

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

Minutes of the meeting held at 6.30 pm on 6 January 2021

Present:

Councillor Simon Fawthrop (Chairman)
Councillor Christopher Marlow (Vice-Chairman)
Councillors Julian Benington, David Cartwright QFSM,
Mary Cooke, Ian Dunn, Nicky Dykes, Robert Evans,
Will Harmer, Russell Mellor, Michael Rutherford,
Michael Tickner, Stephen Wells and Angela Wilkins

Also Present:

Councillor Graham Arthur, Portfolio Holder for Resources,
Commissioning and Contracts Management
Councillor Kira Gabbert, Executive Assistant for
Resources, Commissioning and Contracts Management
Portfolio
Councillor Peter Morgan, Portfolio Holder for Renewal,
Recreation and Housing
Councillor Colin Smith, Leader of the Council

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

There were no apologies for absence.

73 DECLARATIONS OF INTEREST

In respect of Item 11 (Exchequer Service – Contract Performance Report),
Councillor Fawthrop declared a non-pecuniary interest as an employee of
British Telecom (BT).

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

There were no questions.

6 January 2021

75 MINUTES OF THE EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE MEETING HELD ON 18 NOVEMBER 2020 (EXCLUDING EXEMPT ITEMS)

The minutes (excluding exempt information) of the Executive, Resources and Contracts PDS meeting held on 18th November 2020, were agreed and signed as a correct record.

**76 MATTERS OUTSTANDING AND WORK PROGRAMME
Report CSD21005**

The report dealt with the Committee's business management including matters outstanding from previous meetings and the proposed work plan for the remainder of the year.

Matters Outstanding

A Member noted that at its last meeting the Committee had requested some additional Part 2 information in respect of the cost of agency workers. The Chairman requested that this information be circulated to the Committee by the end of the week.

Work Programme

The Committee noted that the Property Investment Update would be presented to the Committee at the February meeting. Members further noted that reports on 'Bromley the Better Borough' and the Housing Schemes would be presented to Executive in February (with the housing report being scrutinised by the Renewal, Recreation and Housing Committee).

RESOLVED: That the report be noted.

77 FORWARD PLAN OF KEY DECISIONS

The Committee noted the Forward Plan of Key Decisions covering the period January 2021 to April 2021.

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

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

**a CAPITAL PROGRAMME MONITORING - 2ND QUARTER
2020/21
Report FSD20097**

On 18th November 2020, the Leader received a report summarising the current position on capital expenditure and receipts following the 2nd quarter of 2020/21 and agreed a revised Capital Programme for the four-year period 2020/21 to 2023/24. The report highlighted changes agreed by the Leader in respect of the Capital Programme for the Executive, Resources & Contracts Portfolio. The revised programme for this portfolio was set out in Appendix A of the report and detailed comments on individual schemes were shown in Appendix B.

Members noted that there were a number of post completion reports due for circulation to the Committee and requested that this be actioned as a matter of priority.

RESOLVED: That the Portfolio Holder be recommended to note and acknowledge the changes agreed by the Leader on 18th November 2020.

79 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

The Committee considered the following reports on the Part 1 agenda for the meeting of the Executive on 13th January 2021:

**(5) DRAFT 2021/22 BUDGET AND UPDATE ON THE COUNCIL'S
FINANCIAL STRATEGY 2021/22 TO 2024/25
Report FSD21001**

The report sought approval of the initial draft 2021/22 Budget including the full year effect of changes agreed as part of the 2020/21 Council Tax report and savings approved during the year with the resultant impact on the Council's medium term "budget gap". The report also provided details of the Provisional Local Government Finance Settlement 2021/22 which was published on 17 December 2020 and represented a one year settlement only following the postponement of the longer-term Spending Review until 2021. The outcome of the Fair funding Review and Devolution of Business Rates, which could have a significant impact on future funding, had been delayed by one year until at least 2022/23. The Committee noted that there were still outstanding issues and areas of uncertainty remaining. Any further updates would be included in the 2021/22 Council Tax report to the next meeting of the Executive.

In opening the discussion, the Chairman suggested that it would be helpful for service specific PDS Committees to review the individual growth items relating to their committees to ensure that robust plans to mitigate were in place.

6 January 2021

In response to a question concerning the Beehive Housing Scheme, the Director of Finance confirmed that it was a finance lease whereby the Council would end up owning the properties at the end.

The Committee noted that in future by default any inflationary increases included in contracts would be linked to the consumer price index (CPI) unless there was a compelling reason otherwise.

The Chairman proposed that in the interests of transparency in future the budget for Members' Allowances should be separated from the Democratic Services budget. This proposal was agreed by the Committee.

In response to a question concerning how likely it was that the Council would be in a position to deliver Phase 2 of its Transformation Programme, the Chairman suggested that it may be helpful for the Committee to undertake a review later in the year. Currently the one-year local government financial settlement and delays around the delegation of business rates and the fairer funding review created a great deal of uncertainty.

The Committee noted that the income and rent in relation to investment property represented the best judgement that could be made at the current time. The Director of Finance confirmed that in his opinion at this stage the assumptions outlined in the report were reasonable and that there was contingency to manage any risks.

Members noted that, in relation the Adult Social Care precept, there was currently no legislation enabling the Council to levy an Adult Social Care precept in future years and the assumption had to be made that the provision would not continue. The Government had undertaken to review funding for adult social care where there were a number of undeniable pressures.

With reference to the concessionary fares credit, the Director of Finance confirmed that the figures in the report were based on usage in the current year and it was therefore possible that the credit may increase if restrictions arising from the Covid-19 pandemic continued.

The Committee noted that the report to the Executive had been produced within a week of the notification of the Local Government Finance Settlement, consequently there may in time be further changes to the proposed budget. As yet, no information regarding the GLA precept or the Business Rate Pool had been received. Once in receipt of this information, the Director of Finance would be providing a further update for the Executive.

RESOLVED: That the Executive be recommended to:

- (a) Agree the initial draft 2021/22 Budget detailed in Appendix 7 including continuation of the iBCF hospital discharge funding reserve and setting aside New Homes Bonus funding for housing investment;**

- (b) Refer the initial draft 2021/22 Budget for each portfolio to the relevant PDS Committees for consideration;**
- (c) Note the financial projections for 2022/23 to 2024/25;**
- (d) Note that there are still areas of financial uncertainty which will impact on the final 2021/22 Budget;**
- (e) Delegate the setting of the schools' budget, mainly met through Dedicated Schools Grant, to the Education, Children and Families Portfolio Holder, allowing for consultation with the Schools Forum (see section 11 of the report);**
- (f) Note that the outcome of consultation with PDS Committees will be reported to the next meeting of the Executive;**
- (g) Agree the proposed contribution of £247,274 in 2021/22 to the London Boroughs Grant Committee (see section 10 of the report);**
- (h) Note the outcome of the Provisional Local Government Financial Settlement 2021/22 as detailed in the report;**
- (i) Note the budget gap remaining of an estimated £14.1m per annum by 2024/25 and that any decisions made for the 2021/22 Budget will have an impact on the future year projections;**
- (j) Note that any final decision by Executive on recommended Council Tax and Adult Social Care Precept levels to Council will normally be undertaken at the next meeting of Executive;**
- (k) Note that further details are awaited on arrangements to consider for the pan-London Business Rate Pool 2021/22. Any updates available, following publication of this report will be circulated separately (see section 6.19.7 of the report).**

**(6) EMPTY HOMES PREMIUM
Report FSD21003**

The report proposed that the Empty Homes Premium be increased from April 2021 to the maximum premiums permitted under the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018.

RESOLVED: that the Executive be recommended to:

- (a) Note the responses to the public consultation exercise;**
- (b) Note the Equality Impact Assessment; and**

6 January 2021

- (c) Consider an increase in the Empty Homes Premium from the financial year 2021/22 to 100% for properties empty longer than 2 years, increasing to 200% where the property has been empty for 5 years and 300% when the property has been empty over 10 years.**

(7) OPERATIONAL BUILDING MAINTENANCE BUDGETS AND PLANNED PROGRAMME 2020/21 AND 2021/22

The report set out the proposed maintenance budgets and planned programme for 2021/22 and detailed a request for additional budgetary provision of £2m for essential works in 2021/22 and 2022/23.

The Committee noted that a condition survey across the whole Bromley estate had been instructed and this would provide a view on any maintenance liabilities and would be reported back to Committee in June 2021.

In respect of proposals for maintenance at West Wickham leisure centre, the Chairman noted the plans for redevelopment and queried whether the proposed expenditure represented value for money. The Assistant Director of Strategic Property explained that the redevelopment of the leisure centre was some years away and the proposed repair to the air handling unit was an essential repair that was required in order to keep the facility open. Members were provided with assurances that the most economically prudent approach would be taken to any repairs required. Similarly, in the case of the Saxon Day Centre, essential health and safety repairs to glazing were required and Officers would ensure any repairs represented value for money.

The Committee noted that any requests for drawdown would be reported in the Budget Monitoring reports and would be subject to scrutiny by the PDS Committee.

RESOLVED: That the Executive be recommended to:

- (a) Approve an overall expenditure of £2.188m for the Building Maintenance budget in 2021/2022, subject to the Council agreeing the budget.**
- (b) Delegate authority to the Director of Housing, Planning, Property and 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.**
- (c) Approve an additional provision of £1m in each of the next 2 financial years 2021/22 and 2022/23 to be set aside in the**

Infrastructure Investment earmarked reserve to fund essential and statutory works.

- (a) **Where urgent works are needed in the current financial year, following consultation with ERC PDS, funding to be drawdown from Central Contingency in 2020/21 and the additional provision of £1m in 2021/22 will be reduced by an equal amount.**

**(8) CONSIDERATION FOR AGREEMENT TO EXEMPT FROM TENDERING: SERVICE FOR CO-OCCURRING MENTAL HEALTH, ALCOHOL AND DRUGS CONDITIONS
Report ACH20-088**

Services for co-occurring mental health, and alcohol and/or drug use conditions (COMHAD) were delivered locally by Oxleas Foundation Trust (Oxleas) as part of the local NHS Mental Health contract held by Bromley Clinical Commissioning Group (BCCG). The COMHAD part of the contract was funded and paid for directly by the Council and formed part of the Section 75 arrangement between the Council and the BCCG.

BCCG had now become part of the wider South East London Clinical Commissioning Group and given local provision was pertinent to the client group it serves it has been agreed that the COMHAD element would be disaggregated from the BCCG contract.

The report set out the case for a direct award of a contract, via an exemption from tendering, to be granted to Oxleas.

The Chairman of the Adult Care and Health PDS Committee provided a brief background to the report, explaining that it had previously been circulated to members of the Adult Care and Health PDS Committee for comment. The Chairman had not received any comments, although a question had been sent to the Assistant Director of Public Health who had provided a response.

The Chairman of ERC PDS noted that some additional Part 2 (exempt from publication) information had been circulated to Members in advance of the meeting and this demonstrated the compelling case for the continuation of the service. It was suggested that this paper should also be circulated to Members of the Executive.

A Member expressed concerns about the amount of modelling work that had been undertaken around the impact of the Covid-19 pandemic and stressed the need to ensure sufficient capacity to deal with issues in the future.

RESOLVED: That the Executive be recommended to approve the direct new award of contract, via an exemption to competitive tendering, to Oxleas NHS Foundation Trust for a period of 3 years from 1st April 2021

6 January 2021

(with the option to extend for up to a further two years) at an annual value of £87,000 (average) and a whole life value of £432,000.

(9) UPDATE ON THE TRANSFER OF CRYSTAL PALACE PARK

Noting that this report had already received pre-decision scrutiny from the Renewal, Recreation and Housing PDS Committee, Members requested that the Executive give consideration to the request for contingency draw down.

**(18) ADDITIONAL RESTRICTIONS GRANT SCHEME (ARG SCHEME)
Report HPR2021/55**

The Committee agreed to consider the report as a matter of urgency to ensure the roll out of grants in response to the Covid-19 pandemic.

The Council had received payment of £6,646,720 from the Ministry of Housing, Communities and Local Government (MHCLG) on behalf of Department for Business, Energy and Industrial Strategy ('BEIS'). This sum was to form the Council's Additional Restrictions Grant (ARG) which would be used to provide financial support to local businesses through grants and business support functions.

The report outlined the proposed ARG Scheme which would be delivered in phases. There is a Government requirement that all monies be allocated by 21 March 2022. The report included full details on the overall scheme plus a detailed Phase 1. Authorisation from Executive would be sought for Phase 2 as it was developed.

Members requested that once the proposals were agreed a short briefing outlining the main points be provided to councillors to enable them to support local small businesses.

With reference to the Online Enterprise Hub within Phase 1C, the Committee received assurances that that any system put in place would be self-sustaining and there would be no cost to the Council in future years. A Member suggested, and the Portfolio Holder for Renewal, Recreation and Housing agreed that it may be helpful to have a discussion with the BIDs to see if there was any possibility of one of them running the Online Enterprise Hub. The Portfolio Holder for Renewal Recreation and Housing stressed that the primary purpose of the Online Enterprise Hub was to support businesses during the Covid-19 pandemic – it was not intended to compete with the BIDs in any way.

In relation to the time limit for grant applications, the Assistant Director of Culture and Regeneration confirmed that there was an expectation that guidance for businesses would be prepared and additional help terms of preparing the necessary evidence would be available to businesses to ensure that the system was as equitable as possible. However, there was a finite pot

of funding and once all the funding had been allocated the schemes would close.

The Committee stressed the need to ensure that there was appropriate due diligence to minimise instances of fraud. The Assistant Director of Culture and Regeneration confirmed that officers had been working closely with Liberata and Internal Audit to ensure that robust systems were in place and that funding was allocated appropriately.

The Committee agreed that, due to the urgency of the decision, the Leader should take the decision the following day.

RESOLVED: That the Leader be recommended to:

- (a) Approve the recommendations for the distribution of this grant fund set out in the report, namely the funding streams proposed in paragraphs 4-9, Phase 1 of the Council's ARG scheme and to allocate £5.5m from the Government grant to fund payments to businesses.**
- (b) Authorise payments to be made based on the proposed eligibility criteria as detailed in section 4 of the report, which has been developed in line with the guidance from MHCLG, noting that subsequent phases will be subject to future reports as they are developed.**
- (c) Agree that authority be delegated to the Portfolio Holder for Renewal, Recreation and Housing in conjunction with the Director of Housing, Planning, Property and Regeneration to increase the allocation for Phase 1 Business Hardship Fund by up to £500k should uptake of the initial £1m show significant levels of demand.**
- (d) Agree that authority be delegated to the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to make changes to grant distribution approach as may be required for compliancy, ensuring government guidance is followed, and to exercise limited discretion during the award process.**
- (e) Agree that appropriate due diligence be carried out to minimise fraud and consider if the existing Bids could be used for distribution to minimise set up costs of the Online Enterprise Hub to ensure no further running costs to the Council, beyond those to be met by the ARG.**

6 January 2021

**80 BENEFITS SERVICE MONITORING REPORT
Report FSD20102**

The report provided information regarding the performance of the benefit services provided by Liberata during the period 1 April 2020 to 30 November 2020. A letter from Amanda Inwood-Field, Liberata's London Regional Contract Director, was attached as Appendix 1. This communication provided Liberata's perspective on performance, together with an update on initiatives to be introduced in the coming months.

In opening the discussion, the Vice Chairman requested that in future reports it would be helpful for the KPI to be shown in the graphs included within the report.

Members noted that during the Covid-19 pandemic the Service had adopted the Department for Work and Pensions' (DWP) "Trust and Protect" principles which enabled residents in receipt of Housing Benefit to submit information and evidence via email. The policy was closely monitored. Members noted that Liberata had a Corporate Visiting Team which included 6 Visiting Officers who, under normal circumstances, would visit vulnerable people at home. During the Covid-19 pandemic, all documentation submitted by vulnerable claimants under the Trust and Protect principles would be reviewed once visits could resume. Any incorrect documentation that had been submitted would result in an overpayment which would be subject to recovery. The Chairman requested that a line in respect of this issue be added to the Corporate Risk Register.

In respect of the Administrative delays referenced in the report, noting that the issue had now been rectified the Chairman requested that details of the lessons learnt be included in the next report to the Committee.

In conclusion, the Chairman thanked colleagues in Liberata for the work they had been undertaking during the Covid-19 pandemic noting that under the circumstances levels of performance had been very good.

RESOLVED: That the report be noted.

**81 REVENUES SERVICE MONITORING REPORT
Report FSD20101**

The report provided information regarding the performance of the Revenues Services provided by Liberata for the six months from 1 April 2020 to 30 November 2020. A letter from Amanda Inwood-Field, Liberata's London Regional Contract Director, provided an update on each individual service and was attached at Appendix 1 to the report with statistical data relating to the Revenues Service attached at Appendix 2.

In respect of the collection rates for the different Business Improvement Districts (BIDs), the Committee noted that different approaches were taken in

terms of collection and that, when the impact of Covid-19 was taken into consideration, performance across all BIDs was comparable previous years. Following a brief discussion, it was agreed that this issue should be referred to the Renewal, Recreation and Housing PDS Committee for further review. The Chairman asked that extracts of the relevant legislation (in respect of why the two bills would not be combined) be provided to Councillors Tickner, Rutherford and Morgan for information.

In response to a question, the Director of Finance highlighted that the performance in respect of collection of Council Tax was good however challenges remained in terms of not having a virtual court or enforcement. The Committee noted that the planned virtual court at the Civic Centre had not yet met as this was dependent on action being taken by the Court and Tribunal Service.

RESOLVED: That the report be noted.

**82 EXCHEQUER SERVICE - CONTRACT PERFORMANCE
REPORT
Report FSD21002**

The report provided information regarding Liberata's performance in the provision of Exchequer Services for the period 1st April 2020 to 30th September 2020, with an updated position as at 30th November 2020. A letter from Amanda Inwood-Field, Liberata's Contract Director, provided an update on each individual service and was attached at Appendix 1 to the report with statistical data relating to the services shown in subsequent appendices.

In opening the discussion, the Chairman welcomed the significant reduction in the use of cheques and commended staff on the work that had been undertaken to achieve the reduction.

In response to a question, the Assistant Director for Exchequer services explained that the small LBB Client-side Team was primarily there for contract monitoring purposes as well as undertaking some of the statutory work that the Council was required to undertake in respect of benefit claims.

A Member noted that since the last report to the Committee in July 2020, a new line had been added to table 3 (the factors affecting out of year collection) in respect of Debts on Hold by LBB Departments with the debt amounting to £1,950,982.72. The Committee requested that a breakdown of the debt be circulated to Members of the Committee following the meeting.

RESOLVED: That the report be noted.

6 January 2021

**83 CUSTOMER SERVICES CONTRACT MONITORING REPORT
Report CSD21006**

The report provided information on the performance of the Customer Service Contract provided by Liberata for the period 1st June 2020 to 30th November 2020. A letter from Amanda Inwood-Field, Contract Director for Liberata, provided an update on each individual element and was attached at Appendix 1 to the report.

The Committee noted that there was a process in place to remove 'My Account' registrations of any residents who moved out of the Borough and further details of this process would be provided following the meeting. Members noted that a new KPI had been introduced to ensure consistency of service on any given day.

Members discussed how the service was able to achieve 100% satisfaction and expressed concern that anonymous responses could be provided. The Committee noted that Liberata had planned to undertake a review of the Customer Satisfaction Survey and data collection, but this had been delayed as a result of the Covid-19 pandemic. The Chairman requested that further information about the customer survey and how responses were collected be included in the next report to the Committee.

RESOLVED: That the report be noted.

**84 REVIEW OF VIRTUAL MEETING PROCEDURES
Report CSD21009**

The report provided an overview of the virtual meetings arrangements which had been in operation since May 2020. Special meetings of the Urgency Committee and the Executive were held on 19 March 2020, to set up emergency decision making arrangements prior to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 coming into force. A special meeting of the Urgency Committee was held on 6th May 2020 (the first virtual meeting) to agree the arrangements, key rules and protocols for virtual meetings. Full details are set out in the reports and minutes of the various meetings. It was noted that The regulations were time limited and only applied to meetings taking place before 7th May 2021.

In opening the discussion, the Chairman noted that Executive meetings had now been restored and would take place virtually until such time as face-to-face meetings could be held.

A Member expressed the view that as the Urgency Committee had taken the original decisions back in March 2020 and May 2020, that was the appropriate committee to undertake a review of the arrangements, rather than the Executive, Resources and Contracts PDS (ERC PDS) Committee. The Chairman explained that as the main scrutiny committee ERC PDS was in a

position to undertake a review of the operation of the virtual meeting procedures.

The Committee discussed the need to ensure that, where appropriate, members of the public were able to ask oral questions at Committee meetings. It was agreed that the time limit for public oral questions should be restricted to 15 minutes. Whilst welcoming the transparency of public questions some members emphasised the need to ensure the security of any meetings held in public. The Chairman highlighted that there were currently security measures in place for the Council's virtual meetings and that the Democratic Services Officer hosting the meeting had the ability to eject from the meeting anyone who may be causing disruption.

RESOLVED: That the Leader and Full Council be recommended to

- 1. Ensure that, where appropriate, members of the public be permitted to ask oral questions at Committee meetings with the time limit for questions set at 15 minutes and**
- 2. Note that the provision of oral public questions at meetings should be reviewed and terminated in the event of abuse.**

85 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**

86 EXEMPT MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2020

The Part 2 (exempt) minutes of the meeting held on 18 November 2020 were agreed, and signed as a correct record.

The Meeting ended at 8.45 pm

Chairman