

**COUNCIL MEETING**

**21<sup>st</sup> July 2014**

**WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL**

**1. From Councillor Nicholas Bennett to the Portfolio Holder for Resources**

When was the lease to Citygate Church agreed for The Studio, what were the principle terms of the lease and what steps have been taken to bring the building back into use for the community?

**Reply:**

1. The Agreement for Lease with Citygate Church for 28 Beckenham Road Beckenham was entered into on 3<sup>rd</sup> November 2011.

2. The terms of the Agreement for Lease are private contractual matters between the Council and Citygate Church and is therefore Exempt Information not for publication.

3. Citygate initially progressed the refurbishment of the property very well, but activity on site has been limited since October 2013. The works are substantially complete and to a good standard, and the main outstanding works include finishing the toilets, floor coverings, external window repair and decoration (to commence 1<sup>st</sup> August), installing the new boilers, reception desk area and various fixtures and fittings. Construction of the external lift is also outstanding, but is not part of the agreed refurbishment works, and this will follow when funding is available. Officers continue to monitor the situation.

A full reply including the Exempt Information is being sent to Councillor Bennett.

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

What is the current situation regarding the timetable for the project to build a new Crystal Palace and to improve the park?

**Reply:**

The timetable for the project to build a new Crystal Palace and to improve the Park is subject to on-going discussions with Zhongrong International (Group) Ltd. in China.

I wrote to Mr. Ni Zhaoxing, Chairman of Zhongrong International (Group) Ltd., on 9<sup>th</sup> July expressing the Council's continuing support for the proposal to rebuild the Palace and refurbish the Park. In my letter I encouraged him to bring forward his plans for a land deal with the Council together with a draft Business Plan. I have indicated to Mr. Ni that the draft Business Plan should be the subject of public consultation.

The Mayor of London, Mr. Boris Johnson, and I have always understood that bringing forward such a proposal would be a complex matter. This is the reason the Council

agreed to grant the Exclusivity Agreement to Zhongrong International (Group) Ltd., which covers the period to February 2015.

Time scales going forward will be clarified, I hope, in Mr. Ni’s response to my letter, and I will of course keep Members informed of any developments.

**3. From Councillor Nicholas Bennett to the Portfolio Holder for Education**

What is the amount and percentage of the special education needs budget which is spent on provision in the private sector and if he will give examples of the services already purchased from that sector?

**Reply:**

£17.6m (62.8%) of the total gross controllable budget for SEN & Inclusion is spent on private sector provision.

This is made up as follows:

Independent schools	8,951,530
Transport providers	3,911,150
Independent FE providers	3,394,790
Alternative provision	753,000
Bromley Healthcare CIC	303,320
Pre-school providers	225,700
Consultancy etc	64,570
	<b>17,604,060</b>

Of the SEN budgets not delegated to schools (£13,613,730) in 14/15 -

We are estimating £4,944,848 of the SEN budgets will be spent in the 14/15 financial year on Independent Day provision for pupils with statements or Education, Health and Care Plans.

We are estimating £3,204,205 of the SEN budgets will be spent in the 14/15 financial year on Independent Boarding provision for pupils with statements of special educational needs or Education, Health and Care Plans.

This represents 59.8% of non- delegated SEN budgets. These pupils are our most complex and challenging children and students for whom mainstream placement within the borough has proved unsuitable.

Independent day provision such as Browns and Riverston schools are used to place pupils where the LA has no suitable in house provision to meet assessed needs. Browns is a specialist school which offers provision for children and young people who have a diagnosis of Autistic Spectrum Disorder(ASD) who are cognitively able but who cannot manage the social demands of a large mainstream school. They require small group teaching in order to manage their anxiety levels and resulting challenging behaviour.

Many of the Bromley pupils placed there have had their mainstream placement break down and have been out of school until placed successfully at Browns.

Riverston school is also an independent day school but has a wider remit than Browns. It accepts pupils who have severe dyslexia and mental health issues in addition to those with ASD. Again these young people are relatively able so would not be appropriately placed in our complex needs units with pupils who have severe learning difficulties.

The SEN Service looks very carefully at external placement and would only use alternative provision such as these when the provision within local schools is totally inappropriate. Cost effectiveness is also always considered.

#### **4. From Councillor David Jefferys to the Portfolio Holder for Education and the Leader of the Council**

To ask the Portfolio Holder for Education and the Leader of the Council to publish the full details of the business case, including all working assumptions, on the decision to allow the Harris Foundation to lease the Kingswood House site on a "pepper corn rent", and to provide the market value of the site at date the rental agreement was signed.

#### **Reply:**

The business case for disposing of Kingswood House was based on 4 factors:

- the local demand for school places and the Council's statutory duty to meet this demand;
- the cost to the Council of opening a new 2 Form Entry Primary School;
- the time it would take the Council to establish a new school;
- and the savings to the Council of a Free School providing these places.

#### **1. Demand for places**

The Kingswood site is in Shortlands ward, part of our primary planning area 3. This area borders Bromley Town, within primary planning area 4. Although according to GLA projections there is a small surplus of places in planning area 3, there is a shortfall of places equivalent to 2.5FE in 2013/14 in planning area 4 projected to rise to 4.5 FE by 2024. Based on the projections and the planned regeneration of the town centre there was a demonstrated need for more primary school provision in this area. This was originally identified in the pupil place planning work of the Members' School Place Working Party, reported to the Education PDS in November 2012 and set out again subsequently in September 2013.

#### **2. Potential Cost to the Council**

It was estimated that if the Council were to meet this demand by permanently expanding existing schools the cost would be in the order of £2-4 million. However, locally there was not capacity within the existing school estate to provide this demand through the permanent expansion of local schools. The Basic Need Programme Update reported to the Education PDS in March 2013 gave a good

idea of the typical costs of expansion with a 1FE expansion at Parish CE primary school costed at £3.2m, and one FE expansion at Keston (now on hold) at £2.3m. On this basis the assumption was made that it would cost in the region of £4 to £8 million to build a new two form entry school once a site had been identified and acquired.

### **3. The time it would take the Council to establish a new school**

As part of the business case the time it would take the Council to establish a new school was also considered. For the Council to establish a new school a statutory process would need to be undertaken which would include holding a completion to identify a provider to run the new academy. This is because the new 'presumption' is that any new school will be an academy/Free School and statute requires the LA to seek proposals to establish an academy/Free School in the first instance where it has identified a need for a new school. It was estimated that this process would take at least a year and this would make it unlikely that any new school could have been established through this process before September 2015 which would have failed to address the projected demand for additional places in September 2014.

### **4. The cost and time savings to the Council of a Free School providing additional places**

The original business case for leasing the site to Harris Federation on a peppercorn rent was predicated on an estimated loss of a capital receipt of £2 million, based on a potential net gain to the Council in the range of £2m-6m when compared with the Council itself acquiring and developing a site, excluding any consideration of rateable values or new homes bonus.

The Kingswood site was assessed at a value of £3,150,000 when applying for Secretary of State Consent for disposal. Set against the potential cost to the Council of funding a new two form entry school this generates savings of between £1-5million. When the decision was taken by Council on 1 July 2013 to lease the site to Harris the Council also had insufficient Basic Need Capital Grant available to fund a new 2FE primary school in Bromley.

There were also significant time benefits to the Free School Option. The Harris Federation has submitted a bid to open a Free School and, if successful, it was understood that this could open for September 2014. The Harris Federation would also be able to access specific DfE capital funding for the establishment of a Free School that would not be available to the local authority.

### **5. From Councillor David Jefferys to the Portfolio Holder for Education**

To ask the Portfolio Holder for Education if he will provide a full chronology of the discussions over the Free School in Shortlands Ward, listing all the meetings he and officers have held with the EFA , DfE and the Harris Foundation with dates up to the 14th of July 2014.

**Reply:**

Regrettably, it has not been possible to provide the level of detail required within the timescale, but it is hoped the information can be made available to you as soon as possible.

## **6. From Cllr Ian Dunn to the Portfolio Holder for Resources**

When the sale of the lease of the toilets on Elmers End Green was announced last year, there was an expectation that completion would take place in around six weeks. Completion has still not happened. Can the Portfolio Holder explain why this leasehold sale has been delayed, and when he expects completion to be achieved?

### **Reply:**

The toilets at Elmers End were advertised for sale freehold and purchasers were advised that exchange of contracts for the sale would be expected within six weeks. Once the offers were received there was considerable lobbying from local groups who were opposed to the sale of the freehold interest. The offers were reported for pre-decision scrutiny to the Executive and Resources PDS Committee on 10<sup>th</sup> October 2013. The Portfolio Holder subsequently decided that a long lease should be sold. It was therefore, necessary to advise the highest bidder of this change to establish whether he still wished to proceed. Initially he confirmed that he would take a long lease, and the Resources Portfolio Holder decided on 20<sup>th</sup> November to accept his offer. However, on 18<sup>th</sup> December he advised that he no longer wished to purchase. The joint highest bidder was contacted and he confirmed that he wished to proceed. The long lease was completed on 25<sup>th</sup> April 2014.

## **7. From Councillor Peter Fookes to the Chairman of Development Control Committee**

When will enforcement action be taken against 81 High Street, Penge as this process has been going on for 7 years?

### **Reply:**

81 High Street, Penge. This matter is still unresolved as the previous prosecution action against the breach of planning control has now been withdrawn by the council because a planning consent was approved on the 9th September 2013. Our ref: DC/12/03299/FULL1 for the two single storey rear extension and elevation changes at rear PART RETROSPECTIVE APPLICATION.

Enforcement action was held in abeyance pending the outcome of a subsequent planning application our ref: DC13/03723/Full1. This application was recently refused on the 22nd May 2014 for the ground floor elevation alterations, rear extension at first and second floor and conversion to form 1 bedroom maisonette.

We have been given information from contacting the applicant that the above refused application dated 22nd May 2014 will be the subject of an appeal to the Secretary of State and that this has been lodged with the Inspectorate.

Further Enforcement action will be instigated one the Appeal has been determined.

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

How many properties in the borough are there where enforcement action notices remain outstanding?

**Reply:**

We currently have 275 Notices outstanding which also include Planning Contravention Notices issued. The above figure is in relation to the notices issued but some properties may have more than one notice issued against the land.

**9. From Councillor Peter Fookes to the Portfolio Holder for Resources**

When will action be taken to bring the former Park Keepers Lodge in Penge Recreation Ground back into action as this has been going on for the best part of 15 years?

**Reply:**

We are aware that the owner, has taken a very long time to renovate his property and has spent a great deal in restoring it to an original condition. He has completed the renovation to a very high standard and is finishing off some internal decoration. He has kept us informed of his actions and allowed periodic access. As a result of the painstaking refurbishment he is very particular about who he is prepared to let the property to.

Members have agreed a rating system to determine those properties that justify consideration for Compulsory Purchase or an Empty Dwelling Management Order and this property does not meet the criteria for such action. As the property is also in good repair and secure there is very limited pressure that can be applied. We will however continue to liaise with him and try to progress completion and occupation.

The owner has recently confirmed that he would be happy to show any interested Members around the property should they wish to see the standard of the refurbishment.

**10. From Councillor Simon Fawthrop to the Chairman of the Development Control Committee (to be asked at every Council Meeting)**

What pre-application meetings have taken place since the last full Council Meeting between Council Officers and potential planning applicants? Can these be listed as follows:-

The name of the potential applicant, the site address being considered.

**Reply:**

Between 20th February 2014 and 15<sup>th</sup> July 2014 the Major Developments Team have had 13 non-householder pre-application meetings.

Between 20th February 2014 and 15<sup>th</sup> July 2014 the Non-Major Developments Team have had 78 householder pre-application meetings and 50 non-householder pre-application meetings.

Details of the individual applicants and sites at present is exempt information and not disclosable in respect to a Council Question.

#### **11. From Councillor David Livett to the Portfolio Holder for Renewal and Recreation**

The Council has identified a loss of income as a direct result of a directive on land search fees. What income losses or increases in costs has the Council incurred since 1 April 2013 as a result of changes driven by EU directives and what is the annual financial impact of those changes?

#### **Reply:**

In common with other Local Land Charge Authorities, Bromley used to charge a fee for a personal search of the local land charges register.

The Government revoked that fee by amending the Local Land Charge Rules with effect from 17th August 2010. This was due to their incompatibility with the Environmental Information Regulations which were themselves derived from the European Council Directive 2003/4/CE on public access to environmental information.

As these charges were stopped in 2010, we should be including a proviso that these are estimates only and the figure for 2013/2014 is £72000.