. It was proposed to carry forward an underspend in 2014/15 to 2015/16, and to approve drawdown of part of the 2015/16 grant.

Bromley was a pathfinder authority so was well ahead of most councils in implementing the changes. The staff employed to manage the transition were on temporary contracts and there was a small contingency available, so the Council's liabilities were minimised, but the Director of Finance confirmed that discussions were continuing with the Government over new burden funding beyond this.

It was noted that the figure of £190k given in the report for the underspend from the original drawdown should be updated to £200k.

RESOLVED that

(1) The carry forward of the under spend in 2014/15 of £200,000 and the drawdown of the remainder £107,357 funding from the Council's central contingency for the 2014/15 SEND Implementation Grant (Total £307,357) be approved.

(2) The drawdown of part of the SEN New Burdens Grant 2015/16 of £148,343, with the remaining £28,476 to stay in contingency ring-fenced for drawdown at a later date if required, be approved.

164 APPROVAL OF PROCUREMENT STRATEGY FOR BASIC NEED PROJECTS

Report withdrawn.

165 GATEWAY REVIEW 0,1 & 2 APPROVAL OF 2015/2016 EDUCATION BUILDING MAINTENANCE BUDGETS, EDUCATION PLANNED MAINTENANCE PROGRAMME AND PREFERRED PROCUREMENT OPTIONS

Report DRR15/018

The report set out the proposed 2015/16 maintenance budget for education buildings and the preferred procurement option for the programme. The

budget included a £100k contingency for unforeseen problems in-year. It was confirmed that Bromley had met all requirements for provision of universal infant free school meals by the start of the autumn term; the programme contained separate funding to support health and safety work related to linking kitchen shutters to fire alarm systems.

RESOLVED that

- (1) Overall expenditure of £1,452,294 for the maintenance budget for education buildings in 2015/2016 be approved.**
- (2) The criteria used to assemble the planned maintenance programme be approved (Gateway Review 0 & 1.)**
- (3) The proposed education planned maintenance programme (Appendix A to the report) be approved.**
- (4) Authority be delegated to the Director of Corporate Services to vary the planned programme where such action is considered necessary to either protect the Council's assets or make the most effective use of resources.**
- (5) The preferred procurement option and method to be used be approved as set out in the report (Gateway Review 2.)**
- (6) Authority be delegated to the Director of Corporate Services to select the most economically advantageous tender for any individual item of expenditure under the approved programme referred to at (1) – (5) above.**
- (7) The Director of Regeneration and Transformation be authorised to submit planning applications where appropriate in respect of schemes identified in the education planned maintenance programme**
- (8) As part of the £1,452,294 budget, the £700,000 allocation to Suitability/Health and Safety, Security, Seed Challenge and Kitchen Refurbishment programmes be approved responsibility for management be delegated to the Executive Director of Education Care and Health Services.**
- (9) The Executive Director of Education Care and Health Services be authorised to submit planning applications in respect of schemes in the Suitability/Health and Safety, Security, Seed Challenge and Kitchen Refurbishment programmes.**

166 ALLOCATIONS SCHEME REVIEW
Report CS14125

The Executive was asked to approve revisions to the allocations scheme to be implemented with effect from July 2015, subject to delivery from the IT systems provider of the required system changes. The proposals had been

supported by Care Services PDS Committee on 4th March 2015. The Care Services Portfolio Holder explained that the proposals rationalised the housing register and focussed on long term residents of the borough. The Deputy Leader offered congratulations to the Housing team for their work on the Scheme.

RESOLVED that the proposed revisions to the Allocations Scheme to be implemented with effect from July 2015 be approved, subject to delivery from the IT systems provider of the required system changes to enable full implementation.

167 NEW HOMES BONUS AND HIGH STREET FUND ALLOCATIONS
Report DRR15/022

The Council had been successful in submitting project proposals under the New Homes Bonus top-slice and the GLA's High Street Fund programmes, and approval was sought to add the projects to the Capital Programme and to formally release the top-slice funding. The Leader commented that this reflected the Council's priority to assist some of the smaller shopping centres across the borough, as well as Bromley town centre.

RESOLVED that

(1) The successful outcome of the Council's submitted project proposals under the New Homes Bonus (NHB) Top-slice and High Street programme be noted.

(2) The Orpington and Penge projects, totalling £1,271k, be added to the capital programme, being fully funded by monies from the NHB Top Slice (£1,146k) and High Street Fund (£125k).

(3) The release of the £600k for revenue spend from NHB top-slice funding for the two year period to meet the cost of two development planners, development consultancy and to provide business support for these projects be agreed.

168 PASSENGER TRANSPORT CONTRACT
Report CS14139

The current Passenger Transport Framework Agreement, used for the delivery of transport by the Special Educational Needs Transport (SENT) team, was due to expire in August 2015. The vehicle hire agreement for the delivery of the Adults Transport Service had been extended to end in November 2015. The delivery of these two services had been market tested to ascertain if significant cost savings could be realised by contracting either element or holistically delivering these services through alternative means. It was proposed to award the contract for Adults Transport Services to a single provider for a period of three years and nine months from 1st December 2015 with an option to extend for a further period of up to two years. It was

emphasised that this report dealt with contracting arrangements for the service, not policy issues.

RESOLVED that

(1) The contract for Adults Transport Services be awarded to a single provider for a period of 3 years and 9 months from 1 December 2015, with an option to extend for a further period up to, but not exceeding 2 years.

(2) It is noted that a management reorganisation of the Passenger Transport Service will be undertaken during 2015/16 as detailed in paragraph 3.34 of the report.

169 JOINT PARKING SERVICES CONTRACT GATEWAY REVIEW
Report ES15020

The current parking operations and enforcement contract with Vinci Park Services was due to expire in September 2016, coinciding with the planned end date for LB Bexley's parking contract with NSL. It was proposed to procure parking services through partnership with LB Bexley using the British Parking Association Parking Management and Associated Services Contract.

The proposals had been supported by the Environment PDS Committee on 17th March 2015.

RESOLVED that

(1) Parking services be procured in partnership with the LB Bexley.

(2) Parking and associated services be procured as set out in Appendix 1 to the report, using the British Parking Association 'Parking Management and Associated Services Contract.'

(3) The length of the contract be for a 5 year period with an option to extend for a further 5 years, commencing October 2016, plus an option for a discounted 10 year contract.

(4) The timetable required to achieve October 2016 contract start date be agreed as set out in Appendix 2 to the report.

(5) Delegated authority be given to Executive Director of Environment and Community Services in discussion with the Portfolio Holder to approve final service specifications and associated KPIs.

(6) It is noted that a review of the parking shared service structure will be undertaken by the end of March 2017 as set out in paragraph 3.10 of the report.

**170 VARIATION TO THE GROUNDS MAINTENANCE CONTRACT
TO PROVIDE A WHOLLY MANAGED SERVICE**
Report ES15021

As part of the 2015/16 Budget process all areas of expenditure had been scrutinised with a view to delivering services in a more efficient and effective way, particularly given the significant funding gap identified in the four year forecast. This has included looking at the option of outsourcing services through the Commissioning approach where appropriate. It was proposed to vary the current Grounds Maintenance Contract with The Landscape Group to include the provision of Parks Management functions currently delivered 'in house', and extend the Contract until 31st March 2019.

The proposals had been scrutinised by the Environment PDS Committee on 17th March 2015; the Committee had supported the recommendations but had wanted to see strong scrutiny of the new arrangements by the Council, the proposed Partnership Board and Friends Groups.

The Leader of the Labour Group raised concerns about the proposals, questioning how savings would be achieved with redundancy costs, whether it was necessary to make savings from this contract, and suggesting that many volunteers might be reluctant to continue their work to support a private company rather than the Council. Officers confirmed that the savings to be achieved were set out in the report and, whilst noting the concern about volunteers, emphasised that it would still be very clear that volunteers would be working for their communities, not the contractor. She also asked about the impact on Crystal Palace Park, and it was confirmed that this was a separate item in the contract which could be varied as necessary to accommodate any changes.

The Leader emphasised the Council's commitment to this highly valued service and stated that quality and high standards should be maintained.

RESOLVED that

(1) The Variation to the current Grounds Maintenance Contract with the Landscape group to include the functions outlined in the Report, and extend the Contract to 31st March 2019 to allow the packaging and tendering of all Streetscene & Greenspace Contracts at that date, be approved.

(2) The transfer of Parks and Greenspace Services and the associated staff, as outlined in Appendix A to the report, to The Landscape Group, be approved as outlined in the report.

(3) Authority be delegated to the Executive Director of Environment and Community Services, in consultation with the Director of Resources, to transfer the unplanned maintenance functions associated with parks and greenspaces to The Landscape Group if deemed appropriate.

171 CRYSTAL PALACE PARK
Report DRR15/020

Following the end of the exclusivity agreement with ZhongRong International Group (ZRG) it was proposed to proceed with work towards a new form of governance for Crystal Palace Park and to proceed with six capital projects for improvements in the park in line with the Masterplan, funded by £160k in capital receipts and £2m from the GLA.

RESOLVED that

- (1) The expiry of the Exclusivity Agreement with ZRG be noted.**
- (2) The exploration and development of a sustainable business plan for the establishment of an alternative management option for Crystal Palace Park be approved as set out in section 3; the progress made on this business planning work will be reported back to Members in autumn 2015, with an expected request to Members to proceed with the formation of a Trust or other not-for-profit management option.**
- (3) Up to £495k in capital receipts be contributed and added to the capital programme for the development of an alternative management option and a capital scheme for the improvement of the park in line with the Masterplan, as set out in section 3 of the report.**
- (4) It is approved in principle that capital receipts generated through the implementation of the Masterplan will be reinvested in the park, contributing to the development of a sustainable business plan for the park.**
- (5) The delivery of the six Crystal Palace Park Improvement Scheme projects at a total cost of £2.16m be approved subject to any necessary statutory consents, as set out in section 4 of the report.**
- (6) Confirmation of the £1.84m from the GLA is noted.**
- (7) The £1.84m balance of funding from the GLA will not directly lead to a reduction in revenue funding for the park, and that additional income from the café will be ring fenced for the park, as set out in section 4 of the report.**
- (8) The marketing of a new café lease be approved - the lease for the new premises will be tendered on the open market.**

172 LAND KNOWN AS BECKENHAM GREEN LOCATED BETWEEN HIGH STREET AND ST GEORGE'S ROAD FOR REGISTRATION AS A TOWN OR VILLAGE GREEN
Report CSD15041

At its meeting on 25th November 2014 the Development Control Committee had declined to register Beckenham Green as a Town or Village Green, but had referred the report to the Executive for the Council to consider voluntarily registering the land. Members agreed that this was a very valued and much appreciated amenity for Beckenham, but did not agree that there were any additional benefits to be obtained through a voluntary registration.

RESOLVED that the land known as Beckenham Green should not be voluntarily registered as a town or village green.

173 COUNCIL MOTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER
Report DCS15039

At the full Council meeting on 23rd February 2015 a motion had been moved by Councillor Simon Fawthrop and seconded by Councillor Douglas Auld proposing an amended statement in the Unitary Development Plan to provide additional protection for the Petts Wood Area of Special Residential Character (ASRC.) The motion had been referred to the Executive for decision.

Development Control Committee had also supported the motion at its meeting on 24th March 2015.

RESOLVED that, in accordance with the motion moved by Councillor Simon Fawthrop and seconded by Councillor Douglas Auld, the existing statement in the Unitary Development Plan (UDP) in relation to the Petts Wood Area of Special Character (ASRC) should be supplemented with the updated statement set out in the report which should also form the basis of any descriptions within the Local Development Framework (LDF) including any future reports to Development Control Committee. This supplement should take place with immediate effect, subject to any statutory or technical considerations, which should be expedited.

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

There were no additional items to be reported from the Executive and Resources PDS Committee.

175 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**

**176 EXEMPT MINUTES OF THE MEETING HELD ON 11TH
FEBRUARY 2015**

The exempt minutes of the meeting held on 11th February 2015 were confirmed.

177 SITE G: REVISED DEVELOPMENT OPTIONS

The Executive received a report summarising a revised development approach for Opportunity Site G in Bromley Town Centre.

178 CIVIC CENTRE FOR THE FUTURE

The report set out an approach for considering the future of the Civic Centre site.

179 HOUSING ZONE BID

The Executive considered a report on the Council's Housing Zone bid for Bromley town centre.

180 UPDATE ON EDUCATION SERVICES MARKET TESTING

Members were updated on progress with the market testing of education services.

**181 AUTHORISATION FOR AWARD OF CONTRACT FOR
ALTERNATIVE PROVISION**

The Executive awarded a contract for the delivery of Alternative Provision.

**182 SPECIAL EDUCATIONAL NEED AND CHILDREN'S
TRANSPORT CONTRACT AWARD**

The Executive approved the procurement of SEN transport services through a Framework Agreement, with contracts running for four years from August 2015 with an option to extend this for a further period of up to two years.

183 PASSENGER TRANSPORT CONTRACT

The Executive awarded the contract for Adults Transport Services for a period of 3 years and 9 months from the 1 December 2015, with an option to extend for a further period up to, but not exceeding 2 years.

184 GATEWAY REVIEW - PROCUREMENT STRATEGY FOR SUPPORTED LIVING LEARNING DISABILITY SCHEMES

The Executive approved a procurement strategy for seven supported living services for thirty eight adults with a learning disability.

185 LEASE CAR PROCUREMENT

The Executive agreed that the existing arrangement to supply lease cars through the Crown Commercial Services Framework be renewed when the current agreement expired on 15th May 2015

186 ACQUISITION OF INVESTMENT PROPERTY

The Executive decided to proceed with a proposal to purchase the freehold interest in a property. This report was considered as a matter of urgency in view of the need to make a decision by 25th March 2015.

The Meeting ended at 9.27 pm

Chairman

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EXECUTIVE

24TH MARCH 2015

QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) From Christopher Stevens, Governor, La Fontaine Academy, to the Portfolio Holder for Education

1. What is the shortfall in reception places projected each year over the next 5 years (2015-2020) in central Bromley, including Bromley Town Ward (planning area 4)?

Reply:

A table that illustrates the shortfall in reception places in Planning Area 4 (that includes Bromley Town Ward) between 2015/16 and 2020/21 will be sent to you (see below). The shortfalls are as shown in the table – this excludes La Fontaine school but includes a 5% uplift on the GLA figures.

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
GLA forecast	559	551	553	559	562	565
School Places (excluding La Fontaine)	510	510	510	510	510	510
Surplus/deficit in places	-49	-41	-43	-49	-52	-55
GLA Forecast 105% (plus 5% for local variations in need and parental preferences)	587	578	581	587	590	593
Surplus/deficit in places	-77	-68	-71	-77	-80	-83

2. When does the Bromley Council expect to make a decision on current proposals for the upgrade of Havelock Road and the sharing of part of the grounds with La Fontaine Academy?

Reply:

By the end of the month.

Supplementary question:

Do we have your assurance that the Executive will decide before the “purdah” period starts?

Reply:

Yes.

3. What factors have been identified from the recent traffic surveys and does the data indicate any material impact on local traffic flow and parking that would arise from the proposal to use the Havelock site as a permanent location for La Fontaine Academy?

Reply:

The survey indicates that the presence of La Fontaine would have a moderate effect on some roads, and a more severe effect on other roads. There would be quite an impact at the "Dripping Tap" junction.

(2) From John Ince, Committee Member, Friends Forum, to the Portfolio Holder for Environment

As the proposal represents a departure for both the Council and the contractor, will there be a comprehensive evaluation with the proposed board and stakeholders of how the contract is working in respect of its impact on our parks and green spaces, as well as on Friends Groups and volunteers?

Reply:

Yes, there has to be a continued partnership arrangement if the proposals are approved today. The proposed Board will include Councillors, the friends Forum and representatives of individual Friends Groups, possibly on a rota basis. It must prioritise what the service provides and act as a critical friend. There will be testing times ahead and everyone involved in our parks has a part to play.

Supplementary Question:

Will the contractor be aware that the contract will be reviewed between the Friends Groups and the Council ? There are issues that the Friends Groups are not happy about – will the contractor be aware of this?

Reply:

This will be important reputation management for the contractor, and they will be aware of the issues. They will be expected to attend Board meetings, and it will be clear that they will be managed not just by Council officers but also by the Friends Groups.

(3) From David Wood, President of the Beckenham Society to the Portfolio Holder for Resources (questions asked in his absence by Mrs Pam Nottcutt, co-Chairman of the Beckenham Society)

1. Beckenham Green is a great asset in the St George's Conservation Area of the town and I seek to make this permanent. Whilst the Council owns the land self registering it will not alter that status and does not add any costs to the Council's budget so why has registration been declined?

Reply:

The Council's Development Control Committee considered your application for registration on the grounds that Beckenham Green had become an area of land

meeting the legal requirements for registration. For the reasons given in the report and by that Committee it was concluded that the legal tests for registration were not met but that the Council's Executive, on behalf of the Council as land owner, should consider whether to make a voluntary registration. I note from the original report to the Development Control Committee that the Council at its meeting on 27th July 1970 appropriated the land as public open space. Since this time the public have had a legal right to use the land. Members tonight will have to consider whether voluntary registration would really add anything to the public's current rights to enjoy the land.

Supplementary Question:

Does the Portfolio Holder realise that part of the land could be regarded as "brown" land that could be developed?

Reply:

This is clearly green open space.

2. It would seem that the public has right of access to the Green or has access by right. It has been argued that there is a subtle difference in the interpretation of these rights as the result of a legal case in Yorkshire. Is this the stumbling block in Beckenham's case as quite clearly the Green has been enjoyed by residents and visitors for 45 years?

Reply:

It would seem that the public has right of access to the Green or has access by right. It has been argued that there is a subtle difference in the interpretation of these rights as the result of a legal case in Yorkshire. Is this the stumbling block in Beckenham's case as quite clearly the Green has been enjoyed by residents and visitors for 45 years?

Supplementary Question:

Case law post-dates the application by Mr Wood. The case law is considered vexatious and a poor judgement.

Reply:

The Director of Resources explained that there were varying views about the North Yorkshire CC case.

3. The churchyard of St George's Parish Church adjoins the Green and the Rector and church council is supporting my case for registration as a Town Green. This surely raises the profile for the Council to take this simple step does it not?

Reply:

I think I have already answered this question. I am sure Members tonight will note the support for registration but they will also have to consider what it would add to the protection given to the land by virtue of its current ownership by the Council for use as public open space.

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