

EXECUTIVE

Minutes of the meeting held on 27 November 2019 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 Vanessa Allen, Councillor Aisha Cuthbert,
Councillor Ian Dunn, Councillor Simon Fawthrop,
Councillor Josh King, Councillor Stephen Wells and
Councillor Angela Wilkins

94 APOLOGIES FOR ABSENCE

There were no apologies for absence.

95 DECLARATIONS OF INTEREST

There were no declarations of interest.

96 QUESTIONS

Seven questions for oral reply at the meeting, and two questions for written reply had been received. The questions and answers are set out in Appendix A.

97 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 16TH OCTOBER 2019

RESOLVED that the minutes of the meeting held on 16th October 2019 (excluding exempt information) be confirmed.

98 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS Report CSD19170

The Executive noted a report on matters outstanding from previous meetings.

99 BUDGET MONITORING 2019/20 Report FSD19102

The Executive received the second budget monitoring report for 2019/20 based on expenditure and activity levels up to the end of September 2019.

The report highlighted any significant variations that would impact on future years and early warnings that could impact on the final year end position.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The latest financial position, and that a projected net overspend on services of £1,578k is forecast based on information as at September 2019 be noted.

(2) The comments from Chief Officers detailed in Appendix 2 to the report be noted.

(3) The projected variation of £281k debit from investment income as detailed in sections 3.5 and 3.6 of the report be noted.

(4) The projected increase to the General Fund balance of £814k as detailed in section 3.3 of the report be noted.

(5) The full year cost pressures of £5.2m as detailed in section 3.4 of the report be noted.

(6) The return of £37k to the 2019/20 Central Contingency relating to the Exchequer contract inflation as detailed in paragraph 3.2.2 of the report be noted.

(7) The return of £40k to the 2019/20 Central Contingency relating to the Mortuary contract as detailed in paragraph 3.2.2 of the report be noted.

(8) The return of £91k to the 2019/20 Central Contingency relating to the Exchequer contract as detailed in paragraph 3.2.2 of the report be noted.

(9) The release of £217k credit from the 2019/20 Central Contingency relating to savings allocated to the review of staffing as detailed in paragraph 3.2.3 of the report be agreed.

(10) The release of £42k from the 2019/20 Central Contingency relating to additional Blue Badge costs as detailed in paragraph 3.2.4 of the report be agreed.

(11) The release of £25k from the 2019/20 Central Contingency relating to the Parks Contract and business rate charges as detailed in paragraph 3.2.5 of the report be agreed.

(12) The release of £200k from the 2019/20 Central Contingency relating to the merited award scheme for exceptional performers as detailed in paragraph 3.2.6 of the report be agreed.

(13) The release of £659k from the 2019/20 Central Contingency relating to additional allocation of Better care Funding by NHS England as detailed in paragraph 3.2.7 of the report be agreed.

(14) The allocation of £700k from the Better Care Fund to offset pressures in Adult Social Care as detailed in paragraph 3.2.8 of the report be agreed.

**100 CAPITAL PROGRAMME MONITORING - 2ND QUARTER
2019/20
Report FSD19096**

The Executive received a report on the current position on capital expenditure and receipts following the second quarter of 2019/20 and seeking approval to a revised Capital Programme. Capital receipts were set out in a separate part 2 appendix.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The report be noted, including a total re-phasing of £10,323k from 2019/20 into future years and a revised Capital Programme (see paragraph 3.3.7) be agreed.

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

- (i) Reduction of £177k on Devolved Formula Capital 2019/20 scheme (paragraph 3.3.1 of the report);**
- (ii) Deletion of £2k residual balance on Care Home Improvements to Environment for Older People scheme (paragraph 3.3.2 of the report);**
- (iii) Increase of £2k on Carbon Management Programme scheme (paragraph 3.3.3 of the report);**
- (iv) Subject to Council, an increase of £1,208k SEND Provision Capital funding to the Basic Need scheme (paragraph 3.3.4 of the report);**
- (v) Increase of £499k on London Private Sector Renewal scheme and £117k on Disabled Facilities Grant scheme to reflect the total funding available (paragraph 3.3.5 of the report); and**
- (vi) Subject to Council, an increase of £1,385k to the Section 106 receipts from developers - as detailed in paragraph 3.3.6 of the report.**

(3) Council be recommended to approve an increase of £1,208k SEND Provision Capital funding to the Basic Need scheme and an increase of £1,385k to the Section 106 receipts from developers.

101 EMPTY HOMES PREMIUM
Report FSD19094

The Executive considered a proposal that an Empty Homes Premium be introduced from April 2020 at a rate of 50% for properties empty of more than two years increasing to 100% where the property has been empty for five years. While the proposals would provide additional income, the main reason for introducing the premium was to bring empty properties back into use. Members noted the equality impact assessment and results of the public consultation, including responses received while the consultation was temporarily suspended.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The responses to the public consultation exercise (appendices 1 and 2) and the Equality Impact Assessment (appendix 3) be noted.

(2) The empty Homes Premium be introduced from the financial year 2020/21 at the rate of 50% for properties empty for longer than two years, increasing to 100% where the property has been empty for five years.

102 COUNCIL TAX SUPPORT/REDUCTION SCHEME 2020/21
Report FSD19095

The Executive received a report setting out the results of the public consultation exercise for the proposed Council Tax Support/Reduction scheme 2020/21, and the equality impact assessment, and recommending that the scheme be forwarded to full Council for approval.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The updated Impact Assessment at appendix 1 to the report and the responses to the public consultation exercise at appendices 2 and 3 be noted.

(2) It is noted that the Council Tax Support/Reduction scheme for 2020/21 retains the calculation of entitlement for working age claimants

on 75% of the household's Council Tax liability (thereby the maximum assistance provided to a clamant of working age is 75% of his/her Council Tax liability.)

(3) Council be recommended to approve the Council Tax Support/Reduction scheme for 2020/21.

**103 BECKENHAM LIBRARY AND CULTURAL VENUE -
AUTHORITY TO PROCEED TO PROCUREMENT**
Report DRR19/051

The Executive considered a report assessing the potential for using the Beckenham Library site for housing, and moving the library to a more central location in the town centre at Beckenham Public Halls, an under-utilised asset with huge potential.

Councillor Josh King addressed the Executive on behalf of Clock House ward councillors. He contended that this was a bad scheme which would result in a significant reduction in the provision of facilities in Beckenham, a reduction in the rooms available for public hire at Beckenham Public Halls, a smaller library space and the breaking up of the well-established and well used educational, sports and amenity hub of the Library, the Spa and Venue 28. It would also result in the destruction of the late art deco library building, which made a positive contribution to the Elm Road Conservation Area – he read out the conservation area description. He described the Leader as scaremongering about local housing targets, and that only a modest increase to 774 dwellings from the 641 in the Local Plan had been proposed. The Library site had never been allocated for housing in the Local Plan and housing targets could be met by positive engagement with developers to optimise the land already allocated in the Local Plan. Neglect by the Council of the Public Hall and the Library leading to a substantial backlog of maintenance could not be used to justify the scheme. He stated that the scheme was very unpopular with residents and Residents Associations – there had already been a demonstration and a petition against it had gathered over 4,000 signatures with 400 signatories adding their own comments.

In response, the Leader commented that he wasn't the local PPC who was 'scaremongering' misleadingly on Twitter that Beckenham Library was being closed and he pressed Councillor King as to whether he held private information he wished to share with the Committee confirming that the Mayor for London had abandoned his published housing target of 1,424 dwellings per year across the Borough. Councillor King responded that he did not.

The Portfolio Holder for Renewal, Recreation and Housing, Councillor Peter Morgan, read a statement addressing the following issues (a copy is attached to these minutes as Appendix B) –

- Moving the library- there was no intention of closing the library, and it would only be moved if the study being commissioned showed that the new library would be at least as large and contain at least as many

books. Previous schemes at Biggin Hill, Orpington and Penge had been very successful.

- The refurbishment of the public halls – transforming an under-utilised arts and craft building and increasing both library and community use.
- Housing – the Council had 1,600 families on the housing register, and was focussing on its own under-utilised land. 50% of new housing on the library site would be affordable.
- Design – the drawing of a possible development on the library site was only a space study and if the project was progressed an architectural competition would be held to produce a suitable design.
- Allocation of Land – although the site was not identified as a specific site allocation in the Local Plan, the Local Plan did state that the Council would make provision for housing including at sites becoming available due to public sector restructuring.
- Covenants - the Council was aware of the covenants relating to the land.
- Consultation – the report merely sought initial approval to proceed to procurement for concept designs. If the scheme was found to be viable then there would be public consultation before a final decision to proceed was taken.
- The Lambert Smith Report – this report was solely concerned with delivery methods for the Council and not specific sites.
- The Clock House Shops – a residential development would potentially provide more customers for the shops than the current library.
- A temporary library location – the old library would only be vacated once the new library space was available.

He concluded by stating that the report was solely about appointing consultants to prepare a viability assessment and drawings for the Public Halls – only once this was done would the Council consider moving to the next stage and carrying out a wide public consultation.

Councillor Angela Wilkins complained that the second recommendation in the report appeared to mean that the Council was making a final decision to use the library site for housing. The Leader confirmed that this was not the case, and that if the proposals for the Public Halls did not proceed the library site would not be sold.

Councillor Stephen Wells addressed the Executive as a ward councillor for Copers Cope. He was concerned that investigations into the Public Hall should be carried out quickly, and that the study should include the whole of the building, including the parts currently let until 2024 on a commercial lease. He commented that it was possible to put a modern library into an old building, and that it was worth seeing whether a library with flexible spaces and better transport connections could be provided at the Public Halls as a town centre hub. The Leader endorsed the need for the answers to be provided quickly, while other councillors confirmed that the library move in Orpington had worked well.

Councillor Simon Fawthrop reminded the Executive that the Executive, Resources and Contracts PDS Committee had recommended that an open tender process be used to procure the multi-disciplinary team, rather than the ADUP (Architecture, Design and Urbanism Panel) framework, so that the Council's normal 60/40 price/quality weighting could be retained.

The report had also been scrutinised by the Renewal, Recreation and Housing PDS Committee on 5th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) Proceeding to procurement for the appointment of a multi-disciplinary team to develop a scheme for Beckenham Public Hall up to RIBA Stage 2 in the first instance, at an estimated cost of £70k, be agreed, using an open tender process, rather than the ADUP framework.

(2) In principle, the existing Beckenham Library site be used for housing - the approach taken to deliver the housing will depend on the outcome of the review being undertaken by Lambert Smith Hampton and any subsequent agreement of a housing delivery vehicle - this will be subject to a further report.

**104 OPTIONS APPRAISAL FOR CHIPPERFIELD ROAD SITE
 (BROMLEY VALLEY GYMNASTICS CENTRE) (PART 1)
 Report DRR19/059/A**

The Executive considered a report setting out the current lease arrangement for the Bromley Valley Gymnastics Centre and providing three options for the site -

- Option 1: To re-develop the existing centre as a facility for the existing tenant, allowing the Council to continue to support a valuable community asset. This would be on the basis of a full repairing and insuring lease.
- Option 2: To maximise the land value for housing and not provide a gymnastics facility.
- Option 3: To rebuild on the site with a general leisure offer (dry-side only) with gymnastics space, for competitive tender.

A part 2 report with additional information had also been circulated.

Councillor Simon Fawthrop commented that as part of investigations into what could be provided on the site there should be consideration of residential accommodation being provided above the gymnastic centre.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 5th November 2019, and the Committee had supported the recommendations.

RESOLVED that a gymnastics centre be re-provided for Bromley Valley Gymnastics Club as set out in paragraphs 3.12 to 3.18 of the report (option 1).

105 PROVISION OF HOUSING AT WEST WICKHAM LIBRARY AND STATION ROAD CAR PARK, WEST WICKHAM (PART 1)
Report DRR19/053

In accordance with its Housing Policy, the Council had reviewed a number of sites across the borough that could be re-purposed to provide housing for temporary accommodation. Initial feasibility work had been carried out in relation to the current site of West Wickham Library and Station Road Car Park to provide approximately 34 residential units and a 500 square meter commercial unit. The report recommended that further feasibility work be undertaken in order to assess the viability of the scheme, whilst a procurement exercise was run concurrently to appoint a multi-disciplinary team

Councillor Peter Morgan confirmed that the existing library would not be closed until the new library building was ready.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 5th November 2019, and the Committee had supported the recommendations. However, the Committee recommended that an open tender process be used to procure the multi-disciplinary team, rather than ADUP (Architecture, Design and Urbanism Panel), so that the Council's normal 60/40 price/quality weighting could be retained.

RESOLVED that

(1) The feasibility work undertaken be noted, and the use of the West Wickham Library and adjacent parcels of land and the car park at Station Road, West Wickham as a potential site for housing development be approved.

(2) The additional feasibility work identified at paragraph 3.24 of the report, including instructing Cushman and Wakefield to enter into formal negotiations with the land owners for the purchase of additional land to maximise the site's development potential, be approved.

(3) The procurement strategy for the appointment of a multi-disciplinary design team for the scheme be on the basis of an open tender rather than the ADUP framework outlined at paragraphs 4.1 - 4.10 of the report.

106 TEC DELEGATION FOR THE REGULATION OF DOCKLESS VEHICLE HIRE SCHEMES
Report ES19071

The Executive considered a report advising them of proposals by London Councils to amend the Transport and Environment Committee (TEC)

Agreement in order to introduce a pan-London byelaw for the regulation of dockless bicycle hire schemes. In order to do this, all London local authorities needed to agree to delegate powers.

Councillor William Huntington-Thresher reported that there might need to be slight revisions to the proposals.

An explanatory note and guidance had also been circulated. The report had been scrutinised by the Environment and Community Services PDS Committee on 13th November 2019, and the Committee had supported the recommendations.

RESOLVED that Council be recommended to delegate to London Councils the power to make a pan-London byelaw for the regulation of dockless vehicle hire schemes and approves the proposed or revised amendment to the TEC Agreement required to make the proposed byelaw, authorising the Director of Environment and Public Protection to sign the delegation as required.

107 GATEWAY 1: PROCEED TO PROCUREMENT FOR SUPPORT TO VOLUNTARY, COMMUNITY AND SOCIAL ENTERPRISE SECTOR
Report ACH19019

The Council currently provided support to the Voluntary, Community and Social Enterprise Sector in Bromley via two separate contracts - "Support to the Voluntary Sector", a contract with Community Links Bromley, and "Support to the Sector", part of the Primary and Secondary Intervention Services (Bromley Well) contract delivered by Bromley Third Sector Enterprise. The report set out the commissioning options and proposed that the contracts be combined as from October 2020.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that proceeding to procurement be approved as detailed in paragraph 4.2.1 and section 6 of the report for a new Support to the Voluntary, Community and Social Enterprise Sector in Bromley contract for a period of five years from 1st October 2020 to 30th September 2025, with an option to extend for a further two years at an estimated cost of £160k pa (whole life value of £1.12m.)

108 GATEWAY 0/1 COMMISSIONING STRATEGY FOR DOMICILIARY CARE SERVICES
Report ACH19015

The framework contract for multiple Domiciliary Care services was due to expire on 27th August 2021 with no further extension options remaining. The

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framework contracts had an estimated annual value of £13.4m with estimated spend over the life of the contracts of approximately £112m.

The Executive had agreed a service model on 11th July 2018 incorporating opportunities for more efficient and effective services taking into account the current and emerging changes in provider markets, technology, outcome-based services and enabling approaches, all of which would support a model giving more choice and control to service users, their families and personal support networks. The current report set out a proposed procurement strategy.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that proceeding to procurement be approved as detailed in paragraph 4.3 and section 6 of the report for -

(a) a multiple lot tender based on a “patch” based model for contracts commencing 28th August 2021 for a five year period with the option to extend for up to three years; and

(b) a domiciliary care Framework on a call off basis with contracts commencing 28 August 2021 for a four year period.

The combined total value of both contract arrangements is estimated at £13.4m per annum; the value of individual contracts across the lots and the Framework will be variable.

109 GATEWAY REPORT: LEARNING DISABILITY SUPPORTED ACCOMMODATION PROCUREMENT STRATEGY
Report ACH19010

The Council operated a number of separate contracts with specialist learning Disability (LD) providers for care and support into various LD supported living properties. At its meeting on 10th July 2019 the executive had decided to align the end dates of these contracts to April 2021 to support a wider commissioning exercise.

The report set out a strategy for a major procurement exercise to align and restructure what were currently five contracts covering sixteen properties and serving seventy-eight adults. The annual value of the contracts was estimated to be £4.7m per annum, with an estimated value over the proposed 5+3 contract term of £37.4m.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that proceeding to procurement be agreed for the learning disability contracts detailed in the report.

110 LEARNING DISABILITY DAY, RESPITE AND SUPPORTED LIVING SERVICES - CONTRACT EXTENSION AND COMMISSIONING STRATEGY (GATEWAY 0) (PART 1)
Report ACH19017

The Council had a block contract with Certitude for Supported Living, Respite and Day Services for adults with a learning disability (LD). The contract was due to end on 30th September 2020, but there was an option to extend for up to a further two years. It was recommended that the option to extend be taken.

It was also proposed that a LD Strategic Board be established comprising service users, parents and other key stakeholders to ensure visibility of action and progress along with a communication path and critical oversight. A Member would be appointed to the Board once more detailed terms of reference had been developed.

A report with additional, exempt information was considered in part 2. The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The extension of the contract with Certitude for a period of up to two years from 1st October 2020 to 30th September 2022 at a total cost of £7,758k be agreed.

(2) A Member be appointed to the proposed LD Strategic Board once the terms of reference have been developed.

111 CONTRACT AWARD FOR 0-19 YEARS PUBLIC HEALTH NURSING SERVICE (PART 1)
Report CSD19180

Contracts for the provision of 0-4 Years Health Visiting Service (incorporating Family Nurse Partnership), Primary Screening (Vision Screening and National Child Measurement Programme in Primary Schools) and Health Support to Schools were due to expire on 30th September 2020 with no further option to extend the contracts. On 2nd August 2019, the Executive had approved the continued funding of all three contracts and decided to retender a combined service.

The results of the tendering process were set out in the report, with further details in a part 2 report.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that the part 1 report be noted.

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

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

**113 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**

**114 EXEMPT MINUTES OF THE MEETING HELD ON 16TH
OCTOBER 2019**

The exempt minutes of the meeting held on 16th October 2019 were confirmed.

**115 LEARNING DISABILITY DAY, RESPITE AND SUPPORTED
LIVING SERVICES - CONTRACT EXTENSION AND
COMMISSIONING STRATEGY (PART 2)**

The Executive considered exempt information related to the decision to extend the contract with Certitude for up to two years.

**116 CONTRACT AWARD FOR 0-19 YEARS PUBLIC HEALTH
NURSING SERVICE (PART 2)**

The Executive awarded the contract for provision of the 0-19 Public Health Nursing service.

**117 OPTIONS APPRAISAL FOR CHIPPERFIELD ROAD SITE
(BROMLEY VALLEY GYMNASTICS CENTRE) (PART 2)**

The Executive considered exempt information in relation to the proposals for the Bromley Valley Gymnastics Centre.

118 PROVISION OF HOUSING AT WEST WICKHAM LIBRARY AND STATION ROAD CAR PARK, WEST WICKHAM (PART 2)

The Executive considered exempt information in relation to the proposals for West Wickham Library and Station Road Car Park.

119 CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2019/20 - APPENDIX E

The Executive noted Appendix E to the Capital Programme report, setting out capital receipts.

The Meeting ended at 8.20 pm

Chairman