

## **EXECUTIVE**

Minutes of the meeting held on 17 October 2018 starting at 7.00 pm

### **Present:**

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

### **Also Present:**

Councillor Simon Fawthrop and Councillor Angela Wilkins

### **52 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors William Huntington-Thresher and Kate Lymer.

### **53 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

Three questions had been received for written reply from Dermot Mckibbin. The questions and replies are set out in Appendix A to these minutes.

### **55 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 12TH SEPTEMBER 2018** Report CSD13218

**RESOLVED that the minutes of the meeting held on 12<sup>th</sup> September 2018 (excluding exempt items) be confirmed.**

### **56 CHILDREN'S SERVICES IMPROVEMENTS**

The Director of Children's Services updated the Executive on improvements to Children's Services. The meeting with Ofsted on 4<sup>th</sup> October had been positive and professional, with a focus on sustainability, and Ofsted had commented on recruitment and retention and the caseload promise. An inspection under the new Inspecting Local Authority Children's Services (ILACS) model was now due - this was based on a self-evaluation and would involve four inspectors over the course of three weeks. The Director commented that Bromley was just nineteen months into its improvement journey, whereas some authorities had been on the same course for four to six years.

In response to a question from a Member, the Director stated that there were now 309 looked after children, with 197 care leavers. She was satisfied that Bromley provided its care leavers with good accommodation and support.

**57 GATEWAY 1 REPORT: PROCUREMENT STRATEGY FOR SUPPORTED LIVING SERVICE AT JOHNSON COURT**  
Report CS18168

The Council had a contract in place for Supported Living for seven Adults with a Learning Disability at Johnson Court. The current contract had been in place, delivered by Sanctuary Home Care Ltd, from 14 January 2013 and was due to end on 13 January 2020, with no further extension options available.

There was an ongoing need for Supported Living services, both for existing and new clients, and the report detailed the procurement strategy for the retendering of the Johnson Court scheme. Given the projected level of demand it would not be appropriate to decommission the service, while grouping it with other services would make it difficult for the Council to facilitate a market with a diverse range of appropriate services and potentially lead to one provider having a monopoly.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 19<sup>th</sup> September 2018 and the Committee had supported the recommendations.

The Chairman of the Executive, Resources and Contracts PDS Committee challenged the commissioning strategy of tendering for this contract as a single service, but tendering the five services in the next report on the agenda as a combined service. He considered that best value and quality services would be achieved by the flexibility of seeking either a bulk tender for all six services or offering the opportunity for providers to bid for a variety of either single or multiple services, and he did not understand why only Johnson Court was offered as a single contract. Officers confirmed that by seeking a different provider for Johnson Court the Council would be protected from a situation where one provider achieved a monopoly, weakening the Council's position. However, a multiplicity of options would make the tendering process more complicated. The services in these two reports represented about 25% of the Council's supported living service, and a report on a further three properties was due to come to Members shortly. Councillor Graham Arthur commented that the approach of seeking multiple providers was correct and would also enable services to be tailored to the needs of individuals. The strategy had been considered by the Commissioning Board and the Board had supported what was proposed.

The Leader of the Opposition asked when KPIs for the services would be available for Members to scrutinise. Officers explained that they were intending to re-draft the service specification before December with a view to going out to tender in January. Once a provider was chosen there would be further discussions in the light of the provider's own KPIs and standards.

The Leader asked officers to brief the Chairman of the Executive, Resources and Contracts PDS Committee and the Leader of the Opposition on the strategy for packaging this service and the five services in the next report. The Portfolio Holder for Adult Care and Health, Cllr Diane Smith, asked for the KPIs for these contracts to be reported to Adult Care and Health PDS Committee in January.

**RESOLVED that the commencement of the retendering for this service be approved in accordance with the Council's Financial and Contract Procedure Rules, for a new five year contract, with the option to extend for up to a further two years; the retendered contract is planned to commence from 14 January 2020 at an estimated annual value as indicated in Section 6 of the report.**

**58 GATEWAY 1 REPORT: PROCUREMENT STRATEGY FOR SUPPORTED LIVING SERVICES AT 213 WIDMORE ROAD, LANCASTER HOUSE, AMPLIO HOUSE, SWINGFIELD COURT AND GOLDSMITHS CLOSE**  
Report CS18169

The Council had a contract in place for Supported Living Adults with a Learning Disability at five properties: 213 Widmore Road, Lancaster House, Amplio House, Swingfield Court and Goldsmiths Close. The current contract had been in place, delivered by Avenues, from 12 January 2015 and was due to end on 11 January 2020 with no further extension options available.

There was an ongoing need for Supported Living services, both for existing and new clients, so it would not be appropriate to decommission the service. Tendering the schemes as individual contracts would not achieve economies of scale and would result in increased tendering costs. The report therefore detailed a procurement strategy for the retendering of a single contract for the five properties.

In response to a question from a Member, it was confirmed that the Council did not own the properties in question, but they were operated via agreements with Registered Social Landlords.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 19<sup>th</sup> September 2018 and the Committee had supported the recommendations.

(See minute 57 above for further discussion on this report).

**RESOLVED that**

**(1) The properties continue to be grouped together for the purpose of tendering in order to drive the best possible pricing.**

**(2) The commencement of the retendering for this service be approved, in accordance with the Council's Financial and Contract Procedure**

**Rules, for a new five year contract, with the option to extend for up to a further two years; the retendered contract is planned to commence from 12 January 2020 at an estimated annual value as indicated in Section 6 of the report.**

**59 PLANNED ENFORCEMENT OF LEGISLATION WHICH REGULATES THE LETTING AGENTS AND PROPERTY MANAGEMENT SECTOR**  
Report ES18068

The Executive received a report seeking approval to protect consumers by enforcing legislation which regulated the letting agent and property management sector in the borough. The scheme would be funded from money received through the Asset Recovery Incentivisation Scheme and would involve employing an experienced officer for three months to research the situation in Bromley, undertake compliance checks and follow up any failure with enforcement action including levying penalties of up to £5k. The project would also offer the opportunity to build relationships with the Housing Division and other organisations working in the sector such as Shelter and Citizens Advice. If the situation in the borough was found to be poor then potentially this could have an effect on service priorities, although the Leader cautioned that any permanent expansion of activity would require an on-going revenue stream.

Members suggested that a more detailed set of objectives was required, and some publicity in the local press and elsewhere. Officers confirmed that both matters were in hand.

The report had been scrutinised by the Public Protection and Enforcement PDS Committee at its meeting on 27<sup>th</sup> September 2018 and the Committee had supported the recommendations.

**RESOLVED that**

**(1) Authority be delegated to the Executive Director of Environment and Community Services to enforce the Enterprise and Regulatory Reform Act 2013.**

**(2) It is agreed that the monetary penalty for non-compliance with the legislation be set at the maximum sum of £5,000 per failure in line with many local authorities across London.**

**(3) The Head of Trading Standards and Community Safety be authorised to make amendments to the amount of the monetary penalty, where the enforcement authority is satisfied that there are extenuating circumstances taking into account any representations made by the lettings agent or property manager during the 28 day period, following the authority's notice of intention to issue a fine.**

**(4) The uploading of compliance failures by letting agents and property managers to the Rogue Landlord and Agent Checker administrated by**

the Mayor of London and London Assembly  
(<https://www.london.gov.uk/rogue-landlord-checker> ) be agreed.

**(5) A further report be made to the Public Protection and Enforcement PDS Committee no later than the first quarter of 2019 to demonstrate the effectiveness of the scheme.**

**60 BROMLEY TOWN CENTRE - MIRRORED CANOPIES AND SHOPS**  
Report DRR18/053

At its meeting on 22<sup>nd</sup> March 2017 the Executive had approved the detailed designs and costings for the ground plain works of the next phase of the Bromley Town Centre improvements, and these works were currently being implemented. On 7 February 2018 the Executive had approved the final budget for the revised market kiosks layout and pop up stalls to be located in Market Square. Officers had been requested to bring back for Executive approval the detailed designs and costing for the remaining elements of the overall improvement scheme: the two commercial units/shops; and mirrored canopies, which formed the basis of this report.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 18<sup>th</sup> September 2018 and the Committee had supported the recommendations with the exception that Members did not support the increased expenditure of up to £1.2m on the mirrored canopies. The Committee recommended that this element be reconsidered and that the original maximum budget of £800k be retained for this part of the scheme. The Committee also recommended that any rental income achieved for the two commercial units above 8% be allocated to support the maintenance and enhanced cleaning of the pedestrianised High Street.

Members of the Executive accepted the views of the PDS Committee on both the use of rental income and the cost of the canopies. The canopies were intended as an ambitious and transformational landmark statement, but Members agreed that the proposed cost was not justified.

**RESOLVED that**

**(1) The detailed design and implementation costs for the two Commercial units/shops be approved.**

**(2) The addition of £415k to the Bromley High Street Improvement capital scheme funded from the Growth Fund be approved, thereby increasing the overall budget for the scheme to £3.875m.**

**(3) Authority be delegated to the Director of Regeneration and the Portfolio Holder for Renewal, Recreation and Housing to approve any minor amendments to the design of the commercial units/shops.**

**(4) Authority be granted to submit a planning application for the commercial units/shops and canopies.**

**(5) Any income above an 8% return from the two retail units be ring-fenced for street maintenance and cleansing in Bromley Town Centre.**

**(6) The detailed design and implementation costs of the two proposed canopies be capped at the original budget figure of £800k.**

**61 STATION ROAD, ORPINGTON - CONGESTION, WALKING AND CYCLING IMPROVEMENTS - INCLUDING LAND ACQUISITION**  
Report ES18065

The road corridor in Orpington between Crofton Road and Station Road, including Tubbenden Lane, had been identified as a congestion pinch point in the March 2009 PDS report 'Congestion Working Group - Review of Outcomes' with the Station Road/Tower Road junction being identified as a particular congestion and safety issue. A scheme to modify the junction had been drawn up, but it was necessary to acquire additional land in order to fully address the congestion issue at this junction.

The report had been scrutinised by the Environment and Community Services PDS Committee at its meeting on 10<sup>th</sup> October 2018 and the Committee had supported the recommendations subject to the deletion of the proposals for a contra-flow cycle lane in Hill View Road.

Councillor Simon Fawthrop addressed the Executive as an adjoining ward Councillor, supporting the PDS Committee's recommendation that the cycle lane be deleted, but also suggesting that the pelican crossing outside the Maxwell pub should be re-located further down the hill.

**RESOLVED that**

**(1) Authority be given to enter into land negotiations with the relevant third parties to acquire the necessary land to address the congestion issue at the Station Road/Tower Road junction.**

**(2) Officers should prepare a detailed investigation into the location of the pelican crossing and any restrictions on moving it, before the scheme is implemented.**

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

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

**63 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**

**64 EXEMPT MINUTES OF THE MEETING HELD ON 12TH SEPTEMBER 2018**

The exempt minutes of the meeting held on 12<sup>th</sup> September 2018 were confirmed.

**65 ONE YEAR EXTENSION TO AGREEMENT FOR THE PROVISION OF DIRECT PAYMENTS SUPPORT AND PAYROLL SERVICES**

The Executive approved a one year extension to this contract.

The Meeting ended at 7.55 pm.

Chairman