

COUNCIL MEETING

22 FEBRUARY 2016

QUESTIONS FOR WRITTEN REPLY FROM MEMBERS OF THE COUNCIL

1. From Cllr Ian Dunn to the Environment Portfolio Holder

Can the Portfolio Holder provide an updated timetable for the procurement of Parking Services based on the Gate Paper which went to the Environment PDS on 17 March 2015? Can the Portfolio Holder confirm that he will do everything possible to ensure this procurement remains on track to meet the required start date of 1 October 2016?

Reply:

I take a more relaxed view as to the “required” start date than Cllr Dunn.

Getting any procurement right and reaching the best long term arrangements, is far more important than ‘doing it quickly’ to meet arbitrary dates in my opinion.

As such, we will be seeking to publish the OJEU notice in March 2016, which will ultimately lead to a contract start date of February 2017.

2. From Cllr Ian Dunn to the Resources Portfolio Holder

Can the Portfolio Holder provide a report on the power cut and subsequent IT outage which began on 4 February, explaining why it took until well into the following week for services to be fully restored?

Reply:

I have commissioned a full investigation into the recent incident. Whilst this is being completed I can provide the following interim information .

The incident started with a loss of mains power at~ 07:30 on Thursday 4th February which affected multiple premises in Bromley including the LBB Civic Centre. The LBB Stockwell Data Centre (SDC) has a dedicated Uninterruptable Power Supply (UPS) comprising a battery with capacity for between 20-30 minutes which is supplemented by the site diesel generator with sufficient fuel for several days providing failover contingency in the event of a loss of mains power.

The UPS switched to battery mode maintaining power to the SDC. The generator should also have started automatically once it had detected the initial mains power loss. Unfortunately, this did not happen and after the UPS battery had exhausted its capacity there was a hard stop for the whole SDC infrastructure

The root cause of the mains power loss and the failure of the generator to operate correctly is under investigation, however initial investigations have shown that there appears to have been a mains power grid failure and subsequent switch over which

caused a massive power spike overwhelming the surge protection provided by the Power converters and UPS. This then subsequently caused irreparable damage to several key components in the SDC.

The initial focus was on the recovery of the incoming power and UPS and an assessment of the potential damage to ICT infrastructure components. The site generator was started manually and following an inspection and diagnosis by the UPS company it was determined that the main controller board had been damaged and required replacement, however the parts were not available until the next day along with a suitably qualified engineer to fit them. During the engineer visit he had mentioned that they were extremely busy as there had been many fault calls logged due to power problems, .

To prevent delay in the recovery, the UPS was placed into bypass mode and Stockwell block was run on the generator to provide a stable power as there was no guarantee that the mains would be stable or not suffer another outage.

The recovery process started at approximately 13:00 when we were satisfied we had a stable power supply and backup. During the initial recovery process Thursday afternoon, evening and early hours of Friday morning, Council and contractor staff were on site throughout this period. Multiple hardware component failures were identified:

- Multiple Blade enclosure cooling fans
- 3 * Blade enclosure power supplies
- 2 * SAN Controllers on the HP 8400 EVA
- 4 * Fibre Channel cards across 3 blade enclosures.

The hardware support suppliers were engaged when a hardware failure had been identified to provide replacements and these were supplied and fitted during Thursday evening and Friday as the component failures became apparent. Most of the servers, SAN and systems were online by Friday.

In parallel to the hardware recovery Thursday & Friday, ISD began to coordinate the application recovery test plan. This addressed all the applications and associated databases to begin when the hardware was online. Whilst none of the SAN disks had been damaged the loss of both SAN controllers meant that it was possible that any data in the cache at the time of their failure would not have been written to the disk and may have caused database corruption.

Unfortunately, several servers subsequently lost connectivity to the SAN on Friday night which were traced to further hardware component failures, including several server interface modules and 1 Blade chassis motherboard. The replacements for these additional hardware components were ordered from suppliers and were replaced during Saturday and work continued until 3am on Sunday morning along with initial testing, allowing all hardware and associated applications to be available by Sunday morning for full systems testing..

During testing on Sunday it became apparent that several databases had been corrupted and required restoring from backup. Many of these were recovered and tested that day as and when testers were available, however due to a key supplier

being unavailable at the weekend some major systems could not be recovered & tested until Monday 06:00. This affected Carefirst / FIS and uniform. Unfortunately, once testing had commenced it was found that one of the cluster servers had become corrupted and needed to be rebuilt. The databases were moved onto the other servers and the systems were then recovered and tested. Testing on all systems continued during Monday and Tuesday.

During testing it was found that the Sharepoint database was corrupt and required extensive liaison direct with Microsoft to resolve, this was the last system to be recovered, but was working by Thursday 11th .

Many services were available on Friday, most by the Monday and all services were restored by Thursday morning.

Bromley has made significant investment in resiliency within the environment and indeed we have had unexpected hard shutdowns before and have always been able to recover without dataloss within 24hours. Unfortunately, in this case, the power spike had damaged a significant part of the infrastructure & resiliency resulting in a much longer and complex restore process. Work is already underway to replace the older SAN's which suffered the failure however further investigation is ongoing on the incoming power issue which caused the problems.

3. From Cllr Ian Dunn to the Education Portfolio Holder

The Secondary School Development Plan which was considered by the Education PDS in January shows that even with two new six form entry secondary schools in Bromley, there will be a deficit in secondary places in Bromley of over 300 in 2019/20. It also shows that 32% of primary school children in Clock House Ward transferred to an out of borough secondary school. What assurance can the Portfolio Holder give parents in Clock House and neighbouring wards that the Council is doing everything in its power to ensure that a site is found for a six form entry Beckenham Academy, so that it can be opened as soon as possible?

Reply:

The Secondary School Development Plan which was considered by the Education PDS in January shows that even with two new six form entry secondary schools in Bromley, there will be a deficit in secondary places in Bromley of over 300 in 2019/20. It also shows that 32% of primary school children in Clock House Ward transferred to an out of borough secondary school. What assurance can the Portfolio Holder give parents in Clock House and neighbouring wards that the Council is doing everything in its power to ensure that a site is found for a six form entry Beckenham Academy, so that it can be opened as soon as possible?

The Council takes its responsibility to provide sufficient school places seriously. Over the next 7 years there is projected to be a significant increase in the number of secondary school places needed, with up to 34 additional forms of entry required by 2022/23.

Across London there are significant cross borough movements of children attending school, especially at secondary age. Statistics released by London Councils this month show that 136,000 pupils educated in the capital are being taught at a school

outside of the local authority they live in, 13 per cent of the total. In Bromley the figure is 21% at admission to secondary school at Year 7 and data suggests we import slightly more pupils than we export. The Council recognises that there is currently a particular issue with regards demand for secondary school places in the north west of the borough. In September 2015 we opened bulge classes in 3 of our existing secondary schools to ensure there were sufficient places.

Our strategy to providing sufficient secondary school places as need increases is a combination of expanding existing schools and supporting new Free Schools to open where they meet demonstrable need. Local authorities cannot open new schools so we have been working with the Education Funding Agency (EFA) to ensure that any Free School proposal targets are areas of need.

The EFA has currently approved two mainstream secondary Free Schools in Bromley, the Beckenham Academy due to open this September and Bullers Wood School for Boys that has been deferred until 2017. The Beckenham academy in particular will help in ensuring that there are sufficient school places in north west Bromley. As a Free School the EFA is responsible for the site search and plans to locate the Beckenham Academy on Balmoral Avenue, Eden Park, a site it has purchased, subject to planning consent. The school plans to open temporarily on The Ravensbourne Academy site in September 2016 with a nodal point in its admissions policy at Kent House Station in its first year of opening to ensure that pupils in this area of high need can access a place at the new academy.

In addition, we currently have a planning application awaiting determination that would expand Bishop Justus School from 6 to 8 Forms of Entry, are discussing plans for expansion with other secondary schools and are in conversations with the EFA about our needs beyond 2017.

4. From Cllr Angela Wilkins to the Resources Portfolio Holder

For each of the following please provide a list of dates and times over the last year when IT systems have not been functioning properly for a period in excess of 2 hours:

1. council's email systems
2. planning portal
3. My Bromley service
4. Benefits Service

Please give an estimation of how many staff hours have been lost as a consequence of these failures.

Please give details of what compensation sums have or will be agreed with Capita.

Reply:

1. Council's e-mail system

Service Provided by	Capita
Dates Unavailable	Based on server availability: 04/02/2016 – 05/02/2016 – approximately half of the staff 04/02/2016 – 08/02/2016 – remaining staff Based on individual calls logged: Various dates & times total 13.9 hours with 2 incidents lasting over 2 hours.
Impact to staff	Staff would not have been unable to access e-mails until the server was available. The impact to staff is impossible to quantify as people do not use e-mails all day therefore there is no way to gain meaningful metrics.
Costs	The only costs we can recover is as per the KPI's. The KPI for system availability is 99%. Based on the previous 3 quarters then availability has been 99.4%

2. Planning Portal

Service Provided by	Capita / Idox
Dates Unavailable	Thursday 4 th – Monday 8 th due to power outage issues
Impact to staff	None. The service is automated as part of an integrated solution therefore there is no staff involvement.
Cost	None

3. My Bromley Service

Service Provided by	Bluesky / Liberata
Dates Unavailable	29/9/15 for 9 hours 21/1/16 for 2 hours
Impact to staff	None, Website is automated with no staff involvement
Cost	None

4. Benefits Service

Service Provided by	Liberata (hosted solution)
Dates Unavailable	<p>6/8/2015 – 02:26 – 6 users affected</p> <p>26/8/2015 – 03:13 - 30+ users</p> <p>28/09/2015 – 04:13 – 30+ users (forced downtime)</p> <p>28/09/2015 – 02:56 – 30 + users (restricted access)</p> <p>09/12/2015 – 04:45 – 30+ users (recover checkpoint)</p> <p>11/01/2016 – 08:50 – 6 users (barrow connectivity issues)</p> <p>15/02/2016 – 09:00 – 6 users (desktop issue after upgrade)</p> <p>The above is for liberata and LBB staff.</p>
Impact to staff	Limited access to system.
Cost	The head of service was consulted for the staffing costs and his response was that its difficult to produce accurate figures as officers adjust their workload if the system is unavailable, nobody is solely reliant on the system for their full work.

5. From Cllr Angela Wilkins to the Resources Portfolio Holder

What penalties have or will be imposed on Liberata for failing over the last two years to meet contract KPIs for both their Customer Services and Benefits contracts?
 What was the cost per annum of these two 'core' contracts at their commencement?
 What is the cost of both 'core' (ie excluding additions and major variations) contracts for 2015/16?

Reply:

Benefits

A penalty of £30,155 was levied against Liberata on 22 December 2015 for failure to meet KPI in respect of Housing Benefit overpayment recovery in 2013/14.

The core contract cost in 2011/12 (date current contract commenced) £2,683,504pa
 Expected cost for 2015/16 - £2,955,384

Note: Benefits is part of the Revenues and Benefit core contract and the above figures relate the cost of the Benefits service only)

Customer Services & Bromley Knowledge

No penalties have been imposed in respect of Customer Services

Core contract cost at transfer of service to Liberata (1/11/13) - £878,100pa

Expected cost for 2015/16 - £836,210

6. From Cllr Angela Wilkins to the Renewal & Recreation Portfolio Holder

How many statutory duties does the Renewal & Recreation Portfolio have and how much of the 2016/17 Portfolio Budget relates to the fulfilment of these duties?

Reply:

The council has in excess of 1000 statutory duties.

By way of example please see the attached lists produced in 2011 which between them runs to over 100 pages.

<http://www.communities.gov.uk/documents/localgovernment/xls/18927821.xls>

<http://www.communities.gov.uk/documents/localgovernment/xls/18927851.xls>

There are also legal duties which are linked to other functions and powers and ultimately the extent of a statutory duty will ultimately only be determined by the courts Although the budget process and various service reviews give careful consideration to what is mandatory and what isn't the budget is not broken down by reference to the costs of fulfilling statutory duties.

7. From Cllr Kathy Bance to the Education Portfolio Holder

How many statutory duties does the Education Portfolio have and how much of the 2016/17 Portfolio Budget relates to the fulfilment of these duties?

Reply:

The council has in excess of 1000 statutory duties.

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8. From Cllr Kathy Bance to the Care Services Portfolio Holder

£125,000 was cut from the CAMHS budget in 2015/16 with the justification for this being the redesign of the service.

- (i) How has this reduction in funding been absorbed and has it impacted on the day to day service for young people with mental health issues in Bromley?

(ii) What was the average waiting time with CAMHS from referral to first appointment with a therapist/counsellor in 2015 and how does this compare to 2014?

Reply:

(i) Efficiencies were achieved in the budget for services for the emotional wellbeing of children and young people as a result of service redesign and the tendering process. The new Bromley Community Wellbeing Service for children and young people, commissioned by the Council at a cost of £449k, has extended the availability of all levels of intervention to all children and young people from 0 to 18 and up to the age of 25 for those who have an Education Health and Care Plan, whereas previously elements of the service were for 11-18 year olds only. Within the new service there has been an improvement in the response to children and young people in terms of time to initial contact and of the quality and appropriateness of intervention they receive. This is borne out by feedback from children and parents/carers.

(ii) For 95% of children/ young people, the time from referral to initial contact by the Community Wellbeing Service is 72 hours. Direct comparisons to previous data on waiting times cannot be provided as this was a total service reconfiguration and therefore the data is not comparable. Currently for children and young people who require a short term intervention from the Community Wellbeing Service the waiting time is a maximum of six weeks from initial contact. This is achieved in 90% of cases. The remainder which fall outside of this timeframe do so due to cancellations (by the young person or their parents/carers) or non-attendance. The performance in both of these elements of service represents a significant improvement compared to the performance of the previous service.

For children and young people who require more specialist intervention they will be referred to the CAMHS service provided by Oxleas or to Bromley Healthcare as appropriate. These specialist services are commissioned by Bromley Clinical Commissioning Group which sets and monitors their own response standards and who should be able to provide Councillor Bance with any information she requires.

9. From Cllr Kevin Brooks to the Care Services Portfolio Holder

How many statutory duties does the Care Services Portfolio have and how much of the 2016/17 Portfolio Budget relates to the fulfilment of these duties?

Reply:

The council has in excess of 1000 statutory duties.

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consideration to what is mandatory and what isn't the budget is not broken down by reference to the costs of fulfilling statutory duties.

10. From Cllr Kevin Brooks to the Environment Portfolio Holder

How many statutory duties does the Environment Portfolio have and how much of the 2016/17 Portfolio Budget relates to the fulfilment of these duties?

Reply:

The council has in excess of 1000 statutory duties.

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11. From Cllr Richard Williams to the Public Protection & Safety Portfolio Holder

How many statutory duties does the Public Protection Portfolio have and how much of the 2016/17 Portfolio Budget relates to the fulfilment of these duties?

Reply:

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12. From Cllr Richard Williams to the Public Protection & Safety Portfolio Holder

INTU was subject to an evacuation on 11 December 2015 following the discovery of a suspicious package in a car park. Furthermore there was a gang related affray in the centre on 26 December which caused panic amongst the public.

- Is there a time target for evacuation of INTU in such situations and if so, what is it?
- Is the portfolio holder satisfied INTU and associated retail outlets have robust evacuation procedures and security measures in place to protect the public in such situations?

Reply:

INTU has very robust evacuation procedures necessary for a large shopping centre. They regularly exercise and test these procedures and work with the emergency services and Emergency Planning at the LA on this. Timings for evacuation will have been determined at construction in conjunction with Building Control and London Fire Brigade and will be standard for that type of building. However all incidents are different and will in reality be totally dependent on the nature of incident, the number of people in the shopping centre. The local authority's Emergency Planning Manager has been involved in subsequent review meetings.

In terms of the evacuation procedures for the retail outlets in the shopping centre, they will be part of the larger evacuation procedure for the centre. This is something that the local authority does not deal with as it will be part of the fire risk assessment of the site conducted by the Fire Authority.

13. From Cllr Vanessa Allen to the Resources Portfolio Holder

How many statutory duties does the Resources Portfolio have and how much of the 2016/17 Portfolio Budget relates to the fulfilment of these duties?

Reply:

The council has in excess of 1000 statutory duties.

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14. From Cllr Nicholas Bennett to the Chairman of the Executive and Resources PDS Committee

If he will list the policy changes which been implemented as a result of recommendations from Policy Development and Scrutiny Committees since they were established in 2002?

Reply:

It has not been possible to review the hundreds of recommendations made by PDS Working Groups, or the thousands of recommendations made at PDS Committee meetings, within the time available. Many of the issues considered at PDS meetings concern specific issues rather than policies and it is difficult to identify particular recommendations that lead precisely to specific policy changes.

One recent example where a PDS recommendation was accepted by the Executive concerns the sale of small unused plots of Council land for garden extensions. The Council's policy used to be that these plots would not be sold unless it was clearly in the Council's interest to do so. The Executive and Resources PDS Committee in June 2015 suggested that this policy should be removed. The Executive accepted this, reversed the policy and decided that small plots of unused land should be disposed of wherever possible.

15. From Cllr Nicholas Bennett to the Leader of the Council

What statutory requirements does the Council have when an application is made by a lessee to amend a lease or one of the schedules?

Reply:

A lease is a legal contract between landlord and tenant. When considering requests from a tenant to amend a lease, the landlord is bound by the contractual terms of the lease, while also taking into account the extensive history of judicial decisions on the interpretation of leases and the obligations on landlords. In some specific areas the contractual relationship between landlord and tenant is affected by statutory requirements but there are none that relate specifically to consideration by a landlord of a request to vary the terms of a lease.

16. From Cllr Nicholas Bennett to the Environment Portfolio Holder

If he will list the date and location of fly tipping incidents in West Wickham ward in each of the past three years and the estimated cost of each removal?

Reply:

West Wickham - fly tips cleared by LBB:

2013: 27 incidences of dumped rubbish

2014: 29 incidences of dumped rubbish

2015: 39 incidences of dumped rubbish

Total: 95 incidences of dumped rubbish

In terms of cost fly tipping clearance is part of the whole Street Cleansing cost and there is not a cost per each removal.

However there are 15 incidences which required out of hours signage and guarding at approximately £110 each. There were also 7 incidences which required the hiab which would have averaged a call out of £110 each.

This does not include disposal charges however (£140 per ton) which if averaged at 0.25 ton per fly tip would equate to £35 disposal cost per flytip.

17. From Cllr Colin Smith to the Resources Portfolio Holder

(i) Would the Portfolio Holder please detail the savings made to the Council's revenue budget on a year by year basis since 2010/11 to date, including this years proposed savings within the list?

(ii) Would the Portfolio Holder please advise us of the overall cumulative total of these savings over the same period?

Reply:

Ongoing annual savings of £93m have been included in the Council's revenue budgets between 2010/11 and 2016/17 compared to the 2009/10 baseline. Cumulatively, this would provide total savings of some £360m over the same period. Cost pressures within the annual budget and medium term financial strategy arise from a number of factors including inflation, additional cost and demographic pressures including new burdens and the impact of significant government funding reductions. Some of the savings identified were required to offset such cost increases within the overall net budget. A summary of the annual and cumulative savings is shown in the table below:

Financial Year	Ongoing Annual Savings £'000	Cumulative Savings (01/04/10 to 31/03/17) £'000
2010/11	6,368	44,576
2011/12	15,645	93,870
2012/13	22,879	114,395
2013/14	13,108	52,432
2014/15	7,292	21,876
2015/06	8,766	17,532
2016/17 *	18,867	18,867
Total	92,925	363,548

**as reported to Executive 10th February 2016*

18. From Cllr Colin Smith to the Resources Portfolio Holder

Would the Portfolio Holder please provide us with a year by year summary of the extra costs this Authority would have had to bear, had it passed the 'alternative budget' proposals of the Labour Party opposition since 2002/3 to date, summarising:

(i) The financial effect such action would have had on the current level of the Council's useable reserves, accruing the extra deficit incurred (or gained) each year at the 'Base Rate' of that time.

(ii) The financial effect such action would have had on the Council's current budget deficit, ahead of debating this evening's budget proposals.

Reply:

A year by year summary of the Labour Party alternative budget proposals from 2003/04 is shown in the table below. It has not been possible to provide the information for 2002/03 as records are unavailable.

Financial Year (Budget Proposals)	Impact of Council Tax Changes £'000	Impact of Cost and Savings Adjustments £'000	Use of Reserves £'000	Notes
2003/04	(428)	1,730	1,302	
2004/05	0	300	1,300	
2005/06	0	1,000	1,000	
2006/07	0	980	1,830	
2007/08	0	0	0	(*)
2008/09	(240)	740	1,000	
2009/10	0	365	365	
2010/11	1,626	(34)	1,592	
2011/12	0	2,719	1,301	
2012/13	0	0	2,719	
2013/14	0	0	0	(*)
2014/15	0	0	0	(*)
2015/16	0	3,580	3,580	
Total	958	11,380	15,989	

* no alternative recommendations

(i) Assuming the use of balances for one year only, general and earmarked reserves would have reduced by £15.9m (£19.9m including foregone interest earnings using LBB average rates).

In view of the legal requirement to set a balanced budget, if no alternative options were identified to offset the annual adjustments in successive years and reserves were required to meet the cumulative impact, there would have been a total reduction in reserves of £75.5m (£87.8m including foregone interest earnings using LBB average rates).

- (ii) The proposals would have resulted in an ongoing budget gap (further savings to be identified) of £12.34m made up of £0.96m in reduced council tax income and £11.38m arising from increased costs and/or reduced savings options.

Budget decisions are made on an annual basis and the cumulative effect (had previous years' proposals been agreed) would have influenced alternative proposals in future years. It is not possible to identify the extent to which annual resolutions would have changed had previous proposals been implemented. However, it does illustrate that we would have a significant budget gap and significantly depleted reserves.