

EXECUTIVE

Minutes of the meeting held on 6 December 2017 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors Graham Arthur, Peter Fortune,
William Huntington-Thresher, Kate Lymer, Peter Morgan
and Diane Smith

Also Present:

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

352 APOLOGIES FOR ABSENCE

There were no apologies for absence.

353 DECLARATIONS OF INTEREST

During consideration of the report on Environmental Services Commissioning (see Minute 363), Councillor Peter Morgan made a declaration of interest as his daughter was an employee of Kier.

354 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Six questions had been received for oral reply, and nine questions for written reply. Copies of the questions and the replies are attached in Appendix A to these minutes.

355 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7TH NOVEMBER 2017 AND CONSIDER MATTERS ARISING FROM PREVIOUS MEETINGS

Report CSD17160

RESOLVED that the minutes of the meeting held on 7th November 2017 be confirmed.

356 PROGRESS IN IMPLEMENTING CHILDREN'S SERVICES IMPROVEMENTS

The Executive Director of Education, Care and Health Services and Deputy Chief Executive updated the Executive on progress with implementing improvements to Children's Services. He emphasised three issues -

(i) Positive feedback had been received from Ofsted following the last monitoring visit on 30th/31st October. The Inspectors had found good practice, effective systems and processes and an improved relationship with foster carers. The next monitoring visit was in March 2018.

(ii) An inspector had been appointed to look at the live-in care service.

(iii) Officers were working through the implementation plan for the Children and Social Work Act 2017. This included a new local offer for young people leaving care and additional responsibilities for young people up to the age of 25 and young people formerly in care with other local authorities who now lived in the borough.

Asked about the Caseload Promise, the Executive Director confirmed that the promise was now being met in most teams, and the direction of travel was positive. The ratio of permanent/agency staff was continuing to improve, and the Council was having some success in convincing agency staff to take permanent contracts; from a baseline of 42% in January 2017, the ratio was now 73% and expected to rise to 76-78% by the end of the month. The target was to reach 90% in 2018.

The Fostering and Adoption Panels were being amalgamated - this approach was supported by regulators. This would reduce the delays around issues that currently involved both panels and inject pace into decision making. The workload of the new panel would be heavy, but additional panel members, including three chairmen, had been recruited. A Member suggested having two separate panels.

Members were pleased with the progress being made, but emphasised that this progress had to be sustainable. The Executive Director responded that the key was good, effective social work practice.

Members thanked Mr Adetosoye and his team for the progress being made.

357 BUDGET MONITORING 2017/18
Report FSD 17088

The Executive received the second budget monitoring report for 2017/18, based on expenditure and activity levels up to the end of September 2017. The report highlighted significant variations which would impact on future years and early warnings that could impact on the final year end position.

The Chairman of the Executive and Resources PDS Committee asked about the reduction in Central Contingency and cautioned against items becoming embedded in the budget. The Director of Finance emphasised that contingency provision was an effective way to deal with issues where there was uncertainty about costs, so that funds were only released when there was evidence that they were actually needed. If necessary, funding could be built into the base budget, but this needed to be reviewed each year.

Questioned about the impact of the increase in base rates, the Director of Finance confirmed that this had made little difference to the rates available for treasury management.

The Resources Portfolio Holder drew attention to the Council's excellent performance in managing its investments, and thanked the Director and his team.

The report had been scrutinised by the Executive and Resources PDS Committee on 29th November 2017 and the Committee had supported the recommendations.

RESOLVED that

(1) The latest financial position be noted, and that a projected net overspend on services of £221k is forecast based on information as at September 2017.

(2) The comments from the Deputy Chief Executive and Director of Education, Care and Health Services, the Executive Director of Environment and Community Services and the Director of Corporate Services as detailed in Appendix 2 be noted.

(3) The projected variation of £459k credit from investment income as detailed in sections 3.6 and 3.7 of the report be noted.

(4) The projected reduction to the General Fund balance of £271k as detailed in section 3.4 of the report be noted.

(5) The release of £559k from the 2017/18 Central Contingency as detailed in paragraph 3.2.2 of the report be noted.

(6) Council be recommended to transfer £3.5m from the Central Contingency to the Investment Fund as detailed in paragraph 3.2.8 of the report.

(7) The full year costs pressures of £3.3m as detailed in section 3.5 of the report be noted.

**358 CAPITAL PROGRAMME MONITORING - 2ND QUARTER
2017/18
Report FSD 17092**

The report summarised the current position on capital expenditure and receipts following the 2nd quarter of 2017/18 and sought the Executive's approval for a revised Capital Programme.

The report had been scrutinised by the Executive and Resources PDS Committee on 29th November 2017 and the Committee had supported the recommendations.

RESOLVED that

(1) The report be noted, including a total re-phasing of £11,355k from 2017/18 into future years, and a revised Capital Programme be agreed.

(2) The following amendments to the Capital Programme be approved:

(i) Addition of £362k to Transport for London (TfL) funded Traffic and Highways schemes as detailed in paragraph 3.3.1 of the report;

(ii) Addition of £680k relating to the annual revenue contribution to Bromley Mytime Investment Fund as detailed in paragraph 3.3.2;

(iii) Addition of £163k to the Orpington Town Centre - Walnut Centre & New Market infrastructure scheme to reflect funding available from Section 106 receipts as detailed in paragraph 3.3.3;

(iv) Deletion of £8k residual balance on the Central Library/ Churchill Theatre – Chillers and Control scheme, which has reached completion as detailed in paragraph 3.3.4;

(v) It is noted that a report elsewhere on the agenda (minute 372) requests the addition of £75k to the Crystal Palace Park Improvement report as detailed in paragraph 3.3.5.

359 COUNCIL TAX SUPPORT/REDUCTION SCHEME 2018/19
Report FSD17091

The Executive considered the outcome of the public consultation on the Council Tax Support/Reduction Scheme for 2018/19. 68% of respondents had confirmed their support for keeping the minimum contribution at 25%, and it was proposed that Council be recommended to approve the 2018/19 scheme at that level. It was also proposed that the scheme would be varied to take account of changes to Housing Benefit regulations. One part of the Regulations was subject to a legal challenge, so it was proposed that Council be recommended to authorise the Director of Finance to vary the scheme if necessary, subject to a report back to Council.

Councillor Angela Wilkins raised concerns about the impact of the introduction of Universal Credit, the unquantified cost of family breakdown and the potential impact on women in particular. Executive Members supported the principle that everyone should contribute to Council Tax, but concluded that it was important to maintain the Hardship Fund and to monitor the possible future impact of Universal Credit carefully.

The report had been scrutinised by Executive and Resources PDS Committee at its meeting on 29th November 2017, and the Committee had supported the recommendations.

RESOLVED that Council be recommended to

- (1) Note the responses to the public consultation exercise.**
- (2) Note the updated Impact assessment at Appendix 1 to the report.**
- (3) Adopt the proposed Council Tax Support/Reduction Scheme for 2018/19 retaining the calculation of entitlement of working age claimants on 75% of the household's Council Tax liability (thereby the maximum assistance provided to a claimant of working age is 75% of his/her Council Tax liability) and maintaining the hardship fund budget at £100k.**
- (4) Agree to allow the Director of Finance to vary the scheme to incorporate any changes that have been made to the Housing Benefit Regulations (per section 3.2.2 of report to Executive) and any subsequent revisions to these specific Regulations, subject to a report being brought back to Council advising of any changes made.**

360 REVIEW OF CORPORATE CUSTOMER SERVICES IT SYSTEMS

Report withdrawn.

361 THE GENERAL DATA PROTECTION REGULATIONS 2016 Report CSD17173

The Government had confirmed that the General Data Protection Regulation (GDPR) would apply in the UK from 25th May 2018, and significant changes would be needed to ensure that Bromley was compliant. The proposals represented a radical change to data protection laws, and included substantial financial sanctions where serious breaches occurred. Additional staff resources were required, both permanent and temporary, to ensure that the Council remained compliant.

Concerns were raised about data sharing with partners. It was confirmed that process mapping work was being carried out and all major local partners had agreed an information sharing protocol.

The report had been scrutinised by the Executive and Resources PDS Committee on 29th November 2017. The Committee had supported the proposals, but suggested an additional recommendation that a sensible approach be taken and that any funding was phased to ensure that calls on funding were reasonable and represented value for money. The Executive did not consider that this was necessary, but requested that the PDS Committee continue to scrutinise the proposals closely from inception to ensure that outcome was achieved.

RESOLVED that

- (1) The changes proposed by the GDPR and the work to be undertaken to address them be noted.**

(2) One-off expenditure of £495k from the underspend in the 2017/18 Central Contingency be approved in order to progress the works required to enable the Council to become GDPR compliant.

(3) Growth of £287k for the two permanent staff, training & system running costs be approved.

(4) It is noted that an additional member of staff may be required to take on the additional responsibility of a Data Protection Officer (DPO) as required under the Article 37 of the GDPR - the additional resources set out in the report to be implemented under the supervision of the Portfolio Holder for Resources.

362 BROMLEY YOUTH EMPLOYMENT SCHEME PROJECT EXTENSION

The report described the work and outcomes of the Bromley Youth Employment Scheme, which aimed to help tackle youth unemployment in the Borough through supporting the creation of sustainable job opportunities for young people.

Funding of £137.5k was sought for one further year for the Scheme. Members were also urged to consider funding for a second year and subsequent years in due course. This longer term commitment to delivering this service would enable the project to have some stability. A Member asked whether the apprenticeship Levy could be used to fund the Scheme, but there were stringent conditions attached to the Levy which prevented this.

Members supported the Scheme, and the Leader suggested that a further report be made in the 2nd or 3rd quarter of 2018, defining the outcomes more clearly, so that funding could be considered for the 2019/20 budget.

RESOLVED that a drawdown of £137.5k be agreed for one year's funding of the YES project.

363 ENVIRONMENT SERVICES COMMISSIONING PROGRAMME UPDATE

Report ES17088

The report provided an update on the procurement of a range of environmental services originally due to be tendered in April 2017 and the reasons for delays. It also reviewed the agreed lotting strategy for these services to see if this was still appropriate, including considering the impact of the proposed Trust at Crystal Palace Park on Lot 4 – the Parks Management and Grounds Maintenance contract.

The report also outlined the proposed strategy for depots within the Borough, (some of which would be retained by Environmental Services for provision of services), the sites to be retained and others which could potentially be released to generate capital receipts. It also considered any capital

investment required at these sites. Members commented that they did not wish to see any sites within the Green belt developed.

The report was scrutinised by the Environment PDS Committee on 15th November 2017 and the Committee supported the recommendations.

During consideration of this item, Councillor Peter Morgan made a declaration of interest as his daughter was an employee of Kier.

(Note: In paragraphs 3.20 and 3.21 of the report, the word “Neighbourhood” should be “Highway.”)

RESOLVED that

(1) The proposed strategy for depots within the borough as set out in section 4 of the report be noted and agreed.

(2) The revised timetable for issuing the Notices for the tendering of Lots 1-7 as set out in Section 3 of the report be noted.

364 HOMELESSNESS STRATEGY

Report CS18053

The Executive considered the draft Homelessness Strategy 2018-22, which required a further eight week public consultation period before it could be finalised. Officers confirmed that it was the intention to begin the consultation period as soon as possible, meaning that it would run over the Christmas holiday; a Member expressed concern that this would effectively reduce the time available to respond, but the Leader stated that if there was a convincing reason to extend the period this could be considered.

The report had been scrutinised by the Care Services PDS Committee on 14th November 2017 and considered by the Health and Wellbeing Board on 30th November.

RESOLVED that a final eight week consultation exercise be authorised, on conclusion of which a finalised Homelessness Strategy 2018-21 and action plan will be presented back to the Executive for consideration and approval.

365 LONDON BOROUGH OF BROMLEY'S COMMUNITY INFRASTRUCTURE LEVY, PROPOSED PRELIMINARY DRAFT CHARGING SCHEDULE CONSULTATION

Report DRR17/053

The Community Infrastructure Levy (CIL) allowed local authorities to raise funds from developers undertaking certain types of new building projects, effectively replacing most of the existing system of planning obligations known as section 106 agreements. The levy was transparent, predictable and non-negotiable

It was confirmed that developers were required to make their payments within 60 days of the commencement of each project.

A Member queried the status of car showrooms with regard to CIL, suggesting that they should be treated in the same way as retail warehouses. Officers undertook to investigate this.

The report had been considered by the Development Control Committee on 16th November 2017 and the Committee had supported the recommendations.

RESOLVED that

(1) The Preliminary draft Charging Schedule summarised in table 1 (paragraph 3.1 of the report) and detailed in Appendix 1 be approved.

(2) The PDCS consultation process be approved and authorised.

(3) The Chief Planner, in consultation with the Renewal and Recreation Portfolio Holder, be authorised to make any necessary changes relating to car showrooms.

**366 DISPOSAL OF OLD TOWN HALL AND SOUTH STREET CAR
 PARK AND IMPACT ON CIVIC CENTRE DEVELOPMENT
 STRATEGY**
 Report DRR17/067

Following the Executive's decision on 22 March 2017 to terminate the Development Agreement for the disposal of the Old Town Hall, it was agreed to seek alternative uses for the site. Cushman and Wakefield had been instructed to advise as to how the Old Town Hall site could be utilised as part of the Civic Centre Development Strategy and they had now reported that use of the Old Town Hall for either a democratic hub or to house staff was not viable due to the costs of refurbishment and the inflexibility of the space within the building, especially as the building was Grade 2 Listed. In addition, officers were proposing consideration of a new option for the Civic Centre site, involving retaining the Palace, East and West Wings and Council Chamber. This work would be carried out by Cushman and Wakefield and was expected to cost £40-45k. A PDS Member commented that this should take into account the need to reduce the use and storage of paper on the Civic Centre site.

The report had been scrutinised by the Executive and Resources PDS Committee on 29th November 2017 and the Committee had resolved that the matter be deferred pending the preparation of a further report setting out full costings for six different options. The Chairman of the Committee expressed concern at the payments being made to Cushman and Wakefield and urged that more work be carried out in-house. At the Leader's request, officers agreed to provide the schedule of rates for Cushman and Wakefield, who

were involved under the TFM contract with Amey. Officers confirmed that these rates were at a discount and were checked by benchmarking to ensure that they remained below full market rates.

A Member asked whether the Area Action Plan (AAP) needed to be refreshed to take account of new possibilities for these sites. Officers were not able to confirm when this would need to happen, but the planning position was clear to potential developers from the current AAP and the emerging Local Plan. The Leader stated that he would be interested in considering a joint venture approach in addition to the outright disposal option as part of the Council's marketing strategy and, carefully noting the Executive and Resources PDS Committee Chairman's comments, invited the PDS Committee to become closely involved in shaping future developments at both the old Town Hall and the Civic Centre sites as plans for the future use of both became clearer.

RESOLVED that

(1) It is noted that the Old Town Hall Complex and South Street Car Park freeholds cannot be utilised for the Council's own purposes and therefore to agree that both sites should be marketed for disposal on the open market on an unconditional basis.

(2) It is noted that annual revenue savings of £110k will result if the Old Town Hall and car park are sold.

(3) It is noted that a new option for the Development Strategy of the Civic Centre has been identified which will require further appraisal which is estimated to cost between £40-45k and that once the cost has been clarified (within the aforementioned range) that the Resources Portfolio Holder be authorised to approve this work.

367 CONTRACT AWARD FOR NURSING CARE BEDS (PART 1)
Report CS18070-1

Report withdrawn – the Leader explained that a special meeting would be held at 8.30am on 15th December when this report would be considered.

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

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

369 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**

370 EXEMPT MINUTES OF THE MEETING HELD ON 7TH NOVEMBER 2017

The exempt minutes of the meeting held on 7th November 2017 were confirmed.

371 CONTRACT AWARD FOR NURSING CARE BEDS (PART 2)

Report withdrawn.

372 CRYSTAL PALACE PARK CAFE

The Executive awarded a contract for the building of the Crystal palace Park café.

373 CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2017/18 - APPENDIX E

The Executive noted details of capital receipts.

374 REVIEW OF CORPORATE CUSTOMER SERVICES IT SYSTEMS - PART 2 APPENDIX

Report withdrawn.

375 INVESTMENT PURCHASE - MEDWAY

The Executive approved a proposal to purchase an investment property in the Medway area. The decision was urgent and needed to be implemented immediately as the vendor required that the purchase be completed quickly.

The Meeting ended at 8.36 pm

Chairman