

EXECUTIVE

Minutes of the meeting held on 23 March 2016 starting at 7.00 pm

Present

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

Also Present

Councillor Nicholas Bennett J.P., Councillor Simon
Fawthrop and Councillor Angela Wilkins

365 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Robert Evans and Kate Lymer.

366 DECLARATIONS OF INTEREST

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

367 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10TH FEBRUARY 2016

RESOLVED that the minutes of the meeting held on 10th February 2016 (excluding exempt information) be confirmed.

368 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Four questions had been received for oral reply. Details of the questions and replies are at **Appendix A**.

369 BUDGET MONITORING 2015/16 Report FSD16024

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

A linked Part 2 report provided details of a charge of £344k related to a tax liability from previous years along with a recommendation for Council that a transfer of £2.8m be approved to a Business Rates Risk Reserve from underspends on services and central items in the current financial year.

The Director of Finance also highlighted that there would be a report on the Growth Fund for the Executive's next meeting.

Paragraph 3.12.1 and recommendation (j) of Report FSD16024 asked Members to recommend to Council that £2.8m be set aside in an earmarked reserve (Business Rates Risk Reserve) to cover a potential payment of business rates. Following discussion of the matter in Part 2 proceedings of the meeting the recommendation was amended and is now reflected in the resolution at (9) below.

RESOLVED that:

- (1) the latest financial position be noted along with a forecast net underspend of £4,373k on services;**
- (2) comments from the Education, Care and Health Services Department detailed at section 3.2 of Report FSD16024 be noted;**
- (3) reports elsewhere on the meeting agenda requested draw-down of a total £312k from Central Contingency, as well as a carry forward of £123k of underspend to 2016/17 as detailed at paragraphs 3.3.1 and 3.3.2 of Report FSD16024;**
- (4) as detailed at paragraph 3.3.3 of Report FSD16024, a total of £2,598k grant income had been drawn-down from Central Contingency;**
- (5) the Prior Year Adjustments totalling £1,006k, as detailed at section 3.5 of Report FSD16024, be noted;**
- (6) a projected increase to the General Fund balance of £185k, as detailed at section 3.6 of Report FSD16024, be noted;**
- (7) the full year effect of £3.9m underspend, as detailed at section 3.7 of Report FSD16024, be noted;**
- (8) Council be recommended to approve a transfer of £6m to the Growth Fund from underspend in Central Contingency and services as detailed at paragraph 3.11.3 of Report FSD16024;**
- (9) Council be recommended to agree that £3m be set aside in an earmarked reserve to provide a general provision to reflect the financial risks related to the Council's share of business rate income.**
- (10) for use during 2016/17, a total of £461k be set aside from underspends in an earmarked reserve as detailed at section 3.13 of Report FSD16024.**

**370 GATEWAY REVIEW OF HEALTH VISITING AND NATIONAL
CHILD MEASUREMENT PROGRAMME
Report CS16025**

Approval was sought to extend the contract with Bromley Healthcare (BHC) for Health Visiting and the National Child Measurement Programme (arranged through a joint block contract with Bromley Clinical Commissioning Group). The contract would expire on 31st March 2017.

Information on apportioning mandated and discretionary services within the BHC service was not currently available and a detailed audit and service mapping exercise was being undertaken. Overlapping services were potentially being offered to vulnerable families by Health Visiting and early Intervention services. As such, work had started to identify more effective and efficient ways of closer working with changes potentially being able to provide savings. The extension period would enable appropriate service delivery models to be considered.

RESOLVED that:

(1) the contract with BHC for Health Visiting and the National Child Measurement Programme be extended for six months to 30th September 2017; and

(2) further work be conducted on the integration of Health Visiting services into the Children and Family Centres in the L B Bromley Early Intervention Services - should this option not prove feasible, the services are to be tendered separately.

**371 GATEWAY REVIEW OF FAMILY NURSE PARTNERSHIP
Report CS16021**

Approval was sought to extend the Family Nurse Partnership contract for one year to 31st March 2017. Bromley Healthcare (BHC) was currently contracted to provide the service through a joint contract with L B Bexley. An extension would align the contract with L B Bexley procurement intentions.

In discussion Members asked a number of questions about the service including questions related to outcomes. The Leader highlighted the importance of being clear on outcomes expected from the service and for the service to rationalise and provide “more for less”. The recommendation in Report CS16021 was agreed on this basis.

RESOLVED that the contract for Family Nurse Partnership be extended to 31st March 2017 in line with the Council’s Contract Procedure Rules (CPR).

**372 GATEWAY REVIEW OF SEXUAL HEALTH SERVICES
Report CS16008**

Approval was sought to extend the community sexual health services contract for a period of six months from 1st April 2017 to 30th September 2017. Currently, a range of community sexual health services, including contraception, are commissioned from Bromley Healthcare (BHC). Other

primary and community providers are also commissioned to deliver contraception, outreach, and prevention programmes. The contract with BHC is a joint block contract with Bromley Clinical Commissioning Group (CCG) expiring on 31st March 2017 and the CCG is extending their schedule of services for six months.

Report CS16008 focused on future commissioning intentions and procurement options for contraception and the range of community sexual health services in the current BHC block contract.

Measures were being investigated to reduce costs and more work was planned for clinical pathways, redefining service specifications, activity modelling, financial impacts, and risk assessment - a contract extension would allow time for local evaluation, due diligence, and risk assessment of changes.

RESOLVED that the contract for the following services be extended for six months when the Bromley Clinical Commissioning Group (CCG) community contract expires:

- **Contraception and Reproductive Health Services**
- **Community Sexual Health Services (Health Improvement Service and HIV Community Nurse Specialist Service)**

**373 GATEWAY REVIEW OF HOLLYBANK
Report CS16003**

Report CS16003 considered L B Bromley's overnight residential short break provision at Hollybank, including outcomes of a service user review undertaken in October 2015.

Forming an integral element of Bromley's strategy for disabled children and young people, the short break provision provided a preventative service aimed at ensuring disabled children remain within their family home. L B Bromley contributed to joint funding of the provision as a partner with Bromley Clinical Commissioning Group (BCCG), BCCG currently providing the commissioning lead. The current contract value was apportioned 59% BCCG and 41% L B Bromley, with the service at Hollybank being provided by Bromley Healthcare Community Interest Company (BHC).

Approval was sought to extend the existing contract (due to expire on 31st March 2017) for six months prior to a joint re-tendering with BCCG.

The provision was rated 'good' by OfSTED in November 2015. To maintain it on a value for money basis, the number of block commissioned bed spaces might need to be reduced with some current service users offered personal budgets or enhanced day time provision. An enhanced fostering service would also provide scope for reduced demand on Hollybank spaces. A funding model based on the Certitude contract with Adult Social care would also mitigate against an increased demand for bed spaces over and above the block commissioned number.

There was also a clear synergy between the Hollybank service and the service provided by the Integrated Children's Community Nursing Team (ICCNT) commissioned by Bromley CCG within the community contract. Should integrating Hollybank with ICCNT offer BCCG better value for money in terms of overnight support for those with very complex health needs, it might be necessary to analyse how many additional beds spaces this might potentially require. A decision on future tendering was tied into strategic discussions and decisions between L B Bromley and BCCG on (i) the future of the community contract beyond March 2017 and (ii) the future potential for developing integration between L B Bromley and BCCG across children and adult services. The service specification provided for use of an emergency bed which was not being utilised and it was also necessary to consider whether this continues or whether other arrangements can be put into place when the service is retendered.

In discussion it was highlighted that the number of service users amounted to 58 children as at the end of February 2016.

Based on the calculation of cost/nights available, Cllr Fawthrop (Chairman of Executive and Resources PDS Committee) noted a budgeted unit cost per bed per night of £446 (based on nine available beds) whereas the actual cost amounted to £528 (based on eight beds utilised 95% of the time). Benchmarking across other London local authorities and statistical neighbours indicated this unit cost figure to be slightly higher than average. It was confirmed that this would be looked at when re-tendering. The Leader suggested that more income could be created through greater use of the emergency provision, and in supporting the report's recommendations, the Leader suggested that it was necessary to achieve improved occupancy levels.

RESOLVED that:

- (1) the contract for overnight residential short break provision be extended for a period of six months to 30th September 2017; and**
- (2) the joint procurement procedure for the provision be commenced in order for a newly commissioned service to be in place from 1st October 2017, which would continue to be led by BCCG as the lead commissioner.**

**374 DEMENTIA POST DIAGNOSIS SERVICES - CONTRACT
 AWARD
 Report CSD16052**

The Part 1 version of Report CSD16052 provided an overview of the tendering process for the new Dementia Post Diagnosis Services and highlighted a recommendation to award the contract to the Bromley Dementia Services Consortium, comprising four local organisations: Bromley and Lewisham Mind (the Lead Organisation); Age UK Bromley and Greenwich;

Carers Bromley; and Oxleas NHS Foundation Trust. Award of the contract was recommended for a two-year period with potential to extend for a one year period, plus a further one year, with a potential contract value of £1,804,112 over four years.

Further detail in a linked Part 2 report included scoring outcomes, justification for the recommended award, and financial and legal implications. As no press or public were in attendance, it was agreed to consider the Part 2 report concurrently with the Part 1 report, the Leader as Chairman having moved that any press and public be excluded during consideration of the item.

RESOLVED that:

- (1) the Part 1 and Part 2 content of Report CSD16052 be noted;**
- (2) the Contract for provision of Dementia Post Diagnosis Support Services be awarded to Bromley and Lewisham Mind as the lead organisation of the Bromley Dementia Services Consortium, also comprising Age UK Bromley and Greenwich, Carers Bromley and Oxleas NHS Foundation Trust, the contract commencing on 1st July 2016 until 30th June 2018 with the potential to extend for a period of one year plus a further one year; and**
- (3) authorisation to extend the contract for a period of up to two years be delegated to the Chief Executive in consultation with the Portfolio Holder for Care Services.**

**375 ADOPTION REFORM GRANT DRAW-DOWN
Report CS16032**

Approval was sought to draw-down the remaining tranche of adoption reform grant funding from central contingency, Report CS16032 providing an update on activity associated with Special Guardianship Orders and proposals for establishing regional adoption agencies.

The remaining adoption reform grant was proposed to fund the majority of costs of additional activity for special guardianship assessments and support as well as additional adoption medicals delivered through a contract with Bromley Healthcare.

RESOLVED that draw-down of the final tranche of the non-ring fenced adoption reform grant of £132,323 for 2016/2017 be approved.

**376 SEND REFORMS - DRAW-DOWN AND CARRY FORWARD OF
GRANT FUNDING (NEW BURDENS) TO SUPPORT THE
LOCAL AUTHORITY IN IMPLEMENTING THE SPECIAL
EDUCATIONAL NEEDS REFORMS
Report ED16020**

Concerning the Government specified programme to transition SEN statements into Education Health and Care Plans (EHCP), approval was sought to:

- carry forward and draw-down into the 2016/17 budget a remaining sum of £28k from £148k drawn-down from the non-ring-fenced £176k SEN Implementation (New Burdens) Grant for 2015/16;
- carry forward to the 2016/17 budget (i) a £15k under-spend on the SEND Regional Lead Grant 2015/16 and (ii) an £80k under-spend on the SEN Implementation (New Burdens) Grant; and
- draw-down to the 2016/17 budget a sum of £180k from the SEN Implementation (New Burdens) Grant of £201k for 2016/17 with the remaining £21k to stay in Central Contingency for later draw-down if required.

The total funding of £303k would be used to continue the extra capacity to deliver transitions of statements to EHC plans or pupil resource agreements; review current SEND services and provisions; embed the new policies and practices; develop robust systems for recording and monitoring the EHC process; Personal Budgets; and to ensure the workforce has a clear understanding of policy and practice.

RESOLVED that:

- (1) carry forward and draw-down of £28k grant for 2015/16 to the 2016/17 budget, as detailed at paragraph 4.1 of Report ED16020, be approved;**
- (2) carry forward to 2016/17 of the under-spends in 2015/16 of £80k and £15k as detailed at paragraph 4.2 of Report ED16020 be approved; and**
- (3) draw-down of £180k to the 2016/17 budget from the SEN New Burdens Grant 2016/17 be approved, with the remaining £21k to stay in contingency, ring-fenced for draw-down at a later date if required, as detailed at paragraph 4.3 of Report ED16020.**

**377 BASIC NEED PROGRAMME
Report ED16016**

An updated programme of capital schemes within the Council's Basic Need Programme was presented for approval, Basic Need Capital Grant being received from the Department for Education to support the delivery of sufficient school places. The programme also included capital contributions from a range of other capital funding programmes including Seed Challenge, Access Initiative and Suitability, and Section 106 contributions.

Further feasibilities were undertaken at a number of schools during 2015 and 2016 as part delivering the primary school development plan. Following a

review of the feasibility studies and growth projections in pupil numbers, further projects have been added to the education capital programme and the new schemes were highlighted in Report ED16016.

An analysis of changes to the estimated cost of schemes was also provided since the previous Basic Need Report to Executive in May 2015. The increase in overall programme value reflected a rise in the estimated final cost of schemes as well as additional project management costs related to the programme's delivery.

RESOLVED that:

- (1) the updated Basic Need Programme as set out at Appendix 2 to Report ED16016 be agreed;**
- (2) approval be given to the fully costed appraisal for the new schemes at Beacon Academy (Burwood site), Bishop Justus School, Castlecombe Primary School, Dorset Road Infants School, Mead Road Infants School, St John's CE Primary School, and Tubbenden Primary School as set out at Appendix 1 to Report ED16016 and in addition to the projects outlined in the previous reports agreed by Executive on 2nd April 2014 and 20th May 2015; and**
- (3) the Director of Education be authorised to support schools to submit planning applications in association with these works.**

**378 GATEWAY REPORT COMMISSIONING - PROPOSED TOTAL FACILITIES MANAGEMENT CONTRACT
Report DRR16/018**

In highlighting the current position in commissioning Total Facilities Management work streams, Report DRR16/018 provided an update on work with the Tri-Borough (Westminster City Council, L B Hammersmith and Fulham, and Royal Borough of Kensington and Chelsea) and Amey Community Limited, to identify cost savings through contracting via the Tri-Borough framework agreement for Total Facilities Management. The agreement permitted other London Boroughs to benefit from the procurement route with participating boroughs avoiding substantial procurement costs and securing savings earlier than would have otherwise been possible. Work related to the Framework focused on Strategic Property, Operational Property, and Facilities Management. A go live date on the Framework was expected to be 1st July 2016, subject to a successful completion of further due diligence work by both parties. Amey would also work in partnership with Cushman and Wakefield (previously DTZ) to reduce the Council's property costs and increase income from property.

Discretionary sold services to schools, sitting under Operational Property, are currently operating at a loss and officers recommended giving notice of three months to cease this service. Given the impact on schools continuing to use

the services, a brief period of consultation with the schools was recommended.

There was a need to continue providing value for money on services and to manage assets well. Benefits of commissioning Strategic Property, Operational Property, and Facilities Management, included: increased resilience; early revenue savings; procurement benefits; and time savings. Economies of scale would also be achieved along with future efficiency savings and service benefits. Additionally, Cushman and Wakefield would introduce more commercial experience for strategic property work. The services were key areas which were performing well but it was necessary to examine whether they were fit for purpose going forward.

The Portfolio Holder for Resources added that while he thought most of the staff questions were answered well, there were some that required further clarification. Considering the report informative, the Deputy Leader suggested that more financial information related to staff matters, such as redundancy implications, should be included in the summary front sheet and gave the example of The Landscape Group report. It was confirmed that Amey hoped there would be no redundancies; if there were, Amey would look to the Council to cover the cost. The report identified further that more work was necessary for due diligence and formal TUPE consultation after which comprehensive responses could be provided.

Cllr Angela Wilkins (Crystal Palace) raised a number of questions about the level of savings, questioning whether they were robust. Cllr Wilkins was also concerned about pensions and certain costs including those associated with site surveys and pensions. Liabilities for the Pension Fund deficit would follow post-transfer although the deficit would continue irrespective of a transfer.

The Portfolio Holder for Resources continued to feel that more staff assurance was necessary, such a dialogue being considered essential. The Leader understood the concerns referring to further supplementary information circulated prior to the meeting (and tabled) with further questions/representations from affected staff. The Leader would give opportunity for the Trade Union representative to meet him.

There were significant benefits from the proposals going forward. No final decision on contracting with Amey as a call-off from the Tri-Borough Framework would be taken at this stage and staff responses would continue to be considered. As such, it was agreed that due diligence be undertaken with the outcome reported back to the Executive within two months so that a final decision can be taken with due consideration to the consultation responses.

RESOLVED that:

- (1) the outcome of staff and trade union consultation, along with the management response, as set out at Appendix 4 to Report DRR16/018 be noted;**
- (2) additional funding for Operational Property as outlined at paragraphs 7.1 to 7.2 of Report DRR16/018 be agreed to cover full year costs pressures of £216k p.a. which will be met from the Central Contingency provision for loss of income from schools transferring to academies;**
- (3) due diligence be undertaken with the outcome and assurances on staff issues being reported back to the Executive within two months;**
- (4) should the Amey proposal be agreed, the savings of £116k p.a. related to Facilities Management approved as part of the 2016/17 Budget, will reduce to £76k p.a. (see paragraph 7.31 of Report DRR16/018);**
- (5) the Mail Delivery service to schools ceases on 1st April 2016 and the £58k saving be taken in 2016/17 (see paragraph 7.7 of Report DRR16/018);**
- (6) due diligence will need to be undertaken prior to the contract start date, as set out at paragraph 7.18 of Report DRR16/018, which requires one-off funding totalling net £309k - this would be funded from the 2015/16 underspend in the Central Contingency - due diligence being undertaken by both parties with any significant changes reported back to the Executive prior to any final decision and contract agreement;**
- (7) the additional income that Amey/Cushman and Wakefield believe will be generated through better management of Council assets, as set out at paragraph 7.8 of Report DRR16/018, and phased over three years, be noted;**
- (8) upon agreement of the Amey/Cushman and Wakefield proposal in a final decision, a sum of £100k be set aside from Central Contingency for provision against potential future pension liabilities as set out at paragraphs 7.22 to 7.30 of Report DRR16/018;**
- (9) upon agreement of the Amey/Cushman and Wakefield proposal in a final decision, a sum of £287k of the overall budget be retained to fund four staff within the Client Unit as detailed at paragraph 7.6 of Report DRR16/018;**
- (10) if the Council enters into a contract with Amey, the £30k fee already paid to Amey, as set out at paragraph 3.9 of Report DRR16/018, for Amey to undertake a feasibility study, will be reimbursed;**

(11) the potential savings of up to £28k p.a. from the Liberata contract, as set out at paragraph 7.38 of Report DRR16/018, be noted;

(12) schools be consulted on the withdrawal of the discretionary services as set out at paragraphs 3.27 - 3.30 and the Director of Corporate Services be delegated with authority to give notice terminating the services (but not to extend or renew) with the agreement of the Portfolio Holders for Education and Resources.

**379 FIFTH REPORT OF THE CONSTITUTION IMPROVEMENT WORKING GROUP
Report CSD16051**

Members agreed to refer the fifth report of the Constitution Improvement Working Group to full Council for consideration.

RESOLVED that:

(1) the fifth report of the Constitution Improvement Working Group be referred to full Council; and

(2) the Director of Corporate Services be authorised to draw up necessary changes to wording of the Constitution for Council approval.

**380 PETITION ON DESIGNATING PART OF PETTS WOOD AND KNOLL WARD AS AN AREA OF SPECIAL RESIDENTIAL CHARACTER (ASRC)
Report CSD16046**

At the full Council meeting on 22nd February 2016 Members received a petition from the Knoll Residents Association asking the Council to designate an area of Petts Wood and Knoll ward (and including a small part of Orpington ward) as an Area of Special Residential Character (ASRC). The petition was referred by Council to the Development Control Committee and the Executive for consideration with a recommendation that the matter is formally considered through the Local Plan process.

The matter was due to be considered by the Development Control Committee (DCC) at its meeting on 22nd March 2016. However, it had been noted that the date of the DCC meeting had moved to 19th April 2016 since publication of Report CSD16046. It was also highlighted that the matter was due for consideration at a meeting of the Local Development Framework Advisory Panel (LDFAP) on 24th March 2016.

In the circumstances, Members agreed to defer their consideration of Report CSD16046 to a later date after the LDFAP and DCC had opportunity to consider the matter.

RESOLVED that consideration of Report CSD16046 be deferred to a later date.

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

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

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

**383 EXEMPT MINUTES OF THE MEETING HELD ON
10TH FEBRUARY 2016**

Exempt minutes of the meeting held on 10th February 2016 were agreed.

**384 BUDGET MONITORING 2015/16
Report FSD16024**

Linked to the Budget Monitoring report considered under Part 1 proceedings, further information was provided on a £344k tax liability related to previous years and a request to set aside funding in a Business Rates Risk Reserve.

**385 DEMENTIA POST DIAGNOSIS SERVICES - CONTRACT
AWARD
Report CSD16052**

The Part 2 report detailed outcomes from the tendering process for Dementia Post Diagnosis Support Services.

**386 AUTHORISATION FOR AWARD OF FUNDING AGREEMENT
FOR SPECIAL SCHOOL PLACES (BURWOOD SCHOOL)
Report ED16026**

Authorisation was sought for the award of a Funding Agreement to Bromley Education Trust from September 2016 to deliver specialist school places for pupils with special educational needs.

**387 FINALISATION OF MEARS PROPOSAL
Report DRR16/033**

In considering a final update on the Mears proposal, Members appointed an investor in the Special Purpose Vehicle (SPV) to acquire stock as temporary accommodation for homeless families in L B Bromley. Full Council was also recommended to gift the scheme to the Council's Pension Fund.

388 ACQUISITION OF INVESTMENT PROPERTY
Report DRR16/032

Members agreed to the purchase of the leasehold interest in a property, the decision being urgent and not subject to call-in.

389 SITE G: REVISED DEVELOPMENT BOUNDARY AND
PROCUREMENT
Report DRR16/034

Report DRR16/034 provided feedback on the soft market testing exercise for a revised first phase development of Opportunity Site G, west of Bromley High Street. The report also sought to agree a procurement route and highlighted risks that could impact on the marketing timetable. The boundary of the development was also revised.

390 EXTENSION TO AGENCY CONTRACT
Report CEO16017

Members approved a 12 month extension to the Council's contract with Adecco for agency workers - options for agency worker provision in the future can be explored as the Council's needs change with commissioning.

The Meeting ended at 9.14 pm

Chairman

391