

EXECUTIVE

Minutes of the meeting held on 29 March 2023 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors Kate Lymer (Vice-Chairman), Yvonne Bear,
Nicholas Bennett J.P., Aisha Cuthbert,
Christopher Marlow, Angela Page and Diane Smith

Also Present:

Councillor Simon Fawthrop and Councillor Simon Jeal

159 APOLOGIES FOR ABSENCE

There were no apologies for absence.

160 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

161 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 18 JANUARY 2023 AND 8 FEBRUARY 2023

The minutes of the meetings held on 18 January 2023 and 8 February 2023 (excluding exempt information), were agreed and signed as a correct record.

162 QUESTIONS

No questions were received.

163 BUDGET MONITORING 2022/23 Report FSD23025

The report provided the first budget monitoring position for 2022/23 based on expenditure and activity levels up to the end of December 2022. The report also highlights any significant variations which will impact on future years as well as any early warnings that could impact on the final year end position.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The latest financial position be considered.**

2. A projected net overspend on services of £9,683k forecast based on information as at December 2022 be noted.
3. The comments from Chief Officers detailed in Appendix 2 be noted.
4. A projected increase to the General Fund balance of £65k as detailed in section 3.3 be noted.
5. The full year cost pressures of £13.069m as detailed in section 3.4 be noted.
6. The release of funding from the 2022/23 central contingency as detailed in paragraphs 3.2.2 to 3.2.5 be agreed.
7. The release of £500k from the CEF Health Reserve Fund for expenditure in the CEF department as detailed in para. 3.8 be agreed.
8. The set aside of £400k for Homes for Ukraine staffing costs for 2023/24 as detailed in para. 3.9 be agreed.
9. The release of £2m from the Health reserve for the ICB as detailed in para. 3.10 be agreed.
10. The set aside a one off sum of £630k as an earmarked reserve for EHCP's/High Needs costs for 2023/24 and 2024/25 to be met from the 2022/23 central contingency as detailed in para. 3.11 be agreed;
11. The set aside of £635k as an earmarked reserve for Legal costs as detailed in para. 3.12 and in Part Two (Appendix 7) of the report be agreed.
12. Any unspent Homes for Ukraine funding be set aside as an earmarked reserve to meet ongoing spend commitments, where funding is not available, relating to Homes for Ukraine as detailed in para. 3.13 be agreed.
13. Any issues be referred to individual Portfolio Holders for further action.
14. Council be requested to agree to the release of £2m from the Health reserve for the ICB as detailed in para. 3.10.

164 BASIC NEED CAPITAL PROGRAMME UPDATE
Report CEF23014

The report provided an update on funding and the capital schemes included within the Council's Basic Need Programme.

The report had been scrutinised by the Children, Education and Families PDS Committee at its meeting on 14 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The updated Basic Need Programme as set out in Appendix 3 be agreed subject to Full Council approval.**
- 2. The new projects at Burnt Ash Primary School, Oaklands Primary School, The Highway Primary School and Trinity CE Primary be added to the Basic Need Programme as detailed in the scheme appraisals in Appendix 1 be agreed.**
- 3. The allocation of an additional £43k of additional S106 allocations to projects within the Basic Need Capital Programme as outline in Appendix 2 be agreed.**
- 4. The additional High Needs Provision Capital Funding allocation of £8,478k received for 2022/23 and 2023/24 for improving and expanding SEN and Alternative provision be noted.**

165 MARKET SUSTAINABILITY PLAN
Report ACH23-011

In support of government social care reforms the Council was required to submit an Adult Social Care Market Sustainability Plan to the Department of Health and Social Care. The purpose of this plan was to assess the impact the Council's current fee rates were having on the local adult social care market and how the Council was preparing for the introduction of legislative change that would give self-funding social care service users a right to ask councils to find their care and access the same rates that councils pay for the care and support from October 2025.

The report set out the proposed Bromley Adult Social Care Market Sustainability Plan for agreement and sought agreement on the spending of the Council's allocation of the Government's Market Sustainability and Improvement Fund that supported the changes outlined in the plan.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 15 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The Bromley Adult Social Care Market Sustainability Plan be agreed.**
- 2. The spending proposals for the Council's allocation of the Market Sustainability and Improvement Fund be agreed.**

3. **Authority be delegated to the Director for Adult Services, in consultation with the Portfolio Holder and Director of Finance, for the allocation of Market Sustainability and Improvement Funding with reference to the government guidelines and in accordance with principles outlined in the Market Sustainability Plan.**

**166 OPERATIONAL BUILDING REPAIR AND MAINTENANCE
BUDGET 2023/24
Report HPR2023/021**

Members of the Executive considered the Council's draft 2023/24 Budget at their meeting on 8 February 2023. The report set out indicative budget allocations reflected in the Draft 2023/24 Budget report for operational building maintenance against the two sources of funding: the repairs and maintenance budget, and the Building Investment Fund.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

1. **Noting the 2023/24 Budget report approved by Executive on 8 February 2023, the following expenditure for operational building maintenance for 2023/24 be approved:**
 - **Repairs and maintenance - £2.513m.**
2. **The provision of £2m in 2023/24 for the Building Investment Fund (BIF), as included in the 2023/24 Budget report be noted. This will be the last year of such provision.**
3. **It be noted that combined these sums provide a total maintenance budget of £4.513m.**
4. **Authority be delegated to the Director of Housing, Planning, Property and Regeneration to vary the programmes and budget allocations where such action is considered necessary to either protect the Council's assets or make the most effective use of resources.**

**167 OPERATIONAL PROPERTY REFURBISHMENT PROGRAMME -
PROCUREMENT AND AWARD OF CONSTRUCTION
CONSULTANCY SERVICES
Report HPR2023/020**

The report sought the procurement and award of expert advice to inform appraisal work, scoping and contractor procurement to implement the refurbishment work, followed by the procurement of building contractors to

deliver the Operational Property Refurbishment Programme which has resulted from the Operational Property Review report dated 30th November 2022 as considered and approved on 12th December 2022 at a meeting of the Council's Full Council.

The Senior Development and Programme Manager (Major Projects) highlighted a typographical error in the report explaining that paragraph 7.1 should read lot 2 (not lot 12). It was noted that this error had been corrected in the report published on the website and a similar error had been corrected in the accompanying Part 2 report.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1) The contents of the report be noted and the following recommendations subsequent to the OPR report dated 30th November 2022 as considered and approved on 12th December 2022 at a meeting of the Council's Full Council be agreed.**
- 2) The procurement and award of Construction Consultancy Services via a compliant direct appointment utilising the NHS SBS framework to ensure value for money and accelerated delivery as detailed in Part 2 of this report be approved.**
- 3) It be agreed that Officers progress the various Workstreams identified at 3.40 of the OPR report dated 30th November 2022 as set out in 2.11 of this report and as considered and approved on 12th December 2022 at a meeting of the Council's Full Council by scoping, costing and proceeding to procurement of building contractor/s via a complaint framework.**
- 4) That authority be delegated to the Director of Housing, Planning, Property and Regeneration, to agree and settle all the commercial terms arising.**
- 5) That authority be delegated to the Assistant Director of Legal Services to enter into all relevant legal agreements required in relation to and any other necessary ancillary legal documentation relating thereto, including (but not limited to):**
 - The appointment and warranty for the Construction Consultancy Services provider and related sub-consultants.**
 - The negotiation of all associated lease amendments and service agreements and where required amendments to existing leases**

and agreements to be entered into at the time of building contract award.

- 6) It be agreed that Officers provide further report/s to the Executive for consideration prior to the award of works packages to building contractors which will be procured utilising a compliant framework in accordance with the Council's procurement procedures and regulations.**
- 7) It be agreed that Officers continue to provide regular updates to the Portfolio Holder on progress of the OPR.**

**168 HOUSING INFORMATION SYSTEMS
 Report CSD23048**

Bromley's contract with MRI Software for a managed Housing IT system was due to expire on 9th April 2024, having utilised the two year extension option.

Bromley's contract with Home Connections for a managed Housing IT system was due to expire on 16th April 2024 with an extension option of 1 +1 year(s).

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 22 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The contract with both MRI Software and Home Connections be extended for two years respectively to allow a full options appraisal to test the market fully.**
- 2. Authorisation be given to apply the two year extension for Home Connections, which is provided for within the contract terms, from 16th April 2024 to 15th April 2026 at an estimated contract value of £14k per annum.**
- 3. It be agreed that extension beyond terms under Regulation 72a be approved with a 1+1 option to MRI Software (formerly known as Orchard Housing). This is anticipated to commence from 16 April 2024 at an estimated annual value of £134k per annum.**
- 4. It be agreed that the Compliance & Strategy Division utilise the extension period to review the market in order to present commissioning and procurement options for Executive decision prior to the extension period expiring.**
- 5. The drawdown of up to £40k from the Technology Fund earmarked reserve for a SME/Business Analyst to review the market be agreed.**

169 BROMLEY HOUSEHOLD SUPPORT FUND

The report noted the Government announcement regarding the Household Support Fund (HSF) and set out proposals for the allocation and distribution of the HSF.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 22 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. Bromley Council's allocation for the Household Support Fund (HSF) of £3,735,765 be noted.**
- 2. The drawdown of £3,735,765 from the 2023/24 Central Contingency to the Operational Housing revenue budget be approved.**
- 3. The full utilisation of this ringfenced grant, in 2023/24, as detailed in paragraph 3.9 of the report be approved.**
- 4. It be agreed that any final or additional changes be delegated to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Resources, Commissioning & Contracts Management.**

170 AFFORDABLE HOUSING - POLICY AND STRATEGY DOCUMENTS Report HPR2023/018

The Council transferred its housing stock to Clarion Housing Association (formerly known as Broomleigh) in 1992. In July 2020 the Council approved the re-opening and setting up of a Housing Revenue Account ("HRA") for the provision of affordable housing and had recently been developing housing on Council-owned land. The Council was registered as a provider of social housing by the regulator on 29 September 2020 (Reg no:5103).

To remain compliant with the regulatory requirements and ensure delivery to our residents, the Council, now a stock holding authority, was required to produce various housing policies and strategies. Four of the required policies were nearing completion, two of which would require statutory consultation. They were a Tenancy Strategy, Residential Asset Management Strategy, Tenancy Management Policy and Rent Setting Policy.

The Head of Housing Schemes outlined the following typographical errors in the Residential Asset Management Strategy which would be corrected prior to consultation:

2.1.5 - the housing target was no longer 641 due to a new London Plan. This would be adjusted to reflected new figures.

2.1.7 - the policy content was correct however the housing statistics referenced were no longer accurate and needed to be updated.

4.2 – swelling needed to be replaced with dwelling

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 21 March 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The Residential Asset Management Strategy and the Rent Setting Policy be approved for adoption.**
- 2. The draft Tenancy Strategy and the Tenancy Management Policy be approved for eight weeks public consultation.**
- 3. It be agreed that the results of the consultation together with any suggested amendments arising from this consultation be reported back to the Executive for final approval and adoption of the two documents.**

**171 NATIONAL LOTTERY HERITAGE FUND GRANT FOR
CRYSTAL PALACE PARK
Report HPR2023/023**

With the agreement of the Leader of the Council and the Chairman of the Renewal, Recreation and Housing PDS Committee, the following urgent report was considered. The report was deemed urgent as key information was embargoed until Tuesday 28 March 2023. In addition, as the project would be utilising grant funding which had timescales attached for delivery, call in would not apply.

In February this year the Executive approved the procurement of a new multi-disciplinary team to take forward the delivery of the Regeneration Plan for Crystal Palace Park, the rationale for that report being urgent was due to the submission of a Levelling Up Application and National Lottery Heritage Fund Application. Whilst the Council was unsuccessful in their application for the Levelling up Fund, the Council had been notified they had been allocated almost £5m from the National Lottery Heritage Fund and had been awarded £304,350 initially to progress the scheme. The report sought approval to accept this funding and to proceed with the wider scheme that this funding allowed.

RESOLVED: That the Executive

- 1. Approve to accept the Development Grant of £304,350 from the National Lottery Heritage Fund to progress the scheme and increase**

the scope as enabled by the funding, and to add this to the Crystal Palace Capital Programme budget.

2. Approve the submission of the further documents required by the National Lottery Heritage Fund to secure the full £4.99m, and once confirmed to add this grant to the Crystal Palace Capital Programme budget.
3. Note the intent, set out in paragraph 3.4, to utilise the initial Development Grant to proceed to procurement (through compliant procurement routes) and/or recruitment of suitable specialist resource to progress the scheme.

**172 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.

**173 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**

**174 EXEMPT MINUTES OF THE MEETING HELD ON 8 FEBRUARY
2023**

The exempt (not for publication) minutes of the meeting held on 8 February 2023, were agreed and signed as a correct record.

175 BUDGET MONITORING 2022/23 PART 2 APPENDIX

The Executive considered and discussed the Part 2 Appendix.

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**176 OPERATIONAL PROPERTY REFURBISHMENT PROGRAMME -
PROCUREMENT AND AWARD OF CONSTRUCTION
CONSULTANCY SERVICES (PART 2)**

The Executive agreed the recommendations outlined in the report

Chairman

The Meeting ended at 7.41 pm