

**COUNCIL MEETING**

**8<sup>th</sup> December 2014**

**QUESTIONS FOR ORAL REPLY FROM MEMBERS OF THE COUNCIL**

**1. From Cllr Michael Rutherford to the Portfolio Holder for Renewal and Recreation**

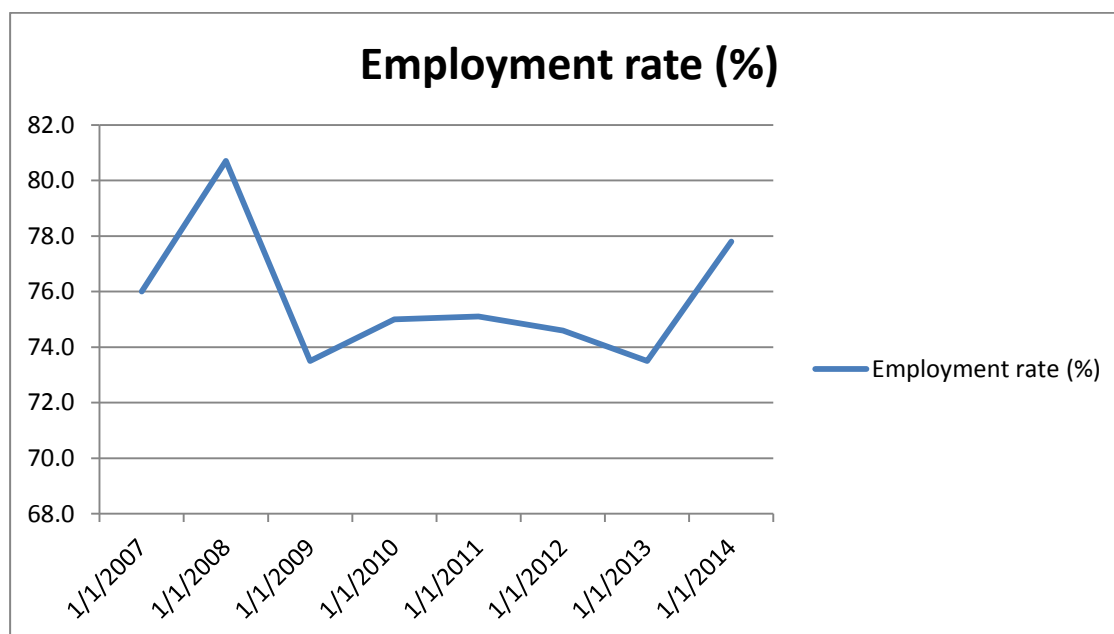
How have levels of employment in Bromley changed over the last three years, and how does that compare to the three years leading to May 2010?

**Reply:**

In the past three years (2011 – 2014) the employment rate (people in employment as a percentage of the working age population of the borough has fluctuated as follows:

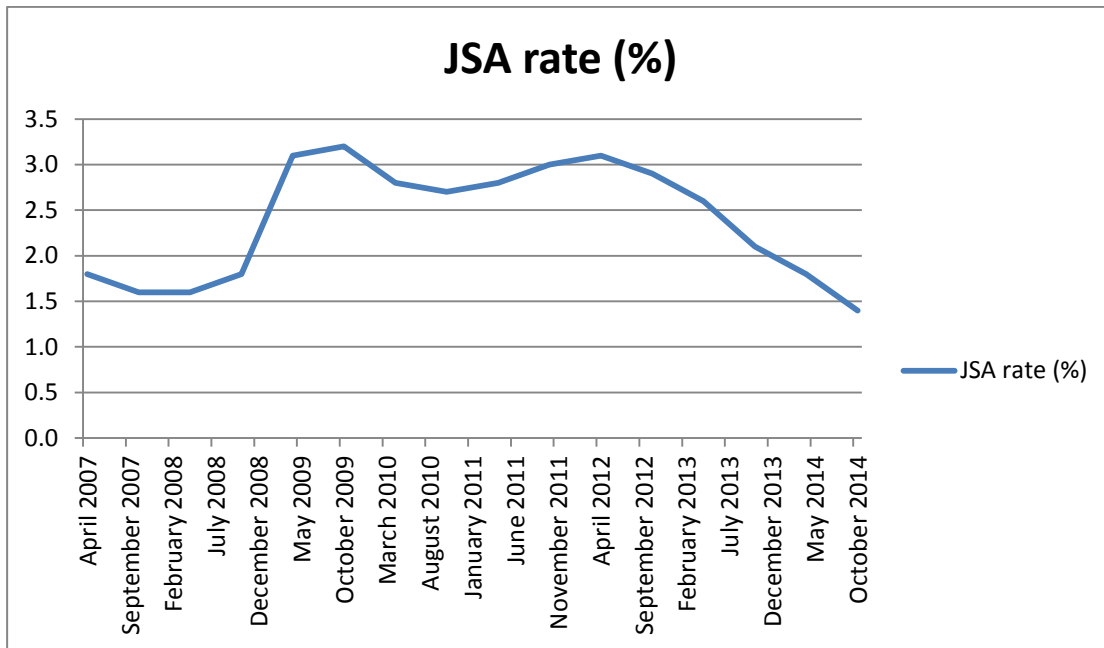
- 75.1% in the year to June 2011
- 74.6% in the year to June 2012
- 73.5% in the year to June 2013
- 77.8% in the year to June 2014 (latest data)

*Graph tabled at the meeting -*



Looking at the unemployment rate, the number of people on JSA (Job Seekers Allowance), it was 3.1% in April 2012, and it is now (October 2014) 1.4%, so that is really quite good.

Graph tabled at the meeting -



## 2. From Cllr Kathy Bance MBE to the Portfolio Holder for Care Services

Can the Portfolio Holder confirm that there will be an emergency homeless hostel in Bromley this winter?

### Reply:

Yes, I can confirm that the winter shelter opened on Wednesday 3 December and runs for 3 months. Referrals are direct from housing options. It is not just a shelter – it is a variable thing and it goes around the centre of Bromley. Five different churches, to all of which we very grateful, provide the venues.

### Supplementary Question:

Are you able to circulate contact details so that we can offer our support, and offer supplies to help them?

### Reply:

Councillor Evans agreed to supply details.

## 3. From Cllr Ian Dunn to the Portfolio Holder for the Environment

Will the Portfolio Holder confirm whether the Council will be following previous practice and waiving road closure notice fees for the Big Lunch in June 2015?

### Reply:

The Council will be advertising this event early in the New Year in an attempt to stimulate widespread Borough wide interest in it.

The more residents groups and various Associations who express a mutual interest to hold such an event and thereby dilute the cost of processing the necessary legal paperwork, the happier I shall be. The Council does not rule out funding it, but clearly this is a community event and should be paid for by the community.

**Supplementary Question:**

Does the Portfolio Holder agree that events such as the Big Lunch are a great opportunity to infuse community spirit across the borough and should be generally supported by the Council?

**Reply:**

In very large parts I would agree, and this Council does have a proud record in supporting community events of all description. The problem moving to the future, unfortunately, is that there is no money to pay for many of the things that we have held dear in the past. Hopefully, we will find a way through for next summer, and I would like to try to offer another date for residents groups as not all groups will find a particular given date suitable. Watch this space, and there will certainly be an announcement very early in the New Year on this.

**4. From Cllr Angela Wilkins to the Portfolio Holder for the Environment**

When preparing for the privatisation of "Facilities Management", how will the financial value of the current input of volunteers (e.g. Bromley Countryside Volunteers and various Friends groups) into work done in our parks be calculated? What will the Council do to find out the effect of any privatisation of the parks services on the willingness of these volunteers to continue to make their contribution? Does the Portfolio Holder agree with me that there is a danger here of a contract being implemented which could easily overlook the contribution made by these volunteers and that the natural environment of our Borough would suffer as a consequence?

**Reply:**

The preparation for the potential outsourcing of a "Facilities Management" contract does not include the Parks and Green space portfolio.

Discussions concerning the future of our Parks and Green Spaces Service remain ongoing under separate cover with potentially affected staff being consulted at this time and over coming weeks.

Having worked with a dedicated team of Council officers for the past 8 ½ years moulding the Bromley Friends of Parks movement into the national leading network that it has become today, I would have to say no, the Portfolio Holder does not agree with any downbeat assessment of that possibility that has been raised in the question arising.

**Supplementary question:**

Given that contractors are inevitably driven by the profit motive, if we were to commission these services, what can the Council do to ensure that we do not have species damaged or inadvertently neglected as a consequence of lack of training or education?

**Reply:**

The first thing to notice about outsourcing is that it is not a wholly evil thing, not least around the Parks Service which was partially outsourced in the early 1990s. Many of

our contractors were employed at that time and still exist today. The direct answer, important in any industry or walk of life, is that when you do contract out any company does look to make a profit. I do not think that is a wholly evil thing – with profits they re-invest in infrastructure and employ people and I think that is virtuous and for the good of society. The one thing we must do as contractors, and I suspect we would agree on this, is that we must contract manage very carefully to ensure that the service we are paying for is the service that is delivered, and where a contractor falls short we either get financial reparation for that or ultimately we change the contractor.

## **5. From Cllr Nicholas Bennett JP to the Portfolio Holder for Resources**

What progress is being made with regard to the application by residents of Long Meadow Close, West Wickham, to purchase land owned by the Council adjacent to their back gardens?

### **Reply:**

The land is owned by the Council, but is part of Langley Park Golf Course and is included in the golf club's lease. Council officers are currently in negotiation with the Club to agree the terms under which they would be prepared to surrender the land from their demise and particularly the split in the sale proceeds. The surrender of any land from their demise will require their lease to be surrendered and re-granted and the last correspondence with the Club was a request for the level of their fees in respect of this transaction.

If terms can be agreed with the golf club planning permission will be required for a change of use to garden land. The land is Metropolitan Open Land and very special circumstances would have to be demonstrated for planning permission to be granted.

## **6. From Cllr Tony Owen to the Portfolio Holder for Resources**

What is the name and address of the resident allowing their name to be used for a phishing expedition of Bromley's accounts by a non-resident of the borough? How much has this cost the local taxpayer? What could this sum have provided by way of local services?

### **Reply:**

A letter of authorisation has been provided by a resident for an individual to be their representative. Whilst I am unable to disclose the name and address, the resident has been confirmed as being a local elector in the Bromley Borough.

The costs, including those of the External Auditor and internal officer time, are currently estimated to be approximately £50k which is the equivalent of 49 additional properties paying Council tax (Band D equivalent.) These costs are likely to increase further as additional matters are required to be considered.

For example, this money equates to 75% of the total annual grant the Council receives from Transport for London for the school crossing patrol service. It would provide around 4,000 carer hours to the borough's most vulnerable, elderly residents or it would pay for over two months of graffiti removal.

We have contacted the Audit Commission to enquire as to whether there are opportunities to reduce external auditor costs through the sharing of advice across authorities dealing with similar matters and we are awaiting their response.

**Supplementary Question:**

I am rather disappointed that they cannot be named and shamed. Have we actually challenged this resident as to how much this game is costing the local taxpayer, as they may not be aware of the sums given, nor what could be bought for that money in these stringent times.

**Reply:**

I share Councillor Owen's frustration that yet again we are allowing a sum to be built up not only within this Council but across the Councils of London to answer a question that is common to all, and the validity of which has to be questioned by all. I am not aware of whether the individual concerned has been informed of the amount of money that it is costing the council tax payer, but I will ensure if that has not been done then it will be done.

**7. From Cllr Kathy Bance MBE to the Portfolio Holder for Care Services**

A Bromley Borough Councillor recently responded to DPAC that Bromley Borough residents are not dependant on food banks but that our residents suffered more from obesity. Now that Oxfam have advised that Bromley residents are the second highest number of users of food banks in the capital does he accept that this is wrong?

**Reply:**

I hesitate to answer on behalf of another Councillor as I did not make the remarks, but I will do my best to give an official answer. The question asks if Bromley Borough residents are dependent on food banks. There is no doubt that food banks support a number of people who have fallen on hard times, but it would be wrong to generalise to the extent that Bromley residents are dependent on food banks. It would not be wrong to indicate that for a small percentage they form a useful support function and we welcome the building of community resilience in this way.

**Supplementary question:**

Does the Council accept that the people using foodbanks are mostly those on low pay or zero hours contracts, and also those who have worked all their lives but now find their companies going into administration and being made redundant at, say, age 59.

**Reply:**

I would just repeat what I said – we consider that food banks provide a useful supplement for those in need.

**8. From Cllr Angela Wilkins to the Portfolio Holder for the Environment**

We recently arranged for several senior officers to visit Crystal Palace ward to inspect the generally poor levels of street cleaning and to look at some typical examples of erratic, incomplete or otherwise unacceptable service levels on waste and recycling collection.

There has been some minor improvement in one or two areas, but some specific problems are ongoing, and overall street cleaning we believe is still below an acceptable standard.

Could the portfolio holder please comment on the following possible explanations:

- The contract has been under-priced and the contractor is unable to deliver the service for the agreed price
- The contract has been suitably priced but the Contractor's own management and monitoring functions are inadequate
- The Council has not adequately resourced its contract management and monitoring function

**Reply:**

There is a 4<sup>th</sup> explanation, of course. Namely that the quality of street sweeping locally whilst not perfect is acceptable, and that it is possible that the Group opposite are deliberately mis-representing the extent of any problems for possible electoral gain.

I mention this given that the Group opposite has a recurring history in this regard and would refer any interested party to April full Council minutes for further evidence of Bromley's performance around the street scene compared to other local boroughs.

**Supplementary question:**

There is no electoral advantage to be gained from this for me or my co-Councillor. When we campaigned in the run up to the election this was the major issue across the ward. There are some areas worse than others – nevertheless this was the biggest issue. I would like to thank Councillor Smith for the work he has done with us to date trying to correct this. Councillor Williams and I are willing to do whatever we can to make the situation better, so what can we do?

**Reply:**

I would urge colleagues, when you find faults in the streetscene, to use the Fix my Street methodology, and I understand that an increasing number of colleagues are. The system is not perfect, and we are piloting it nationally, but it works very well. It does help the Council by colleagues and officers being the “eyes and ears” of the Council to further monitor the contract. There is no question that, as in all contracts in all industry and all walks of life, some of the contractor's staff perform to higher levels than others. The management tool that is provided with this technology enables us to do the work on the streets without employing officers that sadly we cannot afford to be there following up behind every contractor. My door is always open to discuss these things and all constructive criticism from any colleague in this Chamber is welcome because it will lead to enhanced service capability.

## **9. From Cllr Nicholas Bennett JP to the Portfolio Holder for Resources**

If he will set out the guidance from CIPFA and the DCLG as to when repairs, renewal or improvements to a highways asset may be treated as a capital item rather than a revenue one?

### **Reply:**

According to the CIPFA guidelines, there are several criteria which distinguish between capital and revenue expenditure. In particular, for improvement and repairs, one of the fundamental criteria is whether the cost adds to future economic benefits or service potential. Day to day servicing costs are not considered as capital, as they maintain the asset's potential to deliver the expected levels over the expected useful life, and do not increase the future economic benefits. Expenditure that extends the useful life or increases the level of performance should be considered as capital.

An example that was illustrated in the "CIPFA Practitioners' Guide to Capital Finance in Local Government" (2012 Ed.) is bridge strengthening. These works should normally be treated as capital as, by definition, they extend the useful life and increase the level of performance of an asset.

## **10. From Cllr Tony Owen to the Portfolio Holder for Care Services**

What analysis is available of the number of heavy consumers of care service resources? How much demand on services is failure demand (failure to do something or do something right for a 'customer')? What % time is spent doing value work (for service users)?

### **Reply:**

The question is from the collected works of John Seddon who is Councillor Owen's favourite author, and so I must respond in management speak which will be long-winded and full of statistics.

A wide range of performance data is available across care services. Adult social care is the area of greatest demand in terms of our resources. Recent analysis over a period of 12 months (Sept 13 – Sept 14) evidenced that this service received just over 50,000 initial contacts. 45,000 of these contacts come directly through Bromley Social Services Direct and of these 86% or just over 39,300 contacts were signposted out of the care system. Just over 6,500 contacts were referred onto care professionals in the Local Authority during the same period. When we look at our statutory reporting for last financial year, just under 6,000 referrals were new and we provided just under 7,000 assessments. The difference are existing service users whose circumstances may have changed and so have needs re-assessed. During last financial year, just over 7,000 residents received adult social care services.

Of those receiving a service last year 3,170 had domiciliary care services and of these, 40% received packages that could be defined as heavy consumers (that is over 10 hours per week. 865 adults and older people received residential and nursing home services and could also be defined as heavy consumers of the care resource.

In children's social care just under 10,000 contacts were received with just over 2,000 referrals accepted by the authority last year. Currently there are 289 children in

local authority care and this could be one definition of high usage by virtue of the resource required to keep children and young people safeguarded in this way.

In Housing, just under 6,000 people approached our services last financial year and 2,007 were diverted by housing advice services. However, as widely reported to members, the pressures on temporary accommodation are significant and one definition of high consumers are the 918 households accommodated in this way.

It does need to be remembered that all services are working to eligibility criteria and only those in the most vulnerable situations are eligible for care services funded by the Local Authority.

When things go wrong, staff are encouraged and supported to do their utmost to resolve it at the point of contact. In fact the statutory social care complaints procedure changed a few years ago to reinforce the importance of dealing with concerns from customers at the earliest opportunity. Although Housing sits outside of this statutory procedure the same approach has been adopted within this authority for dealing with housing complaints. The aim of this approach is to ensure that whenever possible things can be put right quickly without recourse to bureaucratic systems that take time and greater resource.

However, this approach does not replace the formal process in place when a complaint cannot be resolved in this way and requires oversight or investigation by a manager, or ultimately the local government ombudsman. Details of all the complaints we dealt with last year are published and available in the Getting it Right Annual Report available on the website. Briefly, last year 286 formal complaints were received about social care and housing and of those 83 were upheld.

The themes from complaints are routinely considered by the Departmental Management Team and in a very small number of upheld complaints it has been recognised that customer service has been the root of the issue. With the significant and complex demands on our services managers have been reminded that staff must do what they say they will do and within the timescale promised. The department is continuing to keep oversight of this, as although it is not a significant area of concern currently, the department is aware that with the volume and demands on services it is important to continue to be efficient at every point of contact.

With regard to value work with service users, recently it has been estimated that in social care, and in most of the housing teams, case workers spend about 40% of time in direct contact with customers, assessing and reviewing needs. However, a high proportion of the remaining time is also spent directly on casework coordinating care packages with other professionals, arranging services, essential monitoring to address any safeguarding concerns and essential record keeping. Housing Options and Support service are currently spending about 60% of time directly with customers.

It is fair to say when things go wrong and we receive a complex complaint this can take up significant time on an individual case, although this is usually management and support service time rather than case work time.



**Supplementary question:**

We have been told that the drive is firstly to balance the budget and secondly carry out our statutory duties. Are there any statutory duties that we do that are just feeding the government number factory but providing no benefit to our residents? In this day of cuts, if we can cut stuff that is supposedly statutory but is no use whatsoever then we have a way of cutting without destroying services as much as we might otherwise have to.

**Reply:**

All I would say is that if returns are requested by government we must complete them, otherwise we do not get the various grants and moneys that we can get from central government.

**11. From Cllr Kathy Bance MBE to the Portfolio Holder for Renewal and Recreation**

Why is the Borough working against the local community by adding its political weight to opposing applications for Assets of Community Value. This is seen clearly in the way it opposed the application for Assets of Community Value for Snowdon Close.

**Reply:**

We are not. As evidence for that I can say that four nominations have been received for assets owned by the authority. Two have been listed, one was unsuccessful and one is still pending decision. Nominations for assets owned by the local authority are subject to the same fair and rigorous assessment as those owned privately.

**12. From Cllr Nicholas Bennett JP to the Portfolio Holder for Resources**

What information does he have as to the ownership of the former Health Centre in Hawes Lane, West Wickham, how long the site has been redundant and what plans the owners have to bring the site back into use?

**Reply:**

A Land Registry search was undertaken in September, at which time the registered proprietor was NHS PROPERTY SERVICES LIMITED.

It is understood that the property has been empty since December 2012 and that it is to be disposed of. Council officers have contacted NHS Property to request an update and a response is awaited.

**Supplementary Question:**

As far as I am aware, the property has been empty for the entire time that I have been a councillor, since 2006, and in 2006 we were invited as local councillors to look at a scheme for housing on the site which did not progress to a planning application. Does he agree that, when this Council is busy trying to find another £68m in savings, it is a disgrace that another part of the public sector keeps empty for years on end buildings that are paid for by the local public in their taxes and which could be brought back into community use.

**Reply:**

I share your concern – it is a complete disgrace. As you travel across this borough and you see countless buildings standing empty that can be traced back to being in NHS ownership. It does seem extraordinary that at a time when the NHS is forever

saying how short they are of funds and forever holding out their hand for extra that they do not do better with what they already have. Their assets are under-used, under-utilised and do stand empty, and it is quite wrong. Recently, we have been in negotiation with the NHS about the development of a Health and Wellbeing Centre in Orpington, and what we found was that it was like walking through treacle – you could not find your way to the centre of the maze to find out who you were supposed to be talking to in terms of their property arm, and all their operational people find it as frustrating as we do, if not more.

## **URGENT QUESTION**

### **From Councillor Tony Owen to the Portfolio Holder for Public Protection and Safety**

Following the court ruling in Canterbury last Tuesday giving councils the power to confiscate substances giving so called "legal highs", will the London Borough of Bromley be taking similar action under their trading standards powers to protect the public from harm?

#### **Reply:**

As a result of this recent judicial finding, I have tasked Trading Standards here in Bromley to prepare a strategy to tackle the outlets located in the Borough, outlining the risks and potential costs. I will bring this report to the General Purposes and Licensing Committee in due course.

We have been monitoring the outcome of action taken in recent months by Kent County Council, in particular the ruling made on a sample of so called "legal highs" seized from a number of local head shops, which Kent Magistrates have now deemed unsafe. Officers from Bromley have met with Bromley Police recently to prepare the groundwork for enforcement by way of a warning letter to retailers setting out our concerns, as well as asking local police to capture evidence that these products are being ingested or otherwise consumed by customers. This is important to establish for enforcement action taken, both under Trading Standards legislation and the Anti-social Behaviour, Crime and Policing Act 2014.

There may also be scope to make use of the Community Protection Notices under the Anti-social Behaviour, Crime and Policing Act 2014 which provide provisions to stop individuals, businesses or organisations committing ASB which spoils the community's quality of life.

This enforcement tool would effectively allow the local authority or police to serve a notice on a business whose conduct was having a detrimental effect on the quality of life of the community – the key evidence here would be proving the business is selling legal highs to local people which was causing them to commit Anti-social behaviour.

However, I will continue to support pressure on Government for a blanket ban on new psychoactive substances.

This remains one of the most challenging areas of trading standards remit, especially as the legislation available is so inadequate. This recent action by Kent is not a test case. The decision by Magistrates is not binding. We would need to consider the financial risk were we to seek a prosecution or injunctive action. It is therefore

important that we take a staged approach with an appropriate regard to the risk, both financial and reputational.

The Kent action follows similar action taken by Belfast last year and relies on warnings being issued to retailers setting out concerns that products being purchased at the shops are being consumed, despite the warnings "NOT FOR HUMAN CONSUMPTION". The use of this warning could potentially make a prosecution under existing legislation very difficult.

The burden of proof is on the local authority to prove the product is dangerous, which remains a challenge when so little is known about many of the substances being sold.