

## **EXECUTIVE**

Minutes of the meeting held on 20 July 2016 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 William Huntington-Thresher and  
Councillor Angela Wilkins

## **40 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **41 DECLARATIONS OF INTEREST**

Councillor Kate Lymer declared an interest as her mother worked for the Public Health Division.

Councillor Peter Morgan declared an interest as his daughter was a Director of Kier.

During consideration of the public questions, Councillor Simon Fawthrop declared an interest as an employee of British Telecom.

## **42 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 31ST MAY 2016 AND 15TH JUNE 2016 Report CSD16086**

The Executive noted the matters arising from previous meetings, and the following issues were raised -

Minute 34: Councillor Simon Fawthrop raised a concern that the programme for the Biggin Hill Memorial Museum should not be allowed to slip. The Leader responded by agreeing that this was an important project; the Council was keen to support the Trust in establishing a sustainable Museum.

Minute 26: Councillor Robert Evans asked for clarification of what would happen if Biggin Hill Airport breached the cap of 50,000 aircraft movements per annum. The Leader stated that the Council retained the right to stop flights in the extended hours if this happened.

**RESOLVED** that the minutes of the meetings held on 31<sup>st</sup> May 2016 and 15<sup>th</sup> June 2016 (excluding exempt information) be confirmed.

**43            QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING  
THE MEETING**

Three questions had been received from Gill Slater on behalf of Unite. The questions and replies are set out in Appendix A to these minutes.

During consideration of the questions, Councillor Simon Fawthrop declared an interest as an employee of British Telecom.

**44            BUDGET MONITORING 2016/17**  
**Report FSD16051**

The Executive considered the first budget monitoring report for 2016/17 based on expenditure and activity levels up to the end of May 2016. The Council was still facing a budget gap of around £26m by 2019/20, and it was important to look at the full-year effect of any changes or overspends. Although it was early in the financial year, it was crucial that any serious problems that were flagged up now and addressed.

A supplementary report informed the Executive that, following the Ofsted inspection of children's services in April/May 2016, agreement was sought for interim funding to address key issues raised by Ofsted. Whilst the full impact of the Ofsted inspection was being considered it was proposed that a sum of up to £950k be released from the General Provision for Risk/Uncertainty included in the Council's 2016/17 Central Contingency. These monies would also be utilised for an Interim Director of Children's Services post. Responding to a question about the role of the Commissioner, the Leader confirmed that her role was to assist the Council in responding to the Ofsted report, but decisions would still be made by the Council. He also emphasised that there had been no suggestions that the department was under-resourced.

**RESOLVED that**

**(1) The latest financial position, and the projected net overspend on services of £4,105k forecast based on information as at May 2016, be noted.**

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

**(3) The carry forwards being requested for drawdown as detailed in section 3.5 be noted.**

**(4) A projected reduction to the General Fund balance of £5.8m as detailed in section 3.6 be noted.**

- (5) The full year costs pressures of £4.3m as detailed in section 3.7 be noted.**
- (6) A sum of up to £950k be released from the General Provision for Risk/Uncertainty included in the Council's 2016/17 Central Contingency.**
- (7) The utilisation of part or all of these monies be undertaken by the Chief Executive with the agreement of the Leader of the Council, Care Services Portfolio Holder, Resources Portfolio Holder and the Director of Finance.**
- (8) Progress on use of these monies be reported back to Executive in September 2016.**

**45 CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2016/17**  
Report FSD16047

The report summarised the current position on capital expenditure and receipts following the first quarter of 2016/17 and sought approval for a revised capital programme. An appendix in part 2 set out further details of capital receipts.

**RESOLVED that**

- (1) The report be noted, including the re-phasing of £4,816k from 2015/16 into 2016/17 and £24,909k from 2016/17 into 2017/18 (see paragraph 3.3.13 of the report) and a revised Capital Programme be agreed.**
- (2) The following amendments to the Capital Programme be approved:**
  - (i) reduction of £600k over four years 2016/17 to 2019/20 on School Access Initiative (see para 3.3.1);**
  - (ii) reduction of £76k on the Property Investment Fund scheme to reflect reduced associated costs on completed acquisitions (see para 3.3.2);**
  - (iii) reduction of £19k on Manorfields – Temporary Accommodation scheme and reduction of £11k on Woodland Improvements Programme to reflect funding received (see para 3.3.3);**
  - (iv) Transport for London (TfL) – Revised Support for Traffic and Highways Schemes (£19k additions in 2016/17) (see para 3.3.4);**
  - (v) inclusion of £116k funding from Historic England on Crystal Palace Park Improvements scheme (see para 3.3.5);**
  - (vi) inclusion of £309k funding from Education Funding Agency for Basic Need (see para 3.3.6);**

- (vii) addition of £644k in 2016/17 relating to the annual revenue contributions to Bromley Mytime Investment Fund (see para 3.3.7);
  - (viii) increase of £739k in 2016/17 on Disabled Facilities Grant funded scheme to reflect the latest grant approvals (see para 3.3.8);
  - (ix) transfer (virement) of £50k from the budget for Social Care Grant to Performance Management/Children's Services - information technology to support the Eclipse system (see para 3.3.9);
  - (x) deletion of £13k residual balance on the Joint Web Platform scheme and Former Chartwell Business Centre scheme, which have both reached completion (see para 3.3.10);
  - (xi) increase of £434k in 2016/17 on Carbon Management Programme (Invest to Save funding) to reflect the latest total repayment and funding available (see para 3.3.11);
  - (xii) Section 106 receipts from developers - net increase of £329k in 2016/17 to reflect the funding available and remaining unallocated balance (see para 3.3.12);
- (3) Capital receipts from the sale of Banbury House for the Council's Investment Fund be set aside to generate alternative revenue income (see para 3.7).
- (4) The report elsewhere on the agenda requesting approval of £110k from the Growth Fund to fund the costs associated with establishing Business Improvement Districts be noted.

**46            GATEWAY      REPORT      FOR      LEARNING      DISABILITY  
                 SUPPORTED LIVING SCHEMES**  
Report CS17016

There were four Learning Disability (LD) supported living schemes with contracts that were terminating in the spring/summer of 2017. The schemes collectively accommodated 20 people with various learning and physical disabilities including some mental health issues and involved a combined expenditure of £1.126m. The co-termination of schemes provided an opportunity for them to be grouped together for tendering which would give the Council a number of benefits.

The proposals had been considered and supported by Care Services PDS Committee on 28<sup>th</sup> June 2016 but required Executive approval in view of the contract value of approximately £5-6m over the proposed five year term. The proposals had also been considered by the Commissioning Board.

Members considered whether a longer term contract might be appropriate, but it was accepted that with the prospect of legislative and other changes five years was the right balance.

**RESOLVED that**

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

**(2) An exemption be agreed to enable the extension of the 109 Masons Hill scheme for 10 weeks (23/4/2017 - 30/6/2017, with a value of approximately £60,684) and co-termination with the 111 Masons Hill scheme situated next door.**

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

**47            DEPRIVATION OF LIBERTY SAFEGUARDS - PROPOSAL FOR FUTURE SERVICE DELIVERY**

Report CS17006

The Executive received an update on service activity following the 2014 Supreme Court judgement relating to Deprivation of Liberty Safeguards. The report set out the current procurement arrangements under a service agreement to spot purchase these assessments and offered other options for this procurement – (i) to maintain the current spot purchasing arrangements, (ii) to maintain a core of three administrative staff and set up a framework to call off Best Interest Assessor and Doctor services, or (iii) to tender the whole service. Option (ii) was recommended as it would enable efficiencies to be made.

Officers confirmed that lobbying for financial resources to meet this new burden was continuing with central government.

The proposals had been considered and supported by Care Services PDS Committee on 28<sup>th</sup> June 2016.

**RESOLVED that**

**(1) It is agreed that the future model for the service will be Option 2 i.e. to employ external Best Interest Assessors and Section 12 doctors via 'Lots' on a Framework established for 4 years.**

**(2) Authority be delegated to the Assistant Director (Adult Social Care) in consultation with the Portfolio Holder for Care Services to make any subsequent appointments of suitably qualified providers to the framework if there are insufficient providers on the framework following the annual review.**

**48 UPDATE ON REPLACEMENT OF HOUSING INFORMATION SYSTEMS**  
Report CS17007

The report updated Members on progress with replacing the Housing IT system. A first tendering process had been unsuccessful, with no bids received; this tender had been reviewed and five options identified – (i) re-contracting with the current supplier; (ii) open tender; (iii) CCS G Cloud/Digital Services Framework; (iv) mini competition using the CCS RM1059 Framework; and (v) Drawdown from the CCS RM1059 Framework. The report recommended that option (iv) offered the best solution for the Council.

The proposals had been considered and supported by Care Services PDS Committee on 28<sup>th</sup> June 2016.

**RESOLVED that the Project Team be authorised to re-tender on the Crown Commercial services (CCS) RM1059 Framework as detailed in the report.**

**49 COMMISSIONING STRATEGY - HEALTH VISITING AND FAMILY NURSE PARTNERSHIP**  
Report CS17019

The Council currently contracted with Bromley Healthcare (BHC) to deliver Health Visiting services through a joint Block Contract with Bromley Clinical Commissioning Group (CCG). This contract was due to expire on 30 September 2017. The Council also contracted with Bromley Healthcare (BHC) to deliver the Family Nurse Partnership service through a joint contract with LB Bexley which was due to expire on 31 March 2017. The report set out the proposed arrangements for these services once these contracts ended in 2017 and provided an update on the work undertaken by officers in the last 3 months exploring options around integration with the Early Intervention and Family Support Service.

The proposals had been considered and supported by Care Services PDS Committee on 28<sup>th</sup> June 2016.

**RESOLVED that**

**(1) The extension of the contract with Bromley Healthcare for the provision of the Family Nurse Partnership service be agreed for a period of 6 months expiring on 30 September 2017 at an estimated cost of £90,000 in order to align with the Health Visiting Service.**

**(2) The Council tenders Health Visiting and Family Nurse Partnership services as a single contract for 3 years to start from the 1<sup>st</sup> October 2017 at an estimated total value of £10,902k.**

**(3) The work undertaken by officers to identify future opportunities around integrating these services with the Early Intervention and Family**

**Support service as set out in paragraphs 3.11 and 3.12 of the report is noted and it is agreed that this work continues as a priority to ensure that going forward the services are run as efficiently and effectively as possible.**

**50            GATEWAY REVIEW - PROCUREMENT FOR A SEXUAL  
HEALTH EARLY INTERVENTION SERVICE**  
Report CS17018

The Council currently contracted for a range of community sexual health services from Bromley Healthcare (BHC) through a joint block contract with the Bromley Clinical Commissioning Group (CCG). The Contract for Community Contraceptive and Sexual Health Services had been extended for 6 months by the Executive on the 23 March 2016, and was due to expire on 30 September 2017. The report sought approval to re-procure a Sexual Health Early Intervention Service to commence on 1 October 2017.

The proposals had been considered and supported by Care Services PDS Committee on 28<sup>th</sup> June 2016.

**RESOLVED that**

**(1) The commissioning approach for a Sexual Health Early Intervention Service as set out in the report and detailed in paragraph 3.22 be approved.**

**(2) Investment from the existing budget of £30k per annum for the online STI testing service be approved.**

**(3) The recurring saving of £60k from decommissioning the Sex and Relationships Education (SRE) programme which will contribute towards the reduction of grant be noted.**

**51            DRAFT LOCAL PLAN**  
Report DRR16/059

At its meeting on 11<sup>th</sup> July 2016 the Development Control Committee had considered the draft Local Plan Document prior to a six week consultation and submission to the Secretary of State for Communities and Local Government. The Draft Local Plan built on the previous stages of consultation on the emerging Local Plan; the Core Strategy Issues Document (2011), the Options and Preferred Strategy (2013), the Draft Policies and Designations (2014), the Draft Site Allocations and Further Policies and Designations (2015) and Draft Local Green Space consultation (2016). It took into account consultation responses and the evidence base supporting the plan-making process and was prepared in general conformity with the National Planning Policy Framework (NPPF) (March 2012) and the London Plan 2015 as amended by the 2016 minor alterations.

Three sets of supplementary papers, including a summary of specific changes made following consideration by Development Control Committee, had been circulated.

The following issues were raised –

### Chapter 3 – Spatial Strategy

A Member asked whether all the land designated as Green Belt had been examined to ensure that it was actually worthy of such a designation. Officers referred to the Options and Preferred Strategy document and The London Plan. The National Planning Policy Framework and The London Plan did not allow Green Belt designation to be removed without exceptional circumstances. It was accepted that the quality and character of Green Belt land could vary.

### Chapter 4 - Living in Bromley

#### Page 82 – Housing Supply

The possibility that had been raised at Development Control Committee of transferring provision for the bus station at Bromley North to the Hill Car Park site to allow for more residential development at Bromley North, and it was suggested that the possibility of moving the bus stands be included. It was accepted that this was a complicated site with multiple ownership and disputes about height and density of development, and there was intense pressure to develop around railway sites.

#### Page 87 - Provision of Affordable Housing

A concern was raised about whether the policy was clear enough on the justifications for not providing affordable housing being exceptional.

#### Page 105 - Specialist and Older People's Accommodation - Supporting Text

A Member queried whether the benchmarks for provision of specialist and older people's accommodation for Bromley at 140 units per annum might lead to an inflow of people with high needs. It was clarified that this was supporting text rather than policy or a target, and based on demographics.

### Chapter 5 - Supporting Communities

#### Page 125 - Opportunities for Community Facilities

A Member queried whether the Council was duty-bound to provide for community facilities in vacant buildings. Officers advised that this was a matter of planning policy rather than a duty.



## Page 127 – Social Infrastructure in New Developments

It was suggested that convenience stores should be included as an example of a useful community facility. There was a concern that this might be too specific, and imply that other facilities should be excluded, but Members agreed that officers should add some suitable examples.

## Page 140 - Table 4 – Proposal to meet primary need

A Member asked whether the proposed expansion of Farnborough Primary School set out in the table would influence current planning applications. Officers confirmed that Draft Local Plan would have limited weight at this stage.

## Chapter 6 - Getting Around

### Page 163 - Safeguarding Land for Transport Improvements

Members commented that there should not be a need to safeguard land for a rail depot at Bromley North and that reference to the Overground should be included.

## Chapter 7 – Bromley's Valued Environments

### Page 191 – Areas of Special Residential Character (ASRC)

A concern was raised that each area had different characteristics, and that one policy could not fit all. Officers responded that ASRC policy was significantly enhanced from the UDP; there was a description of each of the ASRCs in the Plan and Members agreed that these could be expanded if necessary.

## Chapter 8 - Working in Bromley

### Page 215 - Biggin Hill Strategic Outer London Development Centre

A Member queried whether the Plan allowed sufficient scope for expansion at Biggin Hill Airport. The Portfolio Holder for Recreation and Renewal considered that the Plan did take account of needs based on current evidence.

### Page 233 - Metropolitan and Major Town Centres

Members agreed that the wording should be more positive, especially for Bromley and Orpington, and focus on the Council's desire to see the Area Action Plan fulfilled – paragraph 4.40 in the London Plan referred to an increased demand for retail space in London by 2036.

Page 234 - Metropolitan and Major Town centres - Supporting Text

Members agreed that the penultimate paragraph (“To maintain and enhance Bromley’s competitive position...”) should be moved to the end of the section to give a more positive and aspirational emphasis.

Appendix 8 - Highways Proposals Maps

Page 303 Bromley A21, Hayes Lane/Homesdale Road

A Member stated that an updated map was available. Members agreed that the description of the purpose of the proposals in the heading of the map should also be revised as set out in the Supplementary Papers.

Additional Site Specific Issues (first supplementary pack)

Page 13 - Schedule

It was confirmed that the change to Urban Open Space at St Hugh’s Playing Field, Bickley referred solely to the land outlined in red on the plan at page 31.

The Leader asked officers to circulate an indicative timescale setting out key dates towards the adoption of the Local Plan. Officers advised that this could be achieved through the Local Development Scheme. He also thanked officers for their work on this hugely important document for the borough.

**RESOLVED that Appendix 1 to the report as amended by the Supplementary Papers and in particular following consideration by Development Control Committee, and taking into account the comments set out above, be agreed as the Draft Local Plan subject to the Chief Planner, in consultation with the Leader of the Council, being authorised to make alterations and finalise supporting documents as required prior to its publication.**

**52 THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI) -  
RESPONSES TO CONSULTATION AND PROPOSED  
REVISIONS**  
Report DRR16/041

The Council’s current Statement of Community Involvement (SCI) had been adopted in 2006. Since then, there had been a number of changes to the planning system including the removal of need for an SCI to be subject to examination, the publication of the National Planning Policy Framework (NPPF) and the Town and Country Planning (Local Planning) (England) Regulations 2012. The SCI had been amended to reflect these changes alongside the technological advances in the way consultation was carried out and the pressure on resources. A six week consultation period had been undertaken earlier in the year – the report set out the responses and alterations had been made to the SCI which Development Control Committee had considered on 11<sup>th</sup> July.

Members found the section in the document on the types of concerns that were not generally planning considerations to be helpful. It was suggested that the following points could be added -

- that planning decisions have to be evidence based and adhere to national guidance;
- that weight of numbers objecting is not a consideration;
- that the Council may have costs imposed if it withholds planning permission unreasonably;
- that there is no appeal against the grant of planning permission (although issues of procedure can be referred to the Ombudsman, or to the High Court for Judicial Review.)

Councillor Lymer also referred to a suggestion she had made at the meeting on 13<sup>th</sup> January 2016 for section 4, Involving the Public in Planning Application Decisions, that additional publicity be added via the My Bromley account. This would be included.

**RESOLVED that, subject to inclusion of the points set out above, the Statement of Community Involvement be approved as at Appendix 2 to the report.**

**53 BUSINESS IMPROVEMENT DISTRICT STRATEGY FOR TOWN CENTRES**  
Report DRR16/050

In light of the successful establishment of Business Improvement Districts (BIDs) in Orpington and Bromley Town Centres, the report outlined the feasibility of extending the BID approach to other town centres in the borough –in particular in Beckenham and Penge town centres. The report explored the business case for the Council to invest in the introduction of further BID areas, with a summary of issues arising in each town, how a BID could assist with tackling these, potential barriers to a successful introduction of BIDs and a suggested road map to implementation.

Members noted that the Orpington First BID re-ballot was scheduled for November 2017, so there could potentially be a workload issue if this clashed with ballots for Beckenham and Penge BIDs. For the ballot to be successful, the proposals would need support from a simple majority of businesses and a majority by rateable value. There were issues around business rates to be addressed, and the business rate revaluation due in 2017/18 could have an impact.

The report had been considered and supported by Renewal and Recreation PDS Committee on 5<sup>th</sup> July 2016.

**RESOLVED that**

**(1) The outcome of the initial feasibility study on the potential for BIDs in Beckenham and Penge town centres be noted, and the formation of BIDs at the earliest opportunity be supported in principal, bearing in mind the constraints and risks outlined in paragraph 3.9 of the report.**

**(2) The allocation of up to £110k from the Growth Fund to cover the costs of the proposed Beckenham and Penge BID projects (as set out in paragraph 5.2 of the report) be approved.**

**(3) The projected timescales for the establishment of BIDs in Beckenham and Penge Town Centres as outlined in paragraph 3.12, and the potential personnel and financial implications of establishing BIDs in these towns, be noted.**

**54 GATEWAY REPORT COMMISSIONING - PROPOSED TOTAL FACILITIES MANAGEMENT CONTRACT**  
Report DRR16/066

At its meeting on 23<sup>rd</sup> March 2016 the Executive had received a report recommending the outsourcing of Total Facilities Management (TFM) to Amey, subject to the outcome of due diligence and confirmation of the budget savings and redundancy liabilities.

In March, the Executive had requested that the staffing questions raised in the consultation period be responded to; the latest report provided an update on these issues and officers confirmed that the formal thirty day consultation period had been extended to around double that time to continue to address staff concerns. However, it was not possible to provide some details until the formal TUPE process was under way.

Responding to concerns about risks, costs and that detailed service level agreements and KPIs were not available, officers confirmed that the specification was for the existing service levels, and that the greatest risk lay in not addressing the capacity and resilience issues with these services. It was also confirmed that the costs of the client unit, which was likely to be three or four staff, were excluded.

Comments from Unison were tabled.

**RESOLVED that**

**(1) The award of a contract to Amey Community Limited, conditional upon legal and financial provisions being satisfactory, for the provision of Strategic and Operational Property Management Services and Facilities Management Services for a period of 5 years with an option to extend for a further 3 years, be agreed.**

**(2) Authority to award the unconditional contract be delegated to the Director of Corporate Services after consultation with the Portfolio Holder for Resources and the Portfolio Holder for Renewal & Recreation,**

the Director of Commissioning and the Director of Environmental Services.

(3) It is noted that it is expected that the contract will deliver part year savings of £105,000 in 2016/2017 (excluding £339,000 one-off costs) increasing to £210,000 in a full year, as set out in paragraph 6.1 of the report.

(4) It is noted that the proposals and the further efficiencies identified by Amey could give rise to redundancies post-transfer (the potential redundancy and early retirement costs that could arise from these proposals, which range from £0k to £150k, were explained in paragraph 3.7 of the report.)

(5) It is noted that since the Executive meeting on 23 March 2016, further meetings have taken place with staff affected by these proposals, as well as separate meetings with trade unions, without prejudice to any subsequent TUPE staff/trade union consultations in the event of the contracts being awarded as in (1) and (2) above; officers have also arranged for the staff affected by these proposals to meet with Amey or Cushman & Wakefield directly.

**55            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 Executive and Resources PDS Committee.

**56            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**

**57            EXEMPT MINUTES OF THE MEETING HELD ON 15TH JUNE  
2016**

The exempt minutes of the meeting held on 15<sup>th</sup> June 2016 were confirmed.

**58        FORMAL CONSULTATION ON OUTLINE SERVICE  
PROPOSALS AND PROCUREMENT STRATEGY -  
DOMICILIARY CARE SERVICES**  
Report CS17015

The Executive considered the procurement strategy for domiciliary care services and approved an option subject to price negotiation.

**59        FORMAL CONSULTATION ON OUTLINE SERVICE  
PROPOSALS AND PROCUREMENT STRATEGY - NURSING  
CARE BEDS**  
Report CS170012

The Executive reviewed the current arrangements for provision of nursing care beds for adults and agreed to tender for a new contract to start in January 2018, with the existing contract being extended until then.

**60        CAPITAL PROGRAMME MONITORING - 1ST QUARTER  
2016/17 - APPENDIX E**

The Executive received a summary of capital receipts.

The Meeting ended at 9.37 pm

Chairman