

**COUNCIL MEETING**

**1<sup>ST</sup> JULY 2013**

**ORAL QUESTIONS BY MEMBERS OF THE COUNCIL**

**1. From Councillor David McBride of the Portfolio Holder for Education**

Is he satisfied with the level of support given by the Authority to schools who have an OFSTED grade of 3 or 4?

**Reply:**

In simple terms the answer is “no.” At around this time a year ago a decision was taken in the Education Department to move away from a sold services operation with regard to the application of support to the schools and to avoid the situation where support services were supplied to all schools in outstanding and good categories which were quite capable of finding their own support either from the national college, other schools or commercial organisations. A decision was taken at that time to concentrate on support activities for those schools in Ofsted categories 3 and 4 that needed the support of Council officers most. We have made considerable progress in that regard and moved away from the situation we had before and now a considerable amount of our support activities are specifically directed at those schools in Ofsted categories 3 and 4.

However, for the last few months we have been short of an officer for mathematics support and eight primary schools have not had the mathematics support that they should have received. That is being addressed as a matter of urgency and once that officer is in place I will be a little more satisfied with the degree of support we are giving to those category 3 and 4 schools.

**Supplementary question:**

Councillor McBride asked the Portfolio Holder whether he was satisfied that there had been two recent Ofsted reports where the Local Authority had been criticised for letting schools down and not giving them the support they deserved. He suggested that this was a symptom of the cuts agenda and staff not being able to support the schools in the borough most in need.

**Reply:**

Councillor Wells responded that he did have a degree of concern and was aware of the two schools involved. However, the Council was moving forwards and attempting to get into a situation where it was better able to support schools in categories 3 and 4. This process had been started a year ago and was still on-going. There was some concern that this

mathematics support was not available and the Council was actively seeking to fill the post.

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

What plans are the Council making as part of the national commemoration of the start of the 1<sup>st</sup> World War in August 1914?

**Reply:**

The Council is looking to make a number of arrangements to mark the outbreak of the 1<sup>st</sup> World War, with potentially a number of events and activities taking place across the borough in 2014. This will start in June with our annual Fly a Flag for our Armed Forces day on 23<sup>rd</sup> June very much expanded to include the visit of the Queen's Own Royal West Kent Living History Group. In addition from 1<sup>st</sup> July to 4<sup>th</sup> August depending on funding and other things becoming available, there will be various exhibitions across Bromley – Bromley at War talks, handling sessions, artifacts day and schools sessions.

**Supplementary Question:**

Councillor Bennett asked whether the Leader was aware of a five volume set of documents, published by the Council in 1999 and written by the late Barry Holroyd, Assistant Director for the Environment, and suggested that it would be a fitting tribute if the Council were to seek sponsorship for this to be re-printed. He also suggested that, given the condition of some of the borough's war memorials, and in conjunction with this, sponsorship could be sought to clean and repair some of the smaller memorials which were now in a state of disrepair.

**Reply:**

The Leader responded that it would be wholly appropriate to do this and he would discuss with Councillor Bennett and the officers whether this could be undertaken and sponsorship be sought.

*(An indicative programme was laid round the chamber and is attached as Appendix 1.)*

**3. From Councillor Tom Papworth of the Portfolio Holder for Public Protection and Safety, the Chairman of the Development Control Committee and the Chairman of the General Purposes and Licensing Committee**

To ask what powers they/their committees have to regulate the activities of shops selling drug paraphernalia and/or legal highs in the borough.

**Reply:**

Councillor Stevens confirmed that he was answering as Portfolio Holder but also on behalf of the two Chairmen identified by Councillor Papworth in his question.

Current drugs laws do not provide an effective means to effectively tackle the supply of new psychoactive substances (NPS). Whilst the Misuse of Drugs Act 1971 gives powers to police to take action this will only be the case where the NPS contains a controlled substance.

There are a range of consumer protection laws that might be considered in an effort to tackle NPS. For example there are a number of offences under the Consumer Protection Regulations 2006 which could be considered, one of which is the omission of important information which the average consumer needs to make a transactional decision. An example of an omission which could breach the CPRs could be a failure to state that a product could be damaging to human health. However, in order to circumvent this potential offence, suppliers have provided a clear statement that a product is “plant feeder-not for human consumption”. You could also argue that the average consumer in this case, namely a substance abuser, would not normally need that information to make the transactional decision. In reality, the CPRs and the General Product Safety Regulations (GPSRs) are not going to solve this problem.

Investigations into the supply of NPS indicate retailers and suppliers are going to extreme lengths to provide test certificates to show products are “legal” or that adequate labelling is used to circumvent legislation in the event they become the subject of interest by trading standards.

At present there are no licensing laws which would allow the local authority to apply restrictions on the activities of these shops and neither are there any planning laws.

**Supplementary Question:**

Councillor Papworth stated that this was what he had expected to hear, that the Council’s powers were nigh on zero. He asked, in view of the fact that Skunkworks had recently opened a shop in Anerley, what action the Portfolio Holder and his colleagues had taken to liaise with other organisations active in the borough that might be able to have some impact on whether this shop could trade and to make sure that it did not encourage anti-social behaviour in the area.

**Reply:**

Councillor Stevens responded that Trading Standards were monitoring these shops in Anerley and Orpington. Councillor Owen had been making representations to Jo Johnson MP and had asked him to raise this in Parliament. The Portfolio Holder hoped that a change in the law could be

made so that it was easier to control what these shops were selling and to stop them selling what the Council considered to be harmful drugs.

**4. From Councillor Peter Fookes of the Portfolio Holder for Care Services (answered by the Leader)**

What is the criteria for accessing extra care housing at Sutherland Court in Penge?

**Reply:**

Places in extra care housing schemes are allocated on the basis of individual needs assessed in accordance with the Council's eligibility criteria for social care services. Extra care housing provides accommodation with care for people who are no longer able to live in their own home even with support and who do not need the level of help given by a care home.

**Supplementary Question:**

Councillor Fookes asked why he had recently been contacted by two residents from Shortlands and Crystal Palace who had been denied access to this facility when reports to committee had stated that budgets were overspent. He found it bizarre that the Council had a facility that was not being used.

**Reply:**

Councillor Carr responded that there was demand for Council facilities but everything possible was done to support vulnerable people and to ensure that people did receive services. There had been issues with vacancies at extra care housing sites some years ago but he understood that there was more pressure now. There would potentially be waits to get access to this type of accommodation in the future.

Councillor Carr offered to look into the individual cases raised by Councillor Fookes.

**5. From Councillor Kathy Bance MBE to the Portfolio Holder for the Environment**

When will the consultation on the changes to the bus routes in Bromley North Village conclude?

**Reply:**

TfL's consultation has already ended.

**Supplementary Question:**

Councillor Bance asked whether, as the Council had a report from the Bromley Mobility Forum explaining the hardship that the proposals would cause, further changes could be looked at, also taking into account the impact on the High Street with EW Payne closing and other shops being affected.

**Reply:**

In response Councillor Smith read a letter he had sent on 28<sup>th</sup> June 2013 to the Forum –

“Dear Miss Marks,

I confirm I am in receipt of your letter dated 3<sup>rd</sup> June. With reference to your public meeting with TfL and LBB’s Mr Cole on 10<sup>th</sup> April it is my understanding that many differing views and opinions were expressed by those attending on the day as well as that no clear conclusion was reached amongst those doing so either. I am further led to understand that your concerns regarding TfL’s consultation being “inadequate” were raised directly with TfL who undertook to take away a number of points raised at that meeting and feed back to you with their findings in due course. I have subsequently been updated that this commitment on their part was discharged as recently as 25<sup>th</sup> June when their response was circulated at a meeting of the Bromley Mobility Forum and endorsed/accepted by those attending. If that is not the case or should you have further concerns it would be helpful for you to consult either Cllr Morgan or myself to understand precisely what they were. “

Councillor Smith stated that there was no clear consensus on what would provide a perfect arrangement in Bromley North. He and Councillor Morgan believed that this was the best available opportunity to secure improvements and that seemed to have been broadly understood by the Bromley Mobility Forum.

**6. From Councillor David McBride of the Portfolio Holder for Public Protection and Safety**

Will he join me in asking the Environment Agency to permanently remove the licence for the Waste4Fuel site in St Paul's Cray?

**Reply:**

Whilst I completely agree and understand your concerns, we may have to leave matters in the hands for the Environment Agency who license this site, and although Waste4Fuel, have missed the first deadline they are being closely monitored by the Environment Agency.

As frustrating as it is for us locally the resolution to this problem does indeed lie with the Environment Agency.

I am happy to advise Councillor McBride, that some local Councillors have been involved with meeting with the Environment Agency to resolve this problem and will continue to be so. The Council will continue to monitor the site with the expectation that all the rubbish will be cleared by the end of August which has been agreed by the Environment Agency.

**Supplementary Question:**

Councillor McBride mentioned that there had been six blazes at the site in the last three months, including a nine day fire in March, numerous enforcement and health and safety improvement notices and six breaches of the Health and Safety at Work Act. He understood that the Portfolio holder could not shut the site down, but he asked that he join with residents and write to the Environment Agency stating that the Council thought that the licence should be removed.

**Reply:**

Councillor Stevens stated that he had made the Council's position very clear – this was a private site, it was licensed by the Environment Agency and it was not licensed by the Council. The Environment Agency were working very closely with officers from the Council and the London Fire Brigade and at this stage the council would be guided by these professionals and would not be making any decisions. The Environment Agency had issued a clear deadline that they expected the site to be cleared by the end of August. He was totally in sympathy with the residents and all parties wanted to work together to find the right resolution to this problem. It had to be left in the hands of the Environment Agency; the Council had made its views very clear but they were leading on this matter.

**Further Supplementary Question:**

Councillor Peter Fookes asked whether it would be possible to hold a special PDS meeting and invite the Environment agency and Bob Neill MP to attend to try to resolve the matter before the end of August.

**Reply:**

Councillor Stevens responded that it had not been possible to arrange for the matter to be discussed at short notice at Environment PDS Committee, but Public Protection and Safety PDS Committee would consider this at its next meeting in September, and he had asked the Director to ensure that the Environment Agency were present so that they could be questioned by Councillors.

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

Why was the answer to my question at the February meeting on the total gas and electricity consumption not, as requested, based on the same criteria as the original question in 2008 - thus making any meaningful comparison impossible and preventing any judgement as to whether the Council's carbon reduction programme has been successful? If he will now provide the information in the format requested or else state why it cannot be provided?

**Reply:**

The response to the original question in 2008 referred to "council buildings" Unfortunately the response did not specify which council buildings were included, nor did the response specify the source of the information provided. It is believed that the 2008 information was based on procurement data multiplied by the then unit rates, but as the officers who provided the original information in 2008 are no longer employed by the Council, it is not possible to say definitively on what basis the 2008 information was calculated and therefore produce information in 2013 that provides a direct comparison.

The answer provided in 2013 clearly states the building (Civic Centre) and the source of the data, so that if the information is requested in the future a direct comparison can be possible.

A more complete picture concerning progress in relation to carbon reduction / energy demand management across the board (expressed as carbon but derived from kWh consumption) is provided in the Carbon Management Programme Executive 2011/12 Report (Executive: 28 November 2012) which shows *inter alia*:

- Tables 1 & 2: Progress against baseline and annual progress
- Table 4: Avoided consumption and spend – i.e. the positive impact of measures undertaken

2012/13 consumption data is currently being compiled and electricity and gas data (inc. Schools and SL) and will be reported to the Executive in the Carbon Management Programme 2012/13 Report in due course.

**Supplementary Question:**

Councillor Bennett asked for an assurance that should the current officers leave the Council then their successors could not claim that it was impossible to provide comparative data.

**Reply:**

Councillor Arthur responded that it would be difficult to give an assurance of this type, but he did commend the report he had mentioned which showed an increasingly positive picture.

**8. From Councillor Peter Fookes of the Portfolio Holder for Care Services (answered by the Leader)**

What provision is being made by the Council for those people who are forced out of the private rented sector by the cuts imposed by your government?

**Reply:**

We provide advice and assistance for those households at risk of losing private rented accommodation as a result of the recent changes to welfare reform. In the first instance this will involve pursuing a range of options to try and prevent homelessness occurring including negotiations with the landlord regarding rental levels and payment terms, assistance to the household to access training and employment. Where this is not possible we will assist the household to consider a range of alternative housing options which may be available based on their individual circumstances for example, moving to less expensive areas, possibly moving to live near or with relatives and so on. We have however seen an increase in the number of households who are statutory homeless following loss of private rented accommodation and where alternative housing options are not viable those households who become unintentionally homeless through this route and fall within a priority need category, are assisted by the Council through the statutory homelessness route and are provided with temporary accommodation whilst a more settled housing solution can be accessed.

**Supplementary Question:**

Councillor Fookes suggested that this was going against the Council policy of having balanced and mixed communities and that the Council should be accepting these residents onto the housing register rather than making it increasingly difficult for people to get on.

**Reply:**

The Leader stated that he disagreed with Councillor Fookes and that therefore his answer was “no.”



**9. From Councillor Kathy Bance MBE of the Portfolio Holder for Public Protection and Safety**

How many mobile CCTV cameras are there in Bromley and how long is the waiting list for their use?

**Reply:**

We have six mobile systems that we can use outdoors. Each system can accommodate up to six cameras, used together to obtain the necessary views and we also have four mobile systems that we can use indoors.

We have two covert surveillance vehicles, although one vehicle is currently out of use as it is being refitted at this time.

We are currently deploying all systems plus the single vehicle that we have, although one of the systems (two cameras) were recently stolen and are in the process of being replaced.

**Supplementary Question:**

Councillor Bance thanked the Portfolio Holder for the work being done in her area of the borough and asked whether there was any opportunity to increase the number of mobile cameras to deal with specific hotspots. She stated that there had been two murders in known hotspots in the last four years and there were still several other hotspots that should be monitored to prevent any further incidents.

**Reply:**

Councillor Stevens responded that he was aware of the terrible circumstances of the two murders in Penge. The Council had reacted on the first occasion by placing a camera on the bridge and was waiting to hear from the Safer Neighbourhood Team to see whether there was a need for further cameras in the area after the recent incident. When that bid came in the Council would consider whether there was a camera available and how much the cost would be and act on the advice of the Police as it had done across the borough in recent years where a number of cameras had been installed at the request of councillors.

**Further Supplementary Question:**

Councillor Tom Papworth asked whether the Council had good coverage of the theft of the two cameras, or was the film too grainy to be used?

**Reply:**

Councillor Stevens declined to answer what he considered to be a frivolous question.

**10. From Councillor Nicholas Bennett of the Portfolio Holder for the Environment**

What representations has he made to *Transport for London* regarding the Mayor's proposal to extend the Bakerloo Line to Hayes over the existing Network Rail Tracks?

**Reply:**

Councillor Smith stated that there had been numerous and on-going conversations not only with Transport for London but perhaps more importantly with the GLA family about the potential to extend the Bakerloo Line to Hayes. It remained firmly the Council's view that the priority for the borough was to extend the DLR in whatever form to Bromley North and ideally to Bromley South. This would cost approximately £800m as opposed to extending the Bakerloo line which would cost roughly £2.2bn but would also provide less direct connections into London for Bromley residents living along that route.

There had been a significant number of discussions, these remained on-going, and recent meetings had been attended not only by himself but also the Leader and the Portfolio Holder for Renewal and Recreation. It was necessary to stick with these discussions as it was likely that the borough could only expect one major project to be implemented soon, and it was vital that this was the right one to regenerate Bromley town centre, create jobs and enhance business rate retention. Bromley town centre was the focus of the message.

**Supplementary Question:**

Councillor Bennett asked whether the Portfolio Holder shared his concern and that of his constituents in West Wickham that they would be getting a raw deal if full sized trains were replaced with smaller tube trains meaning more people would have to stand for a slower service, not going to the parts of London where the train currently went.

**Reply:**

Councillor Smith stated that he agreed that this was a real risk. It would be necessary to look at the level of detail were TfL determined to press ahead with their scheme. He hoped that they would listen to the fact that this was not a local political priority.

**11. From Councillor Peter Fookes to the Portfolio Holder for Public Protection and Safety**

Why are charities being threatened with prosecution when rubbish is dumped on their land?

**Reply:**

As with any landowner or business Charities would have a responsibility to manage this “dumping” on their land, as the owner becomes legally responsible for the rubbish, once it is dumped.

Also, in disposing of any unwanted material, they must ensure that it is done in accordance with current legal requirements for the disposal of waste.

**Supplementary Question:**

Councillor Fookes stated that it was very unfair on property owners, for example in Penge where the Council was threatening to prosecute the Salvation Army, when it should be prosecuting the perpetrators of the crime. He asked why the Council was not addressing the underlying problem.

**Reply:**

Councillor Stevens agreed that it would be better to prosecute the perpetrators but the problem was that the Council had to follow the law which was quite clear. He was aware that charity shops put up notices to explain when donations could be received but they had to take responsibility for what was left on their forecourts.

**Further Supplementary Question:**

Councillor Nicholas Bennett asked whether Councillor Stevens was aware of the situation at The Studio. Councillors for Clock House Ward and himself had raised the issue of tyres piled up there that had been dumped. Part of the problem was that there was no CCTV and the gate to the premises was not very secure. There was clearly a responsibility both on the perpetrators but also on the people who owned such sites to make sure that proper precautions were in place such as CCTV so that they could establish who was responsible for dumping things.

**Reply:**

Councillor Stevens responded that he was not aware of this situation, but the director would investigate and respond.

## **Appendix 1 (Question 2)**

### **Bromley Palace Park, 23<sup>rd</sup> June 2014**

#### **Fly a Flag for our Forces**

Mayoral and Civic Services will organise the annual morning commemoration. Since signing the Armed Forces Covenant in April 2013 the list of invitees will be larger than in previous years. In addition the event will be publicised for the first time allowing residents to take part.

#### **RAF large ensemble band**

A request has been placed with the RAF for a band to play as part of the Fly a Flag for our Forces commemoration. The request is for music from the arrival of guests through to their departure (approximately 1 hour in total). We will be informed early in 2014 if our request has been successful.

#### **The Queen's Own Royal West Kent Regiment Living History Group (50th & 97th)\***

will be on site for the whole day offering an opportunity for invited guests, staff, local residents and schools to learn about the uniforms, weapons, equipment, training and everyday life of the Great War soldiers. It is anticipated the public will visit this display in the morning with schools invited to attend in support of National Curriculum activities in the afternoon.

### **1<sup>st</sup> July – 4<sup>th</sup> August 2014**

Subject to a successful Heritage Lottery Fund grant application by Bromley Local Studies and Archives Service:

#### **Bromley at War exhibitions**

Exhibitions will be held at Bromley Museum and in Beckenham and Bromley. The main exhibition will be at the museum with pop-up taster exhibitions at the other two locations that will signpost visitors to the museum's main exhibition.

#### **Bromley at War talks**

Bromley Museum's Curator, will take a programme of World War One talks on a tour of the borough's libraries.

#### **Bromley at War handling sessions**

Bromley Museum's Service will deliver handling and craft activities for families at Bromley Museum and on an outreach basis in libraries around the borough.

#### **WWI Artefacts Day**

Bromley's local communities will be invited to a special day at Bromley Museum where they can bring their own family memorabilia to discuss and show to other members of the community, museum, local studies and archives staff. The day seeks to encourage reminiscence, inter-generational connection and oral histories.

### **October – November 2014**

Subject to a successful Heritage Lottery Fund grant application by Bromley Local Studies and Archives Service:

#### **Bromley at War school sessions**

Bromley Museum's Education Officer, will deliver handling and learning sessions in schools around the borough on World War One and tied in to Remembrance Sunday.