

EXECUTIVE

Minutes of the meeting held on 15 July 2015 starting at 7.00 pm

Present

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Robert Evans, Peter Fortune,
Kate Lymer, Peter Morgan and Colin Smith

Also Present

Councillor Nicholas Bennett J.P., Councillor Simon
Fawthrop, Councillor Will Harmer, Councillor William
Huntington-Thresher, Councillor Alexa Michael, Councillor
Angela Page, Councillor Ian F. Payne and Councillor
Angela Wilkins

224 APOLOGIES FOR ABSENCE

There were no apologies.

225 DECLARATIONS OF INTEREST

Councillor Peter Morgan declared a personal interest by virtue of his daughter being a Director of Kier Property Services.

Councillor Simon Fawthrop (Executive and Resources PDS Committee Chairman) declared an interest at item 10 by virtue of his wife being an employee of the Bromley Adult Education College.

The Council's Chief Executive, Mr Doug Patterson, also declared an interest in item 21 by virtue of his son being a senior manager of Marks and Spencer.

226 VISIT BY THE RIGHT HON. GREG CLARK MP, SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

The Leader announced that the Rt Hon Greg Clark MP, Secretary of State for Communities and Local Government, would be visiting the Civic Centre during the evening and would be observing Part 1 proceedings of the meeting upon arrival.

227 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

A number of questions had been received from members of the public for oral reply, details of which are at **Appendix A**.

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**228 TO CONFIRM THE MINUTES OF THE MEETING HELD ON
10TH JUNE 2015**

The minutes were agreed.

229 PETITION - BULL LANE ALLOTMENTS

Report CSD15091

Members considered a petition from the Bull Lane Action Group calling on the Council to designate the Bull Lane Allotments, Chislehurst as Local Green Space. The petition, with 801 validated signatures (and more signatures received since validation), was received at the Council meeting on 29th June 2015.

At that meeting, Members heard that local residents, allotment holders, and other supporters objected to the possibility of the Diocese of Rochester building a school on the site, which was designated Urban Open Space and was in a conservation area. It was felt that the site needed and deserved the increased protection of Local Green Space designation; the special attributes of the land could be demonstrated in terms of its recreational value, historical significance, beauty, and tranquillity.

Members at the Council meeting decided to refer the issue to the Development Control Committee and the Executive for consideration.

At its meeting on 13th July 2015, the Development Control Committee recommended that the merits of designating the Bull Lane Allotments as Local Green Space be formally considered through the Local Plan process, with the petition included as a submission seeking the change. This was supported by Executive Members.

RESOLVED that the merits of designating the Bull Lane Allotments as Local Green Space be formally considered through the Local Plan process, and the petition included as a submission seeking such a change.

230 BUDGET MONITORING 2015/16

Report FSD15047

Members received a first budget monitoring report for 2015/16 based on expenditure and activity levels to the end of May 2015.

The Leader expected a forecast net overspend of £614k on 2015/16 portfolio budgets to be addressed and a balanced budget returned at year end.

RESOLVED that:

(1) the latest financial position be noted;

(2) a projected net overspend on services of £614k is forecast based on information as at May 2015;

(3) comments from the Education, Care and Health Services Department, the Director of Transformation and Regeneration, and the Director of Environment and Community Services, as detailed at sections 3.2, 3.3 and 3.4 of Report FSD15047, be noted;

(4) drawdown of £213k funding from Central Contingency related to the Flooding and Water Act 2010 (paragraph 3.5.2 of Report FSD15047) is requested in a report elsewhere on the agenda;

(5) release of £326k from Central Contingency for the additional costs of Concessionary Fares as detailed at paragraph 3.5.3 of Report FSD15047 be agreed;

(6) release of £60k from Central Contingency for the additional pension costs of LBB staff transferred to Liberata and The Landscape Group as detailed at paragraph 3.5.4 of Report FSD15047 be agreed;

(7) the carry forwards requested for drawdown, as detailed at section 3.6 of Report FSD15047, be noted;

(8) a projected reduction to the General Fund balance of £2.3m be noted as detailed at section 3.7 of Report FSD15047;

(9) the full year costs pressures of £1.2m as detailed at section 3.8 of Report FSD15047 be noted.

**231 CAPITAL PROGRAMME MONITORING - 1ST QUARTER
2015/16**

Report FSD15046

Following the first quarter, 2015/16, Report FSD15046 outlined the current position on capital expenditure and receipts.

RESOLVED that:

(1) Report FSD15046 be noted, including a re-phasing of £2,123k from 2014/15 into 2015/16 and £9,049k from 2015/16 into 2016/17 (see paragraph 3.3.11 of Report FSD15046);

(2) the revised Capital Programme be agreed with the following amendments to the Programme approved:

- **addition of £638k in 2015/16 regarding annual revenue contributions to the Bromley Mytime Investment Fund (see para 3.3.1 of Report FSD15046);**

- addition of £289k in 2015/16 for Gosshill Road, Chislehurst – Private Street Works, funded by S106 receipts at £209k and Transport for London funding at £80k (see paragraph 3.3.2 of Report FSD15046);
- addition of £130k in 2015/16 for Orpington Railway Station, funded by S106 receipts at £80k and Transport for London funding at £50k (see paragraph 3.3.3 of Report FSD15046);
- addition of £18k regarding Autism Capital grant received from Department of Health (see paragraph 3.3.4 of Report FSD15046);
- addition of £18k in 2015/16 to the Churchill Theatre and Central Library Chiller scheme to reflect the additional contract cost (see paragraph 3.3.5 of Report FSD15046);
- a net reduction of £156k over four years, 2015/16 to 2018/19, in respect of reduced Schools Formula Devolved Capital Grant support (see paragraph 3.3.6 of Report FSD15046);
- a reduction of £220k in 2015/16 to reflect revised grant support from Transport for London for highway schemes (see paragraph 3.3.7 of Report FSD15046);
- transfer (virement) of £43k from the Financial Systems Upgrade budget to the budget for Rollout of Windows 7 (see paragraph 3.3.8 of Report FSD15046);
- in regard to section 106 receipts from developers, a net increase of £2,827k (£2,760k in 15/16 and £67k in 16/17) to reflect funding available and the remaining unallocated balance (see paragraph 3.3.10 of Report FSD15046); and

(3) Council be recommended to approve inclusion of the £5.7m Housing Zone Bid related to Site G (Executive 24/03/15) into the Capital Programme (see paragraph 3.3.9 of Report FSD15046).

232 COUNCIL TAX SUPPORT - 2016/17

Report 15037

Following a request at the Executive meeting on 26th November 2014, information was provided on the financial effect to the Authority, and on claimants, of increasing the minimum contribution that working-age claimants are required to pay towards their Council Tax liability. Prior to adopting any new Council Tax support scheme for 2016/17 and then 2017/18, public consultation would be necessary.

The Portfolio Holder for Resources highlighted the Welfare Reform Bill, the First Reading of which took place in the House of Commons on 9th July 2015. Included in the Bill were details of a proposed reduction in the benefit cap, together with other welfare changes that would impact on the financial position of current Council Tax Support recipients. At this stage it was unclear how many in the borough would be impacted by the changes and an attempt would be made to model the impact in the Council's public consultation on a new scheme. The Leader added that a decision on minimum liability would be deferred until the outcome of consultation.

As a target, the Portfolio Holder for Care Services suggested working towards a minimum 30% liability but he preferred to see the impact of the welfare reform proposals before setting a level and timeline for change.

It was agreed that an assessment be made of the local impact of proposals in the Welfare Reform Bill and that public consultation on minimum Council Tax liability be taken forward.

RESOLVED that:

- (1) an assessment be made of the local impact of proposed changes included in the Welfare Reform Bill;**
- (2) public consultation be approved; and**
- (3) a decision on minimum Council Tax liability be deferred until the outcome of public consultation is known.**

233 REORGANISATION OF BROMLEY ADULT EDUCATION COLLEGE

Report ED15099

Members considered a proposed reorganisation of the Council's Adult Education service aimed at returning the service to a balanced budget position. A continuing annual reduction in the Adult Skills (AS) grant, uncertainty over the long term future of the Community Learning (CL) grant, and recommendations from an Ofsted inspection in March 2015 were all considered in developing a future strategy.

Officers recommended a predominant focus on adults and communities with the greatest identified need. Under the proposed new delivery model the volume of traditional non-accredited learning provision (leisure type courses) would significantly reduce. Increased community partnership work and a reduction in traditional adult learning provision would reduce the need for accommodation and infrastructure costs, potentially releasing the Widmore site for school expansion. Sites at Penge and Orpington would be retained.

Report ED15099 provided an implementation timeline along with an overview of the model's benefits and impacts. The report indicated how new

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Community Learning funding might be apportioned, including targeted delivery of CL funding to engage with long term unemployed adults. A target completion date of 31st July 2016 was proposed for the model, with full implementation from the start of the 2016/17 academic year.

The model also enabled the service to move closer to being commission led both in delivery and backroom office functions, and would put it in a strong position to work alongside other council services to tackle social deprivation impacts and support early intervention processes.

The model would focus CL funding at the greatest need for adult education services e.g. to assist in attaining employment and would no longer be used to subsidise leisure type courses.

Councillor Alexa Michael (Bromley Common and Keston) addressed the meeting in her capacity as LEA Governor to Bromley Adult Education College. Cllr Michael hoped it would be possible to retain some leisure courses, particularly those requiring the use of special equipment. Should the Widmore site be used as a school, Cllr Michael asked if such courses could continue on site in either an area designated for adult education or by using part of future school facilities. It would be expensive to move the special equipment for courses such as wood carving and sculpture.

The Portfolio Holder for Education acknowledge the importance of leisure courses to residents. But weighed against the service overspend and the need to protect front line services for vulnerable residents, it was necessary to implement a different model for adult education services, driving them to those who need the services most. The Portfolio Holder hoped that a number of the leisure courses could be taken forward by others in the community. Costs associated with moving any equipment should the Widmore site revert to school use would be costed during the consultation period on service restructure.

The Portfolio Holder's comments were supported by other Members. It was important that all services were closely examined and for adult education it was possible to achieve savings. It was hoped the market would step forward to fill gaps in leisure course provision; non-financial support would also be provided to any who wished to set up within the market to provide courses.

RESOLVED that the Assistant Director, Education start consultation with staff and their representatives, stakeholders, and service users in regard to restructuring and reducing the adult education service as outlined in Report ED15099, in order that the budget overspend can be reduced and a level of service for L B Bromley residents retained which is focussed on areas of greatest need.

234 SOCIAL CARE INNOVATION GRANT - DRAWDOWN OF FUNDING

Report CS15904

With L B Bromley increasing 'in borough' specialist SEN provision, there continued to be a high level of demand for short breaks from this group of children. It was necessary to have an appropriate level of assessment and monitoring whilst ensuring timely decision making and targeting of social care resources towards the most complex cases.

The Department for Education (DfE) sought bids from local authorities in February 2015 for SEND Innovation funding to develop and test new ways of working which would target an appropriate level of resource (proportionate with need) without a need for additional funding. It was necessary to find efficiencies whilst responding to demands and pressures.

Following a successful bid to the Innovation Fund, £100k had been awarded to L B Bromley. In order that new models of service efficiencies could be tested within Children's Social Care, Members approved the release of the £100k sum from central contingency to the Social Care budget for 2015/16.

RESOLVED that release of the ring fenced £100,000 from central contingency into the Social Care budget for 2015/16 be approved.

**235 DIRECT CARE (LEARNING DISABILITIES) - CONTRACT
 AWARD**

Report CS15909a

Members received details of the tendering process for future delivery of Adult Social Care Learning Disabilities (LD) Services along with a recommendation for award of contract.

The services were tendered through a competitive dialogue process and throughout April and May 2015 officers worked directly with Southside Partnership (Certitude) as the preferred provider for LD services comprising Day Opportunities, Respite/Short Breaks, and Supported Living.

Previous Executive approval to work with Southside Partnership as preferred provider enabled officers to engage directly with staff and service users to inform the final tender. Report CS15909a summarised how Southside Partnership would take forward the services of Day Opportunities, Respite/Short Breaks, and Supported Living. The offer included support for the transformation needed to sustain the services into the future. Awarding the contract to Southside Partnership would also deliver an in-year saving of approximately £30k for 2015/16 (part year), and an average saving of over £250k per annum thereafter.

In view of cost and quality benefits, it was recommended that the three services be awarded to Southside Partnership for a period of five years from 1st October 2015, with an option to extend for a further period up to, but not exceeding, two years.

It was intended to improve the service, providing an independent, modernised, and more personalised approach. Details were outlined of staff consultation and engagement with service user families, including the opportunity for service users and families to meet the new providers. Awarding the contract to Southside Partnership would provide the best outcome for LD services.

Councillor Angela Wilkins (Crystal Palace) was sceptical on improving the services if savings were to be made. Monitoring arrangements also seemed unclear and evidence was necessary for more personalised services (community based provision) rather than traditional day centres. Councillor Wilkins also expressed concern about the consultation process and highlighted a need for transparency.

On monitoring arrangements and service levels, it was explained that the current level of service reviews would continue – this being a requirement under Social Care legislation for any care service provided for identified needs. The progress of service users against individual care plans was also monitored and would continue to be undertaken by Council staff. There was also a Quality Assurance Framework - performance against the Framework being reported to the Care Services PDS Committee. This included safeguarding matters and monitoring complaints.

A number of questions had been raised at the recent Care Services PDS meeting and it was highlighted that answers had been fully provided in material appended to Report CS15909a.

The Leader indicated that as much as possible was being done to protect services and considered that consultation in relation to the future delivery of LD services had been achieved to a good standard.

Members all agreed to support the recommendation and it was **RESOLVED that the contract for Adult Social Care – Learning Disabilities Services, be awarded to the Southside Partnership for a period of five years from 1st October 2015, with an option to extend for a further period up to, but not exceeding, two years.**

236 GATEWAY REPORT FOR LEARNING DISABILITY SUPPORTED LIVING SCHEMES

Report CS15913

Contracts for three Learning Disability (LD) supported living schemes (accommodating 11 people with significant disabilities) were due to expire on 24th April 2016, providing an opportunity to group the contracts for tendering.

With a proposed five year term, the new contract (three year term with an option to extend to a maximum two years) would be progressed as a single tender, expected to be valued at approximately £4m to £5m.

The properties in the schemes were developed to meet existing and future needs of adults with learning and physical disabilities, avoiding the need for residential care. Evaluation of the tenders was proposed at 60% quality and 40% price to safeguard service standards for particularly vulnerable clients and to ensure value for money.

RESOLVED that:

(1) the schemes be grouped for tendering in order to drive the best possible quality/pricing; and

(2) commencement of the procurement procedure be approved to enable award of contract in accordance with the Council's financial and contractual requirements.

**237 DEVELOPING BROMLEY'S LOCAL PLAN - DRAFT
 ALLOCATIONS FOR CONSULTATION**

Report DRR15/070

Appendix 1 to Report DRR15/070 comprised potential site allocations, and draft policy and designation alterations in the preparation of Bromley's Local Plan. Members were asked to approve the document for consultation with residents, partner organisations, and the wider community.

Report DRR15/070 and its Appendix 1 was also considered at a special meeting of the Development Control Committee (DCC) on 13th July 2015. Comments from DCC Members at that meeting were tabled along with subsequent officer commentary on the comments. Draft minutes on the Committee's consideration of the item were also tabled along with a slightly re-worded recommendation for the Executive.

Members approved the document for public consultation having firstly considered the comments from DCC Members. The tabled DCC comments primarily related to the recommended draft site allocations and designations summarised in Table 1 at Paragraph 4.5 of Report DRR15/070. A further tabled comment suggested that the document for consultation refer to "*at least*" 641 homes, rather than a "*minimum*" of 641 homes; however, the Portfolio Holder for Renewal and Recreation supported the document retaining a "*minimum*" of 641 homes. The Portfolio Holder also commented on the remaining comments from DCC Members. This included his support for the Maybrey Works at Worsley Bridge Road (Copers Cope ward) retaining its current designation as a Business Area.

In further discussion, reference was made to protecting what is wanted from the town centre (in relation to the Civic Centre site and a recommended Mixed Use designation). In regard to school place capacity, there was parity between need and potential supply i.e. extra classes/ Forms of Entry (FEs) with a methodology behind the balance.

RESOLVED that:

- (1) comments from Development Control Committee (DCC) be noted;**
- (2) including the amendments and clarifications circulated at the DCC meeting on 13th July 2015, Appendix 1 to Report DRR15/070 be approved for public consultation as the document outlining the Local Plan potential sites and alterations to draft policy and designations, except in regard to the draft site allocation and designation for Maybrey Works, Worsley Bridge Road, which should continue to retain its current designation as a Business Area.**
- (3) the approval at (2) above be subject to the Director of Regeneration and Transformation, in consultation with the Chairman of the Development Control Committee, being authorised to make any minor alterations to the document as required, and to agree the final supporting documents prior to publication.**

**238 BROMLEY NORTH VILLAGE IMPROVEMENTS -
CONTINGENCY OPTIONS**

This item was withdrawn from the agenda prior to the meeting.

**239 LEAD LOCAL FLOOD AUTHORITY UPDATE AND GRANT
DRAW-DOWN**

Report ES15041

Report ES15041 provided an update on the Council's role as Lead Local Flood Authority (including changes to responsibilities) and Executive approval was sought to a sum of £213k being released from Central Contingency to ensure the Council meets its statutory duties. The report also reviewed the Council's response to the 2014 groundwater flooding issue.

Separately, the report asked the Environment Portfolio Holder to approve the Local Flood Risk Strategy and Action Plan and the LLFA future works programme.

There was a statutory requirement for public consultation on a Local Flood Risk Strategy. To be included in the Environment Agency's Thames Catchment Flood Risk Management Plan, it was necessary for the consultation to have concluded by mid-June 2015.

Report ES15041 confirmed that Councillors and key stakeholders had been consulted on the proposals, the report at paragraph 3.12 making reference to an Appendix A. However, Councillor Nicholas Bennett (West Wickham) expressed concern that Appendix A to the report had not been available for consideration by the Environment PDS Committee - Cllr Bennett's comments and those of Councillor Tony Owen were subsequently provided to Members prior to the Executive meeting.

Serious flooding had taken place in the West Wickham ward last year and Councillor Bennett explained that he had made a number of suggestions in his comments. He felt that these did not appear to have been taken into account and asked for the item to be deferred. In the circumstances this was agreed and it was **RESOLVED that the report be deferred to the next meeting of the Executive.**

**240 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.

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

**242 EXEMPT MINUTES OF THE MEETING HELD ON 10TH JUNE
2015**

The exempt minutes were agreed.

243 DIRECT CARE - CONTRACT AWARD

Report CS15909b

Following consideration of the Part 1 report for this item, Members considered a Part 2 report providing further details of the tender.

RESOLVED that the contract for Adult Social Care – Learning Disabilities Services, be awarded to the Southside Partnership for a period of five years from 1st October 2015, with an option to extend for a further period up to, but not exceeding, two years.

244 CHISLEHURST LIBRARY , RED HILL, CHISLEHURST

Report DRR15/069

Details were provided of received offers following marketing of the Chislehurst Library site and the adjoining pay and display car park.

**245 BROMLEY BUSINESS IMPROVEMENT DISTRICT (BID)
PROPOSAL**

Report DRR15/072

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Members were updated on progress in developing a Business Improvement District (BID) for Bromley Town Centre. This included a number of recommendations for taking the process forward.

**246 CONTRACT FOR STREET ENVIRONMENT - CONTRACT
EXTENSION OPTION**

Report ES15045

A decision was sought on whether to re-tender or extend the current street environment contract beyond March 2017.

247 STREET WORKS INSPECTION CONTRACT EXTENSION

Report ES15018

A decision was sought on whether to extend the current contract for the inspection of street works and enforcement duties prescribed in the New Road and Street Works Act 1991, the London Permit Scheme for Road Works and Street Works, and the Traffic Management Act 2004.

248 CAPITAL PROGRAMME MONITORING - APPENDIX D

Related to the 2015/16 first quarter Capital Monitoring Report (Minute 231), Members noted exempt details of the receipts forecast in the years 2015/16 to 2018/19 (inclusive).

249 ACQUISITION OF INVESTMENT PROPERTY

Report DRR 15/076

Approval was sought to purchase the freehold interest in a particular site to generate additional revenue income for the Council.

250 ACQUISITION OF INVESTMENT PROPERTY

Report DRR15/077

Approval was sought to purchase the freehold interest in an additional property to generate further revenue income.

Although the item was not included on the published agenda it was agreed to consider Report DRR15/077 as a matter of urgency for reasons outlined in the Part 2 minutes of the meeting.

Chairman

The Meeting ended at 8.58 pm