

**COUNCIL MEETING**

**11<sup>TH</sup> APRIL 2016**

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

**1. From Sarah Horsley, BFCA Secretary & Chair, to the Portfolio Holder for Care Services**

How will LBB Councillors, who are all Corporate Parents, fulfill Bromley's Pledge to Children Looked After, if fostering allowance cuts go ahead? Foster carers will no longer be able to afford to take them on holidays, pay for religious celebrations, birthdays and extra-curricular activities, if additional allowances are cut.

**Reply:**

Elected Members are fully aware of their responsibilities as Corporate Parents for children looked after and strive to ensure that they fulfil their obligations to the best of their ability within the resources available. Currently, the Council is consulting on changes to our foster carer allowances and any views expressed during the consultation will be fully considered by Members as part of any decision.

**Supplementary question:**

In our role as a foster carer we execute your responsibility towards your children. We are not in loco parentis – the authority is yours. We follow the standards and guidelines set down by you, the local authority, which states that every child matters. The London Borough of Bromley training that we undertake underpins your pledge and your responsibility towards your children. So, as the corporate parent, how do you specifically intend to inform your children that they no longer matter enough to be funded to go on holiday, to celebrate their birthday, to celebrate Christmas or other significant religious festivals. Will it be by letter, by email or how?

**Reply:**

We are looking at the whole situation and consulting. I take your points about birthdays etc, but as part of our negotiations on this we are comparing the amounts of money that Bromley pays with other local authorities. I can assure you that many other authorities do not give these additional allowances.

**2. From Sarah Horsley, BFCA Secretary & Chair, to the Portfolio Holder for Care Services**

If cuts to foster allowances go ahead this summer, 80% (90% now) of Bromley carers will transfer to another Borough that values the work their foster-carers do by paying better fees. Would the councillors advise what provision they have put in place to deal with re-placing 100+ children with new carers?

**Reply:**

The Council is currently consulting with our foster carers on changes to the allowances. Any risks identified as part of the consultation will be fully analysed and

considered by Members as part of any decision. I would also comment on one part of your question, which implies that foster carers can move to other local authorities who pay better fees. It is our information that other local authorities do not.

**Supplementary question:**

May I draw your attention to page 22 of the findings and recommendations of care inquiry report launched in the House of Commons on 30<sup>th</sup> April 2013, where it addresses the need for greater attention to placement quality. The report advocates frameworks for commissioning services for children leaving care should require a minimum weighting of 60:40 in favour of quality over cost. As foster carers we have the central role in the day to day care of your children and we often know your children best. The cuts you have proposed are extreme, we therefore ask why has the corporate parent chosen to ignore this research in the interest of the cost to the borough over the quality of care to your children?

**Reply:**

Certainly we accept that the quality of care is most important, and it is one of our guiding principles. But unfortunately we have to also consider the wider picture of the financial constraints that the Council is faced with at the moment. Each and every department of the Council must be looked at very carefully in terms of potential savings.

**3. From Sarah Horsley, BFCA Secretary & Chair, to the Portfolio Holder for Care Services**

76% (now it is 90%) of foster carers stated that it would no longer be financial viable for the person in their care to join them on their family holiday. Would the councillors advise how they intend to provide respite for nearly 100+ children during the month of August?

**Reply:**

I can only repeat my previous answer - the Council is currently consulting with our foster carers on changes to the allowances. Any risks identified as part of the consultation will be fully analysed and considered by Members as part of any decision.

**Supplementary question:**

This is a very personal question from one carer. Many carers have based their outgoing financial commitment on fees they receive to look after your vulnerable children. If these cuts go ahead what will you say to the children who have lived with this single carer for over six years when she has to sell her house and give 28 days' notice because she will no longer be able to care for them because she will be over £600 a month worse off?

**Reply:**

We are looking at all of the circumstances with regard to fostering allowances and we will consider all of the evidence that we have, all of the potential risks, and we will make a decision based on all of the evidence.

#### **4. From David Clapham to the Portfolio Holder for Renewal and Recreation**

What specifically have the Council discovered following the information previously provided concerning the two flights operating outside hours and claimed to be 'Home Based'?

**Reply:**

The Council is satisfied that both cited did involve regular users who are account holders.

**Supplementary question:**

What is the difference between account holders and those that are based at the airport? Is it possible to have an account and not be based at the airport? What does an account holder mean?

**Reply:**

We have considered the whole topic of 'based aircraft' in light of your recent questions and analysis and concluded the examples cited are indeed 'based aircraft'. As you would expect, we have discussed this matter with Biggin Hill Airport, examined the lease and looked at the industry use of the word 'based' and reviewed historic practices prior to the grant of the lease.

Although the lease refers to aircraft which are normally based at the airport, it does not define what is meant by the term "based". Neither is there a standard industry definition of what a 'based aircraft' is. In 1991, the Council's Policy and Resources Committee defined 'based' as "jets which regularly use the airport and are account holders" and it is this broad definition that the Airport use in their operations. The use of fleet aircraft and fractional ownership has practically meant that where an individual or organisation have access to more than one aircraft but are account holders and regular users, that different actual aircraft are sometimes used by account holders and regular users. This operational practice has been in existence for some time. The volume of aircraft using the 'based' aircraft privilege is relatively low as would reasonably be expected, with these aircraft operated by account holders.

It is noteworthy that the Airport, as part of their application to change the operating hours, have effectively applied to the Council to remove the 'based' restriction from the early morning period. For the first time (if the final approval is given), there will be actual volume limits in the early morning period as well as tighter noise restrictions in this period compared with the rest of the day. It follows that the Airport, in applying for this additional flexibility, both recognise and operate within the 'based' aircraft criteria.

Please do be assured that the Council will not hesitate to take action if terms of the lease are breached and if you do have further evidence or examples which concern you, please do forward them so they can be examined.

#### **5. From David Clapham to the Portfolio Holder for Renewal and Recreation**

What action does LBB intend to take on these two clear lease contraventions and what process will be instigated to ensure spot-checks on information provided are

carried out in future.

**Reply:**

To date, we have not discovered any lease contravention but as we have said many times, we will take action if evidence is brought to our attention specifically regarding the lease. If anyone does believe that the airport is operating outside its license terms this should be reported also to the Civil Aviation Authority as they would need to investigate and take action they saw fit.

**Supplementary:**

I have informed the Council of a contravention. As there was a contravention of the lease and equally seriously CAA regulations by a landing at 21:38 on Thursday 22<sup>nd</sup> October 2015, as the landowner is the Council also vicariously liable in not taking action on non-compliance

**Reply:**

We have spent quite a long time investigating this aircraft which seemed at one time to be a ghost. It is not a ghost. We have actually found out that the entry at Biggin Hill was incorrect. It was not entered as arriving on 22<sup>nd</sup> April but as 21<sup>st</sup> April. It arrived on 22<sup>nd</sup>, but they recorded it, whether by mis-print or typing, as arriving on 21<sup>st</sup>. It is the same problem, the same time, 21:38, so Mr Clapham's question is very reasonably addressed to that particular aircraft. What I can tell him is that that aircraft was a Phenom 100, a small six seater business jet. The airport have confirmed that they are a frequent user of the airport and have an account with them. I am therefore satisfied that this is a based aircraft in a similar way to how I described earlier.

**6. From David Clapham to the Portfolio Holder for Renewal and Recreation**

In view of these and other potential contraventions, are the Council satisfied that the many promises made during the application process for additional operating hours will be honoured.

**Reply:**

I refer to my previous answers as no contraventions have yet been found. If you do have evidence please bring this forward.

Whilst I respect promises, I will not rely on promises but on the legal agreement that we will be entering into and the strength that this will give to us and to everybody, and we will enter into this new agreement with the utmost care.

**7. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

*(Please refer and circulate my first attachment, taken from BH Section 2, recently published by LBB – appendix 1)*

The very important over-riding clause (f) of Schedule 3 is now in brackets. It could prevent the Piaggio Avanti at Biggin Hill, as is already the case at other private airports. Since you promised that, excepting the hours, the terms of Schedule 3 will remain, why is that clause in brackets?

**Reply:**

The Council has already used this clause to look very carefully at the Piaggio, with the findings of the subsequent noise study already published in the appendix of the November report. The brackets shown on your scanned document are not in the original lease and appear to have been added in manuscript by a third party, just as someone has underlined parts of the previous paragraph. These marks have absolutely no basis or meaning in law. The deed of variation to be entered into with BHAL will be a separate deed and will not affect paragraph (f) which will remain completely in force.

**Supplementary:**

In the same document there are also square brackets and I would like to understand the difference between normal brackets and square brackets and why they are there in the first place.

**Reply:**

They have equal meaning to the round brackets in the following paragraph – no meaning whatsoever.

**8. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

*(Please refer and circulate Figure 7 in my second attachment, taken from the Cyrrus submission with regards to the new R03 route – appendix 2)*

The forecast procedure for take-offs from R03 no longer requires turning east one mile from take-off. Jets will now follow the Runway 21 route to the hospital, Farnborough, Crofton and Orpington. Where is Cllr Carr's promised benefit for us since, when we do not have landings, now have even noisier take-offs?

**Reply:**

I suspect you may have misunderstood the plan. The map you are referring to only shows 03 arrivals and not departures. The departure routes remain completely unchanged and as they have been for the last 30 years.

**Supplementary question:**

Why do we have a map if it does not say what is meant to happen?

**Reply:**

The green line is delineating the missed approach path when an aircraft fails to land for whatever reason and then takes off again. That shows the route that in those very rare circumstances the aircraft might follow. It is for the precision approach and then only a notional procedural path to be followed in the absence of alternative ATC instructions and radar vectors and will only be rarely used if ever. The Airport cannot change departure tracks (or other tracks) without a full airspace change proposal.

(At this point the 15 minute time limit was reached, but the Mayor agreed that the remaining questions should be answered.)

**9. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

£65,000 have been allocated in the new budget for extra consultancy work on the implementation of the NAP. Considering that residents have already explained that

we do not consider the noise monitoring and track keeping system helpful, why do you continue to spend residents' money on this futile exercise?

**Reply:**

The Council would quite rightly be criticised if we naively accepted any Noise Action Plan that the Airport presented and therefore, we have engaged expert advice to make sure the noise monitoring, for instance, is as robust and accurate as it can be. For the first time, all of us, including residents, will be able to track individual Biggin Hill planes online, seeing exactly what path has been taken, with noise levels etc and action can then be taken if appropriate. I don't regard spending money on noise related advice as futile but you have a different view.

**Supplementary question:**

Can you imagine a 737 or a Gulfstream or a helicopter 700 feet above your home? Can you imagine 8 of them in half an hour between 6.30 and 7am, and 8 between 10 and 11 at night? The NAP noise envelope allows for this. Isn't it futile to monitor this kind of noise? Do you not see that you are donating to the airport a tool to silence us?

**Reply:**

All the costs will be recovered from Biggin Hill Airport including the £65k to which you refer. The comment about 8 aircraft in the shoulder hours - of course, it is possible now, if those aircraft happened to be based at Biggin Hill - in fact we could have more than 8, the lease has no restriction. In fact, with the overall envelopes, although you might have 8 on one particular day you would then have to have none on other days to make up for it. So the overall effect, we believe, is going to be beneficial.

**10. From Robin Fletcher to the Portfolio Holder for Care Services**

The London Borough of Bromley has stated its intention to move to a commissioning borough for all services. Does the council therefore intend to move fostering services including foster carers to an Independent Fostering Agency (IFA)? If so - has an agency or agencies been approached by LBB in order to provide this service, what stage are the negotiations and has an IFA been appointed or will be appointed within this financial year 2016/17?

**Reply:**

The Council is reviewing all of the services that it provides as part of the need to identify cost efficiencies due to the significant reduction in central government grants. As part of this review, all services are scoped and market tested before a formal view is taken as to whether the service, in whole or in part, can be delivered differently and more efficiently, either internally or commissioned from an external provider.

Currently, with regard to fostering, work has commenced to 'scope' the work of the fostering service, with a view to market testing during the 2016/17 financial year. No decision has been taken to 'outsource' the fostering service and no independent has been provider identified. Any decision to commission a new service will be subject to a formal procurement exercise which includes consultation with foster carers and other staff affected.

## 11. From Jonathan Coulter to the Portfolio Holder for the Environment

Road congestion is growing, and one way of reducing it is to get commuters cycling to the stations. In view of this:

- What is the Council doing to improve the safety of the approaches to Bromley South along the A21 and Westmoreland Road?
- Has the Council any plans for segregated cycle tracks on these routes?

### **Reply:**

Bromley Council, as is the case elsewhere across London, closely monitors collisions involving injury on all of our streets in order to identify problem locations and to prioritise interventions.

The A21 is the responsibility of TfL, so it would be for TfL to prioritise safety interventions on that particular route.

The Council does support, and indeed is already lobbying TfL, to make more cycling friendly improvements along the A21.

Westmoreland Road is not deemed wide enough, nor do available funds exist in either event, to facilitate segregated cycling along its route.

### **Supplementary question:**

I understand that when the property housing the DHSS office at the corner of Westmoreland Road and Masons Hill was put up for sale, the Council might have put in a section 106 with a view to widening the junction and improving access for cyclists and buses. The Council might have anticipated these transport cycling needs before approving new building projects in the area like the massive St Mark's Place.

### **Reply:**

The future of the Westmoreland Road site is uncertain still, who knows what might prove possible there once we establish its longer term future. Certainly, if there is any possibility of improving what is a very busy and for children dangerous junction the Council will look closely to do so. So far as that actual building is concerned its longer term future is still uncertain, so we cannot say anything with certainty at this stage.