

EXECUTIVE

Minutes of the meeting held on 7 February 2018 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors Graham Arthur, Peter Fortune, Kate Lymer
and Peter Morgan

Also Present:

Councillor Simon Fawthrop and Councillor Angela Wilkins
Councillor Nicholas Bennett J.P also attended briefly on
the item relating to Scadbury Park Moated Manor

396 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors William Huntington-Thresher and Diane Smith.

397 DECLARATIONS OF INTEREST

Councillor Peter Morgan declared that his daughter was a director of Kier, who had a contract with the Council.

398 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Twenty-one questions had been received for oral reply and five questions for written reply. Copies of the questions and replies are attached as Appendix A and Appendix B to these minutes.

399 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10TH JANUARY 2018

Report CSD18016

RESOLVED that the minutes of the meeting held on 10th January 2018 be confirmed.

400 PROGRESS IN IMPLEMENTING CHILDREN'S SERVICES IMPROVEMENTS

The Executive Director of Education, Care and Health Services updated the Executive on progress with implementing improvements to Children's Services. The Executive Director reported on the Caseload Promise (which was being met in all but one team, where the caseload was 17, rather than 12-15 as in the others) and recruitment, and reminded Members that the next Ofsted Monitoring visit was due in March. The statistical returns to Ofsted and

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the Department for Education due at the end of March were positive, and other performance monitoring arrangements were in place for frontline staff and managers.

Responding to questions, the Executive Director reported that 360 children were subject to Child Protection Plans and that there were 293 children in care, of whom about 75% were with foster parents, the remainder being in specialist placements, in children's homes or with families and friends. The Council no longer owned any children's homes - there was a pan-London agreement whereby all authorities used the same pool of homes, all of which were subject to Ofsted inspection. However, the aim was for children to be in a family environment wherever possible. There were specialist foster carers available where children needed specialist support. In the current financial year, 19 foster carers had been recruited, and it was expected that this figure would reach 24. A Member suggested more targeted advertising for foster carers.

The Portfolio Holder for Education, Children and Families offered his public congratulations to the Fostering and Adoption Team for the remarkable improvements implemented in their service. He also reminded Members that they were welcome to attend the Celebration of Achievement on 15th February.

401 2018/19 COUNCIL TAX
Report FSD18016

The Executive considered a report identifying the final issues affecting the 2018/19 revenue budget and made recommendations to Council on the level of the Bromley element of the 2018/19 Council Tax and Adult Social Care precept. Confirmation of the final GLA precept would be reported to the Council meeting on 26th February. The report also sought approval of the schools budget. The approach reflected in the report was for the Council to not only achieve a legal and financially balanced budget in 2018/19 but to have measures in place to deal with the medium term financial position (2019/20 to 2021/22.)

The Director of Finance drew the Executive's attention to the comments of all PDS Committees on the draft budget, which had been circulated, and to a supplementary paper setting out revised recommendations based on the final Local Government settlement announced the day before, including the required technical recommendations.

RESOLVED that

(1) Council be recommended to

- (a) Approve the schools budget of £76.771 million which matches the estimated level of Dedicated Schools Grant (DSG) after academy recoupment (an increase of £75k);**

- (b) Approves the draft revenue budgets (as in Appendix 2 to the report) for 2018/19 to include the following updated change:
- (i) as part of the final settlement, additional one-off funding of £744k was announced through a new Adult Social Care Support Grant. This sum will be held in the Central Contingency pending the receipt of awaited grant conditions. The utilisation of this funding will be subject to a further report to Executive.
- (c) Agree that Chief Officers identify alternative savings within their departmental budgets where it is not possible to realise any savings reported to the previous meeting of the Executive held on 10th January 2018;
- (d) Approve the following provisions for levies for inclusion in the budget for 2018/19:

	£'000
London Pensions Fund Authority *	484
London Boroughs Grant Committee	248
Environment Agency (flood defence etc.)	245
Lee Valley Regional Park *	355
Total	1,332

**provisional estimate - awaiting final allocations*

- (e) Approve a revised Central Contingency sum of £14,899k to reflect the changes in (b) and (d);
- (f) Note that the 2018/19 Central Contingency sum includes significant costs not yet allocated and there will therefore be further changes to reflect allocations to individual Portfolio budgets prior to publication of the Financial Control Budget;
- (g) Approve the revised draft 2018/19 revenue budgets to reflect the changes detailed above;
- (h) Set a 3.99% increase in Bromley's council tax for 2018/19 compared with 2017/18 (1.99% general increase plus 2% Adult Social Care Precept) and notes that, based upon their consultation exercise, the GLA are currently assuming a 5.1% increase in the GLA precept;
- (i) Note the latest position on the GLA precept, as above, which will be finalised in the overall Council Tax figure to be reported to full Council (see section 11 of the report);
- (j) Approve the approach to reserves outlined by the Director of Finance (see Appendix 4 to the report);

(k) Executive agrees that the Director of Finance be authorised to report any further changes directly to Council on 26th February 2018.

(2) Council Tax 2018/19 – Statutory Calculations and Resolutions (as amended by the Localism Act 2011).

Subject to 1 (a) to (k) above, if the formal Council Tax Resolution as detailed below is approved, the total Band D Council Tax will be as follows:

	2017/18 £	2018/19 £	Increase £	Increase % (note #)
Bromley (general)	1,072.00	1,094.18	22.18	1.99
Bromley (ASC precept)	42.02	64.30	22.28	2.00
Bromley (total)	1,114.02	1,158.48	44.46	3.99
GLA *	280.02	294.23	14.21	5.07
Total	1,394.04	1,452.71	58.67	4.21

* The GLA Precept may need to be amended once the actual GLA budget is set.

(#) in line with the 2018/19 Council Tax Referendum Principles, the % increase applied is based on an authority's "relevant basic amount of Council Tax" (£1,114.02 for Bromley) – see paragraph 6 below. Any further changes arising from these Principles will be reported directly to Council on 26th February 2018.

(3) Council be recommended to formally resolve as follows:

1. It be noted that the Council Tax Base for 2018/19 is 130,004 'Band D' equivalent properties.
2. Calculate that the Council Tax requirement for the Council's own purposes for 2018/19 is £150,607k.
3. That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):
 - (a) £529,211k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
 - (b) £378,604k being the aggregate of the amounts which the Council estimates or the items set out in Section 31A(3) of the Act.

- (c) £150,607k being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- (d) £1,158.48 being the amount at 3(c) above, divided by (1) above, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.
4. To note that the Greater London Authority (GLA) has issued a precept to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below (NB. the GLA precept figure may need to be amended once the actual GLA budget is set).
5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2018/19 for each part of its area and for each of the categories of dwellings.

Valuation Bands	London Borough of Bromley £	Greater London Authority £	Aggregate of Council Tax Requirements £
A	772.32	196.15	968.47
B	901.04	228.85	1,129.89
C	1,029.76	261.54	1,291.30
D	1,158.48	294.23	1,452.71
E	1,415.92	359.61	1,775.53
F	1,673.36	425.00	2,098.36
G	1,930.80	490.38	2,421.18
H	2,316.96	588.46	2,905.42

6. That the Council hereby determines that its relevant basic amount of council tax for the financial year 2018/19, which reflects a 3.99% increase (including Adult Social Care Precept of 2%), is not excessive. The Referendums Relating to Council Tax Increases (Principles) (England) Report 2018/19 sets out the principles which the Secretary of State has determined will apply to local authorities in England in 2018/19. Any further changes arising from these Principles will be reported directly to Council on 26th February 2018. The Council is required to determine whether its relevant basic amount of Council Tax is excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

402 CAPITAL PROGRAMME MONITORING Q3 2017/18 & CAPITAL STRATEGY 2018 TO 2022
Report FSD18014

The Executive received a summary of the current position on capital expenditure and receipts following the third quarter of 2017/18. The main focus of the annual bidding process had been on the continuation of existing essential programmes and on externally funded schemes. The Executive was asked to approve a revised capital programme. The Leader acknowledged the cross-party concern at the reduction in funding from TfL for road safety.

The report had been scrutinised by the Executive and Resources PDS Committee on 1st February 2018 and the Committee had supported the proposals.

RESOLVED that

(1) The report be noted, including a total re-phasing of £22.8m from 2017/18 into future years, and a revised Capital Programme be agreed.

(2) The following amendments to the Capital Programme be approved:

(i) Reduction of £5,424k to Transport for London (TfL) funded Traffic and Highways schemes as detailed in paragraph 3.3.1 of the report;

(ii) Deletion of the £45k residual balance on the Depot – standby generators scheme which has reached completion as detailed in paragraph 3.3.2;

(iii) The increase of £4.1m to the Property investment Fund scheme to reflect the funding from a recent disposal of property detailed in paragraph 3.3.3;

(iv) A total reduction of £222k to reflect the revised grant funding for the Formula Devolved Capital Grant relating to the Council's remaining maintained schools as detailed in paragraph 3.3.4;

(v) A total reduction of £87k to reflect the lower associated cost on completed property purchases as detailed in paragraph 3.3.5;

(vi) Section 106 receipts from developers – increase of £15k in 2018/19 to reflect the funding received as detailed in paragraph 3.3.6;

(vii) It is noted that the Market Reorganisation report elsewhere on the agenda will result in a decrease of £116k as detailed in paragraph 3.3.7

(viii) It is noted that the Scadbury Park report elsewhere on the agenda requests the addition of £155k to the Capital Programme as detailed in paragraph 3.3.8; and

(ix) It is noted that potential capital bids totalling around £9.8m may be separately submitted during 2018/19 as detailed in paragraph 3.5.7.

(3) Council be recommended to:

(i) Approve the inclusion of the new scheme proposals listed in Appendix C in the Capital Programme (see section 3.5 in the report); and

(ii) Approve the increase of £4.1m to the Property Investment Fund scheme to reflect the funding from a recent disposal of property as detailed in paragraph 3.3.3.

**403 LOCALLY ADMINISTERED BUSINESS RATES RELIEF
 SCHEME
 Report FSD18015**

The report advised of the potential government grant not yet utilised and requested that an enhancement be made to the scheme. It was proposed that the Director of Finance be provided with delegated authority to authorise further changes to ensure that the government funding was fully utilised to support local businesses.

The report had been scrutinised by the Executive and Resources PDS Committee on 1st February 2018; the Committee had supported the proposals and suggested that delegation to the Director of finance be extended to future years.

RESOLVED that

(1) The previously adopted scheme for 2017/18 be enhanced to provide eligible businesses with 50% of their net business rates increase.

(2) The scheme in respect of future years to be enhanced to ensure full utilisation of Government funding. Decision on the level of support to be made once accurate levels of projected expenditure can be determined.

(3) Further to (1) and (2), that the Director of Finance be granted delegated authority in consultation with the Director of Corporate Services and Resources Portfolio holder, to vary the scheme further in order to maximise the use of Government funding for the current and future years on the basis of “mirroring” the criteria used by the DHCLG when allocating the overall funding.

404 BROMLEY MARKET REORGANISATION UPDATE
Report DRR18006

On 22 March 2017 the Executive had approved the designs and costings for the next phase of the Bromley Town Centre improvement and plans to re-organise, rebrand and relocate the existing market as part of those improvement works. On 7 November 2017 the Executive had agreed funding for capital costs in regard to the original kiosk and pop-up stall design.

The Renewal & Recreation PDS Committee on 1 November 2017 agreed that the Bromley Market Consultative Panel should be further engaged to feed into the market re-design. The report provided an update on progress following feedback from the markets traders, considered alternative costed options and made a recommendation on the revised number of stalls and semi-permanent kiosks.

The Portfolio Holder for Renewal and Recreation confirmed that the plans would improve the look, location and content of the market, and that care would be taken to avoid hot food stalls being near to the entrances to clothes retailers. He confirmed that the gazebos would be purpose designed for market stalls and long-lasting with anchor points.

The report had been scrutinised by the Renewal and Recreation PDS Committee on 24th January 2018 and the Committee had supported the proposals, including in particular Option C.

RESOLVED that

- (1) The consultation input from the Market Traders and Bromley Market Consultative Panel be noted.**
- (2) The recommendation for the Option Model C design as outlined in paragraph 3.33 of the report be agreed.**
- (3) The £116k reduction in the allocation from the Growth Fund to meet the lower capital cost for Option C be agreed.**
- (4) It is noted that there will be an overall decrease of £116k for the Bromley High Street Improvement Scheme within the Capital Programme, resulting in a total scheme cost of £3.46m.**

405 SCADBURY PARK MOATED MANOR
Report ES18008

The Executive's approval was sought for the use of cash match-funding in order to secure a Heritage at Risk Grant from Historic England to help secure some of the most urgent repairs and stabilisation of brickwork at the medieval Moated Manor within Scadbury Park Local Nature Reserve.

Councillor Nicholas Bennett attended the meeting as the Council's Heritage and Design Champion to support the proposals.

The report had been scrutinised by the Environment PDS Committee on 30th January 2018 and the Committee had supported the proposals.

RESOLVED that

(1) The submission of a Heritage at Risk Grant application for £95k to Historic England for the project management and delivery of urgent works be approved.

(2) The acceptance and delivery of this grant, if successful, with its associated terms and conditions, subject to the costs identified within the maintenance plan being funded within existing budgets and or any additional external funding secured, be approved.

(3) The tendering of capital works identified by the Condition Survey as 1A Urgent works estimated to be £120k be approved.

(4) The appointment of a Conservation Accredited Professional to develop, and project manage the scheme, at an estimated cost of £35k be approved.

(5) The scheme be added to the Capital Programme, at a total cost of £155k, funded from a £60k contribution from revenue and an Historic England grant of £95k, if successful.

**406 MAYORAL COMMUNITY INFRASTRUCTURE LEVY (MCIL2)
DRAFT CHARGING SCHEDULE CONSULTATION**
Report DRR18/006

The Mayoral Community Infrastructure Levy (MCIL2) Draft Charging Schedule (DSC) public consultation towards Crossrail ran from 18th December 2017 to 4th February 2018. The report alerted Members to the publication of the document whilst containing background detail, with points and concerns from the Bromley perspective enabling a formal response suggested at Appendix 1.

It was suggested that the Council objected to the proposed Charging Schedule due to:

- The adverse impact on provision of local infrastructure such as education and health;
- The limited benefit to Bromley residents of Crossrail 2,
- The impact on other transport projects.

The report had been considered by Development Control Committee on 25th January 2018 and the Committee had supported the proposed response.

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Members strongly supported the objections to the Draft Charging Schedule, noting that, unlike boroughs such as Sutton and Bexley, Bromley would not be benefitting directly from Crossrail or Crossrail 2. It was confirmed that the Council would have no power to vary the flat rate for the Mayoral CIL imposed on the borough. Councillor Simon Fawthrop urged the Executive to make reference to Bromley's successful challenge to the GLC's "Fares Fair" policy in 1981.

Councillor Peter Morgan referred to the comment in the draft response about the banding of LB Greenwich being partly based on evidence of lower house prices and commented that as prices had not fallen there this sentence should be amended.

RESOLVED that the proposed response at Appendix A to the report be used as the basis of the Council's response, with the final wording to be drawn up by the Chief Planner with the agreement with the Portfolio Holder for Renewal and Recreation and in consultation with the Chairman of the Development Control Committee.

407 BROMLEY'S RESPONSE TO THE DRAFT LONDON PLAN CONSULTATION
Report DRR18/002

The Mayor of London had published the New Draft London Plan for public consultation at the beginning of December 2017. When adopted, the new Plan would replace the current London Plan (2016) and, as part of Bromley's Development Plan, would be used in decision making on planning applications along with the UDP/ Local Plan and Bromley Town Centre Area Action Plan. Appendix 1 to this report summarised key aspects of the Consultation Draft and included officers' comments - additional amendments to this and an amended recommendation were circulated before the meeting.

The report had been considered by Development Control Committee on 25th January 2018; the Committee had supported the proposed response and made additional comments to be taken into account in the final version.

Key aspects of the Plan that were not acceptable were the increase in housing targets, based on the principle of intensification, from 641 to 1,424 units per annum (one of the highest percentage increases in London), the removal of the presumption against development on garden land, less flexibility on parking standards and affordable housing thresholds rising to 50% in some cases. Members at Development Control Committee had also objected to statements in Policy SD7 about the scope for further residential development in West Wickham and Petts Wood. The extension of the Docklands Light Railway to Bromley North was not mentioned in the Draft Plan, and the question of extending the Bakerloo Line beyond Lewisham was left open.

Members commented that a number of the policies in the Plan appeared to be very detrimental to Bromley in particular and the Leader commented that it might be necessary to set aside funds for a legal challenge.

RESOLVED that the Chief Planner, in consultation with the Leader, be authorised to prepare and submit the Council's response to the London Plan consultation to the Mayor of London by 2nd March 2018.

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

There were no additional items to report from Executive and Resources PDS Committee.

**409 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006 AND THE FREEDOM OF
INFORMATION ACT 2000**

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

410 UPDATE ON COMMUNITY CONTRACT AWARD

The Executive received an update on the CCG's Community Contract and agreed actions to protect staff and services.

**411 CAPITAL PROGRAMME MONITORING Q3 2017/18 AND
ANNUAL CAPITAL STRATEGY 2018 TO 2022 - APPENDIX F:
CAPITAL RECEIPTS**

The Executive noted Appendix F to the Capital Programme report on Capital Receipts.

The Meeting ended at 8.16 pm

Chairman

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QUESTIONS FROM MEMBERS OF THE PUBLIC

(A) Questions for oral reply

1. **From Colin Kavanagh to the Renewal and Recreation Portfolio Holder**
(As Mr Kavanah was not present a written reply was sent.)

With regard to the Council's Housing Strategy, can you please confirm that the Council is satisfied with the current level of affordable housing provision made available by way of Section 106 agreements. Can you also confirm what considerations the Council give when accepting discretionary payments in lieu of affordable housing being provided and confirm how the Council have used/intend to use such payments to tackle the housing crisis in Bromley?

Reply:

The Council applies national guidance and development plan policy when it considers planning applications that should provide Affordable Housing. We usually commission, for each residential application, an independent assessment of the applicants Affordable Housing proposal so that we have adequate information for deciding on the application in a satisfactory way. Payments in lieu of onsite provision are an exception and the Council has used those contributions to provide additional accommodation for local people via Housing Associations.

2. **From Eugene Nixon to the Care Services Portfolio Holder**
(As Mr Nixon was not present a written reply was sent.)

Please explain what is meant by the term "social housing rent" and the current, average rent levels of social rent in LB Bromley. Please list by each ward in the borough the number of newly built homes let by social housing providers, at social rent, since 2014.

Reply:

Broadly the term 'social housing rent' refers to the rent levels able to be charged for housing association and local authority rented accommodation (excluding any private market rent properties they may manage). There are 2 main rent setting regimes:

Social Housing Rent: In general this would relate to a proportion of older existing stock and not new build accommodation. Rents are determined through a national rent setting regime which involves a formula to determine a 'target rent'. The calculation takes account of property values, local earnings relative to national earnings and property size.

Affordable Housing Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable). In Bromley, in the event that 80% of market rent is above the local housing allowance payable by housing benefit the rent level will be capped at local housing allowance rate to ensure that it is still affordable to those on low incomes. In Bromley most of our housing associations set rents at between 65% and 80% of market rents.

Housing associations are required to develop new rented accommodation at the affordable rents level in line with the contracts they have signed with the HCA – as such rent levels will either be at local housing allowance level or lower.

In terms of average social housing rent levels in Bromley, these will vary depending upon location, property type and size. I am afraid we would not hold this information as the Council would not be party to rent setting - housing associations set the rental levels directly across their stock in line with the above regimes. All housing association accommodation let through Bromley Homeseekers will have rent levels in line with the national regimes above and these will be published on the Bromley Homeseekers website as properties become available for letting.

3. From Jane Ward to the Renewal and Recreation Portfolio Holder

(As Ms Ward was not present a written reply was sent.)

Please list on a ward by ward basis the number of housing association properties built at social rent levels in the borough in the last four years.

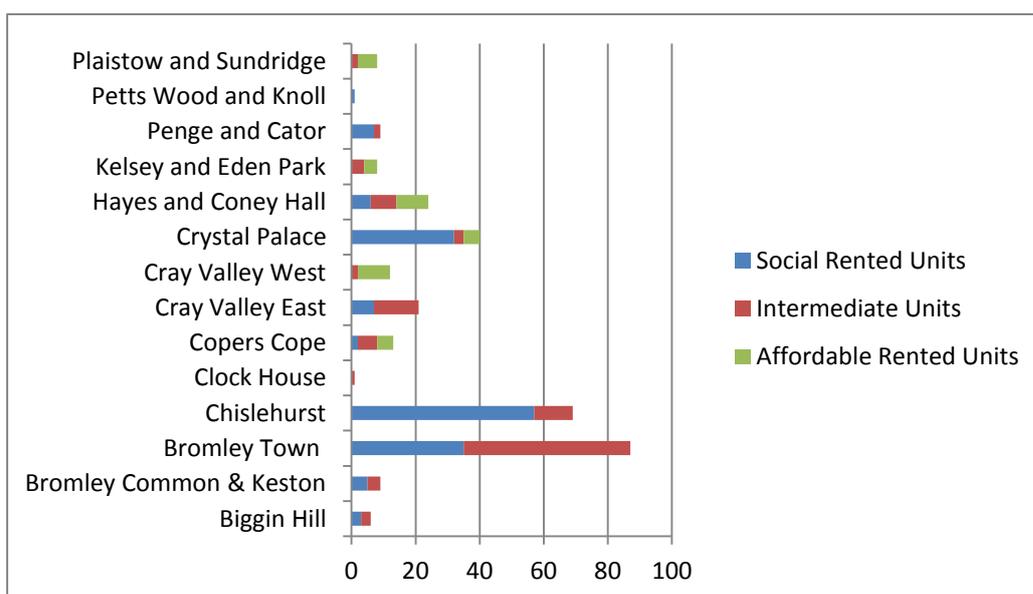
Reply:

Between April 2013 and December 2017 a total of 155 social-rented units were completed in the Borough. These have been broken down on a ward by ward basis in Table 1 which has been circulated, along with intermediate and affordable rented unit completions.

Table 1: Affordable housing units completed by ward (2013-2017)

Ward	Social Rented Units	Intermediate Units	Affordable Rented Units
Biggin Hill	3	3	
Bromley Common & Keston	5	4	
Bromley Town	35	52	
Chislehurst	57	12	
Clock House		1	
Copers Cope	2	6	5
Cray Valley East	7	14	
Cray Valley West		2	10
Crystal Palace	32	3	5
Hayes and Coney Hall	6	8	10
Kelsey and Eden Park		4	4
Penge and Cator	7	2	
Petts Wood and Knoll	1		
Plaiستow and Sundridge		2	6
Total	155	133	40

Figure 1: Affordable housing units completed by ward (2013-2017)



4. From Dermot Mckibbin to the Leader of the Council

Will the Leader of the Council take advice from relevant Council staff to review the assertion by the government in the draft Tenant Fees bill and accompanying guidance on page 6 at paragraph 29 that there is no legislation about “holding deposits “ in the light of the guidance on unfair terms in tenancy agreements published by the Office of Fair Trading at paragraphs 3.14 to 3.24 on pages 22 to 23 and the new Competitions and Markets Authority publication “ Consumer Protection law guidance for lettings professionals” as published on 13 June 2014 at page 61?

Reply:

I can confirm that page 6 at paragraph 29 of the draft Tenant Fees Bill states that there is no legislation about “holding deposits.” This Bill and the related Consumer Protection guidance quoted will, of course, be reviewed in due course as part of the Trading Standards two year Plan.

Supplementary Question:

Mr Mckibbin asked whether, in view of the Government’s priority to fix the broken housing market, there was a need for simple, transparent legislation and whether the Council would make representations to Government in support of this?

Reply:

The Consumer Protection guidance quoted has also been reviewed but it does not provide any stipulations for Legislation controlling the definition of holding deposits, which appears to be the confirmation sought. I would suggest that debating the legislative nuances of a Bill travelling through Parliament might be avoided in open Committee at this stage; any interpretations expressed could be subject to potential challenge.

It does provide guidance for prospective tenants with clear information about why they are likely to have to pay a pre-tenancy payment or holding deposit, the sum that is required and the circumstances in which it will or will not be refunded. This last point is key. For the purpose of this guidance, a distinction is drawn between pre-tenancy holding deposits, which are taken before the agreement is signed in order to reserve the property, and security deposits, which may be taken when the tenancy agreement is signed.

Lettings professionals should therefore take care when taking a holding or pre-tenancy deposit, to check whether it has to be treated as a security deposit.

Where a security deposit is taken, unlike a holding deposit, it is required by law to be protected with a Tenancy Deposit Scheme. If it is any comfort, I can confirm that this authority will be in the vanguard of authorities protecting tenants who are taken advantage of by unscrupulous landlords.

5. From Andrew Ruck to the Leader of the Council

Re Bullers Wood Boys planning Application. Why did Councillor Dean not manage and direct the DCC Meeting on 25th January in accordance with the Chief Executive's brief to ratify the decision from October and follow the guidance of the Planning Officer that the decision could be ratified?

Reply:

A Chairman's job is not to direct Councillors to endorse officer recommendations; rather to consider the facts and either agree with them or find differently.

The Chief Executive himself actually stated "you can ratify the decision you made on 4 October, that's the recommendation, obviously other decisions are open to Members in the normal manner of your decision-making" which underlines that simple fact.

Similarly, you will I know be aware that the Officers' recommendation for the application on the evening of the DCC meeting on 4th October was for refusal of the scheme.

With all due respect, and I know how sensitive this matter is, you would have quite rightly been furious if the Chairman had directed the Committee to arrive at that decision.

Supplementary question:

Mr Ruck asked why members had been allowed to bring up matters that were not material matters.

Reply:

The Leader suggested that Mr Ruck needed to contact the Chairman of the Development Control Committee on this matter.

6. From Paul Rudling to the Leader of the Council

Re Bullers Wood Boys planning Application: Why did the Planning Department/Legal Team advise the Council to take a flawed Planning Inspector's report to the Development Control Committee on 25th January 2018?

Reply:

Planners took the view that the comments of the Government's Independent Planning Inspectorate when refusing the applicant's appeal against the first application, held material planning implications for the second, given the similarity of both schemes.

The Council's internal Legal team endorsed that view, as did a senior QC when approached for independent legal opinion in recognition of the importance and sensitivity of the application.

As a result of that advice the Chief Executive made the decision that further Member oversight was necessary to weigh and consider ratification of that decision made on 4th October.

Supplementary question:

Mr Rudling asked whether it would have been better for the Planners to advise the Inspector of the abnormal road conditions on the day of his visit? He added that this was a matter of the facts of the situation.

Reply:

The Leader responded that the Council was not in a position to direct or dictate to Planning Inspectors.

7. From Julie Ireland to the Environment Portfolio Holder (answered by the Leader of the Council)

Please explain the change in policy in Churchfields Waste and Recycling Centre with regard to cardboard. There is no longer a separate bin for cardboard, instead residents have been told to place any cardboard in the household waste bin. Why has this change been made?

Reply:

I am sure that Ms Ireland would wish to congratulate Bromley on having the second highest recycling rate in London.

Due to the requirements to ensure that cardboard is clean of additional packing materials and remains dry until it is processed, we no longer operate an 'open air' bay for residents to deposit unsorted cardboard. However, cardboard that is sorted can be placed in the enclosed 'paper & cardboard' recycling container that is located on the site – maybe this was not spotted on your visit. We are currently reviewing the capacity of the container and further options to improve cardboard recycling so it can be recycled effectively.

Supplementary question:

Ms Ireland asked whether cardboard from roadside collection was put into general waste?

Reply:

The Leader confirmed that this was still recycled.

8. From Rhian Kanat to the Leader of the Council

Is the Council planning to review its Code of Conduct for Councillors in light of the significant reputational damage caused by Cllr Rideout's participation in the Planning Committee for Bullers Wood School given Cllr Rideout also has a declared long-standing and deep relationship with the Sundridge Residents Association a main proponent against the school development?

Reply:

Councillor Rideout does not have a pecuniary interest and is perfectly entitled to sit on the panel under the provisions of the Localism Act 2011.

Bromley goes beyond what is required in legislation and requires its Members to also record non-pecuniary as well as pecuniary interests and in recent years, both Central Government and the Courts have taken the view that Councillors should be able to take part in such meetings too.

In summary, being a member of a Residents Association does not preclude any elected member from holding a view, speaking on an item or voting on an planning application in either their own, or any other ward and I do not agree with your assertion that any reputational issues have been caused to either the Council or the process based on these facts.

Supplementary question:

Ms Kanat asked whether the Leader considered the Code of Conduct to be adequate?

Reply:

The Leader responded that he did, but if Mr Bowen as the Council's Legal Advisor and Monitoring Officer considered that a review was necessary a report could be presented to a Standards Committee meeting, which would include independent persons.

9. From Maeve Beaven to the Education, Children and Families Portfolio Holder

What exact measures is the Council taking to meet the shortage of secondary school places both for the cohort of 180 boys expecting to go to Bullers Wood School for Boys in September 2018 and in subsequent years?

Reply:

There is no shortage this year. Everyone applying to Bullers Wood will have had six choices of school. Everyone will get a place.

Supplementary question:

Ms Beaven asked the Portfolio Holder to spell out the contingency arrangements.

Reply:

The Portfolio Holder repeated that there was no shortage of places for this year. There was a shortage of between 13-19 forms of entry by 2022, but there were plans in the pipeline and he was talking to some schools about bulge classes.

(As the period for taking public questions expired at this point, the remainder of the questions were dealt with by written answers.)

10. From Wendy Plummer to the Leader of the Council

Re Bullers Wood Boys planning Application. On 29 January, Doug Patterson wrote "we are satisfied that in terms of the constitution, there were no legal breaches" with regard to the DCC Meeting on 25th January. Were there any legal breaches in any other terms?

Reply:

Not that I have been made aware of.

11. From Eugene Nixon to the Resources Portfolio Holder

What are Discretionary Housing Payments and what are they used for? How much money has Bromley Council been given by central government to meet costs of Discretionary Housing Payments awarded in the current financial year (2017-18)?

Reply:

Discretionary Housing Payments (often referred to as DHP's) are administered by the Council and provide financial assistance to help tenants meet their housing costs.

The objectives of the Bromley's DHP policy as entered on the Authority's website include:

- Sustaining tenancies and preventing homelessness
- Keeping families together
- Supporting the vulnerable and elderly in the local community
- Helping people who are trying to help themselves
- Encouraging and sustaining people in employment

Central Government's DHP contribution to Bromley for 2017/18 was £726,861.

12. From Dermot Mckibbin to the Leader of the Council

Does the Council Leader support the Government's draft Tenant Fees bill, what are the implication costs of the proposed bill for Bromley Council, does the Council accept the Government's view that the financial implications of the bill are fiscally neutral (see page 15 paragraphs 112-114 of the draft bill)?

Reply:

The assertion that the legislation will be fiscally neutral will be reviewed by Officers in due course, once the wording in the Bill is confirmed and the Bill passes into mainstream legislation. The consequences for Bromley Council with regard to the financial implications for this legislation will also be assessed at that time.

13. From Jane Ward to the Leader of the Council

Noting that the Leader of the Council has recently met with developers to discuss the possibility of future building projects in relation to housing development in the borough, has he or any other Councillors actively sought to meet with leading Housing Associations and housing providers in the South East to discuss working collaboratively to seek to create opportunities to provide more affordable/social housing in the Borough, either through construction, or purchase and renovation of properties already located here?

Reply:

Regular Officer meetings take place with partner housing associations to explore all potential opportunities in the execution of Councillors' policies concerning the development, purchase and refurbishment of existing properties to provide a range of affordable housing.

Recent examples of the successes we have enjoyed locally include the More Homes Bromley property purchase scheme, refurbishment of 3 former vacant residential homes, the provision of payment in lieu funding to create in excess of 128 new homes across the borough in partnership with Clarion Housing Association, a bold modular housing initiative, Benedict House in Beckenham and Bromley's London leading Mears initiative.

14. From Andrew Ruck to the Leader of the Council

Re Bullers Wood Boys planning Application. Councillors Lymer and Rideout offered the Widmore Centre to Bullers Wood School for Boys during the DCC meeting on 25th January. That offer was accepted on 25 January 2017 in correspondence with Councillor Lymer. What have LBB done subsequently to follow up on this kind offer?

Reply:

Cllr Lymer didn't 'offer' the Widmore Centre during the DCC meeting on 25th January, she advised, and I quote verbatim (my brackets):

"We (Bickley Ward Councillors) acknowledged the undisputed need for school places in the Borough as well as the strong desire from parents for this school to exist and we haven't just sat back shouting from the sidelines 'no' at it. Since the very beginning we had suggested a viable alternative in our Ward.

The Widmore Centre used to be a secondary school. It could have been turned into Bullers Wood Boys months ago. Pupils could be going there now and it is not too late for this to happen.

We have reiterated this option to the Secretary of State for Education, our MP, the ESFA and Bullers Wood until we are blue in the face but we have been continually ignored”

Cllr Mrs Rideout never mentioned the Widmore Centre in her address.

Supplementary Question:

If this was not a genuine or realistic offer how will LBB address its material bearing on the vote at the Development Control Committee on 25th January? IE. at least two Development Control Committee Members may have not ratified the October Committee decision because they believed an alternate (and more suitable in their view) site was on the table.

Reply:

As I mentioned in my earlier response to you, Cllr Lymer stated :
“We (Bickley Ward Councillors) acknowledged the undisputed need for school places in the Borough as well as the strong desire from parents for this school to exist and we haven’t just sat back shouting from the sidelines ‘no’ at it. Since the very beginning we had suggested a viable alternative in our Ward.

The Widmore Centre used to be a secondary school. It could have been turned into Bullers Wood Boys months ago. Pupils could be going there now and it is not too late for this to happen.

We have reiterated this option to the Secretary of State for Education, our MP, the ESFA and Bullers Wood until we are blue in the face but we have been continually ignored.”

It is not in the gift of the Council or individual Councillors to “offer” what is/was ultimately the ESFA’s property, and neither did she.

Bickley Councillors have however long since held and expressed the consistent view to the highest levels of Government that if a secondary school had to go somewhere locally, the Widmore Centre, itself a former secondary school, would self-evidently be the preferred location, especially given the unhelpful additional traffic impact the ESFA’s decision to cluster 3 primary schools so closely together will inevitably cause.

We still believe that makes sound common sense, despite the fact that the impending arrival of La Fontaine now significantly complicates that eventuality.

15. From Paul Rudling to the Leader of the Council

Re Bullers Wood Boys planning Application: Why was Councillor Rideout allowed to sit on the Development Control Committee on 25th January 2018 given her predetermination and strident anti-campaign through her Sundridge Residents Association?

Reply:

Councillor Rideout does not have a pecuniary interest and is perfectly entitled to sit on the panel under the provisions of the Localism Act 2011.

Bromley goes beyond what is required in legislation and requires its Members to also record non-pecuniary as well as pecuniary interests and in recent years, both Central Government and the Courts have taken the view that Councillors should be able to take part in such meetings too.

In summary, being a member of a Residents Association does not preclude any elected member from holding a view, speaking to an item or voting on an planning application in either their own, or any other ward.

16. From Julie Ireland to the Environment Portfolio Holder (to be answered by the Leader of the Council)

Recent media reports have suggested that much of the collected recyclables end up being incinerated. How much of Bromley boroughs recycling is incinerated?

Reply:

The amount of contaminants that are extracted from recyclable materials is reported each month by the contractor and reviewed by the Council's management team. The current contamination rate of recyclates is 9% of material collected and year to date we have processed 800 tonnes of waste that was presented for collection as recyclate. This waste is currently being landfilled and is not sent to the Energy from Waste (EfW) plant due to the proximity of where the reprocessing centres are and available local disposal facilities.

In summary, for the last available period, 91% of waste put out for recycling is recyclable, 100% of this is recycled and this represents 49.6% of total residential waste .

17. From Rhian Kanat to the Renewal and Recreation Portfolio Holder

What training is given to Councillors on planning law and due process before they serve as members of planning committees and does the Executive consider this to be adequate in light of the Development Control Committee meeting proceedings on 25 January 2018?

Reply:

Training is provided as a part of the Induction process for new Councillors when they join the Council. Other training in planning matters is provided on a refresher basis and on matters of importance as they arise. Planning and legal officers are also available to advise Members both at committee and at any other time. The majority of Members sitting on the Development Control Committee have 5 or more years of planning committee experience.

18. From Maeve Beaven to the Education, Children and Families Portfolio Holder

Is the Council investigating temporary accommodation for Buller's Wood School for Boys whilst it resolves the access & egress arrangements?

Reply:

Bromley is working with colleagues to examine the potential of any alternative temporary sites. Ultimately it is for the applicant to apply for planning but the Local Authority stands ready to assist where it appropriately can.

19. From Wendy Plummer to the Leader of the Council

Re Buller's Wood proposal: It is understood the Section 106 agreement was completed and ready for signature on 9th December 2017. Why was this not progressed between LBB and ESFA?

Reply:

I am advised that the Council's Planning team was ready to complete the agreement and had made other parties aware of the fact before the Planning Inspector's decision was published.

20. From Jane Ward to the Care Services Portfolio Holder

How much money has Homes England or its predecessor made available to local Housing Associations in the borough to provide accommodation at social housing rent level, and what contact has Bromley Council had with Homes England in the last four years in regard to providing more Housing Association accommodation at social housing rent level?

Reply:

Under the current affordable homes programme 2016 – 2021 approved providers and developers submit bids directly for grant funding. As such, whilst the Council is consulted to determine whether it supports a scheme it is not directly party to any funding arrangements.

21. From Dermot Mckibbin to the Leader of the Council

What confidence should members of the public have that the provisions in the draft Tenant Fees bill will be enforced if only 7% all councils including Bromley Council have failed to enforce previous legislation to require the legal rules about the necessity for letting agencies to be fully transparent (see page 3 of the House of Commons Briefing paper on banning letting agent fees in England (Number 7995, 26 July 2017))?

Reply:

They should have every confidence as it will be implemented in Bromley.

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EXECUTIVE

7th February 2018

QUESTIONS FROM MEMBERS OF THE PUBLIC

(B) Questions for Written Reply

(1) From Katherine Brown to the Care Services Portfolio Holder

Would the number of homeless households who are rehoused by the Council be reduced if the Government introduced legislation to give private tenants greater security of tenure and if annual rent increases were limited to the rate of inflation and if so, by how much? What savings would there be to the Council's homelessness budget if the Government introduced this change in policy and will the council make representation to the Government to change this policy and thereby save money for local council tax payers, as well as introduce greater stability for private tenants?

Reply:

Not necessarily.

Legislating for additional security of tenure and any capping of rent increases could result in an unhelpful hike upwards in rent levels ahead of such proposals becoming law. Similarly, it could potentially result in the number of available rental units falling, due to their owners placing them on the open market for sale.

Regular reports have detailed the current range and complexity of pressures being experienced in terms of homelessness.

The Council continues to work closely with private sector households to facilitate access to private rented accommodation for many households. In general terms the length of tenure has not posed a barrier to accessing or maintaining tenancies in the private rented sector. Rental levels have risen steeply and local housing allowance has not kept pace in some areas.

We continue to monitor the position and feed such information back to central government.

A review of local housing allowance levels is currently underway to assess where this may be presenting a particular pressure and what measures may be taken by central government to alleviate such pressures

(2) From Chloe-Jane Ross to the Environment Portfolio Holder

The borough's Air Quality Action plan is nearly 8 years old and based on now out of date data. When can residents expect Bromley's plan to be updated?

Reply:

Whilst it is acknowledged the Air Quality Action Plan was drafted some time ago, it remains in force providing a suite of initiatives and actions to tackle air quality issues within the Borough. The Council continues to keep under review the validity of the

plan, with an Annual Status Report (ASR) to the GLA, which takes account up to date air quality monitoring data and reviews. We are currently in the process of reviewing the Action Plan and the subsequent Report will be produced later this year.

(3) From Chloe-Jane Ross to the Care Services Portfolio Holder

How many residential properties in Bromley have been empty for six months or more? Of these, how many have been empty for two years or more, have been empty for five years or more, and how have been empty for 10 years or more? How many Empty Dwelling Management Orders (EDMO) to take over properties that have been empty for at least two years have Bromley Council used in each of the last four years?

Reply:

Empty residential properties -

over 6 months and less than 2 years	649
Over 2 years and less than 5 years	129
Over 5 years and less than 10 years	44
10 years or more	21

The Council have sought and obtained 6 interim Empty Dwelling Management Orders in total, 4 of which have had to be taken to final order stage. 2 completed renovation work to the property and sold. 1 Final Order was confirmed by Tribunal in, 2014 and 1 in 2015.

(4) From Rich Wilsher to the Environment Portfolio Holder

How much funding has been allocated to Road Safety Improvement Schemes in each of the last four years?

Reply:

Excluding public realm improvement schemes, the various schemes that have contributed to road safety improvements were made allocations as follows:-

2017/18: £2,587k

2016/17: £2,814k

2015/16: £3,340k

2014/15: £3,002k

(5) From Rich Wilsher to the Care Services Portfolio Holder

How much funding has been provided to directly support women's refuges in the borough in each of the last four years?

Reply:

2017/18 - £106,000 (Forecast for the year)

2016/17 - £106,000

2015/16 - £185,206

2014/15 - £212,000

2013/14 - £291,500