

COUNCIL MEETING

21st July 2014

ORAL QUESTIONS FROM MEMBERS OF THE COUNCIL

1. From Councillor Nicholas Bennett to the Portfolio Holder for the Environment

If he will make a statement on the various recent suggestions for improved public transport links in the borough?

Reply:

It is possibly a little premature to make an extensive presentation tonight. Members will be aware of recent developments around the DLR into Bromley where perhaps TfL have suggested that they are rather keener to introduce another scheme, which will be strange if they carry it through as it will be against the Mayor for London's manifesto commitments in 2012 and we have reminded him of that. What we are looking for and what we are doing with TfL is possibly an extension of Overground Rail from through New Cross into Bromley via a route to be decided. That could include possibly running the Bakerloo Line down part of the way and spurring off to Bromley from there. What we are not supportive of and have told TfL repeatedly is their intention to push the Bakerloo line all the way down to Hayes which would deny a lot of people of the south-western part of the Borough the opportunity to have direct access to Cannon Street and London Bridge. I will be very happy to present to you at the next Council meeting. One of the things we are going to be discussing at the Public Transport Liaison Committee later this week is the potential disruption to the Thameslink services that run through Beckenham Junction amongst other places. There is a suggestion that places like Sutton might be going to get promoted at our expense in years to come and I think it is absolutely essential that we bottom this out sooner rather than later. Other priorities that we will be speaking to senior figures at the GLA about in the coming weeks are the absolute necessity to do something about transport at Crystal Palace if our vision for the new Crystal Palace is to come to fruition because it is self-evident that something would have to happen to the transport up there. For further details right now I would refer colleagues to Environment PDS Committee report ES14/048 which contains further detail, and I would be happy to update colleagues after the Public Transport Liaison meeting on Wednesday, either direct or at the next Council meeting.

Supplementary Question:

I have read the Environment Committee report. Is he not surprised at the Mayor's decision? Our extension of the DLR when we first envisaged it was using Network Rail lines from Lewisham to Grove Park and Bromley North and this would be a fairly cheap option. What we got from the Mayor was a different option for the DLR, completely new with tunnels etc, which was going to cost a billion pounds. It was no wonder that the business case did not stack up when you pick a different route rather than the simple solution. Given that, I do believe we ought to be pushing the Overground route from New Cross to Bromley North because that one could be done very cheaply in comparison with all the other schemes, it could be done in the next

three or four years and it would open up Bromley to the whole of the East End and Canary Wharf and onward journeys from there.

Reply:

I fundamentally agree. The jewel in the crown is to get the DLR into Bromley North and ideally Bromley South, if we can get it. It looks as if we might not; however, that was an election manifesto promise and we are reminding people in the right places of that. If we cannot get the jewel in the crown, the Rolls Royce, then, absolutely, if we have to settle for the Ford Focus of the Overground coming in via New Cross then we should take it as that is no bad consolation prize. We do have to start bottoming this out as the consultation has been rolling for two years without any apparent desire at TfL to do anything other than to run the Bakerloo Line down to Hayes at twice the price of the DLR which we do want, as opposed to the Bakerloo Line, which we do not.

2. From Councillor David Jefferys to the Portfolio Holder for Education

To ask the Portfolio Holder for Education whether with the increasing use and reliance by external groups on parent/community preference views, he will set out the criteria his department uses to assess the conduct, reliability, integrity and veracity of such surveys and derived reports. Will he also set out and publish the guidance his department issues to organisations on the conduct of preference surveys?

Reply:

The Education Department does not currently issue guidance to organisations on the conduct of preference surveys, in fact in many cases it would be inappropriate to do so. Organisations other than the Council will be subject to their own regulations and are therefore responsible for ensuring that the conduct, reliability, integrity and veracity of their surveys is of the highest possible professional standards.

Supplementary Question:

I think we are seeing an increasing number of these questionnaires being put forward and sometimes we are seeing the wrong questions asked of the wrong people and then the wrong analysis. In the light of that, could I ask him to look again at this. There are a range of international standards, there are professional bodies, but if there is a material impact on policy can I ask that his officers do give some consideration to the particular questionnaires so that we are informed, and the Committees are, as to their analysis and the reliability of that data.

Reply:

You are right – we are seeing larger and increased numbers of such surveys, they are often more extensive and they do impinge on the education service at this time. The process by which surveys are carried out is governed by the audience to which that survey is being directed. In the case of many education preference surveys that audience is the Secretary of State, not this Council. Under those circumstances it is difficult to achieve any kind of assurance that the right questions are being asked of the right people. I would agree with you that it would be much more useful if those surveys were published and made public, not necessarily just to this Council, and available on a website. Information on questions asked and the kinds of response

that they are achieving would be useful and I think there is a broader audience than the Secretary of State.

3. From Cllr Kathy Bance to the Portfolio Holder for Education

What proportion of the increased 2014/15 Dedicated Schools' Grant will be distributed to schools?

Reply:

Although not yet confirmed as it is still in consultation, DfE has announced a potential £19.1m of additional funding as DSG for Bromley that will come into effect in the 2015/16 financial year. All of this funding is expected to go to schools as per the DfE guidance. Recommendations as to how this will be distributed will come to Members for decision shortly.

Supplementary Question:

Councillor Bance pointed out that the answers to this question and her second question (number 8 below) had been put together and requested written replies to both. Her supplementary for this part was - How does that compare to previous years?

Reply:

The amount that is kept in central contingency is defined by the DfE. We keep that sum to provide centralised services that I have just described, in this case the application of health and safety and security issues to primary schools.

The detail in terms of the actual proportion of what is kept centrally and distributed to schools is defined by the Department. I will get you a number tomorrow and ensure that you get a written answer to these questions.

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

The Environment Agency has now estimated the cost of cleaning up the Waste4Fuel site to be between £2 and £2.5 million. Neither Waste4Fuel nor the landowner has sufficient assets to meet this liability. Is it possible that liability for the clean-up will fall back onto the London Borough of Bromley?

Reply:

I can confirm that there is no legal liability upon the London Borough of Bromley Council in this regard.

Supplementary Question:

It seems that everyone is trying to deny responsibility – the Environment Agency and the Council. I went to meet some residents there – it is an absolute eyesore and it does smell. This is rumbling on and on - does the Portfolio Holder think that anything could have been done up to now to make this much less difficult for the residents.

Reply:

I have just said that it is nothing to do with Bromley Council – it is all to do with the Environment Agency. They are the people who are properly in charge, they have licensed this site and it is they and our MPs that we have been working solidly with to try and deal with this matter. Because of this group's good work we now appear to be about to see the back of these particular operators and it would have been good if you had congratulated us and our partners for the work that has been going on rather than choosing to mislead people, trying to suggest that we are not doing enough about it. We are working very hard behind the scenes, it is a matter for the Environment Agency and indeed later this week Councillor Smith and I will be going to a meeting with our MPs at Westminster with the Environment Agency to carry on dealing with this matter. It is something we will be doing, we have been doing. It is nothing to do with the Council, it is all to do with the Environment Agency. It is up to them, they license the site - it is a privately owned site, nothing to do with us whatsoever.

5. From Cllr Peter Fookes to the Portfolio Holder for the Environment

What plans are there to improve public transport at Crystal Palace pending the rebuilding of the Crystal Palace itself?

Reply:

It remains an ambition of this Administration to see Tramlink extended to Crystal Palace at some future point in time as and when Mayoral finances permit.

Significant improvement to the public transport infrastructure locally is self-evidently going to be a pre-requisite if our vision for a rebuilt Palace is to come to fruition.

6. From Cllr Tony Owen to the Portfolio Holder for Public Protection and Safety

What is the borough and police policy following the drug reclassification of khat?

Reply:

On the 24th June 2014, khat was reclassified as a Class C drug under the Misuse of Drugs Act 1971 and as such its control is a matter for the police. Khat is a herbal stimulant grown in east African countries where it has historically been used for recreational purposes in social settings. In the UK it is mostly used by older members of communities such as Somalis, Yemenis, Ethiopians and Kenyans. It is widely used across a number of London boroughs. Historically in Bromley, Penge has been known for its ready availability of Khat in green grocers and the use of Khat in cafes largely frequented by the Somali community.

The Metropolitan Police have announced that proactive enforcement is not proportionate but any finds will be dealt with by officers on a case-by-case basis. The policing response to possession for personal use will be sensitive, with the enforcement model as follows:

- A khat warning to be issued on the first occasion an individual is caught.

- On the second occasion if appropriate a fixed penalty notice will be issued for a £60 fine.
- Further possession offences: Arrest for possession of a controlled Class C drug will follow.

Police Officers who come into contact with users are using the opportunity to educate them about the classification, with users signposted to support services from local Drug and Alcohol Teams (DAATs), if appropriate. The Police have met senior members of the Somali community in Penge and had meetings with them and they are well aware of what is happening.

The importation, supply and distribution of khat will be dealt with far more severely. For example the maximum punishment for importation of a Class C Drug is 14 years' imprisonment.

The impact of police enforcement in the MPS will be reviewed after one, three, six and twelve months when each borough will be required to review stop and search khat related interventions, incidents of anti-social behaviour, domestic violence, community tension and public confidence in the Police.

Supplementary Question:

Are we not on dangerous ground when the Police decide when and if they will enforce the law?

Reply:

Unfortunately, enforcing the law is all about what the Police decide in consultation with the Home Office it is nothing to do with us. They have taken the decision to sensitively handle this issue. I know that this is a sensitive issue and I think that they are doing the right thing, but I have asked the Borough Commander to ensure that every now and then someone is stopped in the Borough and that we send the message out that if it is a banned drug then we will not tolerate its use any more.

7. From Councillor Nicholas Bennett to the Portfolio Holder for Resources

When was the Section 106 agreement made Asprey Homes with regard to the development on the Blue Circle site, what was the agreed sum, what was it proposed that the money be spent on, how much has been received to date and if he will give the reasons given for any shortfall in the sum received?

Reply:

There is a lengthy planning history on this site which was granted planning permission on appeal, this reply is a summary. The section 106 agreement contained a number of benefits including the provision of social housing and provision of land for a doctor's surgery. The agreement also contained provision for a number of targeted financial contributions, the most significant being a joint use education payment to be calculated in accordance with the agreement. After making an allowance for the fact that the affordable housing elements of the development were developed for extra care housing, which did not give rise to an educational payment, the initial agreed sum for the relevant phase of development was £754,593. After a formal mediation process this was reduced to £500,000 on viability grounds. This is

due to be paid in instalments. The sum due to date, £378,000 has been received. The further £122,000 is due by the end of July 2014. The Executive Committee on 2nd April 2014 resolved that £250,000 of the contribution is to be used to support the expansion of Princes Plain Primary School by at least 30 pupils per annum. The remainder will be used in accordance with the purposes provided by the section 106 agreement.

Supplementary Question:

Councillor Bennett declared, as the school was mentioned, that he was a governor of Princes Plan Primary School.

The original sum to be paid was £734,000. The company claimed that because of changes in the housing market that it was no longer viable for them to pay that sum and they have negotiated £500,000. Given the state of the housing market now, does the Portfolio Holder believe that we ought to revisit this matter on any future development to ensure that we get value for money, particularly if it is this company who I believe own a company plane and a company Ferrari?

Reply:

This was a formal mediation process - clearly it looked to the viability of this site at that time and gave a ruling, and that was £500,000. It would be nice to think that we could retrospectively go back – we cannot do that but we will remember them for the future.

8. From Cllr Kathy Bance to the Portfolio Holder for Education

Why was Dedicated Schools' Budget underspent by £1.285M for 2013/14 and why was this money not spent on schools?

Reply:

The £1.285m is the current projected underspend on DSG for 2014/15 in the centrally retained element of the schools budget. This is due to lower than expected costs in SEN Placements and support costs and some underspends in early years funding to private and voluntary providers. Any underspend (or overspend) at any given year end is carried forward in to the next financial year and dealt with as part of the budgeting process. Funding can be given to schools or kept centrally for particular projects. One such project that is currently being envisaged is in regards to HSE and security issues at many primary schools which need to be upgraded and will be addressed using a large portion of the underspend you have just identified. This funding could not be given to schools in year due to funding restrictions set out by DfE, and as always, it would be the Council's intention to see this spent for the benefit of children.

Supplementary Question:

Can the Council confirm that the DSG underspend of £1.25m in 2013/14 will be spent on schools next year?

Reply:

It is always the intention to ensure that any underspend is directed to projects directly related to schools' needs and there are a number of projects currently being looked

at that will address any underspend at the end of this year and to ensure that there is no underspend in 2015/16 relating to the £19.1m that has been announced, though not confirmed.

9. From Councillor Peter Fookes to the Portfolio Holder for the Environment

What plans are there to undertake a deep clean of the roads that the contractors are not able to access properly in the north of the borough?

Reply:

There is already an enhanced cleansing programme for the 239 streets within the Borough assessed as being the most difficult to access due to heavily parked vehicles.

10. From Councillor Tony Owen to the Portfolio Holder for Care Services

What knowledge does LBB have of Home Office accommodation in the borough for asylum seekers?

Reply:

To the best of our knowledge there is no home office accommodation in the borough for asylum seekers.

Supplementary Question:

How can we plan in this Borough when Home Office Asylum cases suddenly become Bromley homeless cases when they grant asylum and then evict their tenants. Without knowing how many properties they have got we have got no idea what our problem is and how to plan for it.

Reply:

I can only say that we will keep an eye on the matter of asylum seekers in Bromley.

11. From Councillor Nicholas Bennett to the Portfolio Holder for Renewal and Recreation

If he will make a statement on the future of the West Wickham Leisure Centre?

Reply:

We have a contract with Mytime to operate West Wickham Leisure Centre and many other facilities around the borough. They recently approached us about a refurbishment of the dry-side of the centre. We discussed this and thought that there was no point in doing that if it turned out that the Council had to do some major structural work. We then did a condition survey which we are now evaluating and we will be discussing this in more detail with Mytime.

Meanwhile, Mytime have now provided the Council with draft heads of terms with regard to the future operation of all the Council's leisure facilities. Their contract currently ends in 2024 but there is the possibility of mutually agreeing something different if it saves the Council Tax payer some money. This will probably involve the West Wickham Leisure Centre in terms of either redevelopment or refurbishment.

That is in its early stages - I will be consulting with all interested parties and Members once I have more information. Prior to a response going to Mytime with regard to their draft heads of terms, a report will be taken to the meeting of the Executive on the 10th September setting out the Council's position.

Supplementary Question:

Is he aware that at the moment the plan is to spend approaching £1m on repairing the building which is in a poor state of repair? Would it not be more sensible to look at the possibility of having a joint library/swimming pool on the site, perhaps with some flats as well, along the successful model of Biggin Hill.

Reply:

I congratulate Councillor Bennett for reading my mind.

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

What proposals has he got to increase the amount of affordable housing in this borough?

Reply:

The Council has the 3 following key objectives to facilitate the provision of affordable housing:

- Working with housing association partners to secure external capital funding from Government agencies for the delivery of new developments that best reflect local housing requirements
- Providing gap-funding to housing associations to enable the delivery of new affordable housing and the retention of existing affordable supply that they may be seeking to dispose of
- Ensuring that the Council's local planning policies are formulated and implemented to maximise affordable housing provision in line with policy requirements and reflect the tenure and size of affordable housing sought to meet statutory duties.

Regular reports are provided to the PDS committee setting out progress regarding the supply of accommodation.

13. From Councillor Tony Owen to the Chairman of the Development Control Committee

What effect do you see permitted development orders having on LBB?

Reply:

There is a wide range of permitted development set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The current version includes 43 different parts, many of which have been added by amendments over the last 19 years. Many cover development such as bus shelters and TV aerials, or changes of use from Houses in Multiple Occupation to single dwelling and have little impact. Several parts, however, allow development which has a much greater

impact and some permit development which would be refused planning permission under planning policies were it to be subject of an application.

More recent parts which allow development that could conflict with existing policy include:

Part 1 Class A – Householder permitted development - May 2013 amendment to allow up to 6 or 8 metres for single storey rear extensions subject to prior approval. Could conflict with residential amenity policies and green belt policy.

Part 3 Class J – Change of use from office to residential – May 2013. General concerns would be lack of affordable housing requirement, no contributions to healthcare or education and loss of employment floor space.

Part 3 Class M – Change of use from agricultural to shop, café, office, hotel and other commercial uses (added May 2013); Class MA change from agricultural to school or nursery (added April 2014); and Class MB change from agricultural to residential (added April 2014). This could conflict with green belt policy and cause harm to rural environment.

It is difficult to gauge specifically the longer term impact these newer parts will have on the Borough, but in particular there are strategic planning issues that could arise related to the loss of employment floor space, impact on town centre economy and lack of infrastructure contributions from larger office to residential schemes.

Supplementary Question:

Will the Chairman take the opportunity to lobby the new Minister, rather than the stubborn one we used to have, and make localism become real rather than a pretend thing.

Reply:

I am happy to take that forward on behalf of all of us.

Additional Supplementary Question:

In relation to our Local Plan, would the Chairman agree that where necessary we should look at Article 4 directions and changes to our Local Plan to stop unwarranted development occurring where we feel this is important.

Reply:

Where appropriate we can look at Article 4 directions provided that this does not make our Local Plan unacceptable.

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

Councillors will be well aware, not least from the reporting in television, radio, national and local press, of the appalling state of the Waste4Fuel site and of the failure of the recent court action brought by the Environment Agency. Will the Portfolio Holder confirm that the Council will use all the powers at its disposal to bring the nuisance that arises from the gross mismanagement of the activities of

Waste4Fuel to the earliest possible end and will he set out what actions are being taken by the Council and other agencies to stop the suffering of Cray Valley residents?

Reply:

I can confirm that this Council, assisted by a key local Residents Association, the London Fire Brigade, James Cleverly MLA, Bob Neil, Jo Johnson and James Brokenshire, MP have been doing precisely as you request for many months.

Our actions to date have prompted the involvement of a Minister of State, seen questions raised on the floor of the House of Commons and more recently a High Court Action served against the site's rogue operators by the Environment Agency.

As recently as earlier today, I have been made aware that Waste4Fuel have now announced their abandonment of the site and I have little doubt that the pressure we have exerted has played a significant part in that development.

We shall now be pressing the Environment Agency to hold urgent discussions with the relevant Landowner who now holds responsibility for the site's appearance and cost of clearance.