

## **EXECUTIVE**

Minutes of the meeting held on 20 July 2011 starting at 7.00 pm

### **Present:**

Councillor Stephen Carr (Chairman)  
Councillors Graham Arthur, Robert Evans, Peter Morgan,  
Ernest Noad, Colin Smith and Tim Stevens

### **Also Present:**

Councillors Nicholas Bennett J.P., John Getgood, Russell  
Mellor, Alexa Michael, Sarah Phillips and Stephen Wells

### **31 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **32 DECLARATIONS OF INTEREST**

The following declarations of interest were made –

Councillor Tim Stevens declared a personal interest in relation to agenda item 19 (Bromley Mytime – Contract Options) as the Council's representative on the Bromley Mytime Board, and stated that he would not take part in this item.

Councillor Colin Smith declared a personal interest in agenda item 11 (Libraries Shared Services) as his daughter was a part time employee of the Library Service.

Councillor Peter Morgan declared a personal interest as his daughter was an employee of Kier Group.

During consideration of agenda item 6 (Budget Monitoring), Councillor John Getgood declared a personal interest as a governor of Kelsey Park Sports College.

During consideration of agenda item 19 (Bromley Mytime – Contract Options) Councillor Robert Evans declared a personal interest as his wife was a governor at Newstead Woods School.

### **33 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 22ND JUNE 2011 (EXCLUDING EXEMPT INFORMATION)**

**RESOLVED** that the minutes of the meeting held on 22<sup>nd</sup> June 2011 (excluding exempt information) be confirmed as a correct record.

**34            MATTERS ARISING**  
Report RES11048

Councillor Graham Arthur suggested that the minute summary in the report relating to the former Leasons Centre should be corrected to read "...on a dual basis for housing redevelopment or for extra care housing for older people."

**RESOLVED that the report be noted.**

**35            QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING  
THE MEETING**

No questions had been received for this meeting.

**36            BIGGIN HILL AIRPORT OLYMPIC PROPOSALS - VERBAL  
PROGRESS REPORT**

The Executive received an update on the consultation on the amended proposals from Biggin Hill Airport Limited for the 2012 Olympics. The consultation was for a five week period, ending on 29<sup>th</sup> July, and was more exhaustive than for the original proposals. It included –

- the 2,000 individuals and organisations that had previously commented;
- all residents associations;
- a news release to all the local newspapers;
- information on the Council website, on Twitter and Facebook;
- information at all libraries;
- advertising space and a public notice in the Newshopper.

As of midnight on 15<sup>th</sup> July, 665 responses had been received. Although there was more support for the new proposals than before, there was still a substantial majority against.

Members emphasised that they wanted to ensure that residents across the whole borough were able to comment, and the Leader requested that a further press release be prepared.

Councillor Colin Smith requested local unemployment figures for Biggin Hill, some information on how the proposals could provide financial benefit for the area, and how people would be conveyed from Biggin Hill to the Olympics (and in particular if this would require more helicopter movements.)

The proposals would be considered by the Executive at a special meeting on 8<sup>th</sup> August – including some public questions that had already been received. The Director of Resources confirmed that the Council was considering these proposals in its role as landlord for the airport operator, rather than as planning authority.

**37 BUDGET MONITORING 2011/12**  
Report RES11061

The Executive received the first budget monitoring position for 2011/12 primarily based on any overspends/under spends in 2010/11 that followed through into 2011/12 where no additional funding had been set aside in the 2011/12 budget. The report also highlighted any significant variations arising in this financial year based on activity up to May 2011, early warnings and carry forward requests. Members commented that more efforts should be made to match the increasing numbers of people with housing needs to empty Council properties, and requested the real figures behind the percentages for temporary accommodation and B&B placements given in paragraph 3.4 of the report. The Portfolio Holder for Children and Young People also commented that the number of locum children's social workers continued to reduce.

Councillor John Getgood raised an issue about delays in responding to a request by Kelsey Park Sports College for financial support for redundancy payments following the Government's reduction in funding for the Sports Partnership. The Director of Children and Young People Services explained the background to the current situation, and confirmed that the request would be considered once the school had submitted full information in relation to its financial surplus. A full briefing on the situation was passed to Councillor Getgood.

(During consideration of this issue Councillor John Getgood declared a personal interest as a governor of the school.)

**RESOLVED that**

- (1) The projected overspend of £475,000 forecast on the first Budget Monitoring report for 2011/12 based on information as at May 2011 is noted.**
- (2) The carry forward requests totalling £50,000 included in Appendix 2 be agreed.**
- (3) The creation of an earmarked reserve for severance costs as approved by the Executive in February 2011 and detailed in paragraph 3.10 of the report be noted.**

**38 CAPITAL PROGRAMME MONITORING - 1ST QUARTER**  
**2011/12**  
Report RES11064

The Executive received a report summarising the current position on capital expenditure and receipts following the 1st quarter of 2011/12 and seeking the Executive's approval to a revised Capital Programme. The report also

covered any detailed issues relating to the 2010/11 Capital Programme outturn, which had been reported in summary form to the June meeting.

The report included brief details of schemes that were overspent as at the end of March 2011 and a list of post-completion reviews due to be considered by Portfolio Holders during 2011/12. The Resources Portfolio Holder commented that there needed to be more accurate and disciplined forecasting, and suggested that post completion reviews should not focus too narrowly on finance, but on wider outcomes – Improvement and Efficiency Sub-Committee would have a role in assessing the overall themes.

**RESOLVED that**

- (1) The report be noted and the revised Capital Programme be agreed.**
- (2) The following amendments to the Capital Programme set out in the report be agreed:-**
  - (a) Total reduction of £16.6m over the years 2011/12 to 2014/15 to delete duplicated budgets for capitalised maintenance, modernisation and suitability works in schools and other educational establishments (see paragraph 3.2);**
  - (b) Virement of £600k in 2011/12 from capital maintenance in schools to security works (£150k), suitability/modernisation issues (£150k) and seed challenge (£300k) (see paragraph 3.3);**
  - (c) Total reduction of £12,450k over the years 2012/13 to 2014/15 to reflect reduced government support for Formula Devolved Capital (see paragraph 3.4);**
  - (d) Virement of £22k in 2011/12 from capitalised maintenance, modernisation and suitability works in schools and other educational establishments to cover the overspend on the Riverside Autistic Spectrum scheme (see paragraph 3.5);**
  - (e) Reduction of £91k in 2011/12 to reflect revised grant receivable from Transport for London in respect of various highway schemes (see paragraph 3.6);**
  - (f) Deletion of Bromley Town Centre Variable Message Signing scheme (£93k) due to non-availability of external funding (see paragraph 3.7);**
  - (g) Reduction of £90k on Bromley North Village scheme to reflect reduced TfL funding (see paragraph 3.8).**

**39 GATE REVIEW 2/3 RELOCATION OF CLEANSING FACILITIES  
TO FORMER CHARTWELL BUSINESS CENTRE, CENTRAL  
DEPOT**  
Report DRR11/070

The Executive considered a request for funding in the sum of £300,000 for enhancement works to the former Chartwell Business Centre, Central Depot on a spend to save basis, to make the building suitable for use by street cleansing services. This would enable the closure of the Beaverwood Depot. Relocating street cleansing services to the former Chartwell Business Centre produced annual savings of £142,000, and in addition there was a potential capital receipt from the sale of the Beaverwood site, although some Members commented that they would not support any exceptions to green belt policy.

It was proposed to delegate authority to the Chief Property Officer to seek and accept tenders for the project.

**RESOLVED that**

- (1) Approval be given for capital funding of £300,000 on a spend to save basis for the enhancements required to make the former Chartwell Business Centre suitable for occupation by the street cleansing services.**
- (2) The Chief Property Officer be given approval to seek and accept tenders for the project.**
- (3) Delegated authority is given to the Chief Property Officer to value engineer the project at award stage, if tenders are returned in excess of the 5% of the approved estimate.**
- (4) That delegated authority is given to the Chief Property Officer and Finance Director to accept a tender for these works as long as the tender sum can be contained within the budget.**

**40 SHORT BREAK SERVICE (RESPITE) FOR PEOPLE WITH  
LEARNING DISABILITIES**  
Report ACS11032

The Executive considered a report setting out proposals for a new integrated short break (respite) service for adults with learning disabilities to be located at 118 Widmore Road Bromley. This property had previously been used for residential learning disability services, but had been vacant for some time. The proposal involved the transfer of ownership of 118 Widmore Road from NHS Bromley to the Council and the allocation of funds from the learning disability re-provision capital programme for the purchase and refurbishment of 118 Widmore Road. Members questioned whether cheaper sites might have been looked at, and commented that ward members should have been kept more closely informed of the development of the proposals, not just through the planning application process.

The report referred to a proposed report on the part 2 agenda regarding tenders for the building works at 118 Widmore Road. This report had been withdrawn as further due diligence needed to be carried out, but in order to keep within the timetable for the project the Executive was asked to agree an additional resolution to delegate authority to award the contract.

The proposals had been scrutinised by the Adult and Community Services Policy Development and Scrutiny (PDS) Committee on 14<sup>th</sup> June and supported by both the PDS Committee and the Adult and Community Portfolio Holder

**RESOLVED that**

- (1) The proposals for the integrated short break service for people with learning disabilities be agreed.**
- (2) Subject to final agreement from NHS London, the transfer of ownership of 118 Widmore Road to London Borough of Bromley be agreed.**
- (3) The allocation of £1m from the learning disability capital fund towards the purchase and refurbishment of 118 Widmore Road be agreed and authority be given to enter into an agreement with NHS Bromley under s256 NHS Act 2006 in respect of the transfer of £885,000 as a contribution to the said costs.**
- (4) Authority be delegated in accordance with the Council's procurement rules to the Adult and Community Portfolio Holder in consultation with the Director of Resources and the Director of Adult and Community Services to award the building contract provided that the contract price for the work is within the agreed capital budget for the scheme (as approved by the Executive on 20<sup>th</sup> July 2011.)**

**41 GATEWAY REVIEW - PROCUREMENT STRATEGY FOR DOMICILIARY CARE SERVICES**

Report ACS11033

Contracts for the current domiciliary care services expired in February 2012. In accordance with requirements for Gateway reviews, the Executive considered a report seeking approval for the recommended procurement strategy for the new contracts and for interim arrangements from February to August 2012. It was confirmed that there would be no minimum guaranteed hours, so the Council would only be paying for the services that were needed.

**RESOLVED that**

- (1) The proposal to waive competitive tender requirements to continue the existing contractual arrangements for a further six months until 27<sup>th</sup> August 2012 be approved.**

**(2) Approval be given to conduct an open tender for a framework for domiciliary care services - the framework would be let for 5 years from 28<sup>th</sup> August 2012 with an option to extend for up to 2 years, the options to be exercised by the Director of Adult and Community Services in consultation with the Adult and Community Portfolio Holder.**

**42 LIBRARIES - SHARED SERVICES**  
Report DRR11/048

At the meeting of the Renewal and Recreation PDS Committee on 15 February 2011 Members had considered the report of the PDS Libraries Working Group which put forward a number of options for the future shape, structure and composition of the borough's library service. The Working Group had identified four options, and the PDS Committee had agreed to pursue further work around Option 4, which included:

- a) exploring the concept of partnership working with the London Borough of Bexley;
- b) looking at the possibility of a Trust option for Libraries;
- c) consideration of the distribution of the library branch network.

The Executive considered the latest report, including an updated schedule of consultation responses tabled at the meeting, and the views of the PDS Committee. The Leader confirmed that a letter from the Mottingham Residents Association had been received and considered.

The Leader invited the Staff Side Secretary, Glenn Kelly, to address the meeting. Mr Kelly emphasised the stress on staff and the public of five months of uncertainty, and sought a clear decision on a positive way forward. He questioned how qualified librarians could be categorised as back office staff, and how back office staff could be reduced by 50% without having an impact on the service. He sought a guarantee that there would be no compulsory redundancies, reductions in hours or library closures. He also questioned why the option of forming a trust was still being pursued, as senior managers had previously advised that it would be unviable. He remarked that libraries had already been changing into community hubs for a decade or more, and pointed out that the success of the new Orpington Library had involved substantial investment.

The Director of Renewal and Recreation summarised the consideration of this issue by the Renewal and Recreation PDS Committee on three occasions (15<sup>th</sup> February, 12<sup>th</sup> April and 5<sup>th</sup> July 2011) and by the Executive and Resources PDS Committee (on 12<sup>th</sup> July 2011). He also confirmed that following the end of the staff consultation period a letter had now been sent to all staff setting out management's responses (a summary of issues raised and management responses was tabled.) As a result of the consultation, changes had been made to assist Bromley staff in applying for jobs in the new service.

*Executive*  
*20 July 2011*

The Council would seek to minimise compulsory redundancy and consider voluntary redundancy on a case by case basis. He clarified that the qualified librarians that Mr Kelly had referred to were in back office management posts. The Director also confirmed that Bexley Council had approved the shared service proposal (subject to call-in) on 8<sup>th</sup> July 2011.

Councillor John Getgood addressed the Executive. He considered that there were still gaps in the proposals that prevented decisions being taken, that the Trust option was not viable and that local knowledge and important community services would be lost. People wanted investment in a professional service in good premises, but the proposals would lead to reduced usage which in turn would lead to more cuts.

The Portfolio Holder for Renewal and Recreation proposed that the shared service proposals should be supported, the Trust option should continue to be pursued and that he would lead a study in the next few months into what services should be provided at each library. He would look at opportunities to make efficiencies, to maximise use of each site, to introduce other appropriate uses and to introduce volunteers to the service. He confirmed that he would be looking at statistics on how many visits were made at each site.

The Members of the Executive considered these proposals in the light of the Council's need to provide substantial savings across all budgets. They repeated that it was not the intention to just close eight libraries, but it was essential to examine the service and take difficult decisions. They considered that as establishing a Trust would secure hundreds of thousands of pounds in savings from business rates each year, this should be investigated further. However, they also considered that charging for use of the People's Network should not be introduced.

**RESOLVED that**

**(1) The proposal to enter into a shared services arrangement with the London Borough of Bexley for the provision of Library services be approved.**

**(2) Further work be carried out as a matter of urgency to develop the Library Trust option.**

**(3) The Renewal and Recreation Portfolio Holder examines the services provided at each library and reports back with further proposals.**

**43            NORMAN PARK MULTI-HUB SITE**  
Report DRR11/058

The Executive considered a report providing details on proposals for the development of a multisport hub site at Norman Park. The proposal was to seek a suitable and appropriately qualified leisure investment and management company to design, construct, manage, fund manage and operate a new multi sport hub site at Norman Park, which would look to



incorporate the current athletics track and playing pitches within the park. The operator would still remain under the control of the Council.

The report had previously been considered by the Renewal and Recreation PDS Committee on 5<sup>th</sup> July 2011 and the Environment PDS Committee on 19<sup>th</sup> July 2011 – both Committees had supported the proposals. Councillor Graham Arthur confirmed that although there had been concerns ward Councillors had been kept informed of the proposals.

RESOLVED that officers continue to develop proposals for a multi hub site at Norman Park in line with the project timetable detailed within the report, and that officers bring a further report back to the Renewal and Recreation PDS Committee and Portfolio Holder, the Environment PDS Committee and Portfolio Holder, and the Executive, updating Members on the outcome of the tender process and the details of the proposals received.

#### **44 OMBUDSMAN'S REPORT** Report RES11068

An adverse report had been published by the Local Government Ombudsman containing a finding of maladministration causing injustice. Section 31 of the Local Government Act 1974 required that the report be considered by Members, and the local authority was required to notify the Ombudsman within three months of the action taken or proposed to be taken.

The report related to Mr A and the care arrangements made by the Council in respect of his father, Mr B. The Executive considered a report summarising the history of the complaint and setting out the actions taken by the Council to remedy the maladministration. The Director of Adult and community Services explained why the Council had not accepted a local settlement and assured Members that the issues raised by the Ombudsman had been addressed. The following actions were agreed –

- (i) to pay the sum of £1,000 to Mr. B and confirm that the £2,000 outstanding in respect of care home fees owing has already been written off;
- (ii) to pay the sum of £1,000 to Mr. A in recognition of his separate injustice; and
- (iii) to report to the Ombudsman within three months.

**RESOLVED that a response be sent to the Ombudsman in the form of the letter as attached to the report.**

#### **45 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

There were no other issues referred from the Executive and Resources PDS Committee.

**46 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**

**47 EXEMPT MINUTES OF THE MEETING HELD ON 22ND JUNE 2011**

The exempt minutes of the meeting held on 22<sup>nd</sup> June 2011 were confirmed.

**48 EXTENSION OF WASTE MANAGEMENT CONTRACT**  
Report ES11092

The Executive approved in principle the extension of the current Waste Management Contract with Veolia Environmental Services to March 2019.

**49 AWARD OF BUILDING CONTRACT - LEARNING AND DISABILITY RESPITE**

(This report was withdrawn.)

**50 BROMLEY MYTIME - CONTRACT OPTIONS**  
Report DRR11/049

The Executive received an update on negotiations in respect of the Council's financial contributions to Bromley Mytime and agreed variations to the agreement.

**51 CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2011/12 CAPITAL RECEIPTS**

The Executive considered a schedule of anticipated capital receipts.

Chairman

The Meeting ended at 9.09 pm.