

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the Meeting of the
Council of the Borough
held at 7.00 pm on 13 October 2014

Present:

**The Worshipful the Mayor
Councillor Julian Benington**

**The Deputy Mayor
Councillor Kate Lymer**

Councillors

Vanessa Allen
Graham Arthur
Douglas Auld
Teresa Ball
Kathy Bance MBE
Nicholas Bennett J.P.
Eric Bosshard
Kim Botting
Katy Boughey
Kevin Brooks
Lydia Buttinger
Stephen Carr
David Cartwright
Alan Collins
Mary Cooke
Ian Dunn
Nicky Dykes
Judi Ellis
Robert Evans

Simon Fawthrop
Peter Fookes
Peter Fortune
Hannah Gray
Ellie Harmer
Will Harmer
Samaris Huntington-
Thresher
David Jefferys
Charles Joel
David Livett
Russell Mellor
Alexa Michael
Peter Morgan
Terence Nathan
Keith Onslow
Tony Owen
Angela Page
Ian F. Payne

Sarah Phillips
Tom Philpott
Chris Pierce
Neil Reddin FCCA
Catherine Rideout
Charles Rideout
Michael Rutherford
Colin Smith
Diane Smith
Melanie Stevens
Tim Stevens
Michael Tickner
Pauline Tunnicliffe
Michael Turner
Stephen Wells
Angela Wilkins

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Julian Benington

34 Resolution of Thanks to the Past Mayor's Chaplain and the Past Mayor

Honorary Alderman Ernest Noad presented a Certificate and Medal to Reverend Morag Finch for her service as Mayor's Chaplain in 2013/14.

The Mayor presented Honorary Alderman Ernest Noad with a certificate commemorating his year as Mayor in 2013/14 and a certificate from the London Borough of Croydon in recognition of his twelve years of service as a Councillor there.

35 Apologies for absence

Apologies for absence were received from Councillors Ruth Bennett, Peter Dean, William Huntington-Thresher, Richard Scoates and Richard Williams. Apologies for lateness were received from Councillor David Jefferys.

36 Declarations of Interest

There were no declarations of interest.

37 To confirm the Minutes of the meeting of the Council held on 21st July 2014

Councillor Judi Ellis reported that, in relation to minute 17, Declarations of Interest, her son was actually Head Teacher at Biggin Hill Primary School, not a teacher at Langley Park.

Subject to this correction, the minutes of the meeting held on 21st July 2014 were confirmed.

38 Petition
Report CSD14125

A petition with over 500 signatures was received from Bromley Income Equality Group calling on the Council to create a "Fairness Commission" for Bromley, to pay its own lowest paid workers the London Living Wage and to close the pay gap among its own staff. Dr John Courtneidge addressed the Council in support of the petition.

A motion to take no further action on the petition was moved by Councillor Graham Arthur and seconded by Councillor Colin Smith. This motion was **CARRIED**.

39 Questions from members of the public where notice has been given.

No questions had been received.

40 Oral questions from Members of the Council where notice has been given.

Fourteen oral questions had been received. Eleven were dealt with at the meeting; three had not been dealt with at the end of the time allowed and so would receive a written reply. In addition, the Mayor allowed one urgent

question. The questions and answers are set out in Appendix A to these minutes.

41 Written questions from Members of the Council

Fourteen questions had been received from Councillors for written reply. The questions and answers were circulated at the meeting and are attached as Appendix B to these minutes.

42 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees.

No statements were made.

43 Crystal Palace Park Improvements
Report CSD14126

A motion to approve the recommendation from the Executive to add the Crystal Palace Park Improvement Project to the capital programme was moved by Councillor Steven Carr, seconded by Councillor Peter Morgan and **CARRIED**.

44 Treasury Management - Investment Strategy Review
Report CSD14127

A motion to approve changes recommended by the Executive to the Treasury Management Investment Strategy was moved by Councillor Graham Arthur, seconded by Councillor Steven Carr and **CARRIED**.

45 Meeting of the Urgency Committee
Report CSD14128

A motion to note the decision made by the Urgency Committee at its meeting on 15th July 2014 was moved by Councillor Tony Owen, seconded by Councillor Eric Bosshard and **CARRIED**.

46 To consider Motions of which notice has been given.

Two motions were considered as follows –

(1) Council Finances

The following motion was moved by Councillor Tony Owen and seconded by Councillor Alexa Michael -

“This Council notes the warning in the annual accounts, from the external auditors PriceWaterhouseCooper, of a significant risk to the authority from continuing financial restraints. It calls on the government to take a more realistic view of the finance and statutory responsibilities of a Council which already has a low spending per head.”

The motion was **CARRIED**.

(2) UK Corporation Tax

The following motion was moved by Councillor Ian Dunn and seconded by Councillor Kathy Bance MBE -

“This Council requests the Executive to include a requirement in all future tenders that the successful bidder should pay full UK Corporation Tax on the profit they make on the contract and not make use of tax havens.”

With the agreement of Councillor Dunn, the motion was deferred to the next meetings of the Executive and Resources PDS Committee and the Executive so that Councillors could be properly informed of the legal and financial implications.

47 The Mayor's announcements and communications.

The Mayor led Members in congratulating Councillors Will Harmer and Nicky Dykes on their recent wedding and encouraged Members to attend a number of forthcoming events as follows –

- Tuesday 14th October – Diversity Day
- Saturday 1st November – Diwali Celebration at Bishop Justus School
- Wednesday 26th November – Mayoress' Ladies Lunch at Chapter One
- Thursday 27th November – Business Reception
- Connect Carol Concert at St George's, Borough High Street
- Friday 23rd January 2015 – Black tie dinner with boxing at The Warren

Further details for each event would be circulated by the Mayor's Office.

The Meeting ended at 9.00 pm

Mayor

COUNCIL MEETING

13th October 2014

ORAL QUESTIONS FROM MEMBERS OF THE COUNCIL

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

What was the result of the employment tribunal relating to changes to staff terms and conditions?

Reply:

The outcome of an obscure claim by 18 staff supported by Unison has had no impact on the Council's localised pay and terms and conditions of employment contract. Bromley Council remains the only London Council to successfully come out of the unproductive national collective bargaining machinery too large and unresponsive to the pressures facing local authorities.

Although the 18 staff successfully argued at the employment tribunal that their right to have their pay collectively negotiated with the union was undermined, the decision does not change the current position or the merit of adopting a localised pay contract. Our staff are experiencing the benefit of the new local arrangement. For two years running Bromley staff received a higher pay settlement on time unlike the on going protracted pay disputes at the national level. Hence Bromley services (apart from non community schools) would not be affected by the national ballot for strike or any other form of industrial action by local government staff.

Supplementary Question:

When will the result of this Employment Tribunal be reported to Councillors and is it not time that Councillor Arthur apologised to the eighteen members of staff who were caused a lot of distress over this particular bribe offered by the Council?

Reply:

It is clear the the pantomime season is upon us when we get this nonsense from the other side. They campaigned against it. If Councillor Fookes had his way, instead of getting 1.7% in April and merit pay they would have had not one penny to date. That was what he wanted for his staff who he led down the garden path, with his group. Now he is trying to lead us down the garden path talking about an item which in the overall scheme of things is trivial. It is trivial – does he expect me to apologise to 18 people or 2,000 staff? Do you expect me to apologise to 2,000 staff for giving them a minimum of £200 per, for giving over 200 of them a merit pay increases, for giving them all a pay increase month in advance of the national pay increase? I would suggest Councillor Fookes that you should apologise to the staff for misleading them, for not serving their purposes. 98% of them agreed with us and only 2% agreed with your side of the chamber - it is you who should apologise for trying to take money out of the pockets of our working staff.

2. From Councillor Chris Pierce to the Portfolio holder for Public Protection and Safety

In relation to the recent placing of a considerable number of asylum seekers at the Mary Rose Inn Hotel in the heart of St Mary Cray village without the knowledge of LBB and local Councillors, can the Portfolio Holder please explain which agency placed the asylum seekers there and why LBB were not consulted, and further, to provide reassurances that no further such placements will take place in what is clearly such an unsuitable environment?

Reply:

I can confirm that 44 Asylum seekers were placed in the Mary Rose Hotel, St Mary Cray by Clearsprings, who are a housing provider commissioned by the Home Office.

Clearsprings should have advised LBB which they did not. We only found out about the Asylum seekers from our Borough Police Commander - a completely unacceptable situation. Clearsprings have now apologised for not advising us in the first place. The Home office is to raise this matter with Clearsprings at their next formal meeting with them.

I can confirm that all 44 Asylum seekers have been moved out of the Mary Rose Hotel and that no further placements are planned for this hotel. Officers have reminded the Management that this hotel is not an appropriate place for such people.

3. From Cllr Angela Wilkins to the Portfolio Holder for Care Services

References were made at recent PDS committees to the fact that this Council “has a policy of not allowing any more care homes in the Borough because they cost too much”.

I am not aware of any government guidelines that allow the potential cost of care homes to be a justification for not allowing any more to be built. Nor would the Labour Group support such a decision purely on this basis.

Unless the Council has conducted the required Strategic Housing Market and Strategic Housing Land Availability Assessments, and has thereby ascertained that the needs of older people are being met, I believe that this policy would fall outside the requirements of the National Planning Policy Framework.

Can the Portfolio Holder for Care Services please assure me that Bromley Council is in compliance with requirements of the NPPF and all other relevant legislation, and that they are satisfied the Borough is and will be providing adequate care accommodation for its older residents?

Reply:

We in the Department have no recollection of making such a simplistic statement.

Rather, it has been made clear that, when considering the projected needs of residents, we appear to have an oversupply of care homes places in the borough and subject to legal advice, we would like that reflected in any future strategic plan.

Further, the development of Care Homes usually results in zero affordable housing (on the grounds of viability or management issues) thus not helping to assist with our statutory housing duties.

Adopted Unitary Development Plan (UDP) Housing Objective 2 seeks “To promote mixed and balanced communities by meeting the housing requirements of the whole community, including those in need of affordable and supported housing”

Planning policies do not resist care homes in principle, however, planning applications are considered on their individual merits in the light of adopted plans (including the UDP, London Plan and the NPPF) as well as other material considerations. With specific reference to Care Homes, adopted UDP Policy C6 additionally seeks to ensure that proposals for specialist elderly accommodation would be appropriately designed and located for the needs of the residents, providing suitably landscaped amenity space and access to local shops and services, appropriate to the mobility of the residents. The accessibility of shops and services becomes less relevant for care homes where residents have a high degree of dependency and limited mobility.

The emerging draft Local Plan is being developed in response to local evidence, reflecting the requirements of the NPPF and in conformity with the London Plan. The Local Plan “Draft Policies and Designations” document was published for consultation in February 2014. It includes evolving draft Local Plan policies which currently carry only limited weight. Specialist and Older People Accommodation is addressed by draft Policy 5.11.

Supplementary Question:

Based on the fact that no more care homes because we cannot afford them was actually stated on several occasions by Conservative Councillors, one of whom said “I don’t know if we put it to full Council or not” I have a concern. Would you consider having a word with your chief whip to ensure that your councillors and your department’s policy are aware of each other.

Reply:

If we had a whip, I would refer it to him or her.

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

Can the portfolio holder please update members as to progress in the Waste4Fuel saga and does he feel that enough liaison and communication with residents has been undertaken?

Reply:

The latest update, subject to the Environment Agency’s final confirmation is that this site has now been formally abandoned (as of 9th October) and that their permit for operations at the Cornwall Drive site have been withdrawn.

Regarding liaison with residents, yes of course it has been.

Consistent and regular updates have been made with the local residents associations around any key dates or changes to the long term aim of having the site better regulated or ideally closed if it could not be brought back into compliance. Indeed, the Chairman of the nearest and worst affected residents association sits personally as a member of the “Westminster Group,” a body which holds semi regular meetings where a cohort of local Councillors, MPs, the local GLA member, DEFRA and the Environment Agency meet to discuss the latest news and future use of this troubled site.

Supplementary Question:

This is a situation that has gone on for a long time now, with residents facing further fires and increased pollution. Would Councillor Stevens give Members any specific information or a timeline in regard to further actions to end what is becoming a nightmare for residents.

Reply:

I do not think you listened to my answer. I have just said that the permit has been revoked permanently. Therefore, there is going to be no more hassles for the residents as the site is no longer in use. Obviously, what happens from now on is a matter of discussions between the Council, DEFRA and the Environment Agency. They are on-going discussions, involving the landowners, because ultimately they are responsible for the site. When we have news, that will come out – there is no news at the moment.

5. From Cllr Vanessa Allen to the Portfolio Holder for the Environment

What process will the Council go through to respond to the Bakerloo Line Extension consultation and what opportunity will all councillors have to input into the Council’s response?

Reply:

In terms of the Bakerloo Line extension to Hayes, it should be emphasised that the recent unsolicited consultation has been very much the extended GLA family; all views from local residents, businesses and Political Groupings should obviously be directed to them via their own advertised contact points.

So far as the Council’s response to the consultation is concerned, it should be noted that this proposition is neither the London Borough of Bromley’s first (DLR extension to Bromley North) nor second (Tramlink extension to Crystal Palace) preferred transport solution for which we have been lobbying for as a Borough for a number of years.

It is therefore safe to say that we hold considerable reservations over the extent of the proposal at present given its excessive cost compared to our preferred choices and its stated intention to remove direct links to Charing Cross, Cannon Street and London Bridge for a significant swathe of the Borough’s population.

To that end, the Council’s response will be heavily weighted on the soundings being gathered by local Councillors from individual residents and residents associations living along the affected “corridor” over the course of coming weeks which I know

most, if not all on this side of the Chamber are already undertaking and to which I would strongly encourage the minority groups to contribute to.

As soon as that feedback has been collated, I will draft and sign a letter encompassing our findings and mark it for public release on the Council's website.

Supplementary Question:

I am disappointed in the Portfolio Holder's response that Councillors will not have the opportunity to discuss this. It represents a major opportunity potentially for a third of the Borough. Given that the option of the DLR extension appears to be off the table according to both TfL and the Mayor, I would ask that this approach is re-considered. We should be given a proper opportunity to discuss this at least as part of the committee system if not in full Council.

Reply:

Councillor Allen seems to think it is appropriate that Councillors decide what happens to the constituents' interests in Clock House Ward, and I look forward to seeing her explain on the doorstep to her constituents why they should lose direct connections to Charing Cross, London Bridge and Cannon Street. This is a process by which we consult with residents. Whatever our views are, residents should have the key say in this. I would remind all Councillors, especially those living along that corridor, that many of your residents bought their houses and moved to the borough to have direct connections to London to facilitate their employment. To anyone that is positively in favour, good luck – I am not. I will wait and see what residents say. To anyone who wants to do away with direct links to London I would love to see that put in writing.

Further Supplementary Question:

Would the Portfolio Holder agree that if this was so important for Councillor Allen and her residents to have this debated she should have put a motion down for tonight.

Reply:

I would agree, but there are high politics involved. We know that the Labour group at Lewisham are very keen on this option, as we have seen the rather ill-tempered and ill-judged comments of one of their cohort in recent days. More important is what residents want – that is what we are here for, that is our job. It could be that this scheme is totally unsuitable, TfL are wrong, and that we should not give up on DLR. We should remind TfL that they are civil servants and that this is the Mayor's opportunity to give Bromley what we want. We will see – we will see through consultation and the residents of Bromley will decide – that is how it should be.

6. From Councillor Nicholas Bennett of the Leader of the Council

What is the latest budget projection for each of the following four years and if he will make a statement?

Reply:

Members will be aware that we face an ongoing period of austerity as a result of the actions of the previous Government leaving the country facing record levels of public debt. As a result, the Conservative-led government has been forced to take drastic

action which has led to significant reductions in grant funding. This, along with inflationary pressures and growing demand for our services leaves us with an extremely challenging period ahead. We are currently projecting a budget deficit of £10m for the civic year year 2015/16, £34m, ie an extra £24m, in 2016/17, moving to a deficit of £55m in 2017/18 and rising to a deficit of approximately £68m in 2018/19.

These are the figures, and I will make some comments on the back of these. Firstly, this Administration is doing everything in our power to limit any impact these pressures will have on our local residents. We continue to drive through efficiencies, sweat our assets better, seek to support business growth to increase our retained proportion of business rates and examine ways we can better deliver services, amongst other things. We will continue to do all these things, but additionally we will step up our lobbying of government, demanding a fairer government funding settlement for the residents of Bromley. My colleagues and I have regular meetings with our M.P.s, indeed only last Friday I was putting our case to the MP for Bromley and Chislehurst and in a fortnight's time I will be amongst a number of other London leaders who will be going to no. 10 to further put the argument for a fairer deal for local government. I will certainly be arguing for real localism, not the one we seem to have at the moment, and I will be challenging the government to ensure much more local democratic accountability in the health service which will result in deep and real integration with our partners in health, delivering sustainable healthcare but, equally important, significant savings that could be and should be invested in social care.

Supplementary Question:

Could I ask the Leader how much we have already had to save?

Reply:

It is in the region of about £57-£58m over the last four years. As a saving, just to be more accurate, while we are talking about figures, whether it is reduction in government grant of a certain amount, added to by added demand through demographics, the significant increase in landfill tax, etc., so the deficit overall is about £68m and we have had effective savings of about £57/58m over the last four years.

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

Will the portfolio holder set out the actions now planned by the Council and its partners to ensure the nuisance of waste and waste transfer at the Waste4Fuel site is brought to an early and final close?

Reply:

Depending on confirmation that this site has now been abandoned (as at 9th October) the first aspect to your question may hopefully have already been answered.

The Council remains in conversation with the EA, DEFRA and local MPs as to how and when they intend to remove the balance of the accumulated waste from the site and as soon as I have news for you on this narrow but important point I offer you my assurance that I will update you immediately.

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

How much was invested by Bromley Council last year in payday loan companies?

Reply:

None.

Supplementary Question:

I do not think that is correct. Isn't it time that this Council ceased to invest in companies that cause misery to some of our most vulnerable residents.

Reply:

There is a comment I could make, but I will restrain myself.

9. From Cllr Kevin Brooks to the Portfolio Holder for the Environment

Residents groups, Friends groups and Penge traders are trying hard to create a cleaner locality. What steps will the portfolio holder take over the current ineffectual street cleaning to ensure local people feel supported and that their own efforts are not in vain?

Reply:

Whilst I do not accept the premise of Cllr Brooks' question that the current street cleaning is "ineffectual", we have discussed this issue many times previously in this Chamber over the years and it is fair to say that the service can be impaired in more tightly parked roads across the Borough where automated cleansing equipment cannot access the kerb-lines and budgetary constraints prevent constant manual intervention.

To that end , there are a number of channels local groups, business and Ward Members can utilise to engage with the Council to address local issues and concerns. The most obvious being that routine street cleaning matters can and wherever possible should be reported directly to the relevant service department using the Council's FixMyStreet online reporting mechanism. This will facilitate early remedial action.

Information gathered from service requests via this system assists officers in determining whether trends related to cleanliness are indicative of street cleansing per se, or more so, as a result of storage and containment of waste, fly tipping and the dumping of domestic waste on streets between routine scheduled street cleaning and it is obviously very important not to conflate these different aspects of any given problem at any location where such a problem might exist.

Other activities range from community led cleanup operations with the Council supporting a volunteer approach, to a wider multi-agency partnership between the Police, Council and Housing Associations. The various agencies are tasked with

problem solving, ranging from fly-tipping to anti-social behaviour, under the umbrella of 'Operation Crystal'. The next planned operations for the Penge area have been arranged on the 20th November and 4th December.

Finally, I have on many occasions extended an invitation to Colleagues opposite that if there are candidate roads which might benefit from being attended to at the weekend when there is greater accessibility to the kerb lines, to please make them known for consideration and assessment by Environmental Services officers. That offer remains open.

Supplementary Question:

I understand that while the staff may be visible, and I am talking about the High Street rather than side roads, to me the problem seems to be inadequate equipment. We have someone with a very small litter-picker and a broom. This just seems inadequate for a High Street. I mentioned the Penge Traders - we are trying to encourage businesses and therefore shoppers to come into Penge. With this inadequate equipment people are not going to come in, are not going to invest and it will become a vicious circle.

Reply:

Everything is driven by the available finance. The Council's finances have been impaired over years gone by, as you have heard from Councillor Carr. We face an enormous financial ask in the years to come. We all accept that we cannot just ask the contractors to do more – not possible. One thing I would suggest, and I fully admire and support your efforts around what you are trying to do with Penge businesses, what we would suggest in other places is, maybe if Penge was heading towards a BID situation, this is something where traders might be able to get together and, for a sum, supplement what the Council is doing. I would be very supportive and I would encourage that. Fundamentally, there is little more resource if any that the Council can supply; I wish it were otherwise and I sympathise with your plight.

10. From Councillor Nicholas Bennett of the Leader of the Council

Further to my written question at the last meeting regarding the proposed development of Crystal Palace by the Zhongrong International (Group) Ltd what response has he had to his letter of 9th July to the Chairman, whether the Draft Business Plan has been produced and the competition for the new building undertaken?

Reply:

I can inform Councillor Bennett that I have received a positive response to my letter dated 9th July and following a meeting just a week or so ago, ZRG's representatives have agreed to Bromley producing a draft Legal Agreement setting out disposal terms whilst they develop their business plan. I remain hopeful that ZRG will be able to agree our Land Agreement requirements which we believe are neither unreasonable or unrealistic.

I understand that the Architects' Design Competition is essentially on hold until the Land Agreement has been agreed.

Supplementary Question:

Whilst we are all very supportive of the idea that Crystal Palace should be redeveloped and excited at the plans that have been put forward, would he agree that the developers must put forward a proper argued business case, go through the proper planning process and do things in the proper democratic way which is done in this country.

Reply:

It is hugely important to give comfort and satisfaction to local residents who fear that may not be the case. Ever since we launched this project with ZhongRong and partners back in December last year I have been very clear exactly the points Councillor Bennett makes have to be achieved. It has to be a sustainable, viable development that meets the requirements of local people with its transport and all the other things and it must go through our planning process. It must go through our planning process. Almost inevitably the final decision will almost certainly be taken by the Mayor of London or the Minister of State.

11. From Councillor David Livett to the Portfolio Holder for Resources

Will the portfolio holder specify the value of the reserves held by the Council at 30 September (or if not available the most recently available date) that could be returned to the rate payers but which instead are being retained by the Council to defray future reductions in income or increases in costs?

Reply:

The short answer to the question is £20m, which is contained within the reserves. The balance are not held for the reason suggested. The total value of earmarked reserves and general fund balances at 30th September 2014 is £107, 617k. Some of these reserves are set aside to deal with technical accounting matters, generally relating to the timing of expenditure, others are ring-fenced to meet specific funding requirements or are subject to the terms of a Section 256 agreement with health. It is important to note that reserves are one-off moneys and are utilised to resource investment in schemes that will deliver long-term savings, support economic development, create employment opportunities and enable income opportunities as well as have sufficient resources to manage financial risk during this unprecedented period of austerity. It is not financially sustainable to use Council reserves as part of the revenue budget to fund on-going service costs, and neither is it sustainable to give that money to residents, when we will need it. The position on reserves is reported to the Executive as part of the Financial Accounts report in June each year, as well as the Council Tax report to Executive in February each year. Bromley's overall reserves are expected to remain below average for London, and have to be considered in the context of an underlying budget gap of over £60m by 2018/19. The Council has reduced its levels of general reserves - general fund reserves in 1997 were £131m. Part of the reduction reflects funding towards the Invest to Save Fund and the Economic Development Fund – both funds will help support the achievement of sustainable savings and income to the Council. Details of the Council's reserves are set out in a table ([appendix 1.](#))

Supplementary Question:

I understood that we were intending to use those reserves to offset the impacts of the reduced grants in future years. We are not holding these reserves to offset future reductions in income and the impact of this government's policies?

Reply:

Some years ago there was a situation when the capital and revenue of this Council became blurred, and so for a period of time moneys were taken from capital to prop up revenue spend. We decided five to six years ago as an Administration that would no longer happen, so there is a clear wall between capital and revenue. Our capital comes from the sale of assets, from investments and so on – the money is locked there as capital – it is not taken into revenue to prop up spend, either current or anticipated. It is very tempting to say that we can take money from reserves to prop up revenue. This is a fool's economy – what you would end up doing is selling off the seedcorn. That is not the way to run a business and it is not what we will do.

(As the thirty minutes allocated to oral replies had run out, the Mayor advised that written replies would be sent for questions 12, 13 and 14.)

12 From Councillor Peter Fookes to the Portfolio Holder for Resources

How much was paid to private landlords in housing benefit payments last year?

Reply:

In the financial year 2013/14, Bromley awarded claimants living in private accommodation housing benefit of £128,074,861.

13. From Councillor Nicholas Bennett of the Portfolio Holder for Education

How many Fixed Penalty Notices for non-attendance at school have been issued in each of the past three school years, how many have been paid and how many of the parents or guardians have subsequently been taken to court for persistent failure to ensure their child attends school?

Reply:

Penalty Notices that are not paid automatically go to court, unless they were found to be incorrectly issued or, since the issue of the penalty notice, attendance has improved and as such it is not in the public interest to proceed. We have recently developed and implemented the "Simple Caution", which is recordable and can be used as part of the decision process should attendance become an issue again. It should be noted that the parent is summonsed for the failure to secure regular attendance and not for failure to pay the fine.

When taking them into the court arena there is a defined time parameter that needs to be adhered to. Unfortunately as can be seen in the data for 2011-2012 there was a high level of PN not taken to court. During that time period the amount of time allowed for payment was 42 days, thus reducing the window of opportunity for obtaining a summons if payment was not made.

Any application for a summons to the court has to be made and listed for court within 6 months from the last date of the offence. Any such applications must be supported with evidence, normally this is in the form of statements and signed Head Teachers Certificates, given the parent is being summonsed for the failure to secure regular attendance and not the non-payment of the fine.

I am aware that during this time frame a large amount of late requests were submitted by a particular academy at the end of the academic year. The LA were reliant on further information before issuing . This information was not available until the school returned. This then impacted on the time frames as described above for obtaining summons.

As you can see the data shows an increase in the issue of PN. This impact could be for the following reasons:

- Unauthorised leave (holiday)
- School's use as an early intervention
- Change of practise within Bromley EWS

The data for legal disposals is collected on a yearly basis via PRAB return.

The table below gives the data that Councillor Bennett has requested.

Year (Academic Sep - July)	A PN issued	B Paid	C Court as a result of unpaid PN	D Withdrawn	E Total number of summons issued This includes column C	F Cases taken where P previous PN was issued.
2013- 2014	105	77	10	18	37	3 cases in the court arena where previous work had resulted in a PN being issued 1x PN issued in 1.3.2012 2x PN issued in 8.3.2012 (Twins)
2012- 2013	66	24	13	20	35	3 cases in court arena where previous work had resulted in a PN being issued 1x PN issued 13.6.2012 1xPN issued 14.7.2010 1x PN issued 13.10.11
2011- 2012	64	28	10	26	33	Nil return

14. From Councillor David Livett to the Portfolio Holder for Resources

Will the portfolio holder set out how the comparative risks to the public purse of its investments in commercial property, diversified growth funds and corporate bonds are measured and controlled by the Council?

Reply:

Diversified Growth Funds (DGFs)

Currently the Council's only investments in DGFs are through its Pension Fund (two separate funds run by Baillie Gifford and Standard Life), although an item on this meeting's agenda seeks approval to include DGFs as approved investments under the Treasury Management Investment Strategy. Diversified Growth Funds are pooled investment funds that contain a wide range of assets, including alternative asset classes such as commodities and infrastructure, and are a good way of diversifying investment risk. They aim to achieve significantly higher returns than bank lending. In addition they aim to achieve similar returns to equities in the long-term, but with less risk and, on average, around half the volatility. More details on DGFs including comparative risk were reported to Executive on 10th September 2014. It is important to remember that this represents a medium term investment and such investments should be made over a 3 to 5 years period.

We receive regular written reports from the investment managers which include data on returns and risk and we also meet with them face-to-face on a regular basis. We also receive professional advice from advisers on a regular basis which includes projections of future returns from all our investments and analysis of the pension scheme's liabilities. Although risk cannot be eliminated, we believe that this level of oversight is appropriate in dealing with investment risk.

Corporate Bonds

Corporate bonds are approved investments under our Treasury Management Investment Strategy (first approved by Council as eligible investments in November 2012). Potential benefits and drawbacks were reported to Members as follows:

Benefits / Counter measures	Drawbacks / Risks
Potential for higher returns than gilts and other assets	Higher perceived risk
Potential for greater liquidity than fixed term deposits (if sold before maturity)	Risk of capital loss (if sold before maturity)
Credit ratings, credit default swaps	Credit risk

NB. There are other risks, including interest rate risk, inflation risk, re-investment risk, default risk and call-in risk, most of which are the same for any type of investment. These will be controlled by risk management procedures built into the investment strategy and treasury management procedures and, as is always the case, potential investments will be discussed with external advisers.

To date the Council has only invested in one corporate bond to date (this matured in April 2014). An item on this meeting's agenda seeks approval to a lowering of the minimum credit rating for corporate bonds from AA- to A- and it is possible that this may lead to more investment opportunities in this area. Risk on corporate bonds is mainly managed through the credit ratings and credit default swaps notified to us by our external advisers, Capita Treasury Solutions (formerly Sector Treasury Services) and a minimum credit rating of A- would still represent a secure "investment grade" option. Any decision on a corporate bond investment will only be taken after consultation with the advisers.

Investment in commercial property comes with higher risk than other forms of investment (such as treasury management returns), but often generates higher returns. The main risks are voids (loss of rent and increased costs) through tenant failure or lease expiry and poor liquidity. To minimise these risks, the Council has adopted prudent investment criteria focussing on prime locations in Bromley High Street, sound tenant covenants with unexpired terms of 5 years or more and producing an initial return of at least 6%.

The investment strategy was last reviewed by the Executive on 15th January 2014, when a report from the Council's property consultant, Colliers International, was presented to Members. Colliers advised:

" As market sentiment continues to improve, whilst we expect property to enjoy a generally sustained period of modest positive growth from 2013 through to 2017, there is still a risk on the downside. This could happen if institutions suffer cash outflows, interest rates unexpectedly rise or the banks swamp the market with secondary assets being offered for sale. However, we feel the balance of risk is on the "upside" and we expect continued growth in investor demand as the availability and cost of debt improves which will drive capital value growth."

As indicated in the report to Executive a combination of lower risk investment relating to Treasury Management combined with a separate investment strategy in property acquisitions generating higher yields (and risks) provides a balanced investment strategy.

(The Mayor allowed the following urgent question in view of the matter and the short timescale.)

15. Urgent Question from Councillor Angela Wilkins to the Leader of the Council

Given the scale and potential impact of proposals for development of the Crystal Palace NSC, does the Leader agree with me that the GLA is not being realistic in allowing only three weeks consultation with local residents and local council members?

If so, would the Leader agree to support a request to the GLA from Cllr Williams and myself to extend the period of the consultation and to contact the Mayor's office accordingly?

Reply:

I do have a great deal of sympathy with what is behind this question. I am not yet convinced that the scale and potential impact will be that significant - I hold my judgement. I have made my own personal representations to the GLA and sought some comfort from the GLA and the Mayor's chief of staff, asking for, and getting recognition from the Mayor's Office, that three weeks and three days is an unusually short period of time for consultation. On that basis I asked them to extend it – they were loathe to do so and at my personal request were not prepared to do that. I would be happy to make a more formal recommendation in the interests of all our residents in the borough that we request an extension of probably two to three weeks for the consultation period to be six weeks instead of three weeks and three days.

Appendix 1 (question 11)

Earmarked Reserves and General Fund Balance (as at 30th September 2014)

Description	Balance at	Expenditure	Contribs.	Balance at
	31/03/14			30/09/14
				(note 1)
	£'000	£'000	£'000	£'000
Technical Accounting Reserves (note 2):				
Building Control Charging Account	68			68
Collection Fund Surplus			2,964	2,964
Grant Related Expenditure	2,352			2,352
Housing Strategy Account	29			29
	2,449	0	2,964	5,413
Subject to the Terms of a Section 256 Agreement with Health (note 3):				
Health & Social Care 'Promise Programme'	5,953			5,953
Healthy Bromley	2,670	90		2,580
Winter Pressures	1,542			1,542
Key Health & Social Care Initiatives	1,700			1,700
Integration of Health & Social Care Initiatives	1,937			1,937
	13,802	90	0	13,712
Ringfenced Reserves:				
Balances Held by Schools (note 4)	6,767	679		6,088
Insurance Fund (note 5)	2,981	430	430	2,981
	9,748	1,109	430	9,069
Other Earmarked Reserves:				
LPSA/LAA Reward Grant	1,046	24		1,022
Technology Fund	1,801			1,801
Town Centre Improvement Fund	66			66
Investment to Community Fund	655	22		633
Reserve for Potential Redundancy Costs	115			115
Works to Property	100			100
Invest to Save	15,975			15,975
Bromley Welcare	29			29
One off Member Initiatives	1,162			1,162
Infrastructure Investment Fund	2,000			2,000
Provision for Impact of Recession	1,500			1,500
Interest Rate Risk Reserve	1,185			1,185
Commissioning Authority Programme	99			99
Community Right to Bid & Challenge	30			30
Glades Refurbishment	572			572
Economic Development & Investment Fund	51,193	25,534	5,041	30,700
Impact of Winter Damage - Potholes and Highways	1,000			1,000
Provision for Emergency Flood Damage	100			100
Refurbishment of War Memorials	25			25
Transformation Fund	4,817	119		4,698
Glaxo Wellcome Endowment	183			183
Public Halls Fund	8	1		7
Cheyne Woods and Cyphers Gate	192			192
	83,853	25,700	5,041	63,194
Total Earmarked Reserves	109,852	26,899	8,435	91,388
General Fund Balance (note 6)	20,000	3,771		16,229
TOTAL	129,852	30,670	8,435	107,617

Notes:

- (1) The balance at 30/9/2014 represents the "cash" balance and in some cases the funding may already be committed.
- (2) Reserves maintained to meet technical accounting requirements - these funds are not available to be released to meet general expenditure.
- (3) Reserves set aside under the terms of a Section 256 agreement with Health.
- (4) School balances represent sums delegated to schools which remained unspent at 31st March. Any underspending on the schools budget remains at the disposal of the school to spend in future financial years.
- (5) The insurance fund is ringfenced to provide for the Council's self- insurance arrangements to meet claims that fall below the levels met by external insurers.
- (6) As reported to Executive on 10th September 2014.

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COUNCIL MEETING

13th October 2014

WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

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

When will the new medical centre/pharmacy in Oakfield Rd, Penge be opening?

Reply:

According to NHS England, 15 December 2015.

2. From Councillor Peter Fookes to the Portfolio Holder for Environmental Services

How many complaints were received last year with regard to street cleaning in Penge and Cator ward?

Reply:

I am advised that there were 349 reports concerning street cleaning in Penge & Cator Ward of which 1 was registered as a "complaint."

3. From Councillor Peter Fookes to the Portfolio Holder for Education

How many pupils are still waiting to be offered a primary school place?

Reply:

There are 15 reception children waiting to be placed (these are late applications, just received. We are still waiting for their proof of address documents). In Years 1 to 6 there are 30 children where we are still waiting for proof of address documents and these will be placed within the agreed 20 day rule. However, we do have a problem with a lack of spare Key Stage One places and where this is an issue we have to use the Fair Access Protocol which allows schools to go over their admission number.

4. From Cllr Richard Williams to the Portfolio Holder for Renewal & Recreation

Are there plans to introduce a homework club and toddler Rhyme Tyme sessions at Anerley Library Hub?

Reply:

There are no plans to introduce either a homeworking club or toddler Rhyme Tyme session at Anerley Town Hall. These activities continue to be offered at the new Penge Library. The position at Anerley remains the same as previously reported that

a library offer, comprising an automatic book locker and a number of Peoples Network Terminals will be installed, this is likely to be finalised by the end of October.

5. From Cllr Katherine Bance to the Portfolio Holder for the Environment

Can you please provide statistics for the reports to the Council on rubbish dumped on High Street Penge for 2014 and indicate if this is higher, average or lower compared to other wards.

Reply:

There have been 53 cases of dumped rubbish reported in High Street Penge year to date (as at 8th October).

This is higher than in other High Streets.

6. From Councillor Katherine Bance to the Portfolio Holder for Education

How will LBB ensure that all stakeholders have had the opportunity to consult on the plans to market test the outsourcing of SEN provision before it is on an agenda at PDS.

Reply:

The decision to commence the market testing of Education Services was approved by the Council's Executive on 16th July 2014. The process of market testing is now in progress and is expected to take up to a year before a recommendation on the outcome is presented for decision to Executive. The Council makes no assumption as to the outcome of market testing of Education Services – outsourcing is one possible outcome.

The market testing is for all Education Services of which Special Educational Needs (SEN) is one of a wide range of services. Stakeholders, across all Education Services, will be engaged throughout the process in various ways. These include:

- Representation on the Evaluation Panel: school representatives, as the major stakeholder in receipt of Education Services (including SEN), will be included in the Core Evaluation Panel responsible for the evaluation of proposals;
- Staff and Service User Referral Panels: Referral Panels will support the Core Evaluation Panel by providing feedback on proposals, or parts of proposals, upon referral. There will be a number of Service User Referral Panels, including Panels for Schools, Early Years, Special Educational Needs and Sensory Support. In this way, stakeholder representatives will be directly involved in the market testing process, informing the consideration of proposals. Representation on the Panels is currently being arranged.

- Communications: there will be a number of ways in which the Council and stakeholders will engage on a regular basis, including: a dedicated website for updates; a dedicated e-mail address to receive comments; and briefings, via letters or meetings, as required.

Finally, suitable arrangements will be made in due course for appropriate engagement with stakeholders in relation to the decision making process. This may take different forms depending on the recommended outcome of the market testing process and, as a result, will be planned closer to the time.

7. From Councillor Katherine Bance to the Portfolio Holder for Renewal and Recreation

Why are LBB discouraging new businesses by charging for information on the planning status of empty properties and please provide details of the charges?

Reply:

We make charges for anyone who wishes to search the planning register for information about the planning history of a property, which is £46. The public can also come in and search our records themselves by prior appointment and planning decisions since the early 1980s are available on our website, including all relevant documentation for cases from 2003.

The principal way to obtain a formal confirmation of the lawful planning use of a property is by submission of a certificate of lawfulness for either a proposed or existing use. The fee for this would be £385 for an existing use or £192.50 for a proposed use.

There is no intention to discourage new businesses but there is a cost to providing the information which is why we make a charge.

(fees online at http://www.bromley.gov.uk/downloads/download/45/planning_fees)

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

How much housing benefit was paid during 2013/14 in respect of privately rented accommodation which was previously owned by the London Borough of Bromley? How many individual cases does this represent?

Reply:

It is not possible to identify properties previously owned by the London Borough of Bromley from our Council Tax or benefit records.

The stock transfer of Bromley domestic properties to Broomleigh Housing Association (now known as Affinity Sutton) was undertaken in 1992.

In the year 2013/14, £44,931,636 Housing Benefit was paid to Affinity Sutton; however this would also include entitlement made in respect of properties acquired/built since the date of the transfer. The above sum relates to payment for 8,919 different claimants.

9. From Councillor Ian Dunn of the Portfolio Holder for Resources

What was the minimum balance in the Investment Portfolio in each month since January 2013? (based on the graph in paragraph 3.16 of paper FSD14057).

Reply:

The minimum investment portfolio balance each month is set out below:

January 2013	£224.4m
February 2013	£214.1m
March 2013	£199.3m
April 2013	£201.1m
May 2013	£251.3m
June 2013	£253.8m
July 2013	£253.9m
August 2013	£252.8m
September 2013	£246.0m
October 2013	£255.2m
November 2013	£254.1m
December 2013	£250.0m
January 2014	£250.0m
February 2014	£253.8m
March 2014	£245.2m
April 2014	£270.6m
May 2014	£290.6m
June 2014	£287.2m
July 2014	£287.2m
August 2014	£289.9m
September 2014	£264.4m

10. From Councillor Kevin Brooks to the Portfolio Holder for the Environment

In accordance with Council policy, Penge toilets are to be closed and replaced with the Community Toilet Scheme. Will the portfolio holder reassure residents that this will not result in poor service by ensuring that:

- There is correct and conspicuous signage on the High Street as to location of the toilets
- The provision in Penge will be monitored and that any problems will be swiftly resolved.

- All staff in McDonalds, Wetherspoons and Sainsbury's are to be fully informed that the toilets are for public use and there is no obligation make purchases
- Any complaint of pressure put on the public to buy products would be taken to the franchiser by the council
- Space must be provided for potential queues
- Money must be ring-fenced to ensure the empty building will not become an eyesore and that graffiti, broken windows etc. will be dealt with as a matter of urgency.

Reply:

In line with the minutes and recommendations of the Enviromental Services PDS meeting held on 23rd September, I can confirm that the Community Toilet Scheme in Penge will be signed and advertised in an indential manner to other participating locations across the Borough.

If Ward colleagues in any place learn of deficiencies in either that or any other regard (ie sales pressure, cleanliness or staff being 'off message') I would ask them to make Officers aware to facilitate early remedial action taking place .

Any graffiti which might arise will be attended to in a timely manner via the existing contractual arrangements.

Funding also remains available for any short term maintenance issues which might arise, notwithstanding that this facility will shortly be placed for disposal on the property market, eliminating any need to set a longer term budget .

11. From Councillor Angela Wilkins to the Portfolio Holder for the Resources

How many payments on account have been made to housing benefit claimants for each of the last 12 months and what is the percentage of payments on account of all claims for each of these months?

Reply:

Unfortunately, information as to the number of Payments on Account is not available. However I can confirm that the Authority attempts to make the initial payment on new claims as soon as possible.

The table below provides the number of new claims processed on a monthly basis.

	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14
new claims processed in month	1067	1028	908	854	869	922	1059	835	687	829	687	747

12. From Councillor Nicholas Bennett to the Chairman of the Development Control Committee

Pursuant to Cllr Fawthrop's standard question at each council meeting: If he will show in table format how many:

- i. Non householder applications;
- ii. Householder applications;

have there been in each of the past three years and how many in each category, in each year, where the application has been recommended for approval, have been refused?

Reply:

The following figures apply to all applications received in calendar years:

Year	Overtured at Committee*
2011	52
2012	67
2013	62

*includes all types of applications

2011 – 52 overturned, 2012 – 67 overturned, 2013 – 62 overturned

Count of refval	Column Labels		
Row Labels	HH	NON-HH	Grand Total
Committee			
2011	108	218	326
2012	133	216	349
2013	168	238	406
Dele			
2011	1391	799	2190
2012	1465	776	2241
2013	1465	794	2259
Grand Total	4730	3041	7771

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

How many 'in year' admissions were there in each of the past three school years and how many in the current year to date?

Reply:

2011-12	2369 (495 upto 8.10.11)
2012-13	2324 (511 upto 8.10.12)
2013-14	2450 (562 upto 8.10.13)
2014-15	680 up to 8.10.14

14. From Councillor Nicholas Bennett to the Chairman of the Development Control Committee

If he will show in table format the following information for current municipal year with regard to applications placed on Planning committee agendas:

- i. the number of applications;
- ii. the number recommended for permission and subsequently refused by committee;
- iii. the number recommended for refusal and subsequently approved by committee;
- iv. the number 'called in.'

Reply:

In the period mid-May to mid-September 2014:

- (i) there have been 189 applications considered at committee
- (ii) 36 were recommended for permission and subsequently refused; and
- (iii) 2 were recommended for refusal and subsequently permitted
- (iv) 60 call ins

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