

## COUNCIL MEETING

27th FEBRUARY 2013

### ORAL QUESTIONS BY MEMBERS OF THE COUNCIL

#### 1. From Councillor Peter Fookes of the Leader of the Council

What is the latest position with Old Flo?

#### Reply:

The Council has asserted its claim to ownership of Old Flo in correspondence with Tower Hamlets and officers are investigating the history of the statue including the statutory background to the transfer of assets from the LCC and GLC with a view to pursuing the matter further as and when appropriate.

#### Supplementary Question:

Cllr Fookes asked when Members would be informed of what was going on and thought it was symptomatic of this Council in terms of lack of transparency when the first Members heard about the situation was through a television interview.

#### Reply:

The Leader did not agree and said that it was our belief that Old Flo was left to the people of London and we were simply trying to stand up for the people of London and not allow it to be sold off in a cheap way by Tower Hamlets. He felt rather than be criticised the Council's stance should be applauded.

#### 2. From Councillor Nicholas Bennett JP of the Leader of the Council

If he will make a statement about the relative funding for Bromley in comparison with other London Boroughs for 2013-4 and if he will publish in table format the information he has for each London Borough for 2013-4 financial year for;

- i) The grant provided by central government;
- ii) The average grant per head of population;
- iii) The proposed council tax in Band D.

#### Reply:

The Leader commented that this question went to the heart of the situation as to why Bromley had been lobbying the Government so hard for so long. He stated that this Borough had been significantly underfunded for far too long. It received a headline figure of £264.24p per head of population against an outer London average of £439.62. In crude terms if Bromley were to receive

that same amount per head of population it would be in receipt of an additional £56m worth of Government grant. Going one step further if Bromley were compared to the so called outer London Borough of Newham and received the same amount of funding per head of population then it would be in receipt of an additional staggering £159m of direct government grant. Councillor Carr advised that the tabulated information requested by Councillor Bennett had been circulated around the Chamber (Appendix 1).

**Supplementary Question:**

Councillor Bennett was grateful for the information and hoped that it would be circulated widely including to the Local Government site on Conservative Home that did not appear to understand the funding of local government. He asked the Leader to comment on why the only London Borough that received less than Bromley by about £10 per head of population, which was Richmond, charged £250 a year more in Council Tax.

**Reply:**

Councillor Carr thanked Councillor Bennett for his observation. He commented that it was something this Council was very conscious of and served to highlight the quirkiness and unfairness of the current system. Members would be aware of the changes to the way the Council would be funded in the future which the Leader would enlarge on later in the meeting. However, Councillor Carr felt it did serve to show that Bromley had led the way in efficiency and the way it delivers its services for it to be able to deliver high quality services at a Council Tax level D of some £200 below Richmond.

**Further Supplementary Question:**

Councillor Getgood asked whether the Leader would agree to recognise the great differences between some of these Boroughs in terms of the needs they had to meet and give some credit to Richmond in putting services before ideology.

**Reply:**

Councillor Carr responded that he considered Bromley was able to do both. There were ways to increase revenue and an increase in Council Tax was one of these. However, again as last year this administration had sought to find and identify many different ways of not just reducing the costs per head but also increasing the revenue which he would speak about later on in the meeting. The Leader advised that last week he had been able to raise these very issues with Mr Pickles, the Secretary of State for Communities and Local Government. Councillor Carr said that he was not inferring that Bromley had the same level of needs as somewhere like Tower Hamlets, Lambeth or Lewisham but the demographics of the Borough had been ignored for too long. Bromley had an aging population with more people living into old age and the consequent increases in dementia cases as well as those with physical and learning disabilities and increases in the numbers of young

children who were statemented. Also as the largest London Borough geographically there were the inherent costs of maintenance in respect of roads and pathways which had for too long been ignored and he felt it was time the government of whatever persuasion recognised these facts.

**3. From Councillor Katherine Bance MBE of the Portfolio Holder for Education (*in the absence of Councillor Wells, the Executive Assistant for Education responded*)**

With so many services now provided by Contractors in Bromley, particularly in education, how does the Council intend to manage the risks and monitor the impacts and where failing to deliver how will contracts be renegotiated?

**Reply:**

Councillor Tunnicliffe advised that where a school buys a service from a contractor, it was for the school to monitor the contract and ensure compliance.

Where the Education Service was buying the services of a contractor, then responsibility lay with the Council and ultimately the Councillors. Any failure to comply with a contract let by LBB in Education was subject to the conditions set out in the contract and could ultimately be enforced by the courts and the contract could be terminated if not complied with.

**Supplementary Question:**

Councillor Bance felt that this might work very well for road sweeping and bins but questioned whether what was in place was good enough and fast enough for dealing with special educational needs children. She considered they needed immediate intervention once a service was found below standard.

**Reply:**

Councillor Tunnicliffe responded that with regard to special needs the Education Division would be commissioning packages of school improvement support delivered by School Improvement Officers.

Any Bromley school that was categorised as a high priority because it was under-performing, whether that was in special educational needs or not, would be allocated one of those School Improvement Officers (SIO) who would be responsible for driving forward the school's action plan of improvement.

The impact of this work would be monitored by the Assistant Director Education through:

- regular 'challenge' meetings between the local authority, the school and the SIO;

- school performance data analysis by the local authority's research and statistics team;
- local authority termly scrutiny meetings with SIOs; and
- feedback from Ofsted monitoring reports on the school.

**4. From Councillor Peter Fookes of the Chairman of the Development Control Committee**

What was the cost to the council of dealing with the application to register land to the rear of 86 to 94 High Street, Beckenham as a town green?

**Reply:**

The Chairman replied that the cost of the barrister for all of the work involved in the application to register land to the rear of High Street, Beckenham as a Town Green including a pre inquiry site visit, pre inquiry consideration including directions for the parties, chairing the inquiry and preparing her report amounted to £8855. There was also an additional cost in terms of officer time and for the provision of accommodation for the inquiry but this was dealt with within existing budgets.

**Supplementary Question:**

Councillor Fookes responded that given the cost of The Glades redevelopment where an amount of £40,000 was referred to he thought the amount just given was remarkably low. However, he questioned whether in reality that money and other money spent on Town Greens would be better spent elsewhere by the Council.

**Reply:**

Councillor Dean explained that the Council was the statutory authority for Commons and Town and Village Greens and had to meet the costs of discharging this responsibility. A resident had a statutory right to apply for land in the Borough to be registered as a Town Green if they considered the legal test for registration had been met. In cases such as this where there were disputed factual matters it was acknowledged good practice to convene a non statutory public inquiry. All parties through the inquiry were given a full opportunity to make their case and Members had the benefit of the Barrister's findings on the factual matters. Members also had specialist advice as to the application of these findings to the law relating to Town Greens. The Council by convening the inquiry determined the application in a transparent way that was fair to the parties and in accordance with its legal responsibilities. In short Councillor Dean considered the Council was acting in favour of local residents.

**5. From Councillor Nicholas Bennett JP of the Portfolio Holder for Resources**

Whether in advance of the move to the use of tablets by all members from 2014, he will authorise tablets for those members willing to switch over immediately?

**Reply:**

**The Portfolio Holder replied that the New Technology Working Group was currently looking at the use of tablets, and he awaited their conclusions with interest, but he agreed that he would welcome other Members using this technology.**

**Supplementary Question:**

Councillor Bennett commented that he noticed that the Portfolio Holder was using a tablet as were Councillors Fortune and Reddin. He asked whether it was time that those Members who were keen to stop having enormous amounts of paper delivered to their homes by van could move over quickly to using tablets. He also felt that any objections made about security by some Officers should be overcome as quickly as possible so it could happen.

**Reply:**

Councillor Arthur agreed that efforts should be made to press ahead. He commented that the new technology was working well in the Committee rooms and the Chamber which showed that this was being taken seriously. The Portfolio Holder advised that part of the pilot scheme now being operated was to determine which would be the most appropriate tablet to be used.

**Further Supplementary Question:**

Councillor Papworth welcomed the New Technology Working Party's proposals and asked the Portfolio Holder whether he would acknowledge that some of the holdup was due to certain Members being reluctant to change and also that the savings resulting from this only occurred if all Members embraced it. If half a dozen Councillors continued to want papers delivered to their homes then there still would be the need to employ the staff to do it. Councillor Papworth asked what was going to be done to ensure that all Members came up to speed and embraced the new technology.

**Reply:**

The Portfolio Holder advised that he was well aware that some Members needed help to embrace the new technology. It had already been agreed that as from 2014 the new Council Members would be equipped with this new technology and would move away from using so much paper. There was

progress and he took the point that some Members felt it could be accelerated but it would be coming in a year's time universally across the Council.

**Further supplementary question:**

Councillor Fawthrop commented that he thought that Councillor Bennett's question and the answers given implied that this was a growth item which he would like confirmed.

**6. From Councillor Katherine Bance of the Portfolio Holder for Renewal and Recreation**

The former Penge Urban District Town Hall building is of historic value and interest in Penge can the portfolio holder give an assurance that it will not be demolished.

**Reply:**

The Portfolio Holder stated that as was agreed at the last Executive meeting on the 6<sup>th</sup> February 2013, officers would be bringing a further report back to a future meeting of the Executive setting out the disposal strategy for Anerley Town Hall. Officers were currently exploring a number of options which did not include demolition and these discussions were currently on going. The outcome of a consultants report due at the end of February would further inform those discussions and flowing from this, officers would prepare a further report to submit to Members.

**Supplementary Question:**

Councillor Bance asked if the Portfolio Holder could confirm whether as part of those options consideration could be given to transferring the building to a voluntary not for profit making organisation so that it remained a community asset.

**Reply:**

Councillor Morgan responded that this was something being looked at.

**Further Supplementary Question:**

Councillor Papworth asked if the pH could confirm that there were 3 priorities for Anerley Town Hall – i) preserving the locally listed building; ii) preserving the use of the Public Halls and iii) preserving some form of Library service.

**Reply:**

The Portfolio Holder said he agreed but that in respect of the first option we had to sure that it was economically viable.

**7. From Councillor Peter Fookes of the Chairman of the General Purposes and Licensing Committee**

What was the cost to taxpayers of writing to all residents who have a postal vote to confirm that they still need it?

**Reply:**

The Chairman commented that there might be a jinx over Councillor Fookes' questions of him and referred to outcome of the last one in July 2006. In response to tonight's question Councillor Owen stated that the Council had certainly not written to all residents who had a postal vote in the Borough.

**Supplementary Question:**

Councillor Fookes stated that he had received a letter and knew of others who had also and that this had come from other Boroughs. He wondered about the cost of such an exercise in the current situation which he thought was a waste of taxpayers' money.

The Mayor queried whether this was a question and considered it more of a statement. On being asked by Councillor Fookes as to whether he felt Councillor Owens initial response had been a proper answer the Mayor considered that it had been.

**8. From Councillor Nicholas Bennett JP of the Chairman of the General Purposes and Licensing Committee**

With the exception of union representatives acting in their union capacity; what is the written policy regarding members of staff expressing orally or in writing their personal political opinions whilst working in their capacity as a member of staff and what sanctions are available to deal with such incidents?

**Reply:**

The Chairman said that he understood this question had arisen because a Council employee had appeared on YouTube and made certain comments which local taxpayers had taken objection to. He considered it was a general warning to Members and Officers about the use of social media and what it could lead to. Councillor Owen advised that there was no written policy relating to this but he draw attention to Appendix 2 of the Disciplinary Procedure which listed the type of misconduct warranting formal disciplinary action. There were a number of items under the 'gross misconduct' heading of which included a serious act of insubordination but cautioned that each case would be dealt with on its merits.

Councillor Owen then referred to 2 interesting cases one was Redfern v Circo which went to the European Court; the second was Smith v Trafford Housing

Trust and outlined what they involved and felt this supported the reasons for being cautious about writing very specific procedures in such cases.

**Supplementary Question:**

Councillor Bennett replied that he was aware of both those cases and did not consider they related to the issues behind his question. He asked if the Chairman would agree that in the forthcoming Communications Policy that was currently under preparation there should be included a section advising staff that they should not when they were engaged on Council business and using the Council name indulge in their own personal political opinions which may be contrary to the policies of the Council.

**Reply:**

Councillor Owen advised that he had discussed this with the Assistant Chief Executive for Human Resources, Mr Obazuaye, and they were happy to look at this and decide whether something should be put in writing but again stressed the need for caution.