

**EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT
AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 8 January 2020

Present:

Councillor Simon Fawthrop (Chairman)
Councillor Christopher Marlow (Vice-Chairman)
Councillors Gareth Allatt, Julian Benington,
David Cartwright QFSM, Ian Dunn, Nicky Dykes,
Robert Evans, Will Harmer, Robert Mcilveen,
Will Rowlands, Michael Rutherford, Michael Tickner and
Angela Wilkins

Also Present:

Councillor Graham Arthur, Portfolio Holder for Resources,
Commissioning and Contracts Management
Councillor Aisha Cuthbert, Executive Assistant to the
Leader
Councillor Kira Gabbert, Executive Assistant to the
Resources, Commissioning and Contracts Management
Portfolio
Councillor Colin Smith, Leader of the Council

**100 APOLOGIES FOR ABSENCE AND NOTIFICATION OF
SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Mary Cooke, Russell Mellor, and Stephen Wells. Councillors Robert McIlveen, Will Rowlands, and Christine Harris attended as their respective substitute.

101 DECLARATIONS OF INTEREST

Councillor Fawthrop declared an interest as an employee of British Telecom.

**102 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE
PUBLIC ATTENDING THE MEETING**

No questions were received.

**103 MINUTES OF THE EXECUTIVE, RESOURCES AND
CONTRACTS PDS COMMITTEE MEETING HELD ON 20
NOVEMBER 2019 (EXCLUDING EXEMPT ITEMS)**

The minutes of the meeting held on 20 November 2019, were agreed and signed as a correct record.

**104 MATTERS OUTSTANDING AND WORK PROGRAMME
Report CSD20002**

The report set out matters outstanding from previous meetings and the proposed work plan for 2019/20.

The Vice-Chairman reported that the first meeting of the Section 106 Task and Finish Group would take place on 27 February 2020.

RESOLVED: That

- 1. Progress on matters outstanding from previous meetings be noted; and**
- 2. The Work Programme for 2019/20 be noted.**

105 FORWARD PLAN OF KEY DECISIONS

The Committee noted the Forward Plan of Key Decisions covering the period December 2019 to March 2020.

**106 RESOURCES, COMMISSIONING AND CONTRACTS
MANAGEMENT PORTFOLIO - PRE-DECISION SCRUTINY**

The Committee considered the following reports where the Resources, Contracts and Commissioning Portfolio Holder was recommended to take a decision.

- a CAPITAL PROGRAMME MONITORING - 2ND QUARTER
2019/20
Report FSD20002**

The Committee considered the revised Capital Programme for the Resources, Commissioning and Contracts Management Portfolio agreed by the Executive on 27th November 2019.

RESOLVED: That the Portfolio Holder be recommended to note and confirm the changes agreed by the Executive on 27th November 2019.

- b CENTRAL DEPOT WALL RECONSTRUCTION CONTRACT
AWARD
Report CSD20014**

The Committee considered a report providing an overview of the tenders received in respect of the reconstruction of the Central Depot wall. The report also made recommendations for the award of contract which was conditional on the approval of additional funding, which was the subject of a separate report to the Executive on 15 January 2020.

In response to a question concerning the benefits for residents who back onto the wall, the Senior Property Manager reported that as a result of the proposed work the wall would be safer and an acoustic barrier would be installed on the wall.

RESOLVED: That the Portfolio Holder be recommended to award the construction contract in accordance with recommendations made in the Part 2 report, subject to the provision of additional funding.

107 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

The Committee considered the following reports on the Part 1 agenda for the meeting of the Executive on 15 January 2020

(6) DRAFT 2020/21 BUDGET AND UPDATE ON THE COUNCIL'S FINANCIAL STRATEGY 2021/22 TO 2023/24 Report FSD20008

The Committee considered a report setting out the initial draft 2020/21 Budget, including the full-year effect of changes agreed as part of the 2019/20 Council Tax report and savings approved during the year with the resultant impact on the Council's medium term budget gap. A key part of the financial strategy was to highlight the budget issues for the next few years by forecasting the level of available resources and the budget pressures. The views of PDS Committees would be sought prior to the next meeting, when the Executive would make recommendations to full Council on the 2020/21 Council tax and Adult Social Care precept levels.

The report provided details of the Provisional Local Government Finance Settlement 2020/21 (published on 20th December 2019) which represented a one year settlement, the longer term spending review having been postponed until 2020. The outcome of the Fair Funding Review and Devolution of Business Rates had been delayed by one year until 2021/22.

There were still outstanding issues and areas of uncertainty with any further updates included in the Council Tax report to the next meeting.

In opening the discussion the Chairman noted the big jump in the anticipated budget deficit in 2023/24.

In reviewing the draft revenue budget for the Resources, Commissioning and Contracts Management Portfolio, the Chairman would be writing to the chief Executive asking for an explanation of the 10% increase in his budget.

In response to a question, the Director of Finance explained that the reference to salary vacancies throughout the draft budget related a report presented earlier in the year concerning the Chief Executive's restructure and resultant savings for the Council. The Director of Finance acknowledged that services would have to manage within a tighter financial envelope but the challenge for

this budget was managing the deficit and identifying options for addressing the deficit.

Members congratulated Officers on delivering a balanced budget in light of the range of issues associated with fairer funding. The Director of Finance confirmed that the Council was in an enviable position but Officers were not complaisant and were aware of the financial challenges on the horizon. The Council continued to be very active on the issue of fairer funding at both Officer and Member level with previous lobbying resulting in transitional funding.

The Chairman emphasised that individual PDS Committee should look at the draft budget in detail and consider ways to mitigate unfunded growth and reduce pressure on growth.

RESOLVED: That the Executive be recommended to

- 1. Agree the initial draft 2020/21 Budget as detailed in Appendix 7 to the report, including the provision for an Education Funding Risk Reserve, IBCF hospital discharge funding reserve, Carbon Neutral Initiatives Fund and setting aside New Homes Bonus funding for housing investment.**
- 2. Refer the initial draft 2020/21 Budget for each portfolio to the relevant PDS Committees for consideration.**
- 3. Note the financial projections for 2021/22 to 2023/24.**
- 4. Note that there are still areas of financial uncertainty which will impact on the final 2020/21 Budget.**
- 5. Delegate the setting of the schools budget, mainly met through Dedicated Schools Grant, to the Children, Education and Families Portfolio Holder, allowing for consultation with the Schools Forum (section 11 of the report).**
- 6. Note that the outcome of consultation with PDS Committees will be reported to the next meeting of the Executive.**
- 7. Note the outcome of the consultation meetings (Appendix 9 to the report).**
- 8. Agree the proposed contribution of £247,844 in 2020/21 to the London Boroughs Grants Committee (section 10 to the report.)**
- 9. Note the outcome of the Provisional Local Government Finance Settlement 2020/21, as detailed in the report.**

- 10. Note the budget gap remaining of an estimated £16.9m per annum by 2023/24 and that any decisions made for the 2020/21 Budget will have an impact on the future year projections.**
- 11. Note that any final decision by the Executive on recommended Council Tax and Adult Social Care Precept levels to Council will normally be undertaken at the next meeting of the Executive.**

**(7) BIGGIN HILL AIRPORT LIMITED (BHAL) – LANDLORD’S CONSENT TO NEW HOTWL AND AVIATION COLLEGE
Report DRR19/062**

Biggin Hill Airport Limited (BHAL) had requested that the Council gives Landlord’s Consent under the terms of the lease between BHAL and the Council for the development of a new hotel and a separate aviation college at the airport.

In response to a question, the Director of Corporate Services confirmed that there was some scope for negotiation and the Assistant Director for Strategic Property in consultation with the Portfolio Holder could agree final contractual terms.

The Chairman expressed concern at the possibility of only a peppercorn rent being charged in the event of a change of use from an Aeronautical College and therefore proposed that an additional recommendation be made to the Executive to the effect that market rent be charge, reduced to zero whilst the site was used for the purpose of an Aeronautical College. The proposal was seconded by Councillor Allatt and the Committee agreed the additional recommendation.

The Committee noted that the lease also included a turnover rent calculation and this was a significant benefit to the Council.

RESOLVED that the Executive be recommended to

- 1. Grant Landlord’s consent for the hotel development.**
- 2. Vary the terms of the lease to permit the development of the aviation college and delegate authority to the Assistant Director, Strategic Property, to finalise the conditions subject to which consent is given, subject to the agreement of the Resources, Commissioning and Contract Management Portfolio Holder.**
- 3. Agree that market rent be charge, reduced to zero whilst the site is used for the purpose of an Aeronautical College**

(8) CENTRAL DEPOT WALL RECONSTRUCTION: REQUEST FOR ADDITIONAL FUNDING

At its meeting on 28th March 2018 the Executive had approved that an additional sum of £500k be added to the £216k already available for the reconstruction of a retaining wall at the Central Depot. Additional enabling works were required and tenders had been sought on the basis of an amended specification, for which additional funding was required.

The proposed works involved the demolition of some outbuildings, construction of a new retaining wall, formation of a concrete hardstanding area to replace the ground floor slab and external hardstanding and remedial repairs to the boundary wall.

In response to a question concerning why costs had increased, the Senior Property Manager explained that this was an inherently higher risk site and there had been a need to change the contract specification and there had been more enabling work than initially anticipated. In addition there was now a need to provide some container accommodation.

In response to a question from the Chairman, the Senior Property Manager confirmed that £65,000 was for contingency. The budget for the work was for the whole scheme including the consultancy service.

RESOLVED that the Executive be recommended to

- 1. Approve funding of £115k from the earmarked reserve for the Infrastructure Investment Fund to undertake the works.**
- 2. Delegate authority to the Director of Environment and Public Protection to authorise any variations against the contract within the contingency sum.**

108 SCRUTINY OF THE EXECUTIVE ASSISTANT TO THE LEADER

The Executive Assistant to the Leader, Councillor Aisha Cuthbert, attended the meeting to respond to questions from the Committee. The Executive Assistant had circulated a written update for the Committee prior to the meeting. Councillor Cuthbert responded to questions, making the following comments –

- There were no plans in place for a further Loneliness Summit as the event that had been held had achieved its aims. A number of Resident's Associations had established new friends groups and there were initiatives whereby new mothers and their babies were invited into care homes. In terms of the next steps, work was being undertaken

with Community Links Bromley and Age UK Bromley to create a new information hub.

- Housing Associations had been invited to the Housing Event held in Parliament as they were an important partner in delivering the Housing Strategy. Housing Associations had demonstrated that they were willing to be engaged and Officers had followed up on feedback that had been provided by the Housing Associations with action being taken where necessary. Housing Associations were keen to build to encourage home ownership and were also promoting home ownership amongst their current tenants.
- The 'Talk, tots and tumble' sessions were designed to promote the services that were available to busy families as they went about their daily activities. The sessions did not provide services but were a way to signpost families to the services that were available in a form that was easily accessible.

The Chairman thanked the Executive Assistant to the Leader for her update and presentation to the Committee.

**109 EXCHEQUER SERVICE - CONTRACT PERFORMANCE
REPORT
Report FSD20001**

The report provided information regarding Liberata's performance in the provision of Exchequer Services for the period 1st April 2019 to 30th September 2019, with an updated position as at 30 November 2019. A letter from Amanda Inwood-Field, Liberata's Contract Director, attached at Appendix 1 to the report provided an update on each individual service and subsequent appendices set out statistical data relating to the services.

The Committee noted that there had been a drop in performance in relation to Financial Assessments and Charging and a recovery plan had been put in place. In explaining how the drop in performance had occurred, representative from Liberata reported that a number of key members of staff had left the service in a short space of time and it had been difficult to recruit experienced financial assessment officers. Recruitment had now taken place and the backlog had been cleared.

In relation to writing off invoices, Members noted that the relevant procedure was set out in the Council's Financial Regulations. There were a number of criteria for writing off invoices and recommendations for write offs could be made by either the contractor or Bromley Officers. The recommendation was then review by the relevant Head of Finance and Departmental Officer. The Director of Corporate Services explained that write offs effectively froze the enforcement period. If an individual's circumstances were to change within the limitation period recovery could take place. The Director of Finance further noted that there was a requirement to seek approval from the Portfolio Holder for write offs over £15,000.

Members questioned how many write offs there were in respect of nightly paid accommodation on the basis that they were uneconomical to collect. The Assistant Director: Exchequer Services reported that she did not have that information available at the meeting however, it was emphasised that there was a statutory duty to house families and consequently the Local Authority had to be proactive in recovering debt. Whilst Housing Benefit was paid direct to the Council as landlord, there was a big risk of the personal contributions not being paid.

RESOLVED: That the report and the letter provided by Liberata be noted.

**110 BENEFITS SERVICE MONITORING REPORT
Report FSD20005**

The report provided information regarding the performance of the benefits service provided by Liberata during the period 1 April 2019 to 30 September 2019. A letter from Amanda Inwood-field, Liberata's London Regional Contract Director, providing Liberata's perspective on performance, together with an update on initiatives to be introduced in the coming months was attached to the report.

In opening the discussion the Chairman noted that performance had been good, although there had been a blip in the error rate in September. Representatives from Liberata reported that this had been a result of the upskilling of assessors and performance had subsequently improved.

In considering benchmarking against other authorities, representatives from Liberata confirmed that steps were continually being taken to improve service performance and it was anticipated that the introduction of the self-service module would deliver further improvements.

The Chairman congratulated Liberata on its performance and the Committee requested that on behalf of the Committee the Head of Revenues and Benefits formally write to Liberata's London Regional Contract Director to pass on the Committee's thanks.

A Member noted that it would be helpful for the Committee to understand the trends in relation to statistics concerning the percentage of new Universal Credit claims being paid in full at the initial first payment date. In response to a further question, the Head of Revenues and Benefits confirmed that the Council continued to have strong links with the DWP and Job Centre in order to support vulnerable residents across the Borough.

RESOLVED: That the report and the letter provided by Liberata be noted.

**111 REVENUES MONITORING REPORT
Report FSD20006**

The report provided information regarding the performance of the Revenues Service provided by Liberata for the 6 months from 1 April 2019 to 30th September 2019. A letter from Amanda Inwood-Field, Liberata's London Regional Contract Director, providing an update on each individual service along with statistical data relating to the Revenues Service was included within the report.

A number of Members expressed concerns surrounding long delays in issuing bills when people moved house and Members sought assurances that robust processes were in place to ensure that bills were sent out promptly to avoid Council Tax payers facing unnecessarily high bills resulting from avoidable delays in the issuing of Council Tax demands. Members requested that the Committee received a report back on this issue as soon as practicable but within 6 months. The report was to provide the average time taken for demands to be sent following an individual moving into a property.

In relation to the Summons Surgeries referenced in the report, Members noted that the service was utilised by residents and an additional service was provided by the Citizens Advice Bureau. It was agreed that further information on the Summons Surgeries would be circulated to the Committee following the meeting. Noting that information about the surgeries was sent out with summons, the Committee suggested that information should also be published on the Council's website as this would enable Ward Councillors to signpost residents to the support that was available at an early stage.

Turning to the issue of cash payments, the Vice-Chairman noted that more should be done to reduce the volume of cash payments and suggested that more could be done to incentivise the payment of Business Rates by direct debit.

In response to a question, representatives from Liberata confirmed that when a property was developed liability for Council Tax did not increase until the property was sold on. Liberata liaised with the Council Planning Department and Building Control to gather information on properties being developed in the Borough, however it was down to the Valuation Office to determine any new Council Tax band. The Chairman noted that a key issue was when properties were developed without Planning Permission as there was no way of knowing whether the unauthorised development would result in increased Council Tax liability.

RESOLVED: That the report and the letter provided by Liberata be noted.

**112 CUSTOMER SERVICES CONTRACT MONITORING REPORT
Report CSD19152**

The report provided information on the performance of the Customer Service contract provided by Liberata for the period 1st August 2019 to 30th November 2019. A letter from Amanda Inwood-Field, Liberata's London Regional Contract Director, providing an update on each individual element was included within the report.

The Committee requested that following the meeting examples be provided of the additional support provided to vulnerable customers with illnesses such as dementia who may not be able to readily access online, telephone or face-to-face support.

Turning to performance in relation to the response to emails, representatives from Liberata explained that there had been a significant increase in the volume of emails received following changes made to waste services although volumes were now decreasing.

In response to a question concerning the mechanism for determining the number of surveys that needed to be sent out, representatives from Liberata explained that this was determined by information coming out of the CRM system based on whether clients had indicated that they were willing to be contacted. The Head of Customer Services reported that the aspiration was for a 10% response rate and to achieve this more surveys would need to be sent out. The Contractor would be meeting with the Client-Side Team to discuss ways in which the response rate could be improved. The Chairman requested that the next report to the Committee provide an update on the progress made in respect of this along with a copy of the survey sent to users of the services.

In relation to the testing process for Blue Badges for people with hidden disabilities, the Committee noted that assessments were undertaken by the in-house Occupational Therapy team and the decision to award a Blue Badge rested with the Occupational Therapist.

RESOLVED: that the report and the letter from Liberata be noted.

**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 20
NOVEMBER 2019**

The Part 2 (exempt) minutes of the meeting held on 20 November 2019, were agreed and signed as a correct record.

**115 PRE-DECISION SCRUTINY OF EXEMPT RESOURCES,
COMMISSIONING AND CONTRACTS PORTFOLIO HOLDER
REPORTS**

The Committee considered the following report on the Part 2 agenda where the Resources, Contracts and Commissioning Portfolio Holder was recommended to take a decision.

**a CENTRAL DEPOT WALL RECONSTRUCTION: CONTRACT
AWARD
Report CSD20014**

The report accompanied the Part 1 report and provided details of the tenders received for the construction of the depot wall and made recommendations for the award of contract.

RESOLVED: that the Portfolio Holder be recommended to approve the recommendations outline in the Part 2 report.

**116 CONTRACTS REGISTER AND DATABASE
Report CEO19005**

The report presented January 2020's Corporate Contracts Register for consideration.

Noting that there were a significant number of contracts coming up for renewal in the next 12 months, a Member sought assurances that there was sufficient staff available to manage the workload. The Director of Corporate Services confirmed that whilst there would be some challenges it would be possible to flex resources to deal with matters as they arose. The Assistant Director for Governance and Contracts also highlighted that there were extension options available for a number of those contracts. In addition, a large number of the contracts due for renewal related to the domiciliary service contract framework which would be managed as a single, but significant, tender exercise.

The Assistant Director for Governance and Contracts further reported a procurement work plan covering the next five years was being prepared that would help to identify any capacity and resource issues in advance so that they could be managed.

The Chairman requested that at the next meeting the Committee be provided with a further update on any contracts flagged in January's Contract Register that remained flagged. The Director of Corporate Services confirmed that he was confident that the flagged SAS Cloud Service contract could be procured in the required timeframe.

In response to concerns raised by a Member surrounding the inherent risk of excluding small and medium sized enterprises from tendering for the Council's larger contracts, the Assistant Director for Governance and Contracts explained that consideration of this formed part of the Gateway process coming before Members and formed part of the Council's Procurement Strategy.

In response to a question concerning the action being taken within commissioning processes to support the Council's target of being carbon neutral by 2029, the Assistant Director for Governance and Contracts reported that issues were raised and discussed at quarterly officer meetings. In addition, work had recently been undertaken to classify the carbon emissions factor for each contract held by the Council in order to support the development of the Carbon Reduction strategy. The Chairman of the Environment and Community Services PDS Committee reported that this issue was on the agenda for discussion at the next meeting of that Committee.

The Committee also noted the importance of addressing the issue of modern day slavery through commissioning processes.

RESOLVED: that the report be noted.

The Meeting ended at 9.00 pm

Chairman