



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Graham Walton
graham.walton@bromley.gov.uk

DIRECT LINE: 020 8461 7743

FAX: 020 8290 0608

DATE: 25 July 2014

COUNCIL

Monday 21 July 2014

APPENDIX A: QUESTIONS FROM MEMBERS OF THE PUBLIC

(Pages 3 - 10)

APPENDIX B: ORAL QUESTIONS FROM MEMBERS OF THE COUNCIL

(Pages 11 - 20)

APPENDIX C: WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

(Pages 21 - 28)

Copies of the documents referred to above can be obtained from
www.bromley.gov.uk/meetings

This page is left intentionally blank

COUNCIL MEETING

21st JULY 2014

QUESTIONS FROM MEMBERS OF THE PUBLIC

(A) Questions for Oral Reply

(1) From Alison Regester to the Portfolio Holder for Education

The New SEN Code of Practice reinforces the need for the joint commissioning of services between Education, Health and Care. Will Councillors revert to the original plan for market testing, allowing time to negotiate and decide on the lease for the Phoenix Centre and for the necessary discussions between all services?

Reply:

This Local Authority service is currently both the commissioner of a considerable number of services and provider of education services. The process of market testing will consider how the services will be best provided in the future. Whatever the outcome of the market testing, the Council will continue to work in partnership with Health Services to plan and commission services. Service delivery will need to be flexible to be able to respond to changing policies and priorities whether the provider is the Local Authority or any other agency. In the market testing it is the intention that the issue of the quality of provision being as good or better is the precursor to any discussion regarding market testing.

The issues of the lease of the Phoenix will need to be resolved regardless of who may be delivering services in the future. Consideration and decision on the options available to us is expected to be made in advance of any decision on the outcome of market testing. The market testing process will accommodate whatever decision is made.

Supplementary Question:

Can the timescale for the market testing process be extended so that there is full consultation prior to the release of any documentation whether it is written for those interested in tendering, for families currently receiving services or those involved in the delivery of them. This would ensure that the brief of the specification and the consultation questions are truly reflective of the concerns already raised, of recent statutory reforms and written in such a way that it is clear that retaining existing services is an option. This would indicate that

Bromley Council is not rushing the process, that there is no preferred outcome and that there is a strong commitment to partnership working.

Reply:

There is no question of this process being rushed in any way, it is a very long process and I would refute that there is any intention of seeking a particular outcome at this time. There is a substantial period for this market testing. I think there is ample opportunity for all those who are currently or who may wish to be providers of services to make their intentions known to the council officers and I suspect that we will have a plethora of opportunities to discuss this further and to look at the vast number of service providers who will seek to offer services within this area.

(2) From Alison Regester to the Portfolio Holder for Education

Do all Councillors feel well enough informed about the full implications of the new SEN Code of Practice, the ramifications of moving out of the Phoenix Centre and the complexity of discussions with Health to enable joined up working to continue, or do they feel that more time is needed to clarify understanding on these important issues before market testing can proceed?

Reply:

The Council will continue to work in partnership with Health Services to plan and commission services in the context of the new SEN Code of Practice which will then shape service delivery. This can take place whether the provider of services is the Local Authority or any other agency acting on behalf of the Local Authority.

No decision has been taken on the future location of the services currently delivered at the Phoenix Centre. When considering the options available to us, the continued integration of education, care and health services must be at the heart of our decision making process. There is no indication and no implication at this time that in-house provision will not be considered along with any other providers who may wish to come forward to provide services.

Supplementary Question:

When this issue was discussed at last week's Executive meeting, the chair of the meeting referred favourably to a letter which had been received by Executive Members and which highlighted some of the concerns surrounding this issue. Would it be useful for this letter together with feedback already received from interested organisations and individuals to be circulated more widely to all Councillors and PDS Committee Co-opted members so that they are fully appraised.

Reply:

I am aware of the letter that you wrote in this regard, which has been circulated to the Members of the Executive as indicated. The intention at the moment is to be very extensive in the way in which the market testing process is to go ahead. I do not at this time think that it will be necessary to widen the circulation of your letter however, parts of your letter do cover areas which are being discussed at the moment in terms of the parameters of the market testing process and I anticipate that your letter may well colour ways in which we will continue to seek the widest possible market testing process to ensure that the best services, as I indicated earlier, as good or better, are provided to SEN children in this borough in the future.

(B) Questions for Written Reply

(1) From Mrs Mary Ion to the Chairman of the Development Control Committee

CPRE London have found that the All London Green Grid is not reflected in your planning policies. Will you review the recommendations in their recent report, make a clear commitment to the implementation of the All London Green Grid, and commit to integrating the ALLG in all relevant local policies as they are renewed?

Reply:

The 'All London Green Grid' (ALGG) is supplementary planning guidance to the GLA's London Plan, which aims, for example, to conserve landscapes and increase access to open space. A report was published this month by CPRE London reviewing the implementation of the ALGG GLA in London Boroughs.

It shows that of the 32 London Boroughs 15 have not made specific reference to the ALGG in either their plans or supplementary documents.

It is acknowledged that at present no specific reference is made to the ALGG in the adopted or emerging Local Plan for Bromley.

However, the retention, protection and enhancement of the green infrastructure have always had a high profile in this Borough and are embodied in the Council's adopted policies and in the draft new Local Plan.

Whilst it is felt that the current adopted plan and Draft Policies embody all the concepts, principles and intentions of the ALGG, we further consider incorporating references to the 'All London Green Grid' in our new Local Plan.

(2) From Peter Robinson JP., Panel Member, Cray Valley East Residents Panel to the Portfolio Holder for Renewal and Recreation
(All questions stem from the Bromley Joint Strategic needs Assessment 2012)

What sports facilities are available for the young children in the Cray Valley East Ward?

Reply:

In respect to the Councils provision:

St Mary Cray Recreation Ground, has a multi-use ball court and one junior football pitch, which can be booked through the delegated football manager, the contact details are: Nick Barclay nicky.barclay@googlemail.com 07412 336251

Poverest Recreation Ground, has one junior football pitch that can be booked through the delegated managers, St Mary Cray Athletic FC, the contact details are: Gary Merrett smcfootball@live.co.uk 07826915783 / 07585 042456. The former tennis courts are used as a ball court and for basketball practice.

Although not in the Cray Valley East Ward, the local leisure centre operated by Mytime Active at the Walnuts in Orpington has a swimming pool, sports hall, fitness rooms and a soft play area. It also hosts a number of clubs who provide activities for young people such as, martial arts, trampoline, and gymnastics, and provides a wide range of children's activities such as roller discos. The centre also offers children's holiday activities and day camps, offering multi sports activities and come and try sessions.

Mytime Active also manage and operate the Orpington Golf Centre and driving range off Sandy Lane which provides activities for young people.

In addition to the Councils provision, there are a number of clubs and fitness gyms listed on the sports directory Get Active London.

(3) From Peter Robinson JP., Panel Member, Cray Valley East Residents Panel to the Portfolio Holder for Education

What youth services are available in the Cray Valley East Ward and at what time are they available for use?

Reply:

2.1. Sexual Health and Contraception services

Osbon Pharmacy:

Mon-Sat 8:30am to 6pm.
Sunday 11am-5pm

Cray Hill Chemist:

Mon-Fri 9am-6pm

Sat 9am-4pm

Ramsden estate contraception clinic: Mon 3-7.30pm

Poverest Medical Centre:

Opening Times

The reception is open:

Monday - Friday 8.00am - 6.30pm

The practice offers a limited availability of routine appointments Tuesdays from 6:30 - 8:45pm & Saturday mornings 9.30 - 11.45am.

Broomwood Surgery:

Surgery opening Hours

	Morning	Afternoon
Monday	08:00 – 12.30	13.30 - *18:00
Tuesday	08:00 – 12.30	13.30 - *18:00
Wednesday	08:00 – 12.30	13.30 - *18:00
Thursday	08:00 – 12.30	<i>closed</i>
Friday	08:00 – 12.30	13.30 - *18:00
Weekend	<i>closed</i>	<i>closed</i>

2.2. Summer programme for children in the parks – throughout August

2.3. Gypsy and Travellers project – Mon, Tues, Thurs 10-4pm, Fri by appointment only -advice on healthy lifestyles, NHS health checks, Health Visitor and named mid-wife

2.4. Cotmandene shop : Mon-Thurs 9.30 – 1 pm, 2-4 pm

Drugs and alcohol service, emotional well-being, lifestyle advice, smoking cessation

2.5. Youth Hubs:

East Hub at The Link Youth Centre, Midfield Way, St Paul's Cray, Orpington, BR5 2QL

What's on and when

Day	Time	Activity
Monday	2-5pm (drop in)	Advice and information - The Link
Monday	5.15 -7.45pm	Allotment project Yr 6 -

Day	Time	Activity
Monday	6.15 -8.45pm	The Link School years 9 + - The Duke
Tuesday	6.15 -8.45pm	School years 6-9 - The Link
Wednesday	6.15 -8.45pm	School years 9-13 - The Link
Thursday	6.15 -8.45pm	School years 6-9 - The Duke
Friday	Closed	Closed
Saturday	1.15 - 3.45pm	Open Club School years 6+ - The Link
Sunday	Closed	Closed

(4) From Peter Robinson JP., Panel Member, Cray Valley East Residents Panel to the Portfolio Holder for Care Services

The joint Strategic needs Assessment published in 2012 in conjunction with the NHS. For the Crays, adopted key performance indicators which highlighted high levels of deprivation, high levels of crime, low levels of employment and a life expectancy below the Bromley average.

The report also contained a wide range of recommendations to address these matters, what progress has been made in implementing the report recommendations, and what improvements have there been in the key performance indicators?

Reply:

The Cray Valley East is an area of relative deprivation in Bromley with the life expectancy at birth below the Bromley average.

The overarching evidence is pointing to a significant impact of circulatory disease and cancer on the difference in life expectancy at birth (which is used to measure health inequalities in a population). The relative contribution of these two diseases to the life expectancy gap is approximately 50%. In the light of that, significant work effort has been conducted on prevention and appropriate management of circulatory disease and cancer. The relevant risk factors (e.g. hypertension, diabetes and obesity) have also been identified as priorities within the Health and Wellbeing Strategy.

Life expectancy

There has been a significant improvement in the life expectancy at birth in Cray Valley East between 2005-2009 and 2006-2010:

	2005-2009	2006-2010
Male	77.6	78.5
Female	81.1	83.0

The above improvement in life expectancy is partially due to the improvements made in the mortality of circulatory disease and cancer, both of which have decreased.

These good outcomes are the result of many years of concentrated efforts on prevention and good management of the two diseases. For example:

Hypertension

This is one of the most important risk factors for circulatory disease which has been increasing and as such has been identified as a priority within the Health and Wellbeing strategy. A detailed action plan was developed and implemented for early detection and tighter management of hypertension in primary care. This year we have seen a reduction in the rate of hypertension.

Smoking

Smoking is another key risk factor for both circulatory disease and cancer. Our smoking cessation service has targeted areas with high smoking rates with great success – the highest number of people setting their quit date has been in Cray Valley East.

NHS Health checks

This is a Public Health programme that identifies people at high risk of circulatory disease and offers appropriate management. The Public Health nurses have conducted special outreach programmes in the Cray Valley with excellent results. The uptake of the NHS health checks has been above the target in Cray Valley East last year.

(5) From Patricia Trembath, Crystal Palace Community Development Trust to the Portfolio Holder for Resources

Anerley Town Hall: Will the Council ask the officers to share all building condition reports/surveys that have been carried out with the Board of CPCDT, so that the Trust and the Council can work together to potentially secure funding from sources not otherwise available to the Council as a statutory body?

Reply:

The only report that the Council has was provided by Calford Seadon, structural engineers, dated 28th February 2014. This reported on the condition of the building in the area which was going to be underpinned in January 2014. It reported that there were no immediate stability issues, and, subject to continued monitoring, the underpinning could be postponed until at least next year.

This report was commissioned by and for the purposes of the Council. On my instruction officers have asked Calford Seadon if it is prepared to share the report and I am happy to advise that they are as long as the Trust confirms that it understands that the report was provided specifically for use by the Council and undertakes that it will neither rely on the report nor seek any redress

against Calford Seadon should the Trust, despite that undertaking, directly or indirectly seek to rely on any aspect of the report. The Trust has confirmed that it accepts the report on this basis and a copy of the report has been sent to the Trust.

(6) From Patricia Trembath, Crystal Palace Community Development Trust, to the Portfolio Holder for Resources

Will the Council also confirm that underpinning will be carried out at Anerley Town Hall as scheduled in January/February 2015?

Reply:

The Council has commissioned a full condition survey of Anerley Town Hall to update and properly inform the Council about its existing condition and the extent of the maintenance back log. This survey will be undertaken shortly and the report will be provided to the Council by 8th August. A full report on Anerley Town Hall will then be put to the Executive. One of the issues to be considered will be the underpinning of the front wall of the building.

COUNCIL MEETING

21st July 2014

ORAL QUESTIONS FROM MEMBERS OF THE COUNCIL

1. From Councillor Nicholas Bennett to the Portfolio Holder for the Environment

If he will make a statement on the various recent suggestions for improved public transport links in the borough?

Reply:

It is possibly a little premature to make an extensive presentation tonight. Members will be aware of recent developments around the DLR into Bromley where perhaps TfL have suggested that they are rather keener to introduce another scheme, which will be strange if they carry it through as it will be against the Mayor for London's manifesto commitments in 2012 and we have reminded him of that. What we are looking for and what we are doing with TfL is possibly an extension of Overground Rail from through New Cross into Bromley via a route to be decided. That could include possibly running the Bakerloo Line down part of the way and spurring off to Bromley from there. What we are not supportive of and have told TfL repeatedly is their intention to push the Bakerloo line all the way down to Hayes which would deny a lot of people of the south-western part of the Borough the opportunity to have direct access to Cannon Street and London Bridge. I will be very happy to present to you at the next Council meeting. One of the things we are going to be discussing at the Public Transport Liaison Committee later this week is the potential disruption to the Thameslink services that run through Beckenham Junction amongst other places. There is a suggestion that places like Sutton might be going to get promoted at our expense in years to come and I think it is absolutely essential that we bottom this out sooner rather than later. Other priorities that we will be speaking to senior figures at the GLA about in the coming weeks are the absolute necessity to do something about transport at Crystal Palace if our vision for the new Crystal Palace is to come to fruition because it is self-evident that something would have to happen to the transport up there. For further details right now I would refer colleagues to Environment PDS Committee report ES14/048 which contains further detail, and I would be happy to update colleagues after the Public Transport Liaison meeting on Wednesday, either direct or at the next Council meeting.

Supplementary Question:

I have read the Environment Committee report. Is he not surprised at the Mayor's decision? Our extension of the DLR when we first envisaged it was using Network Rail lines from Lewisham to Grove Park and Bromley North and this would be a fairly cheap option. What we got from the Mayor was a different option for the DLR, completely new with tunnels etc, which was going to cost a billion pounds. It was no wonder that the business case did not stack up when you pick a different route rather than the simple solution. Given that, I do believe we ought to be pushing the Overground route from New Cross to Bromley North because that one could be done very cheaply in comparison with all the other schemes, it could be done in the next

three or four years and it would open up Bromley to the whole of the East End and Canary Wharf and onward journeys from there.

Reply:

I fundamentally agree. The jewel in the crown is to get the DLR into Bromley North and ideally Bromley South, if we can get it. It looks as if we might not; however, that was an election manifesto promise and we are reminding people in the right places of that. If we cannot get the jewel in the crown, the Rolls Royce, then, absolutely, if we have to settle for the Ford Focus of the Overground coming in via New Cross then we should take it as that is no bad consolation prize. We do have to start bottoming this out as the consultation has been rolling for two years without any apparent desire at TfL to do anything other than to run the Bakerloo Line down to Hayes at twice the price of the DLR which we do want, as opposed to the Bakerloo Line, which we do not.

2. From Councillor David Jefferys to the Portfolio Holder for Education

To ask the Portfolio Holder for Education whether with the increasing use and reliance by external groups on parent/community preference views, he will set out the criteria his department uses to assess the conduct, reliability, integrity and veracity of such surveys and derived reports. Will he also set out and publish the guidance his department issues to organisations on the conduct of preference surveys?

Reply:

The Education Department does not currently issue guidance to organisations on the conduct of preference surveys, in fact in many cases it would be inappropriate to do so. Organisations other than the Council will be subject to their own regulations and are therefore responsible for ensuring that the conduct, reliability, integrity and veracity of their surveys is of the highest possible professional standards.

Supplementary Question:

I think we are seeing an increasing number of these questionnaires being put forward and sometimes we are seeing the wrong questions asked of the wrong people and then the wrong analysis. In the light of that, could I ask him to look again at this. There are a range of international standards, there are professional bodies, but if there is a material impact on policy can I ask that his officers do give some consideration to the particular questionnaires so that we are informed, and the Committees are, as to their analysis and the reliability of that data.

Reply:

You are right – we are seeing larger and increased numbers of such surveys, they are often more extensive and they do impinge on the education service at this time. The process by which surveys are carried out is governed by the audience to which that survey is being directed. In the case of many education preference surveys that audience is the Secretary of State, not this Council. Under those circumstances it is difficult to achieve any kind of assurance that the right questions are being asked of the right people. I would agree with you that it would be much more useful if those surveys were published and made public, not necessarily just to this Council, and available on a website. Information on questions asked and the kinds of response

that they are achieving would be useful and I think there is a broader audience than the Secretary of State.

3. From Cllr Kathy Bance to the Portfolio Holder for Education

What proportion of the increased 2014/15 Dedicated Schools' Grant will be distributed to schools?

Reply:

Although not yet confirmed as it is still in consultation, DfE has announced a potential £19.1m of additional funding as DSG for Bromley that will come into effect in the 2015/16 financial year. All of this funding is expected to go to schools as per the DfE guidance. Recommendations as to how this will be distributed will come to Members for decision shortly.

Supplementary Question:

Councillor Bance pointed out that the answers to this question and her second question (number 8 below) had been put together and requested written replies to both. Her supplementary for this part was - How does that compare to previous years?

Reply:

The amount that is kept in central contingency is defined by the DfE. We keep that sum to provide centralised services that I have just described, in this case the application of health and safety and security issues to primary schools.

The detail in terms of the actual proportion of what is kept centrally and distributed to schools is defined by the Department. I will get you a number tomorrow and ensure that you get a written answer to these questions.

4. From Cllr Kevin Brooks to the Portfolio Holder for Public Protection and Safety

The Environment Agency has now estimated the cost of cleaning up the Waste4Fuel site to be between £2 and £2.5 million. Neither Waste4Fuel nor the landowner has sufficient assets to meet this liability. Is it possible that liability for the clean-up will fall back onto the London Borough of Bromley?

Reply:

I can confirm that there is no legal liability upon the London Borough of Bromley Council in this regard.

Supplementary Question:

It seems that everyone is trying to deny responsibility – the Environment Agency and the Council. I went to meet some residents there – it is an absolute eyesore and it does smell. This is rumbling on and on - does the Portfolio Holder think that anything could have been done up to now to make this much less difficult for the residents.

Reply:

I have just said that it is nothing to do with Bromley Council – it is all to do with the Environment Agency. They are the people who are properly in charge, they have licensed this site and it is they and our MPs that we have been working solidly with to try and deal with this matter. Because of this group's good work we now appear to be about to see the back of these particular operators and it would have been good if you had congratulated us and our partners for the work that has been going on rather than choosing to mislead people, trying to suggest that we are not doing enough about it. We are working very hard behind the scenes, it is a matter for the Environment Agency and indeed later this week Councillor Smith and I will be going to a meeting with our MPs at Westminster with the Environment Agency to carry on dealing with this matter. It is something we will be doing, we have been doing. It is nothing to do with the Council, it is all to do with the Environment Agency. It is up to them, they license the site - it is a privately owned site, nothing to do with us whatsoever.

5. From Cllr Peter Fookes to the Portfolio Holder for the Environment

What plans are there to improve public transport at Crystal Palace pending the rebuilding of the Crystal Palace itself?

Reply:

It remains an ambition of this Administration to see Tramlink extended to Crystal Palace at some future point in time as and when Mayoral finances permit.

Significant improvement to the public transport infrastructure locally is self-evidently going to be a pre-requisite if our vision for a rebuilt Palace is to come to fruition.

6. From Cllr Tony Owen to the Portfolio Holder for Public Protection and Safety

What is the borough and police policy following the drug reclassification of khat?

Reply:

On the 24th June 2014, khat was reclassified as a Class C drug under the Misuse of Drugs Act 1971 and as such its control is a matter for the police. Khat is a herbal stimulant grown in east African countries where it has historically been used for recreational purposes in social settings. In the UK it is mostly used by older members of communities such as Somalis, Yemenis, Ethiopians and Kenyans. It is widely used across a number of London boroughs. Historically in Bromley, Penge has been known for its ready availability of Khat in green grocers and the use of Khat in cafes largely frequented by the Somali community.

The Metropolitan Police have announced that proactive enforcement is not proportionate but any finds will be dealt with by officers on a case-by-case basis. The policing response to possession for personal use will be sensitive, with the enforcement model as follows:

- A khat warning to be issued on the first occasion an individual is caught.

- On the second occasion if appropriate a fixed penalty notice will be issued for a £60 fine.
- Further possession offences: Arrest for possession of a controlled Class C drug will follow.

Police Officers who come into contact with users are using the opportunity to educate them about the classification, with users signposted to support services from local Drug and Alcohol Teams (DAATs), if appropriate. The Police have met senior members of the Somali community in Penge and had meetings with them and they are well aware of what is happening.

The importation, supply and distribution of khat will be dealt with far more severely. For example the maximum punishment for importation of a Class C Drug is 14 years' imprisonment.

The impact of police enforcement in the MPS will be reviewed after one, three, six and twelve months when each borough will be required to review stop and search khat related interventions, incidents of anti-social behaviour, domestic violence, community tension and public confidence in the Police.

Supplementary Question:

Are we not on dangerous ground when the Police decide when and if they will enforce the law?

Reply:

Unfortunately, enforcing the law is all about what the Police decide in consultation with the Home Office it is nothing to do with us. They have taken the decision to sensitively handle this issue. I know that this is a sensitive issue and I think that they are doing the right thing, but I have asked the Borough Commander to ensure that every now and then someone is stopped in the Borough and that we send the message out that if it is a banned drug then we will not tolerate its use any more.

7. From Councillor Nicholas Bennett to the Portfolio Holder for Resources

When was the Section 106 agreement made Asprey Homes with regard to the development on the Blue Circle site, what was the agreed sum, what was it proposed that the money be spent on, how much has been received to date and if he will give the reasons given for any shortfall in the sum received?

Reply:

There is a lengthy planning history on this site which was granted planning permission on appeal, this reply is a summary. The section 106 agreement contained a number of benefits including the provision of social housing and provision of land for a doctor's surgery. The agreement also contained provision for a number of targeted financial contributions, the most significant being a joint use education payment to be calculated in accordance with the agreement. After making an allowance for the fact that the affordable housing elements of the development were developed for extra care housing, which did not give rise to an educational payment, the initial agreed sum for the relevant phase of development was £754,593. After a formal mediation process this was reduced to £500,000 on viability grounds. This is

due to be paid in instalments. The sum due to date, £378,000 has been received. The further £122,000 is due by the end of July 2014. The Executive Committee on 2nd April 2014 resolved that £250,000 of the contribution is to be used to support the expansion of Princes Plain Primary School by at least 30 pupils per annum. The remainder will be used in accordance with the purposes provided by the section 106 agreement.

Supplementary Question:

Councillor Bennett declared, as the school was mentioned, that he was a governor of Princes Plan Primary School.

The original sum to be paid was £734,000. The company claimed that because of changes in the housing market that it was no longer viable for them to pay that sum and they have negotiated £500,000. Given the state of the housing market now, does the Portfolio Holder believe that we ought to revisit this matter on any future development to ensure that we get value for money, particularly if it is this company who I believe own a company plane and a company Ferrari?

Reply:

This was a formal mediation process - clearly it looked to the viability of this site at that time and gave a ruling, and that was £500,000. It would be nice to think that we could retrospectively go back – we cannot do that but we will remember them for the future.

8. From Cllr Kathy Bance to the Portfolio Holder for Education

Why was Dedicated Schools' Budget underspent by £1.285M for 2013/14 and why was this money not spent on schools?

Reply:

The £1.285m is the current projected underspend on DSG for 2014/15 in the centrally retained element of the schools budget. This is due to lower than expected costs in SEN Placements and support costs and some underspends in early years funding to private and voluntary providers. Any underspend (or overspend) at any given year end is carried forward in to the next financial year and dealt with as part of the budgeting process. Funding can be given to schools or kept centrally for particular projects. One such project that is currently being envisaged is in regards to HSE and security issues at many primary schools which need to be upgraded and will be addressed using a large portion of the underspend you have just identified. This funding could not be given to schools in year due to funding restrictions set out by DfE, and as always, it would be the Council's intention to see this spent for the benefit of children.

Supplementary Question:

Can the Council confirm that the DSG underspend of £1.25m in 2013/14 will be spent on schools next year?

Reply:

It is always the intention to ensure that any underspend is directed to projects directly related to schools' needs and there are a number of projects currently being looked

at that will address any underspend at the end of this year and to ensure that there is no underspend in 2015/16 relating to the £19.1m that has been announced, though not confirmed.

9. From Councillor Peter Fookes to the Portfolio Holder for the Environment

What plans are there to undertake a deep clean of the roads that the contractors are not able to access properly in the north of the borough?

Reply:

There is already an enhanced cleansing programme for the 239 streets within the Borough assessed as being the most difficult to access due to heavily parked vehicles.

10. From Councillor Tony Owen to the Portfolio Holder for Care Services

What knowledge does LBB have of Home Office accommodation in the borough for asylum seekers?

Reply:

To the best of our knowledge there is no home office accommodation in the borough for asylum seekers.

Supplementary Question:

How can we plan in this Borough when Home Office Asylum cases suddenly become Bromley homeless cases when they grant asylum and then evict their tenants. Without knowing how many properties they have got we have got no idea what our problem is and how to plan for it.

Reply:

I can only say that we will keep an eye on the matter of asylum seekers in Bromley.

11. From Councillor Nicholas Bennett to the Portfolio Holder for Renewal and Recreation

If he will make a statement on the future of the West Wickham Leisure Centre?

Reply:

We have a contract with Mytime to operate West Wickham Leisure Centre and many other facilities around the borough. They recently approached us about a refurbishment of the dry-side of the centre. We discussed this and thought that there was no point in doing that if it turned out that the Council had to do some major structural work. We then did a condition survey which we are now evaluating and we will be discussing this in more detail with Mytime.

Meanwhile, Mytime have now provided the Council with draft heads of terms with regard to the future operation of all the Council's leisure facilities. Their contract currently ends in 2024 but there is the possibility of mutually agreeing something different if it saves the Council Tax payer some money. This will probably involve the West Wickham Leisure Centre in terms of either redevelopment or refurbishment.

That is in its early stages - I will be consulting with all interested parties and Members once I have more information. Prior to a response going to Mytime with regard to their draft heads of terms, a report will be taken to the meeting of the Executive on the 10th September setting out the Council's position.

Supplementary Question:

Is he aware that at the moment the plan is to spend approaching £1m on repairing the building which is in a poor state of repair? Would it not be more sensible to look at the possibility of having a joint library/swimming pool on the site, perhaps with some flats as well, along the successful model of Biggin Hill.

Reply:

I congratulate Councillor Bennett for reading my mind.

12. From Councillor Peter Fookes to the Portfolio Holder for Care Services

What proposals has he got to increase the amount of affordable housing in this borough?

Reply:

The Council has the 3 following key objectives to facilitate the provision of affordable housing:

- Working with housing association partners to secure external capital funding from Government agencies for the delivery of new developments that best reflect local housing requirements
- Providing gap-funding to housing associations to enable the delivery of new affordable housing and the retention of existing affordable supply that they may be seeking to dispose of
- Ensuring that the Council's local planning policies are formulated and implemented to maximise affordable housing provision in line with policy requirements and reflect the tenure and size of affordable housing sought to meet statutory duties.

Regular reports are provided to the PDS committee setting out progress regarding the supply of accommodation.

13. From Councillor Tony Owen to the Chairman of the Development Control Committee

What effect do you see permitted development orders having on LBB?

Reply:

There is a wide range of permitted development set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The current version includes 43 different parts, many of which have been added by amendments over the last 19 years. Many cover development such as bus shelters and TV aerials, or changes of use from Houses in Multiple Occupation to single dwelling and have little impact. Several parts, however, allow development which has a much greater

impact and some permit development which would be refused planning permission under planning policies were it to be subject of an application.

More recent parts which allow development that could conflict with existing policy include:

Part 1 Class A – Householder permitted development - May 2013 amendment to allow up to 6 or 8 metres for single storey rear extensions subject to prior approval. Could conflict with residential amenity policies and green belt policy.

Part 3 Class J – Change of use from office to residential – May 2013. General concerns would be lack of affordable housing requirement, no contributions to healthcare or education and loss of employment floor space.

Part 3 Class M – Change of use from agricultural to shop, café, office, hotel and other commercial uses (added May 2013); Class MA change from agricultural to school or nursery (added April 2014); and Class MB change from agricultural to residential (added April 2014). This could conflict with green belt policy and cause harm to rural environment.

It is difficult to gauge specifically the longer term impact these newer parts will have on the Borough, but in particular there are strategic planning issues that could arise related to the loss of employment floor space, impact on town centre economy and lack of infrastructure contributions from larger office to residential schemes.

Supplementary Question:

Will the Chairman take the opportunity to lobby the new Minister, rather than the stubborn one we used to have, and make localism become real rather than a pretend thing.

Reply:

I am happy to take that forward on behalf of all of us.

Additional Supplementary Question:

In relation to our Local Plan, would the Chairman agree that where necessary we should look at Article 4 directions and changes to our Local Plan to stop unwarranted development occurring where we feel this is important.

Reply:

Where appropriate we can look at Article 4 directions provided that this does not make our Local Plan unacceptable.

14. From Councillor David Livett to the Portfolio Holder for Public Protection and Safety

Councillors will be well aware, not least from the reporting in television, radio, national and local press, of the appalling state of the Waste4Fuel site and of the failure of the recent court action brought by the Environment Agency. Will the Portfolio Holder confirm that the Council will use all the powers at its disposal to bring the nuisance that arises from the gross mismanagement of the activities of

Waste4Fuel to the earliest possible end and will he set out what actions are being taken by the Council and other agencies to stop the suffering of Cray Valley residents?

Reply:

I can confirm that this Council, assisted by a key local Residents Association, the London Fire Brigade, James Cleverly MLA, Bob Neil, Jo Johnson and James Brokenshire, MP have been doing precisely as you request for many months.

Our actions to date have prompted the involvement of a Minister of State, seen questions raised on the floor of the House of Commons and more recently a High Court Action served against the site's rogue operators by the Environment Agency.

As recently as earlier today, I have been made aware that Waste4Fuel have now announced their abandonment of the site and I have little doubt that the pressure we have exerted has played a significant part in that development.

We shall now be pressing the Environment Agency to hold urgent discussions with the relevant Landowner who now holds responsibility for the site's appearance and cost of clearance.

COUNCIL MEETING

21st July 2014

WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

1. From Councillor Nicholas Bennett to the Portfolio Holder for Resources

When was the lease to Citygate Church agreed for The Studio, what were the principle terms of the lease and what steps have been taken to bring the building back into use for the community?

Reply:

1. The Agreement for Lease with Citygate Church for 28 Beckenham Road Beckenham was entered into on 3rd November 2011.

2. The terms of the Agreement for Lease are private contractual matters between the Council and Citygate Church and is therefore Exempt Information not for publication.

3. Citygate initially progressed the refurbishment of the property very well, but activity on site has been limited since October 2013. The works are substantially complete and to a good standard, and the main outstanding works include finishing the toilets, floor coverings, external window repair and decoration (to commence 1st August), installing the new boilers, reception desk area and various fixtures and fittings. Construction of the external lift is also outstanding, but is not part of the agreed refurbishment works, and this will follow when funding is available. Officers continue to monitor the situation.

A full reply including the Exempt Information is being sent to Councillor Bennett.

2. From Councillor Nicholas Bennett to the Leader of the Council

What is the current situation regarding the timetable for the project to build a new Crystal Palace and to improve the park?

Reply:

The timetable for the project to build a new Crystal Palace and to improve the Park is subject to on-going discussions with Zhongrong International (Group) Ltd. in China.

I wrote to Mr. Ni Zhaoxing, Chairman of Zhongrong International (Group) Ltd., on 9th July expressing the Council's continuing support for the proposal to rebuild the Palace and refurbish the Park. In my letter I encouraged him to bring forward his plans for a land deal with the Council together with a draft Business Plan. I have indicated to Mr. Ni that the draft Business Plan should be the subject of public consultation.

The Mayor of London, Mr. Boris Johnson, and I have always understood that bringing forward such a proposal would be a complex matter. This is the reason the Council

agreed to grant the Exclusivity Agreement to Zhongrong International (Group) Ltd., which covers the period to February 2015.

Time scales going forward will be clarified, I hope, in Mr. Ni’s response to my letter, and I will of course keep Members informed of any developments.

3. From Councillor Nicholas Bennett to the Portfolio Holder for Education

What is the amount and percentage of the special education needs budget which is spent on provision in the private sector and if he will give examples of the services already purchased from that sector?

Reply:

£17.6m (62.8%) of the total gross controllable budget for SEN & Inclusion is spent on private sector provision.

This is made up as follows:

Independent schools	8,951,530
Transport providers	3,911,150
Independent FE providers	3,394,790
Alternative provision	753,000
Bromley Healthcare CIC	303,320
Pre-school providers	225,700
Consultancy etc	64,570
	17,604,060

Of the SEN budgets not delegated to schools (£13,613,730) in 14/15 -

We are estimating £4,944,848 of the SEN budgets will be spent in the 14/15 financial year on Independent Day provision for pupils with statements or Education, Health and Care Plans.

We are estimating £3,204,205 of the SEN budgets will be spent in the 14/15 financial year on Independent Boarding provision for pupils with statements of special educational needs or Education, Health and Care Plans.

This represents 59.8% of non- delegated SEN budgets. These pupils are our most complex and challenging children and students for whom mainstream placement within the borough has proved unsuitable.

Independent day provision such as Browns and Riverston schools are used to place pupils where the LA has no suitable in house provision to meet assessed needs. Browns is a specialist school which offers provision for children and young people who have a diagnosis of Autistic Spectrum Disorder(ASD) who are cognitively able but who cannot manage the social demands of a large mainstream school. They require small group teaching in order to manage their anxiety levels and resulting challenging behaviour.

Many of the Bromley pupils placed there have had their mainstream placement break down and have been out of school until placed successfully at Browns.

Riverston school is also an independent day school but has a wider remit than Browns. It accepts pupils who have severe dyslexia and mental health issues in addition to those with ASD. Again these young people are relatively able so would not be appropriately placed in our complex needs units with pupils who have severe learning difficulties.

The SEN Service looks very carefully at external placement and would only use alternative provision such as these when the provision within local schools is totally inappropriate. Cost effectiveness is also always considered.

4. From Councillor David Jefferys to the Portfolio Holder for Education and the Leader of the Council

To ask the Portfolio Holder for Education and the Leader of the Council to publish the full details of the business case, including all working assumptions, on the decision to allow the Harris Foundation to lease the Kingswood House site on a "pepper corn rent", and to provide the market value of the site at date the rental agreement was signed.

Reply:

The business case for disposing of Kingswood House was based on 4 factors:

- the local demand for school places and the Council's statutory duty to meet this demand;
- the cost to the Council of opening a new 2 Form Entry Primary School;
- the time it would take the Council to establish a new school;
- and the savings to the Council of a Free School providing these places.

1. Demand for places

The Kingswood site is in Shortlands ward, part of our primary planning area 3. This area borders Bromley Town, within primary planning area 4. Although according to GLA projections there is a small surplus of places in planning area 3, there is a shortfall of places equivalent to 2.5FE in 2013/14 in planning area 4 projected to rise to 4.5 FE by 2024. Based on the projections and the planned regeneration of the town centre there was a demonstrated need for more primary school provision in this area. This was originally identified in the pupil place planning work of the Members' School Place Working Party, reported to the Education PDS in November 2012 and set out again subsequently in September 2013.

2. Potential Cost to the Council

It was estimated that if the Council were to meet this demand by permanently expanding existing schools the cost would be in the order of £2-4 million. However, locally there was not capacity within the existing school estate to provide this demand through the permanent expansion of local schools. The Basic Need Programme Update reported to the Education PDS in March 2013 gave a good

idea of the typical costs of expansion with a 1FE expansion at Parish CE primary school costed at £3.2m, and one FE expansion at Keston (now on hold) at £2.3m. On this basis the assumption was made that it would cost in the region of £4 to £8 million to build a new two form entry school once a site had been identified and acquired.

3. The time it would take the Council to establish a new school

As part of the business case the time it would take the Council to establish a new school was also considered. For the Council to establish a new school a statutory process would need to be undertaken which would include holding a completion to identify a provider to run the new academy. This is because the new 'presumption' is that any new school will be an academy/Free School and statute requires the LA to seek proposals to establish an academy/Free School in the first instance where it has identified a need for a new school. It was estimated that this process would take at least a year and this would make it unlikely that any new school could have been established through this process before September 2015 which would have failed to address the projected demand for additional places in September 2014.

4. The cost and time savings to the Council of a Free School providing additional places

The original business case for leasing the site to Harris Federation on a peppercorn rent was predicated on an estimated loss of a capital receipt of £2 million, based on a potential net gain to the Council in the range of £2m-6m when compared with the Council itself acquiring and developing a site, excluding any consideration of rateable values or new homes bonus.

The Kingswood site was assessed at a value of £3,150,000 when applying for Secretary of State Consent for disposal. Set against the potential cost to the Council of funding a new two form entry school this generates savings of between £1-5million. When the decision was taken by Council on 1 July 2013 to lease the site to Harris the Council also had insufficient Basic Need Capital Grant available to fund a new 2FE primary school in Bromley.

There were also significant time benefits to the Free School Option. The Harris Federation has submitted a bid to open a Free School and, if successful, it was understood that this could open for September 2014. The Harris Federation would also be able to access specific DfE capital funding for the establishment of a Free School that would not be available to the local authority.

5. From Councillor David Jefferys to the Portfolio Holder for Education

To ask the Portfolio Holder for Education if he will provide a full chronology of the discussions over the Free School in Shortlands Ward, listing all the meetings he and officers have held with the EFA, DfE and the Harris Foundation with dates up to the 14th of July 2014.

Reply:

Regrettably, it has not been possible to provide the level of detail required within the timescale, but it is hoped the information can be made available to you as soon as possible.

6. From Cllr Ian Dunn to the Portfolio Holder for Resources

When the sale of the lease of the toilets on Elmers End Green was announced last year, there was an expectation that completion would take place in around six weeks. Completion has still not happened. Can the Portfolio Holder explain why this leasehold sale has been delayed, and when he expects completion to be achieved?

Reply:

The toilets at Elmers End were advertised for sale freehold and purchasers were advised that exchange of contracts for the sale would be expected within six weeks. Once the offers were received there was considerable lobbying from local groups who were opposed to the sale of the freehold interest. The offers were reported for pre-decision scrutiny to the Executive and Resources PDS Committee on 10th October 2013. The Portfolio Holder subsequently decided that a long lease should be sold. It was therefore, necessary to advise the highest bidder of this change to establish whether he still wished to proceed. Initially he confirmed that he would take a long lease, and the Resources Portfolio Holder decided on 20th November to accept his offer. However, on 18th December he advised that he no longer wished to purchase. The joint highest bidder was contacted and he confirmed that he wished to proceed. The long lease was completed on 25th April 2014.

7. From Councillor Peter Fookes to the Chairman of Development Control Committee

When will enforcement action be taken against 81 High Street, Penge as this process has been going on for 7 years?

Reply:

81 High Street, Penge. This matter is still unresolved as the previous prosecution action against the breach of planning control has now been withdrawn by the council because a planning consent was approved on the 9th September 2013. Our ref: DC/12/03299/FULL1 for the two single storey rear extension and elevation changes at rear PART RETROSPECTIVE APPLICATION.

Enforcement action was held in abeyance pending the outcome of a subsequent planning application our ref: DC13/03723/Full1. This application was recently refused on the 22nd May 2014 for the ground floor elevation alterations, rear extension at first and second floor and conversion to form 1 bedroom maisonette.

We have been given information from contacting the applicant that the above refused application dated 22nd May 2014 will be the subject of an appeal to the Secretary of State and that this has been lodged with the Inspectorate.

Further Enforcement action will be instigated one the Appeal has been determined.

8. From Councillor Peter Fookes to the Chairman of Development Control Committee

How many properties in the borough are there where enforcement action notices remain outstanding?

Reply:

We currently have 275 Notices outstanding which also include Planning Contravention Notices issued. The above figure is in relation to the notices issued but some properties may have more than one notice issued against the land.

9. From Councillor Peter Fookes to the Portfolio Holder for Resources

When will action be taken to bring the former Park Keepers Lodge in Penge Recreation Ground back into action as this has been going on for the best part of 15 years?

Reply:

We are aware that the owner, has taken a very long time to renovate his property and has spent a great deal in restoring it to an original condition. He has completed the renovation to a very high standard and is finishing off some internal decoration. He has kept us informed of his actions and allowed periodic access. As a result of the painstaking refurbishment he is very particular about who he is prepared to let the property to.

Members have agreed a rating system to determine those properties that justify consideration for Compulsory Purchase or an Empty Dwelling Management Order and this property does not meet the criteria for such action. As the property is also in good repair and secure there is very limited pressure that can be applied. We will however continue to liaise with him and try to progress completion and occupation.

The owner has recently confirmed that he would be happy to show any interested Members around the property should they wish to see the standard of the refurbishment.

10. From Councillor Simon Fawthrop to the Chairman of the Development Control Committee (to be asked at every Council Meeting)

What pre-application meetings have taken place since the last full Council Meeting between Council Officers and potential planning applicants? Can these be listed as follows:-

The name of the potential applicant, the site address being considered.

Reply:

Between 20th February 2014 and 15th July 2014 the Major Developments Team have had 13 non-householder pre-application meetings.

Between 20th February 2014 and 15th July 2014 the Non-Major Developments Team have had 78 householder pre-application meetings and 50 non-householder pre-application meetings.

Details of the individual applicants and sites at present is exempt information and not disclosable in respect to a Council Question.

11. From Councillor David Livett to the Portfolio Holder for Renewal and Recreation

The Council has identified a loss of income as a direct result of a directive on land search fees. What income losses or increases in costs has the Council incurred since 1 April 2013 as a result of changes driven by EU directives and what is the annual financial impact of those changes?

Reply:

In common with other Local Land Charge Authorities, Bromley used to charge a fee for a personal search of the local land charges register.

The Government revoked that fee by amending the Local Land Charge Rules with effect from 17th August 2010. This was due to their incompatibility with the Environmental Information Regulations which were themselves derived from the European Council Directive 2003/4/CE on public access to environmental information.

As these charges were stopped in 2010, we should be including a proviso that these are estimates only and the figure for 2013/2014 is £72000.

This page is left intentionally blank