

COUNCIL MEETING

29TH JUNE 2015

QUESTIONS FOR WRITTEN REPLY FROM MEMBERS OF THE COUNCIL

1. From Cllr Nicholas Bennett to the Chairman of Plans Sub-Cttee No. 3

What advice was given at the meeting on June 18th regarding the application to demolish the locally listed house, built by the renowned Arts and Crafts architect Ernest Newton in 1902 and what was the purpose of presenting the application to the committee?

Reply:

The relevant case is 15/01173/DEMCON as reported to the 18 June PSC 3.

The application was made under national Planning Permitted Development procedures. The significance of this is that the applicant already has permitted development rights but they are subject to a Prior Approval process. The Council still has a decision to make but the relevant criteria are much more limited than with a normal planning application.

In this case, the application was called in to committee by a Councillor and the Constitution therefore requires officers to present it to committee with recommendation.

The Committee agenda was supplemented by planning officer advice to the committee during its discussion as follows:

“This is not a planning application; it is a prior approval application for demolition of the existing building. The legislation makes it clear that we can only consider:-

- Method of demolition
- Restoration of the site

We cannot refuse the application on the grounds of wanting to retain the existing dwelling and we cannot insist on redevelopment of the site as part of this submission.

As set out in the report Historic England were asked to consider statutory listing of the building but determined that it would not be appropriate”.

So in brief there was a decision to make but on limited grounds due to the national Permitted Development rights.

2. From Cllr Nicholas Bennett to the Portfolio Holder for the Environment

How many items of graffiti have had to be removed from buildings and street furniture in each of the past five years?

Reply:

The number of graffiti removal jobs for the past 5 financial years are as follows:

2010/11 – 5,852
2011/12 – 3,715
2012/13 – 2,964
2013/14 – 1,483
2014/15 – 1,851

It is not possible to distinguish between just jobs for graffiti on just buildings and street furniture (as opposed to pavements, fences etc).

The first two years are jobs under the previous contract, the last 3 years are with the current contractor Community Clean.

3. From Cllr Nicholas Bennett to the Portfolio Holder for Renewal and Recreation

Further to my question on March 25th what is the cost of issuing a book at each library including controllable and non-controllable costs?

Reply:

The table is the full cost of each library divided by the number of items issued. These costs go towards providing the full range of services, not just book issues (internet, reference items, enquiry service, activities, events etc.).

Cost of Issuing a book per Library 2014/15	
Branch	Cost per issue
Beckenham	£3.86
Biggin Hill	£3.90
Burnt Ash	£8.82
Central	£6.26
Chislehurst	£3.01
Hayes	£4.87
Mottingham	£6.63
Orpington	£3.58
Penge	£2.74
Petts Wood	£2.75
Shortlands	£4.24
Southborough	£3.04
St Pauls Cray	£6.05
West	
Wickham	£2.38

Figures have been rounded

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

When will the alleyway between Beckenham Road and Chaffinch Road be repaired so that residents in the Clock House area will no longer have to wade through water?

Reply:

I am advised that it isn't a question of "repair".

Rather that due to the level of the ground and water table locally, water is unable to drain away into a surface water drainage system during a severe weather event.

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

What progress is there on the rebuilding of the Lodge in Penge Recreation Ground?

Reply:

We are aware of this property and the background regarding the Council selling the property to the current owner a number of years ago.

Although from the exterior it appears that there has been little progress this is not the case and the interior has been renovated to a very high standard. Potential enforcement options are an application for an Empty Property Management Order or for a Compulsory Purchase Order on grounds of housing need. Members have previously determined that only property giving rise to significant and multiple issues should be the subject of such enforcement activity and considered and agreed rating systems for taking empty property action. This property does not justify action under these systems.

We last inspected this property with the owner last summer with Cllr Fookes, where we noted the continuing renovation works, which are in the final stages. It was confirmed that the exterior of the property remains boarded externally for security reasons and as a result of previous vandalism.

We will continue to monitor and cajole the owner, but formal empty property action to enforce completion and occupation is currently not appropriate in this particular case.

6. From Cllr Peter Fookes to the Portfolio Holder for Renewal and Recreation

Why was a stop order not issued on the building of a very large rear extension at 23 Genoa Rd, Penge?

Reply:

I can confirm that an investigation into the alleged breach of planning control case ref: EN15/00162/OPDEV at 23 Genoa Road, SE20 8ES.

(a) A stop notice will be considered mainly if there is the danger of some development taking place which cannot be retrieved at a later stage. There are

serious cost implications which have to be considered and the council must carry out a cost benefit analysis before authorising such a course of action.

In the current case which you have described to me, if a stop notice was being considered (and this must be served with an enforcement notice alleging a breach of planning control) it would be necessary to consider what was being enforced against. We would have to have a valid requirement in such a notice. If there is no extension in place, it is not open to us to require the extension to be removed.

In the event that building continued, then there would potentially be a breach when the extension was at a more advanced stage. We fell foul of this recently however when we served a stop notice and enforcement notice when building was at a relatively advanced stage, but the inspector found us to have been premature in issuing the notice.

We will not lose the right to enforce at a later stage if work continues and the appeal is dismissed. Such enforcement would be to require the removal of all unauthorised works.

The most likely circumstance for the proper use of a stop notice would be if, for example, a listed building was being demolished, as this would not be possible to replace at a later stage.

Details of our current Investigation in line with our enforcement policy

A complaint was received on the 2nd of April 2015 which was in connection with the unauthorised extension at the property known as 23 Genoa Road, Penge, SE20 8ES currently under construction.

A site visit was carried out on the 7th April 2015 by the planning investigation team and as a result, a breach of planning control was established, a 28 day period was allowed for the owners to attempt to regularise the breach of planning control by way of a retrospective application.

The owner is fully aware of the consequences and if they continue with the unauthorised development it is at their own risk, as we have requested that all works should cease until the appropriate permissions have been obtained.

As no Planning application was received from the owner within the agreed time scale, a delegated report authorising enforcement action has now been completed and the matter passed over to our legal section to issue the enforcement notice against the unauthorised development.

7. From Cllr Ian Dunn to the Portfolio Holder for Environment

What is the attitude of the Council to the proposals by the Brighton Main Line 2 pressure group to use part of the Hayes line as part of a proposed new main line from Brighton to east London?

Reply:

The Council holds no view on the matter at this time, although I would observe that direct connectivity to East London would self-evidently be a good thing for the Borough and our people.

Thus our overarching ambition remains to have the DLR extended down from Lewisham.

In the event that these proposals were ever to be progressed, a future administration would no doubt consider them on their merits at that time.

8. From Cllr Ian Dunn to the Leader

Does the Council carry out exit interviews with Officers who resign? If so, what are the most common reasons for resignations in the last two years, broken down by year?

Reply:

The below table shows the most for common reasons for leaving the Council given by staff who completed the exit questionnaire over the past two years:

Leaver Reasons	Total	13/14	14/15
Career Advancement	41%	44%	39%
Retirement	27%	27%	28%
Change Career Direction	12%	8%	18%
Travel Reasons	3%	3%	3%
End of Fixed Contract	3%	4%	1%
Better Pay and Conditions	3%	4%	1%
Family Commitments	2%	3%	1%
Attracted to another employer	2%	1%	2%
Dissatisfied with job	2%	3%	1%
Other	5%	3%	6%

- Staff leaving the organisation have always been encouraged to have a discussion or meeting with their manager before their last day of service in order for the manager to explore the leaver's reasons and any other issues that may impact on the future performance of the service. In 2006 this process was formalised with the introduction of a more structured approach. A formal exit questionnaire is sent to staff to monitor the reasons why they are leaving the Council. In addition to this managers are still encouraged to meet staff to carry out exit interviews to explore the leaver's reasons.
- Completion of the exit questionnaire is not mandatory for leavers but a key part of the Council's Human Resources Strategy is to collate the leaver's data

in order to inform HR policies and best practise. Currently exit questionnaires are only sent to staff who leave the Council voluntarily. For example, staff who leave due to disciplinary reasons do not complete the exit questionnaires.

- The Council also has a “No Quits” policy which encourages early intervention by both managers and HR if a strong performing member of staff intends to leave the Council. The “No Quits” policy is there to explore what could be done at the earliest possible stage to stop the person from leaving with an emphasis on acting fast in order to get a satisfactory resolution for both the staff member and manager. The policy is generally targeted at hard to recruit and retain staff e.g. Children’s Social Workers.
- A separate exit interview process is also in place for qualified Social Care staff in the Children’s Social Care Division. All leavers are invited to attend an exit interview with an HR colleague in order to get a comprehensive list of their reasons for leaving, any issues within the team and to seek their opinion on the salary and benefits package on offer. It is important to have a separate process in place for this group of staff as these posts have historically been hard to recruit to due to an extremely competitive marketplace fuelled by a shortage of experienced qualified Social Workers and a buoyant Locum/Agency market.

9. From Cllr Ian Dunn to the Portfolio Holder for Resources

Will the Portfolio Holder provide a schedule of all current Commissioning Projects, including the most recent date when each project passed a Gate Review and the decision making body, and the currently planned date for each project to reach the next Gate Review, and the decision making body.

Reply:

See appendix 1.

10. From Cllr Kathy Bance to the Portfolio Holder for Renewal and Recreation

Having clusters of gambling establishments in our towns is detrimental to the development of thriving and stable communities and high streets. Penge and Cator Ward already has a higher than average concentration of betting and gaming outlets. Please advise what action the Council will take to refuse new licences and/or planning applications for this type of establishment?

Reply:

The Council is currently preparing its statement of Gambling Policy for the period 2016-2019 and under new guidance from the Gambling Commission has had to consider whether any areas are giving concern in relation to gambling and the promotion of the licensing objectives under the Gambling Act 2005, these are

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder , or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

As part of this process we have identified areas in the Borough where there are clusters of gambling premises (more than 2 in close proximity). Clusters have been identified in Penge, Bromley Town, Orpington and Petts Wood. Where concerns exist the Council will develop a local area profile. The Licensing Team is working with the Ward Members for Penge and Cator Ward and other local parties to consider the evidence base for a local area profile. A local area profile identifies matters that an applicant should address when making an application.

Unlike the Licensing Act 2003 there is no provision under Gambling law or statutory guidance to establish special polices in areas where there are clusters of gambling premises which enable licence's to be refused.

Indeed Section 153 of the Act requires the Council to exercise its functions with a view to aiming to permit the use of premises for gambling in accordance with relevant codes of practice, guidance, the licensing objectives and the Councils statement of licensing policy. There are two matters which the council is expressly prohibited from taking in to account when determining an application. These are (1) the likely demand for the facilities and (2) whether the premises is likely to get planning permission.

In reality is very difficult to refuse a licence for a gambling premises.

For planning applications relating to betting shops and other gambling establishments, decisions are made on the basis of the development plan policies. At present Bromley does not have a specific policy regarding such establishments which would support a refusal based on social considerations, although they may be resisted where the change of use involves the loss of a retail premises or would result in harm to the vitality and viability of a town centre.

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

Will the council make new representations to TfL, Network Rail and other rail operators to speed up the upgrade of full step free access to Penge West station and others in the borough, so that our many residents with mobility issues can freely travel on the trains?

Reply:

Certainly, albeit as I did advise at February's Full Council meeting, TfL & London Overground Rail Operating Ltd (LOROL) have previously been lobbied by this Council for step free access at Penge West to the southbound platform.

Proposals have been discussed with them as recently as January 2014 but it was later confirmed that TfL's Accessibility Implementation Plan did not identify Penge West as a strategic priority, as the neighbouring stations are all step-free (Sydenham, Penge East, Anerley and Crystal Palace).

Officers will ask LOROL for clarification as to whether this is still their position and write to you upon receipt of their reply.

12. From Cllr Kathy Bance to the Portfolio Holder for Environment

For several months now High Street Penge has had large temporary notices displaying the penalties for fly tipping. Please will the portfolio holder advise how many fly tipping reports have been recorded for 3 months before the installation and those since they have been in place, along with the number of prosecutions/fines and also when the signs are due for removal?

Reply:

There were 26 reported incidents of fly-tipping in each separate period

Zero prosecutions have unfortunately proved possible over the duration, 2 FPNs have been issued

The Large "No fly tipping" signs to be taken down at the end of this month.

13. From Cllr Vanessa Allen to the Portfolio Holder for Renewal & Recreation

Will the portfolio holder provide the criteria for a planning application to be decided at the Development Control Committee, rather than at a Plans sub-committee?

Reply:

There are no specific criteria in the Constitution regarding which planning applications are considered at Development Control Committee rather than Plans Sub Committee. Officers would normally report the most significant applications to DCC in consultation with the Chairman.

14. From Cllr Vanessa Allen to the Portfolio Holder for Care Services

The report "Full Joint Inspection of Youth Offending Work in Bromley, May 2015" identifies that leadership and governance 'was not working effectively'. Two separate management boards were in place; operational (chaired by the Assistant director, safeguarding and social care) and strategic (chaired by the Chief Executive).

A) since the inspection of 2012, how many personal visits had the CE and AD each made to the Youth Offending Team office in order to observe the function of the Youth Offending Team and hold the Youth Offending Team to account for its work?

B) how many personal visits had the portfolio holder made to the Youth Offending

Team office since 2012 to observe its functions and hold it to account and to ensure it was meeting its statutory responsibilities?

Reply:

(A) The Chief Executive has visited the YOT on 5/6 occasions over the past 12 months. The Head of Service attended at least twice a month during this period.

(B) The Portfolio Holders for both Education and Public Protection and Safety have visited the YOT on numerous occasions since 2012.

15. From Cllr Vanessa Allen to the Portfolio Holder for Care Services

Page 12 of the report “Full Joint Inspection of Youth Offending Work in Bromley, May 2015” outlines the remit of the Deter Young Offender (DYO) scheme.

- (A) which agencies in Bromley attend the DYO meetings?
- (B) how regularly do DYO meetings take place and who is the chair?
- (C) how many young offenders in Bromley currently meet the DYO criteria?
- (D) outline what programmes and strategies are in place to reduce offending for the DYO group?

Reply:

(A) YOS Seconded Police Officers; Housing; Targeted Youth Support; Court representative; Education; Anti-social behaviour; CAMHS; Mentoring; SEN; the YOS

(B) Every six weeks; Chaired by the YOS

(C) Currently four meet the criteria as set out by guidance (A local criteria is being considered to increase the number.)

(D) Each young person is subject to an individual plan in relation to their Court Order. The function of the group is to collectively work together in an integrated way to strength and enhanced and deter young person from commissioning of further offences. Each young person would have an individual strategy which each partner should contribute towards. Examples would include Swift administration of justice if they reoffend; doorstep curfew checks; joint home visits with YOS; and other partners address their specific issues.

16. From Cllr Richard Williams to the Portfolio Holder for Care Services

What is the staffing establishment for the Bromley Youth Offending Team at present and how does this compare to the establishment at the time of the inspection in 2012, which was rated “generally good”? How many staff left the Bromley Youth Offending Team from 1.4.2014 - 31.3.2015? Were any posts unfilled at the time of the inspection and how many posts are currently unfilled? In 2014 Bromley employed one parenting officer, whilst some neighbouring boroughs employ three. Is the portfolio holder satisfied that this is adequate in view of the rating of poor in the “Full Joint Inspection of Youth Offending Work in Bromley, May 2015” report, for the category of preventing reoffending?

Reply:

See appendix 2.

17. From Cllr Richard Williams to the Portfolio Holder for Environment

What provisions has Bromley taken with neighbouring Boroughs over the planned closure of Church Road SE19 to avoid traffic chaos in the surrounding areas due to planned works by Thames Water? What communication has the council made to ensure that local residents are aware of the closure of Church Road in July?

Reply:

The works at Church Road, SE19 fall within the London Borough of Croydon as you will be aware.

They have been liaising closely with Thames Water, TFL, the London Borough of Lambeth and ourselves in an attempt to keep disruption to a minimum and to assist to that end, the works are scheduled to take place during the school summer holiday period when traffic volumes are at their lightest.

Thames Water will be arranging for VMS (variable message signs) to be displayed at key locations to make motorists aware of the closure and duration of works. The locations for these information boards have not yet been confirmed but it has been suggested that they will be located at Anerley Hill / Church Road, Hermitage Road / Central Hill and Gypsy Hill / Gypsy Road – although this is still to be confirmed. The signs are expected to be in place two weeks before the works are due to commence.

Thames Water are looking to hold a public meeting for local residents at Crystal Palace National Sports Centre. They have been given contact details to arrange this with the Centre and once the meeting has been confirmed Thames will be letter dropping local residents with details of the meeting and closure/diversion.

Bromley Council has requested for the closure and diversion to be updated onto the website and to be published in the local press.

The details of the diversion whilst the closure is in place will be:

Diversion Route 1 – Traffic heading NW up Anerley Hill.

Crystal Palace Parade, College Road, Dulwich Wood Park, Gipsy Road, Gypsy Hill, Central Hill, Hermitage Road & Beulah Hill.

Diversion Route 2 – Traffic heading south down Crystal Palace Parade or Heading east along Westow Hill.

Anerley Hill, Anerley Road, Croydon Road, Penge Road, High Street, South Norwood Hill.

18. From Cllr Angela Wilkins to the Chairman of General Purposes & Licensing Committee

In order to substantiate sweeping claims that the new TU facilities arrangements will save money, please give details of the number of hours and related salary costs accrued for the last six months for the following:

- a) Release of Mrs K Smith for TU duties
- b) Release of Mr G Kelly for TU duties

Please also supply the anticipated salary costs of the alternative TU reps to be released (under the new facilities arrangements) to cover the same number of hours.

Reply:

The business case for the new arrangement is as summarised in the committee report to the GP&LC held on 26 March – para 3.9 refers. It states “The current arrangement has not kept up with the pace of financial and structural changes and challenges facing the organisation, requiring a different streamlined staff engagement structure capable of delivering tangible outcomes for staff, the organisation and Bromley residents and customers. The current arrangement with elected staff side secretary at the centre is no longer required given the smallness of the corporate departments and the importance of localising staff engagements in teams and services to maximise staff involvement, communication and cooperation”.

The full year cost for the release of the above named individuals under the previous arrangement was £64k. The new arrangement was not fully implemented until May/June 2015. As stated in the committee report the release of staff for representation duties including the above named individuals is a “line management” issue at no additional cost to the Council. Para 5.3 of the report refers. It states that “ceasing of the existing arrangements will require some funding to be set aside for staff side/trade union work, so it is proposed that the £46,060 (from b above) is held centrally within the Chief Executive’s budget until officers know how much of this is required and then the balance will be offered up as a future budget saving”.

19. From Cllr Angela Wilkins to the Leader of the Council

How many council services/functions have been subject to market testing for possible “commissioning” since 2002?

Of these services:

- How many have been retained in-house?
- How many have been taken on by a social enterprise?
- How many have been contracted out to a private company/organisation?

Reply:

Value for Money is considered at all time when delivering our services so it is inevitable that most of our services will have been market tested over the years, except where the market is not developed in those areas or if the service risks have been considered to be too high. The Commissioning Team however, has a planned programme that covers all services over the next four years.

How many have been retained – in-house?

- HR Transactional, Direct Care Services (now being bundled in separate lots), Adult Education, The Learning Shops.
- Legal and Youth Service services were outsourced and then brought back in-house

How many have been taken on by a social enterprise?

- None

How many have been contracted out to a private company/ organisation?

- The Council's Contract Register which is reported to ER PDS, provides this information for all contracts above £50k in value.

20. From Cllr Angela Wilkins to the Portfolio Holder for Education

Congratulations to Cllr Fortune on taking over this post. His predecessor, (Cllr Wells) made a clear commitment to retaining adult education facilities in the two most northern wards of the Borough. Will the new portfolio holder commit to maintaining and actively promoting this decision? Irrespective of the answer to the question above, when might we expect proposals and a decision about the retention of these services and what locations are being considered if the current Kentwood site is to be disposed of?

Reply:

A paper is going to Education PDS on July 8 which outlines a new proposal that reflects the commitment, made by Cllr Wells, to retaining adult education facilities in the two most northern wards of the Borough. The paper will also make clear that there is no proposal to dispose of the Kentwood site.

21. From Cllr Kevin Brooks to the Portfolio Holder for Resources

The Lodge in Penge Recreation ground has been empty and under repair for many years. Can the LBB again contact the owner and give him a timeframe to bring this empty residence back into use?

Reply:

See question 5.

22. From Cllr Kevin Brooks to the Portfolio Holder for Care Services

With this year's cuts in Bromley Council's monitoring budget and the poor track record the Council has in monitoring its privatised services, how can the public believe that Certitude, the non-specialist provider which will be responsible for caring for people with severe disabilities, will be properly held to account if it fails to provide good levels of service to its service users.

Reply:

There have been no financial savings in contract monitoring within ECHS.

There are rigorous quality assurance frameworks in place for all contracted services that are monitored within ECHS. An annual quality monitoring report is presented to the Care Services PDS committee (see report CS1411). With regards to the current recommendation for the LD services to transfer to Certitude, the financial evaluation is inclusive of the monitoring that would be required for the contract, should an award be made.

Certitude is a specialist Learning Disabilities Provider, and has extensive experience of working in over 17 London Boroughs providing Respite, Day Opportunities and Supported Living. They currently manage 3 supported living schemes in Bromley, which have been recognised as examples of good practice.

I am therefore satisfied that the preferred provider has the required skills and experience, and that our quality monitoring strategies are robust enough to hold the provider to account, should the Executive recommend an award.

23. From Cllr Kevin Brooks to the Portfolio Holder for Environment

There is currently a traffic review happening in Kings Hall Road and surrounding roads. Will the portfolio holder please tell me when the results of the review will be published?

Reply:

Yes, of course, albeit I cannot do so at this time.

The last update I have seen on the subject from the relevant Traffic engineer, to which you were copied in was timed at 11:44 on 23rd June 2015 and is reproduced below for completeness:

Dear Cllrs

Further to my email below I have not received any feedback on the attached letter. I am therefore proposing to send it out to residents of Kings Hall Road, Aldersmead Road, Reddons Road & Lennard Road. I am on annual leave from the 30th June until the 8th July so I will aim to coincide its delivery with my return.

If you have any concerns or comments regarding the letter before it is delivered please could you copy in Angus and Laura Squires so we can stall the delivery in my absence.

24. From Councillor Tony Owen to the Portfolio Holder for Renewal and Recreation

Why is the path tracking machine, which will create a relentless noise ghetto under approach to runway 21 (even more concentrated than it is now) considered a 'better deal for residents'.

Reply:

The Noise and Tracking Monitoring System should allow detailed monitoring of activities at the Airport. Effective monitoring will identify transgressors and necessary actions can then be taken to ensure compliance with the terms of the lease and other requirements.

25. From Councillor Tony Owen to the Portfolio Holder for Renewal and Recreation

It was promised to improve conditions for residents in the corridor from Sidcup to the runway (minutes of the Full Council - 25th March.) How are negotiations with the airport proceeding in this respect?

Reply:

Negotiations with the Airport are ongoing and I hope the outcome will be reported to Members in September.

26. From Councillor Tony Owen to the Portfolio Holder for Renewal and Recreation

It has been reported that Mr Curtis publicly announced at the Festival of Flight that the airport has been granted the longer hours they want. How can this be reconciled with Cllr Carr's statement, repeated twice during a meeting with Jo Johnson MP and councillors on 5th June, that the hours have 'not even been approved in principle' yet?

Reply:

The Airport has not received permission to vary its hours of operation and any comments from Mr. Curtis that may have indicated permission has been granted are inaccurate.