

QUESTIONS FOR ORAL REPLY

Questions from Mr Chris Spencer

1. (Ref. market testing SEND services) Would the Executive support the inclusion of new thinking on service provision so that the terms of reference include (a) implementation ideas borne out of the new SEND reform legislation and (b) new insight-based service strategies / ideas that could help potential providers to deliver more effectively?

Reply

All plans being developed are consistent within the new SEND reform legislation and where appropriate new ideas will be adopted to ensure services are delivered effectively.

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2. Will the Executive support and facilitate the bringing together of key people within education, health and care services so that we can define ways to deliver on the intent of the new SEND reform legislation? As a leading pathfinder the eyes of many service providers and decision makers across the country are on us!

Reply

Yes, the successful transformation of SEND services will only be achieved by working in partnership across agencies.

Supplementary Question

In his supplementary question, Mr Spencer asked for innovation in the development of proposals. He was encouraged that this approach had been accepted. In view of implementation work, he suggested a six month time frame thereby enabling professionals to be in a better position to undertake changes. Mr Spencer trusted officers to make good decisions – there was opportunity with the new legislation and a demand for change.

Reply

The Portfolio Holder referred to Market Testing being a long process and it was currently an early stage. He was confident there would be new ways of working at the end of the process and had confidence in officers to take the process forward.

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## QUESTIONS FOR WRITTEN REPLY

### Question from Mr Tom Chance

Council monitoring suggests that nitrogen dioxide levels have consistently been above legal limits on Anerley Hill and Anerley Road in recent years, exposing residents and local business employees to this significant health risk. What steps are you taking to reduce pollution levels on these streets?

### Reply

Air quality monitoring data undertaken in both the Anerley Hill and Anerley Road environs confirm in recent years the mean annual nitrogen dioxide objective of 40 µg/m<sup>3</sup> has been exceeded, in line with most of London.

Bromley has continued to work hard towards improving its air quality including the publication of an Air Quality Action Plan, which sets out a package of measures, using both existing powers available to the Council and working with other organisations and aimed at addressing the nitrogen dioxide exceedences in line with meeting the annual mean.

A copy of the action plan can be found on the Council website.

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### Questions from Mr Peter Leigh

1. How can the gardens be below the level of the culvert which runs under the electricity sub-station – see 3.16
2. When will the detailed study be undertaken – see 3.17
3. £30k is not going to go very far. – see 3.20. What if the report recommends increasing the size of the culvert from Glebe Way to Corkscrew Hill in view of its proven inadequacy in 2001 and 2014?

### Reply

The main river culvert running from Corkscrew Hill to Courtfield Rise is very shallow, in some places only just below ground level. Although the culvert runs under the UKPN sub-station, the ground level at the low point of the garden immediately adjacent to the substation sits below the level of the culvert.

The detailed study is to be undertaken by the Environment Agency (EA). The London Borough of Bromley have not been informed of the date they intend to implement it at this point in time.

Should the EA study identify any necessary maintenance / improvement works to the culvert over and above their available budget, such works would be subject to additional EA funding being made available.

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## Questions from Mr David Strawson

1. As a parent of a disabled child I am very concerned that both parents and children and young adults with disabilities are not being engaged sufficiently in this process, to influence outcomes that materially affect their lives. What will the Executive do to ensure this shortcoming is addressed?

### Reply

The proposal under consideration is whether to expand the scope of the market testing of Education Services to include additional services such as Special Educational Needs and the Specialist Support & Disability Service. The decision to market test all other Education Services was previously agreed by the Council's Executive in October 2013.

It is for the Council to consider and make arrangements on how services are delivered, informing key stakeholders as appropriate as decisions are made. If the Council agrees to expand the scope of market testing, it is at that point that appropriate engagement with stakeholders will commence, as described in the report under consideration.

The process of market testing itself does not directly affect the services currently being received by service users. If, as a result of the market testing process or otherwise, proposals are made that involve specific changes to the services being delivered then the Council will engage as appropriate with all relevant stakeholders prior to decisions being made. It should be noted that a change in provider does not necessarily mean that the Local Offer or the educational provision provided to children with Special Educational Needs or disabilities will change.

The Assistant Director for Education has established a regular meeting with representative parent group to discuss issues relating to the SEND reforms and to provide a forum where parent views are heard as part of the commissioning of services.

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2. Significant benefit is derived from delivery of education, health and care services in an integrated way. The market test is only for education. Why, when these services are delivered in unison so successfully from the Phoenix centre is it difficult to market test and potentially outsource them together?

### Reply

Health services, such as those delivered at the Phoenix Centre, are not, in the main, commissioned or funded by the London Borough of Bromley. They are commissioned and funded primarily by the Clinical Commissioning Group (previously the Primary Care Trust) and are delivered on their behalf by providers, such as Bromley Healthcare, who hold contracts with the Clinical Commissioning Group.

The new SEN Code of Practice and the Children and Families Act 2014 places particular emphasis on an integrated approach for the delivery of education, health and care services.

Regardless of how services are delivered in the future, this will continue to be a priority for the Council. This will be achieved, as it is now, through partnership working and planning between the Local Authority, the Clinical Commissioning Group and service providers.

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3. What opportunity have the parent, carer and disabled youngsters community  
a) had  
and  
b) will they have  
to review and influence the success criteria of the market test?

Reply

The market testing of Education Services covers a wide range of educational services, most of which may not be directly relevant to the parent, carer and disabled youngster community described, and therefore it is not appropriate for the overall process to be focused on any one particular group.

As market testing involves a competitive tendering exercise, through a competitive dialogue process, the Local Authority has to maintain confidentiality in the management of the process to ensure that no potential bidders are able to receive any information that may give them an unfair advantage over others.

However, throughout the process we will be engaging with all relevant stakeholders as appropriate and this will allow stakeholders to ensure their views are heard. Engagement will take different forms; the detail has yet to be decided as the decision to expand the scope of market testing has yet to be taken.

The Assistant Director for Education has established a regular meeting with a representative parent group to discuss issues relating to the SEND reforms and to provide a forum where parent views are heard as part of the commissioning of services. These views will inform the market testing process.

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Questions from Susan Sulis, Secretary, Community Care Protection Group

1. LBB action on the Government's Index of Multiple Deprivation (IMD) ratings for Cray Valley West, (CVW), Cray Valley East (CVE), and Orpington wards.

CVW is scored as Quintile Level 1, the most deprived in England. CVE and Orpington, are rated at Level 2.

- (a) How is the Council's Public Sector Equality Duty defined in its policies and allocation of resources for this area?

Reply

The Council will have regard to its obligations under the Equality Act 2010 and where appropriate to all other statutory and common law obligations and duties which are relevant to a decision or policy when a matter is under consideration.

(b) How would the closure of the 'Orpington Foodbank' affect Health Inequalities?

Reply

We have no evidence that it will any impact on health inequalities.

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2. 10<sup>th</sup> October 2013 Resources Portfolio Holder and PDS Committee confidential report to charge the full commercial rent of £8,400 per annum for the shop used by the 'Orpington Foodbank'.

(a) What factors did the report consider?

Reply

The report considered in October 2013 related to the request from the Oak Community Church (OCC) to remain in the property occupied on a temporary basis in Cotmandene Crescent rather than return to their original premises in Ranmore Path. The OCC subsequently chose not to return to Ranmore Path and agreed to take a lease of and pay a rent for the property in Cotmandene Crescent.

The report considered commercial property factors; the need to maximise income; the established policy that Council properties should be let at market rent to ensure transparency and to avoid hidden subsidies when letting to charitable organisations; estate management issues; that the letting of 111 Cotmandene Crescent at nil rent was only a temporary arrangement following the fire at Ranmore Path; the services provided by the Foodbank; views of the OCC about the benefits of Cotmandene Crescent over Ranmore Path; and the existence of OCC's own property in Chipperfield Road.

(b) Did it include the lack of income sources of the Bromley Borough Foodbank, compared to other charities with Council contracts and/or shop sales?

Reply

No

(c) Were the Public Health, Social Care and Health Inequality implications of possible closure in an area of Multiple Deprivation identified?

Reply

No

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3. 10<sup>th</sup> October 2013 Report and Decision on the 'Orpington Foodbank'.

(a) Was the Director of Care Services consulted, and his views incorporated in the report?

(b) Was the Director of Public Health consulted?

(c) Was the Portfolio Holder for Care Services and Public Health consulted?

Reply

The Director of Education, Care and Health Services (who is the line manager of the Director of Public Health) was consulted and he consulted the Portfolio Holder for Care Services and Public Health.

(d) Why was the report not referred to the Care Services Policy Development and Scrutiny Committee for its views?

Reply

Members did not resolve to do so. The Chairman of the PDS Committee is a Member of the Executive and Resources PDS Committee which considered the report.

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Questions from Melanie Weston

1. When will you be holding a public meeting with the local residents?
2. After the 2001 flooding why did Bromley Council not carry out any maintenance to the culvert as recommended in the 2001 report and subsequently passed over to the Environmental Agency in 2007?
3. When residents have to renew household insurance will you provide evidence that as LLFA you are doing all that is necessary to protect our properties to ensure we are able to continue insuring our properties without inflated prices?

Reply

There are no plans to hold a public meeting.

Maintenance of the main river culvert remains the responsibility of individual riparian owners. The London Borough of Bromley are only the riparian owner for the culvert under the public highway in Courtfield Rise which had not been identified as needing repair during the period in question.

The London Borough of Bromley has a responsibility as LLFA to manage the risk of flooding and work with other stakeholders in the dissemination of information. The nature of Groundwater flooding is such that the LLFA are not in a position to do "all that is necessary" to protect any individual property.

Residents may be able to provide evidence that protection measures have been undertaken themselves via the R&R grant process.

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## Questions from Mr Chris Widgery

1) What does evidence from other authorities show about the impact of physically separating co-located education, care and health services on the outcomes of the children and what evaluation has been carried out about the impacts of physically separating the Phoenix preschool from other related services?

### Reply

There are no proposals to separate education, care and health services in the way described. Options for the future location of the Specialist Support & Disability Service, currently based at the Phoenix Centre, have to be considered as the current lease arrangements will come to an end next year. All available options will be considered before a proposal for final decision is put forward. Any solution that is considered will, in discussion with our partners in health and care services, look at the ways in which an integrated service can continue to be delivered – whether that be full co-location or other effective ways of delivering an integrated service.

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2) Has consideration been given to working with the NHS jointly to relocate *all* services on the current Masons Hill site to a new location, thereby preserving the benefits of co-location? If so, please explain how this was done and who was involved?

### Reply

As per my previous response, no decision on the relocation or otherwise of the London Borough of Bromley funded services currently based at the Phoenix Centre has been taken. Options are currently being considered before a proposal for a final decision is put forward, which will involve discussion with our partners in health services.

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3) Given that we understand a decision on the Masons Hill lease needs to be taken during the school holidays, will the Portfolio holder and Jane Bailey agree to ease the anxieties of families of affected children by discussing and explaining the proposals for relocation before any decisions are taken?

### Reply

There is nothing in the report under consideration that would indicate that a decision needs to be taken in the timescale described. The market testing report briefly references the issue of the Phoenix Centre lease, included for information as it is relevant to the planning of the market testing. It references alternative locations as one of the potential options to be explored further.

For clarity, the current lease on the Phoenix Centre expires on the 31 July 2015. At this time, we are considering the options available to us. The timescale by which a final decision needs to be taken is still to be determined and may be subject to negotiation. It is likely that some options will need to be investigated in more detail before proposals for a final decision can be put forward. Proposals put forward for

final decision by Members will include engagement with stakeholders as appropriate as part of the decision making process.

The Assistant Director for Education wrote last month to parents and carers who access services located at the Phoenix Centre outlining the situation. The Assistant Director for Education will continue to keep parents and carers informed as appropriate throughout the process.

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