

## **EXECUTIVE**

Minutes of the meeting held on 28 March 2018 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 and Councillor Angela Wilkins

#### **416 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **417 DECLARATIONS OF INTEREST**

The following declarations of interest were made –

Councillor Kate Lymer declared in relation to the report on Bishop Justus School that she was member of the Aquinas Advisory Council for St Mark's CE Primary School and a member of the Rochester Diocesan Board of Education.

Councillor Peter Morgan declared that his daughter was a director of Kier.

Councillor Colin Smith declared that he was member of the Aquinas Advisory Council for St George's Bickley CE Primary School.

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

Two questions had been received from a member of the public for oral reply, but the questioner was not present and would receive a written reply. Five questions had been received for written reply. Copies of all questions and replies are attached as Appendix A to these minutes.

#### **419 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 7TH FEBRUARY 2018 AND 7TH MARCH 2018** Report CSD18059

**RESOLVED** that the part 1 minutes of the meetings held on 7<sup>th</sup> February and 7<sup>th</sup> March 2018 be confirmed.

**420            PROGRESS IN IMPLEMENTING CHILDREN'S SERVICES IMPROVEMENTS - ORAL UPDATE**

The Executive Director of Education, Care and Health Services and Deputy Chief Executive gave a brief update on progress with the improvement of Children's Services. He mentioned World Social Worker day (28<sup>th</sup> March) which celebrated social work practice, and reported back on the Ofsted visit on 13<sup>th</sup>/14<sup>th</sup> March. The formal report was not due to be published until May, but the initial feedback had been very positive with one Inspector describing Early Intervention Services as the "jewel in the crown" of Bromley's services.

The Portfolio Holder for Education, Children and Families added that there had been a great turnaround since the Executive Director had arrived, and he placed on record his thanks to the Executive Director and his staff, as did the Leader.

**421            BUDGET MONITORING 2017/18**  
Report FSD18029

The Executive received the third budget monitoring report for 2017/18 based on expenditure and activity levels up to the end of December 2017 - a net underspend of £1,058,000 was forecast. The report highlighted significant variations which would impact on future years as well as early warnings which could impact on the final year end position.

**RESOLVED that**

- (1) The latest financial position is noted.**
- (2) It is noted that a projected net underspend on services of £1,058k is forecast based on information as at December 2017.**
- (3) The comments from the Deputy Chief Executive and Executive 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 to the report be noted.**
- (4) A projected variation of £769k credit from investment income as detailed in sections 3.7 and 3.8 of the report be noted.**
- (5) A projected increase to the General Fund balance of £1,980k as detailed in section 3.5 of the report be noted.**
- (6) The release of £333k (net) from the 2017/18 Central Contingency as detailed in paragraph 3.2.4 of the report be agreed.**
- (7) It is noted that reports elsewhere on the agenda request the drawdown of £1,280k from the Central Contingency as set out in paragraph 3.2.5 of the report.**

**(8) The return to the Central Contingency of £92k as detailed in paragraph 3.2.2 to the report be noted.**

**(9) Funding of £228k from the GLA for the period 2017/18 to 2019/20 as detailed in paragraph 3.2.3 be noted.**

**(10) The requests for carry forwards totalling £1,271k (net) as detailed in paragraph 3.4 of the report be agreed in principle subject to formal approval by the Executive on 21<sup>st</sup> May 2018.**

**(11) The full year costs pressures of £4.2m as detailed in section 3.6 of the report be noted.**

**(12) The timing of the Provisional Final Accounts report as detailed in paragraph 3.12.3 be noted.**

**422 HOMELESSNESS STRATEGY**  
Report CS18135

The report presented the final Homelessness Strategy 2018-23 following the completion of the public consultation exercise. It detailed the feedback from the consultation approved by the Executive on 6<sup>th</sup> December 2017, together with the final draft of the strategy taking account of the feedback received (Appendix A). Consent was sought to publish the strategy and action plan.

The report had been scrutinised by the Care Services PDS Committee on 14th March 2018 and the Committee had supported the recommendations.

**RESOLVED that**

**(1) Subject to final formatting, the final draft of the homelessness strategy be approved.**

**(2) Authority be delegated to the Director of Housing to finalise the action plan to implement and deliver the strategy.**

**(3) It is noted that the implementation of any of the proposed actions may be subject to further decision making in accordance with the Scheme of Delegation.**

**423 BROMLEY DRAFT LOCAL PLAN EXAMINATION - APPROVAL FOR MAIN MODIFICATIONS CONSULTATION**  
Report DRR18/009

The Council had submitted the Draft Local Plan to the Secretary of State for examination by an independent Inspector in August 2017 following its approval by a meeting of the Council in June 2017. A series of public hearings were held in December 2017, giving representors the opportunity to state their concerns directly to the Inspector. In order to address some of the issues raised at the hearings, officers had suggested some Main Modifications to the Draft Local Plan. In addition, the Inspector had suggested that the Council

review the classification of Minor Modifications which were submitted alongside the Draft Local Plan, to establish whether any of these should now be considered as Main Modifications. Any Main Modifications proposed by the Council were subject to public consultation which required approval from the Executive. The Executive concluded that the changes proposed were relatively modest and acceptable.

The report had been considered by the Development Control Committee at its meeting on 13<sup>th</sup> March 2018 and the Committee had recommended that the Main Modifications be approved.

**RESOLVED that**

**(1) The suggested Main Modifications to the Draft Local Plan set out in Appendix 1 and Appendix 2 to the report be approved for consultation and that the results of the consultation be forwarded to the Examination Inspector.**

**(2) Authority be delegated to the Chief Planner in consultation with the Leader of the Council to approve the preparation of necessary further information and amendments to the Bromley Local Plan Proposed Submission Draft Local Plan during the public examination, in particular to carry out public consultation on proposed modifications to the Plan and the subsequent forwarding of the responses to the Examination Inspector.**

**424 NATIONAL INCREASE IN PLANNING APPLICATION FEES**

A 20% national increase in planning application fees had come into effect on 17<sup>th</sup> January 2018, the first increase since 2012. The additional income in 2018/19 was expected to be £240k, which was expected to be reinvested in the Planning Division. The report set out proposals for allocating the additional income.

The report had been considered by the Development Control Committee at its meeting on 13<sup>th</sup> March 2018 and the Committee had supported the proposals.

**RESOLVED that**

**(1) The additional £240k income be used to improve planning services as set out in Section 3 of the report.**

**(2) A draw down of £30k for 2017/18 and £240k for 2018/19 held in the Central Contingency be approved.**

**425 WEST WICKHAM LEISURE CENTRE AND LIBRARY  
REDEVELOPMENT**  
Report DRR08/081

The Executive considered a report on the opportunity to redevelop the West Wickham Leisure Centre and Library sites, generating funding for replacement leisure and library facilities on the existing Leisure site by the inclusion of residential development.

The Leader congratulated Cllr Peter Morgan and his team for bringing this complicated scheme to fruition, stating his view that it represented a very good news story for the residents of West Wickham in particular. Cllr Nicholas Bennett also spoke in support on behalf of the three Ward Councillors, asking that information on the details of the scheme be issued as widely as possible. He also asked that thought be given to the provision of a temporary pool for the duration of the building works.

The report had been scrutinised by the Renewal and Recreation PDS Committee on 27th March 2018 and the Committee had supported the proposals.

**RESOLVED that**

**(1) The contents of the report be noted and the redevelopment of the Leisure and Library sites be agreed, subject to final Executive approval prior to Planning submission.**

**(2) Officers proceed with Detailed Planning in respect of the replacement Leisure and Library facilities and Planning with Reserved Matters in respect of the residential elements on the Library and Leisure sites in accordance with the Consultancy and Survey Fee estimate of £913k.**

**(3) Officers undertake the necessary works to market the scheme and appoint a developer to deliver the scheme in accordance with the £80k fee estimate, the outcome of which will be reported back to Executive prior to the final selection of a developer for approval.**

**(4) Officers undertake a procurement exercise to appoint a Leisure Operator in advance of the development so that the operator can input into the detailed design of the new facility, the outcome of which will be reported back to Executive prior to the final selection of a Leisure Operator.**

**(5) The £993k is funded from the 2017/18 Central Contingency and that the scheme is added to the Capital Programme.**

**426            NORMAN PARK ATHLETICS TRACK - UPDATE REPORT**  
Report DRR18/007

This report provided Members with an update on the proposals presented by Blackheath and Bromley Harriers Athletic Club (BBHAC) to the Council detailing an option for BBHAC to take over the management and operation of the Norman Park Athletics Track Council based on a 125 year full maintain, repair and insure lease. The report sought approval to allocate £300k, provided to the Council through Section 106 funding in respect of the development at Kent County Cricket Club, to undertake the landlord improvement works required at the athletics track.

The report had been scrutinised by the Renewal and Recreation PDS Committee on 27th March 2018 and the Committee had supported the proposals.

**RESOLVED that £300k of the Section 106 receipts from developers in respect of the Kent County Cricket Club development be allocated to the scheme and the scheme be added to the Capital Programme to undertake landlord improvement works required at Norman Park.**

**427            ASSET RECOVERY INCENTIVISATION SCHEME (ARIS)**  
Report ES18017

The Council had been awarded a sum of £144,388 as part of the Asset Recovery Incentivisation Scheme (ARIS) as a result of an investigation into a private landlord in Penge. Officers confirmed that no tenants had been made homeless as a result of the case.

Councillor Kate Lymer as Portfolio Holder for Public Protection and Safety commented that this was a great example of effective partnership work between different Council departments and agencies. Another Member asked whether this scheme could be applied in more cases, such as traders who wound up their limited liability companies to avoid making payments, but officers confirmed that a criminal conviction was required.

It was proposed that the money would be reinvested in asset recovery work and in funding enforcement and prevention activities by the Trading Standards and Planning Enforcement Teams.

The report had been scrutinised by the Public Protection and Safety PDS Committee on 6<sup>th</sup> March 2018 and the Renewal and Recreation PDS Committee on 27th March 2018 and both committees had supported the proposals.

**RESOLVED that**

**(1) The drawdown of the full amount of £144,388 held in Central Contingency be approved, and it be allocated to the two service areas as set out in paragraph 3.14 of the report.**

**(2) The carry forward of the unspent balance of £132,753 received under the Proceeds of Crime confiscation be approved.**

**428 LOWER SYDENHAM TO BROMLEY QUIETWAY PUBLIC CONSULTATION REPORT AND FINAL PROPOSALS**  
Report ES18026

The Executive considered proposals for the Lower Sydenham to Bromley Quietway following public consultation.

The report had been scrutinised and supported by the Environment PDS Committee on 15<sup>th</sup> March 2018.

**RESOLVED that, subject to funding from TfL, authority be granted to proceed with the scheme and the changes to increase the scheme costs by £272.2k to £700k within the Capital Programme to reflect the higher estimated cost of the scheme as a result of the additional interventions now proposed.**

**429 GREENWICH TO KENT HOUSE QUIETWAY (BROMLEY SECTION) PUBLIC CONSULTATION REPORT AND FINAL PROPOSALS**  
Report ES18027

The Executive considered proposals for the Bromley section of the Greenwich to Kent House Quietway following public consultation.

The report had been scrutinised and supported by the Environment PDS Committee on 15<sup>th</sup> March 2018.

**RESOLVED that**

**(1) The net acquisition of 180.8 sq. m. of land from Harris Aspire to widen the River Pool Path be approved.**

**(2) Subject to confirmation of funding by TfL, authority be given to proceed with the scheme and the changes to increase the scheme costs by £135.3k to £570k within the capital programme to reflect the higher estimated cost of the scheme with the additional interventions now proposed.**

**430 POT HOLE ACTION FUND**  
Report ES18029

In December 2017 the Government had announced that a Pothole Action Fund was to be established for all highway authorities in England as part of its Local Transport Capital Block Funding. Bromley had since been allocated £112,940 for the current financial year and the same amount for 2018/19.

While the condition of the borough's non-principal and unclassified roads had improving during the last two years due to the highway investment project, the reduced funding available for maintenance of the BPRN would result in an increasing demand on the Council's limited revenue budgets for highway maintenance. It was therefore proposed that funding from the Pothole Action Fund was drawn down to supplement the revenue budgets for emergency and reactive works across the network during the next two years.

The report had been scrutinised and supported by the Environment PDS Committee on 15<sup>th</sup> March 2018.

**RESOLVED that**

**(1) The drawdown of grant funding from the Department for Transport of £112,940 in 2017/18 and £112,940 during 2018/19, received as part of their Pothole Action Fund, held in Central Contingency, be approved.**

**(2) The carry forward of the unspent £112,940 allocation for 2017/18 be approved.**

**431 SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES REFORMS GRANT - DRAWDOWN AND CARRY FORWARD OF CONTINGENCY GOVERNMENT (NEW BURDENS) GRANT FUNDING**

The Executive considered a report seeking approval for the drawdown of Special Educational Needs and/or Disabilities (SEND) grant funding, which was provided by Central Government to help local authorities implement the reforms required under the Children and families Act (2014). In Bromley, SEND grant had been used to increase the pace of converting SEN statements to Education, Health and Care Plans (all but a very small number subject to ongoing litigation were expected to be completed by the end of March 2018) and to review the Council's SEND arrangements.

The report had been scrutinised by the Executive and Resources PDS Committee on 21st March 2018 – the Committee supported the recommendations.

**RESOLVED that**

**(1) The drawdown of the final year of the SEND Implementation Grant 2018/19 of £188,985 be approved.**

**(2) The drawdown of the remainder of the 2017/18 SEND Implementation Grant of £20,977 kept in contingency be approved.**

**(3) The drawdown of the SEND Preparation for Employment grant 2018/19 of £63,328 be approved.**

**(4) The total grant drawdown of £273,290 be approved.**

**432 OPERATIONAL BUILDING MAINTENANCE BUDGETS AND  
PLANNED PROGRAMME 2018/19**  
Report DRR18/1014

The report set out the proposed maintenance budgets and planned programme for 2018/19, requesting additional funding to ensure that the Council had sufficient funds to carry out annual fire risk assessments and any identified remedial works. It also provided an up-date on the lease review that has been undertaken to identify any further costs arising from additional statutory obligations, requested additional funding to ensure that the Council had sufficient funds for the Central Depot Wall reconstruction and outlined the financial implications arising from the expiry of the lease at Yeoman House, Penge.

Councillor Peter Morgan asked when Members would receive a report on the Churchill Theatre. Officers explained that they were looking at a temporary solution that would enable the scaffolding to be removed, as well as a long-term solution, and they hoped to be ready to report in the next few months. Councillor Morgan urged that a report on the temporary solution be brought forward as soon as possible.

The report had been scrutinised by the Executive and Resources PDS Committee on 21st March 2018. The Committee had supported the recommendations, but had suggested that the Fire Risk assessments should be subject to soft market testing to ensure that the quotations were competitive.

**RESOLVED that**

**(1) The Building Maintenance budget be increased by £86k for fire risk assessments and cyclical maintenance for the reasons set out in the report which is to be funded from the Council's 2018/19 Central Contingency.**

**(2) Funding of up to £79k be approved from the earmarked reserve for Infrastructure Investment to undertake the remedial works identified from the fire risk assessments.**

**(3) Overall expenditure of £2,173k for the Building Maintenance budget in 2018/2019 be approved.**

**(4) The planned programme in Appendix A to the report be approved.**

**(5) Authority be delegated to the Director of Regeneration to vary the programmes to accommodate any change in the approved budget or where such action is considered necessary to either protect the Council's assets or make the most effective use of resources.**

**(6) The sum of £163k be carried forward to 2018/19 for the Central Depot Wall.**

**(7) Funding of £500k be approved from the earmarked reserve for Infrastructure Investment to add to the sums already set aside for the Central Depot Wall, making a total budget of £716k.**

**(8) The Central Depot Wall scheme be added to the 2018/19 capital programme with a total scheme cost of £716k, funded from the £163k carry forward sum and £553k from the earmarked reserve for Infrastructure Investment.**

**(9) It is noted that the part year saving of £44k relating to Yeoman House will be returned to the 2018/19 Central Contingency**

**(10) It is noted that a future report on the maintenance issues for the Churchill Theatre/Central Library will be brought back to Members.**

**433 COUNCILLOR IT PROVISION**  
Report CSD18056

The Executive considered a report setting out new arrangements for the provision of IT equipment to members of the Council after the local elections in May 2018. The proposals offered members a wider choice of equipment than had been available in 2014.

The report had been scrutinised by the Executive and Resources PDS Committee on 21st March 2018 and the Committee had supported the proposals.

**RESOLVED that the proposals for Councillor IT provision be approved, and a carry forward of £20k from the under spend in the 2017/18 Democratic Representation budget be approved to support the purchase of the equipment.**

**434 NURSING CARE BEDS - CONTRACT AWARD - PART 1**  
Report CS18127-1

The Executive received a report requesting approval to award a block contract for 70 nursing care beds for 7 years with a 3 year extension option. Further details were available to Members in a part 2 report.

The report had been scrutinised by the Care Services PDS Committee on 14th March 2018 and the Committee had supported the proposals.

**RESOLVED that**

**(1) The contract award for 70 block nursing care beds be approved for a period of 7 years from 2<sup>nd</sup> January 2018, with the potential to extend for a further period of up to 3 years;**

(2) The increase in supporting budget, as detailed in the corresponding Part Two report, arising from the impact of the National Living Wage, be approved.

(3) Authority be delegated to the Executive Director of Education, Care & Health Services and Deputy Chief Executive in consultation with the Portfolio Holder for Care Services, the Director of Finance, the Director of Corporate Services and the Director of Commissioning to extend the Contract for a period of up to 3 years.

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

There were no additional items to report from the Executive and Resources PDS Committee.

**436            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 item 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**

**437            EXEMPT MINUTES OF THE MEETINGS HELD ON 7TH  
FEBRUARY AND 7TH MARCH 2018**

The exempt minutes of the meetings held on 7<sup>th</sup> February 2018 and 7<sup>th</sup> March 2018 were approved.

**438            NURSING CARE BEDS - CONTRACT AWARD - PART 2**

See minute 434 - the Executive considered part 2 details relating to the proposed award of a contract for Nursing Care Beds, which they authorised.

**439            GATEWAY 0: COMMISSIONING OPTIONS FOR TRANSPORT  
PROVISION IN CHILDREN'S AND ADULT'S SERVICES**

The Executive approved proposals for the commissioning of transport services.

*Executive*  
*28 March 2018*

**440        AWARD OF CONTRACT FOR WORKS AT BISHOP JUSTUS SCHOOL**

A contract was awarded for construction works at Bishop Justus School.

**441        INVESTMENT OF ENDOWMENT FUND**

The Executive agreed proposals for the transfer of an endowment fund.

**442        OPERATIONAL BUILDING MAINTENANCE BUDGETS AND PLANNED PROGRAMME 2018/19 - PART 2**

The Executive considered information concerning the lease for a property.

**443        OPPORTUNITY SITE G - DEVELOPMENT AGREEMENT**

As part of the development agreement, the Executive approved proposals for a draft planning application to be submitted.

As this was the last scheduled meeting of the Executive before the end of the Council year the Leader thanked his colleagues for their support.

The Meeting ended at 8.22 pm

Chairman