

## **EXECUTIVE**

Minutes of the meeting held on 18 October 2016 starting at 7.00 pm

### **Present:**

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

### **Also Present:**

Councillor Nicholas Bennett J.P., Councillor Michael  
Tickner and Councillor Angela Wilkins

### **93 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Peter Morgan and from the Chief Executive.

### **94 DECLARATIONS OF INTEREST**

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

During consideration of the report on the Provision of the Genito-urinary Medicine Service (minute 98) Councillor Peter Fortune declared an interest as his mother worked at Guys Hospital.

### **95 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 2ND SEPTEMBER 2016, THE ADJOURNED MEETING HELD ON 14TH SEPTEMBER 2016 AND THE RECONVENED MEETING HELD ON 30TH SEPTEMBER 2016** Report CSD16086

The Executive received a report on matters arising from previous meetings.

**RESOLVED** that the minutes of (i) the special meeting held on 2<sup>nd</sup> September 2016, (ii) the adjourned meeting held on 14<sup>th</sup> September 2016 and (iii) the re-convened meeting held on 30<sup>th</sup> September 2016, excluding exempt information, be confirmed.

### **96 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

Three questions had been received from Sue Sulis, Secretary of the Community Care Protection Group – these are attached as Appendix A to these minutes.

**97 PUBLIC HEALTH COMMISSIONING INTENTIONS 2017/18**  
Report CS17046

The Executive received a report outlining Public Health commissioning intentions for 2017/18. The proposed contractual arrangements depended on corporate savings decisions, but approval at this stage would enable public health commissioners to respond flexibly to those savings decisions. It was noted that a correction was needed to the final table in appendix 1 to the report – the extension sought for the NHS Health Checks and Sexual Health SLAs were for 12 months, not 36 months.

The proposals had been supported by the Care Services PDS Committee at their meeting on 13<sup>th</sup> October 2016.

**RESOLVED that, subject to corporate saving decisions,**

**(1) The intention to extend the current contract for Adults and Young People Substance Misuse Services for one year to 30 November 2018 and that approval for this extension has been delegated to, and is to be agreed by, the Director of Public Health in consultation with the Portfolio Holder, be noted.**

**(2) One-year call-off contracts (1/4/17 to 31/3/18) currently under the Public Health Framework Agreement for Community Pharmacy Services for (i) Substance Misuse and (ii) Alere (Point of Care Testing) for NHS Health Checks be approved.**

**(3) Six month call-off contracts (1/4/17 to 30/9/17) currently under the Public Health Framework Agreement for (i) Community Pharmacy for Sexual Health Service and (ii) TDL (The Doctor Laboratory) for Sexual Health testing and diagnostic service be approved so that they align with the new Services currently tendered to start on 1 October 2017.**

**(4) The continued use of Service Level Agreements for NHS Health Checks and Sexual Health Services offered by General Practitioners for a further year by granting an exemption as per sections 3 and 13 of the Council's contractual procedure rules be approved.**

**(5) The intention to continue to use the commissioning arrangements with Bromley Clinical Commissioning Group (CCG) through section 75 for provision of community services by Bromley Healthcare until 30 September 2017 when the contract will expire be noted.**

**98 2017/18 INTENTIONS FOR PROVISION OF GENITO-URINARY MEDICINE (GUM) SERVICE**  
Report CS17051

Members received a report setting out intentions for the provision of Genito-urinary Medicine (GUM) Services for 2017/18. The Council had a duty to

provide open access health services, and this was secured using a collaborative commissioning approach with other London boroughs in contract negotiations with GUM providers to achieve lower unit prices for first and follow up attendances. This was supported by a Collaboration Agreement, with LB Lambeth acting as lead borough for South East London. The proposals had been supported by the Care Services PDS Committee at their meeting on 13<sup>th</sup> October 2016.

(During consideration of this report Councillor Peter Fortune declared an interest as his mother worked at Guys Hospital.)

**RESOLVED that**

**(1) The benefits of the London wide Collaborative arrangement be noted and the continuation of this arrangement to provide open access GUM service in London for Bromley residents, at an estimated cost of £1,609k per year, be approved.**

**(2) The phased approach to implement the London Sexual Health Integrated Tariffs be approved, starting from 2017/18.**

**(3) The South East London (SEL) arrangement to secure the provision of new GUM services from Kings College Hospital NHS Foundation Trust (KCH) and Guys and St. Thomas NHS Foundation Trust (GSST) for Bromley residents from April 2017 be approved and the sexual health commissioner be authorised to enter into a Memorandum of Understanding (MoU) with the London Borough of Lambeth to enable the London Borough of Bromley to access the arrangement.**

**99 BROMLEY CCG AND OXLEAS RELOCATION OF LD SERVICES**

Report withdrawn.

**100 ADVOCACY GATEWAY REVIEW**  
Report CS17040

The Executive reviewed the current provision of Advocacy services and considered the future procurement strategy. The report recommended that current contracts be extended and re-aligned to facilitate provision through one provider from April 2018.

The proposals had been supported by the Care Services PDS Committee at their meeting on 13<sup>th</sup> October 2016; Members had also commented that it was important to ensure that the full range of skills was covered in the contract.

Councillor Kate Lymer asked whether support in cases of domestic abuse was covered under this contract; it was understood that this was covered under a separate contract, but officers would clarify the situation.

*Executive*  
18 October 2016

(Note: Officers subsequently confirmed that a separate Advocacy contract was not required, as this support was provided by the Independent Domestic Violence Advisors (IDVA) as part of the Council's current contract with the IDVA. This support was considered particularly specialist and therefore not appropriate to be part of a broader advocacy service.)

**RESOLVED that**

**(1) The extension of the existing Advocacy contracts to 31st March 2018 be agreed - this includes Mental Health, Children's, Learning Disability and NHS Complaints Advocacy as set out in paragraph 3.8 of the report.**

**(2) Commissioners undertake a procurement exercise to commission all Advocacy provision through one provider with a contract term of 3 years starting 1st April 2018 with the option of 1 year + 1 year extensions.**

**101 GATE REPORT FOR THE PROVISION OF STATUTORY HOMELESSNESS REVIEWS**  
Report CS17045

Homeless households had a statutory right to a review of decisions made by the Council in respect of applications for accommodation and accommodation offered under the provisions of part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). The process for conducting such reviews was set out in the legislation under s202, part VII of the Housing Act 1996 and required that reviews were conducted by someone independent of the original decision and sufficiently senior to the person making the original decision.

Legal advice had confirmed that the decision to contract out the statutory homelessness reviews function must be agreed by Executive in order to comply with the Homelessness legislation and the accompanying statutory order in relation to the reviews function. This authority could be given retrospectively, and the Executive authorised this accordingly.

Councillor Colin Smith asked to be supplied with a chart showing homelessness numbers in the borough.

The proposals had been supported by the Care Services PDS Committee at their meeting on 13<sup>th</sup> October 2016.

**RESOLVED that**

**(1) The current arrangements for contracting out homelessness reviews be confirmed until the new contract begins, including, retrospectively, the arrangements previously entered into.**

**(2) The statutory reviews function be contracted out under the terms set out in the report.**

**(3) The external homelessness reviews contract be tendered for a period of 3 years with an option to extend for a further 2 year period.**

**(4) Agreement to extend the current contract, if required, be delegated to the Care Services Portfolio holder for a period of up 3 months until the new contract begins to enable handover and completion of any existing reviews under the current contract.**

**102 DRAWDOWN OF GOVERNMENT GRANT FUNDING TO SUPPORT THE LOCAL AUTHORITY IN THEIR CONTINUED ROLE AS A LONDON REGIONAL LEAD OF THE SPECIAL EDUCATIONAL NEEDS & DISABILITY (SEND) REFORMS FROM APRIL 2016 TO MARCH 17**  
Report ED17018

The Executive considered a report seeking approval for the release of grant funds, held in the 2016/17 central contingency, of £27,521.93 allocated by the DfE for the London Regional SEND programme. The funding was allocated to the London Borough of Bromley to continue work in partnership with the London Borough of Enfield to coordinate the programme across 33 London boroughs. This was made up of £16,666.67 base funding with a top-up amount based on the number of authorities in the London region of £10,855.26, making £27,521.93.

Bromley, in partnership with Enfield, had been a Regional Lead since April 2015. This had facilitated a peer SEND learning approach, to share best practice to support statutory compliance and the London-wide implementation of the Special Educational Needs & Disability reforms 2015/16. At the end of March 2016, further funding was granted by the DfE to continue the London Regional Lead work. This was a reduced rate to last year in order to build sustainability of the programme and workforce development on key issues.

The proposal had been supported by the Executive and Resources PDS Committee at their meeting on 12<sup>th</sup> October 2016, subject to removal of the reference to “non-ring fenced” in the recommendation as set out in the report.

**RESOLVED that the release of £27,521.93 of funding for the continued role of the London Borough of Bromley as SEN and Disability (SEND) Regional Lead for London in partnership with the London Borough of Enfield in 2016/17 be authorised.**

**103 COMMUNITY MANAGEMENT AT COMMUNITY LIBRARIES: OUTCOME OF TENDER**  
Report DRR16/069

Following pre-decision scrutiny at the meeting of the Renewal & Recreation Policy Development & Scrutiny Committee on 18<sup>th</sup> March 2015, the Renewal & Recreation Portfolio Holder had decided to implement a new approach to the delivery of library services in view of the difficult financial circumstances. This included agreeing to start a procurement process to identify suitable community management options for the borough’s six community libraries.

In January 2016, following the evaluation of initial business plans and negotiations with tenderers, the Portfolio Holder awarded preferred bidder status to Community Links Bromley to enable them to work up the detail needed to finalise its business plan for community management at all six community libraries. Final business plans were submitted, clarified and evaluated, but following this process Community Links Bromley had decided to withdraw their tender. As a result, there were no proposals for community management at community libraries to be considered.

In light of this, the report recommended that the Council pursue the alternative option presented in the update report in November 2015 which recommended that, should no suitable community management arrangements be found, community libraries should be included in the commissioning of the core Library Service. The Council had begun a joint tender process for core library services with the London Borough of Bexley, but since the report had been prepared Bexley had notified the Council that it was formally withdrawing as it wished to pursue other opportunities for making savings. The tender process was set up so that it could continue if either authority withdrew.

A Member was disappointed that a 50:50 split on price/quality had been used for community libraries, rather than the normal guideline of 60:40. It was confirmed that the main tender for library services would be assessed on the 60:40 basis, but that the nature of the tender for community management at community libraries was not considered to be commercial in the usual sense, and that the quality of the voluntary or other management, and riskiness of the financial model was more crucial. Therefore, the tendered price needed to be balanced with these requirements.

The proposals had been supported by the Renewal and Recreation PDS Committee at their meeting on 20<sup>th</sup> September 2016. The Executive considered that the proposals represented positive continued investment in the Library Service, achieving savings but without any intention to close libraries or reduce jobs.

**RESOLVED that**

- (1) The outcome of the tender seeking community management at community libraries, and that no tenders remain, be noted.**
- (2) The £250k saving built into the budget for 2016/17 be drawn down from the Central Contingency as the assumed savings will not be achieved this financial year.**
- (3) Community libraries for direct management be included as part of the tender for core library services.**

**104 BECKENHAM PUBLIC REALM IMPROVEMENTS DESIGN AND BUDGET SIGN OFF**  
Report DRR16/076

The Beckenham Town Centre Improvement scheme had undergone a number of design and budget reviews since its inception resulting in the scope and coverage of the scheme being extended. There had also been corresponding increases in costs, the impact of which had been considered in a report to the Executive on 2 December 2015. The Executive had approved an additional £240k from Capital Receipts to cover the Borough's contribution to the overall increase in scheme costs. This sum was based on TfL providing additional funding to the scheme budget. The detailed design of the improvement scheme had now been completed by the Council's term contractor FM Conway and the budget finalised. Executive approval was now sought to finalise the scheme design, costs and the Council's match funding. The target for completion was Spring 2018.

Following a safety audit additional controlled pedestrian crossings had been added to the scheme, including a pelican crossing. The revenue costs of approximately £2k per annum had been offset against the removal of a pelican crossing in Bromley – a Member objected that the savings made in Bromley should have gone back to central funds.

A Member queried the amount of contingency included in the scheme costs, which appeared to be 23% of the total cost of the scheme. Officers confirmed that the contingency was 15%, but the higher figure included inflation increases to the term contract. Members concluded that this should have been presented more clearly.

The scheme included proposals to reflect the links between David Bowie and Beckenham, including a paving motif outside the former Three Tuns pub and a possible mural near Beckenham Junction. Members commented that it was important that the different projects relating to David Bowie were coordinated and that duplication was avoided and that no expenditure would be incurred until a decision had been concluded.

Councillor Michael Tickner attended the meeting as chairman of the Beckenham Town Centre Working Group, which brought together local ward councillors, residents and business owners to assist in developing the proposals. Councillor Tickner urged the Executive to approve the scheme, which had widespread local support and would assist the Council's aim of supporting retail businesses. He also commented that lessons learnt in implementing the schemes in Orpington and Bromley North needed to be remembered in Beckenham.

The proposals had been supported by the Renewal and Recreation PDS Committee at their meeting on 20<sup>th</sup> September 2016. The Executive also noted a letter received from a local resident outlining detailed objections to the scheme.

**RESOLVED that**

**(1) The scheme design for Beckenham Town Centre Public Realm improvements and the commencement of the implementation phase be approved.**

**(2) Total Council capital funding of £1.145m, of which £995k is from capital receipts and £150k from the earmarked reserve, be approved subject to full Council approval.**

**(3) The estimate for the Beckenham Town Centre Improvement scheme be reduced to £4.441m in the Council's capital programme, subject to full Council approval.**

**(4) It is noted that in the event that the £750k funding from TfL for 2017/18 is not approved, a further report will be brought back to Members setting out a revised budget and programme of works.**

**(5) FM Conway be commissioned, under the terms of the existing term contract, to carry out the build contract for this project.**

**105       CHIPPERFIELD ROAD ST PAUL'S CRAY - DEVELOPMENT PROPOSALS**

Report DRR16/075

The Executive considered options for the future development of land to the east and west of Chipperfield Road, St Paul's Cray, to provide around 65 residential units, releasing funds for a new linear park, a new gymnastics facility and a new library and community resource centre. Approval was sought to clarify and market the scheme at a cost of £105k, and add it to the capital programme.

The proposals had been supported by the Renewal and Recreation PDS Committee at their meeting on 20<sup>th</sup> September 2016.

**RESOLVED that**

**(1) Officers instruct Cushman and Wakefield to ascertain an optimal residential Scheme, as detailed in paragraph 3.32 of the report, which will include an element of social housing and, subject to the agreement of the Renewal and Recreation Portfolio Holder, to prepare and submit an Outline Planning Application.**

**(2) Officers instruct Cushman & Wakefield to market the scheme in accordance with the Programme detailed at paragraph 3.34 in the report and to report to the Executive on the outcome of the selection of a development partner.**

**(3) The cost of £105k be funded from capital receipts and that the scheme be added to the capital programme.**



**106 HIGHWAYS INVESTMENT**  
Report ES16048

The Executive considered a proposal for alternative funding arrangements for highways maintenance. There was a very strong case for continued investment in planned maintenance, which would reduce the amount of reactive maintenance associated with mending pot-holes and broken paving slabs. This would improve value for money and customer satisfaction, reduce unplanned network disruption and contribute to reducing claims for damages. The proposal had been supported by the Environment PDS Committee at their meeting on 29<sup>th</sup> September 2016.

**RESOLVED that**

**(1) Capital funding of £11.8m be approved for investment in planned highway maintenance, to be funded from capital receipts, and, subject to the approval of full Council, the scheme be added to the Capital Programme.**

**(2) Subject to the approval of the alternative funding set out above, the revenue budget for highways works will be reduced by £2.5m per annum for the period 2017/18 to 2012/22, which will be partly offset by an estimated reduction in treasury management income of £167k over the five year period.**

**107 ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER**

At its meeting on 6<sup>th</sup> September 2016 the Development Control Committee had considered whether the Council should seek, with the use of an Article 4 Direction, to withdraw permitted development rights for alterations to the front slopes of roofs of properties in the Petts Wood Area of Special Residential Character.

**RESOLVED that the issue of a non-immediate Article 4 direction withdrawing permitted development rights for front roof alterations in the Petts Wood Area of Special Residential Character with a twelve month delay be confirmed.**

**108 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.

**109 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**

**110 EXEMPT MINUTES OF THE ADJOURNED MEETING HELD ON 14TH SEPTEMBER 2016**

The exempt minutes from the meeting held on 14<sup>th</sup> September 2016 were confirmed.

**111 UPDATE ON PROCUREMENT STRATEGY FOR DOMICILIARY CARE SERVICES**

The Executive noted the outcome of negotiations with providers, agreed ceiling rates and agreed that consultation on revised domiciliary charges for 2017/18 should commence in December 2016.

**112 PROCUREMENT STRATEGY - ARBORICULTURAL SERVICES 2017-2019**

The Executive agreed to extend the existing contract from 18 July 2017 to 31 March 2019 to align with the repackaging and tendering of all SS&GS Environmental Services contracts due to be let from Spring 2019.

The Meeting ended at 7.58 pm

Chairman

### EXECUTIVE

18<sup>TH</sup> OCTOBER 2016

#### QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY

**1. From Sue Sulis, Secretary, Community Care Protection Group to the Leader of the Council**

2012 MERGER OF CHILDREN AND YOUNG PEOPLE'S DEPARTMENT WITH ADULT AND COMMUNITY SERVICES DEPARTMENT.

(a) On which dates, and Council Committees was the proposal to merge Children, Young People and Education Services with Adult and Community Services reported?

(b) Were these reports on the public agenda, and if so, how were they publicised?

(c) What Public Consultation took place, and when?

**Reply:**

The proposal did not require committee approval, but the issue was referred to at the following meetings -

Urgency Committee on 23 January 2012

Council on 20<sup>th</sup> February 2012

Council on 26<sup>th</sup> March 2012

These reports were all on the public agenda, and were available on the Council's website in the normal way. There was no additional public consultation.

**2. From Sue Sulis, Secretary, Community Care Protection Group to the Leader of the Council**

ASSURANCE OF THE ARRANGEMENTS FOR THE SAFETY OF THE DISCHARGE OF THE STATUTORY ROLE OF THE DIRECTOR OF CHILDREN'S SERVICES.

The Council decided to disregard Government Guidance against expanding/merging the role of the Director of Children's Services, and agreed to institute an "Assurance Test" to safeguard the Statutory Role, which would be repeated and reported bi-annually.

Please list the dates and committees when these tests were reported.

**Reply:**

The reports were considered at joint meetings of the Care Services and Education PDS Committees on 7<sup>th</sup> May 2013 and 25<sup>th</sup> February 2015. Please note that these reports were intended to be biennial (every two years) not biannual (twice a year).

**3. From Sue Sulis, Secretary, Community Care Protection Group to the Leader of the Council**

**COUNCIL COMMITMENT TO OPENNESS AND TRANSPARENCY**

- (a) What is the Council's Policy on officers providing the list of Background Documents when writing Committee Reports?
- (b) What is the Council's Policy on answering Written Questions from the public – can it ignore these without giving reasons?
- (c) What remedies are available when this happens?

**Reply:**

The Council's report template includes a box for officers to list background documents.

Where a question is rejected the reason will be explained. Under the Council's Constitution, the proper officer may reject a question from the public if it –

- is not about a matter for which the Local Authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

The Council has a three stage complaints procedure; if a complainant is still not satisfied they can ask the Local Government Ombudsman to investigate.