

**COUNCIL MEETING**

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

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

**1 From Cllr Angela Wilkins to the Portfolio Holder for Renewal & Recreation**

Does the Portfolio Holder agree with me that it is healthy for the community at large and for future business rate revenues for the council if our smaller town centres are vibrant and growing? What is the council doing to support and develop successful local shops and businesses in its smaller town centres such as Penge & Beckenham?

**Reply:**

The Council has allocated £1.2m from the 2015/16 New Home Bonus settlements to support public realm improvements and business support initiatives that directly assist local shops and businesses in Penge and Orpington.

The Orpington tranche of this programme is being delivered by Orpington 1st the BID (Business Improvement District) Company in partnership with the Council. To date this has included their delivery of a business support workshop programme, a business support expo (in partnership with Bromley College) and an upgrading of the Orpington town centre website.

Officers have also been working with the Penge Traders Association to understand business support needs in Penge through use of a business survey and a mystery shopper exercise. The results of this work will shape and commission a comprehensive and relevant programme of support, including a shopfront improvement scheme.

A feasibility study into the potential for the development of BIDs in Beckenham and Penge town centres has been commissioned and will be completed by early May 2016.

The detailed design of the major public realm improvement works in Beckenham are ongoing with an anticipated start date in September 2016.

Finally the Council has also approved the extension of the successful Local Parades Improvement initiative using an allocation of a further £250k as part of the Members Initiative fund. This fund will be accessed via local Ward Councillors and will be open to Local Neighbourhood Centres and Parades.

I am also very pleased to inform you that all of the shops that the Council owns on shopping parades throughout the Borough are now fully let, that is, we have no current voids. I believe this is the first time in many years that this has been the case. These units not only generate rent to the Council, they also provide important services to our local community – a win for all.

**Supplementary Question:**

It will be rewarding to see the outcome in Penge and Beckenham in particular. Is he confident that putting car parking charges up in Petts Wood is actually going to help there or will it cause problems for businesses?

**Reply:**

I have long debates with my colleague the Portfolio Holder for the Environment about this topic of parking in shopping centres. It is a bit early to say in the case of Petts Wood but we will keep a close eye on it because it could have reference to other centres in the borough.

**2 From Cllr Ian Dunn to the Portfolio Holder for Care Services.**

Can the Portfolio Holder describe the independent research undertaken by the Council which has led to the conclusion that the fostering allowances currently paid by the Council are generous as stated in the consultation letter dated 14 March 2016?

**Reply:**

Research was undertaken, by the Fostering Service, during the summer of 2015 which compared Bromley foster carers allowances with similar allowances paid to foster carers in neighbouring authorities. This research was independently analysed by colleagues in the Finance Directorate and concluded, from the information provided, that Bromley foster carer allowances are greater, generally, than those paid to foster carers in our neighbouring Boroughs.

I am very keen to look at all evidence, as much evidence as I can with regard to these payments. I understand from Ms Horsley who spoke earlier that she has access to information which tends to indicate that we are not quite so generous. I would like to look at that evidence and assess it.

**Supplementary Question:**

The most important people in fostering are the foster children themselves. How do you assure councillors as corporate parents that when the decision on this is taken later this year that full regard will be given to the interests of children, particularly their need for stability?

**Reply:**

The situation with regard to the children is paramount as far as I am concerned, but as I said earlier this has to be within the financial restraints that the Council has.

**3 From Cllr Kathy Bance to the Portfolio Holder for Care Services**

How can you justify that empty Affinity Sutton properties in Bromley are available to bid by people living outside the Borough, but not on the London Borough of Bromley housing bid system.

**Reply:**

Affinity Sutton advertises all empty properties available for letting in the Borough through Bromley Homeseekers Choice Based Lettings System. As such they are all available to local residents meeting the criteria in terms of level of housing need for inclusion onto the housing register. The only exceptions are a small proportion of vacancies each year which must be advertised on a pan-London basis through

Housing Moves. This is a mandatory requirement and affords social tenants the opportunity to transfer between boroughs. The scheme is designed on the basis that no borough would become a net exporter or importer and as such does not lose the total number of lettings available. There are also a very small number of units which may not be advertised through Bromley Homeseekers as they may be used for direct lettings to local residents, for example requiring an emergency transfer or under a quota queue arrangement for move-on

**Supplementary Question:**

Does that mean that if I forward the address someone can tell me if that was the circumstances for a pan-London application?

**Reply:**

I am very happy to look at any individual cases sent to me.

**4 From Cllr Kevin Brooks to the Portfolio Holder for Care Services**

When the London Borough of Bromley awarded the contract covering the organisation of elderly care packages to Variance, what processes were expected from them to advertise day care centres to potential service users?

**Reply:**

We assume that Councillor Brooks is referring to the contract with Vibrance.

All service users who have been assessed as requiring some form of day opportunity, either to provide respite for family/ carer or to combat social isolation for the individual, are referred to Vibrance. As individuals are statutorily entitled to exercise choice in how they spend their personal budget, Vibrance makes an initial contact to establish what the person might want to do. If the person is clear that they want to go to a day centre then Vibrance have no further involvement and refer back to the Council to refer to the relevant day centre.

If people are not sure at that point what they want to do, Vibrance will explore options with the service user and develop a support plan. After exploring alternatives it may be that someone decides that a day centre is their preferred option. In these circumstances then again they are passed back to the Council to fast-track a referral to the relevant day centre.

From April 2015 to March 2016, 39% of referrals to Vibrance were referred to day centres.

**Supplementary Question:**

I admit that not everybody wants to access day care centre provision, and there should be a choice of alternatives as people want to choose different care packages. However, the percentage of people being referred is placing a great burden on day care centres continuing to function. As the Council desires choice it is important for these to continue in order for people to have that choice. Could I ask what the Portfolio Holder may do to work with Vibrance to encourage referrals and ensure that day care centres have a future for Bromley residents.

**Reply:**

It is important that enough day care centres continue to provide the opportunities for people who are eligible, but I do not think that I hold a brief for the maintenance of

day care centres. What I am responsible for is the individuals who are eligible for our assistance and it is a question of making sure that they go where they want to. We have day care provision available, but it is certainly true that, over the last few years, and it is increasingly so, that fewer and fewer of our elderly residents if they have a care package do not choose to go to day centres.

## **5 From Cllr Peter Fookes to the Leader of the Council**

What representations has he made with regard to the future of the Crown Post Office at Beckenham?

### **Reply:**

Proposed changes to the Crown Post Office at Beckenham have only recently come to our attention. Most of the information available at present seems to be from the campaign against its relocation. Officers are urgently seeking clarification from the Post Office about the exact nature of the proposed changes, and about any consultations which the Post Office is running, or plans to run, to which the Council and myself can make representations.

### **Supplementary Question:**

It would be very useful that if any decisions are to be made on the future of any of our post offices that a report should go to General Purposes and Licensing Committee, Renewal and Recreation PDS Committee or the Executive. I certainly think that Members should have the opportunity of commenting.

### **Reply:**

Clearly we are in the business of trying to defend what local people want and supporting local businesses and the local economy. I have been in contact with others, local assembly members etc just to highlight the issue just in case they hear of anything out there on the airwaves. I have put the word around looking for as much feedback as I possibly can. We will be keen to support the local economy in any way we can.

## **6. From Cllr Nicholas Bennett JP to the Leader of the Council**

What instructions has the Chief Executive given to his chief officers regarding the timely treatment of correspondence from members?

### **Reply:**

Following my discussion with the Chief Executive, he has directed that Members' requests must be treated as high priority and should be acknowledged within 24 hours with a full response within 3 working days, sooner where possible, but perhaps up to 5 days depending on the nature and the complexity of the issue. However, if a question cannot be answered within this time frame, Members should be given an expectation of when a full response will be provided. There will be occasions due to annual leave or sickness, for example, when these deadlines may be tested, but out of office responses should always indicate to Members who to contact and the delegated respondent should take up the request, explaining any delay to the Member concerned. A guidance note will be issued to all senior staff to this effect.

Members of the Council are accountable to their electorate and therefore officers must ensure that Members are in a position to respond promptly to questions that have been raised by them.

## **7. From Cllr Hannah Gray to the Portfolio Holder for Renewal & Recreation**

What action is being taken to respond to inquiry number 310330? (This is regarding a tree surgery request at Corkscrew Hill Tennis Club, Corkscrew Hill, West Wickham BR4 9BA.)

### **Reply:**

A search of the Council's On-line-application portal for Tree Preservation Works reference 310330 did not reveal any submitted application. Whilst it is acknowledged that an application receipt was issued, the Council's internal information technology systems suffered major system failure in the week of 13<sup>th</sup> February when the application was submitted. Investigations have concluded that the electrical outage resulted in a number of submitted applications being wiped, as in this case. Unfortunately as there were no contact details remaining on the system officers could not contact applicants to make them aware of the problem.

Officers were only made aware that there was a problem six weeks later and have since then been in direct contact with the applicant to request that the application be resubmitted so it can be processed. I accompany this with an apology.

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

Is he absolutely certain that no member of current or previous council staff can be held responsible for inadequate checks on the employment status of people paid by this council as consultants (or under IR35 more generally) which have led to the Council now having to pay an unexpected £343,500 to HMRC?

Whilst the report in which information related to this question was provided was classified as Part Two, it was stated at the meeting that the reason for this was actually the subsequent material relating to the NHS and business rates.

We therefore believe that there is no legal reason why the repayment due (from Bromley council tax payers) to HMRC should not be in the public domain.

### **Reply:**

As previously advised at the last Executive meeting, a number of organisations both in the private and public sectors are currently working with the HMRC to address the complexity of this issue to ensure that individuals, irrespective of their employment status, are personally liable for their tax liabilities. The complexity arises, in part, from the different approaches to employment status for tax and employment purposes. In respect of the former, self employed unlike directly employed staff, are required to individually settle their taxes.

However, on the back of the ongoing work with the HMRC the Council's approach to consultants or self-employed individuals has been radically changed to eliminate or significantly reduce any future risks to the Council. Hence, going forward, every consultant or self-employed individual will 'not be engaged in their own right'. Instead they will be engaged through a master vendor, Adecco, who will be responsible for the tax deductions applicable to this group of workers.

**Supplementary Question:**

I am not sure that my question has been answered. The situation around self-employed contractors is very complex, and it is partly why Gordon Brown as Chancellor in 1999 introduced various regulations on the IR 35 issue to try to address this problem. I find it very difficult to believe that this has happened, as there was a lot of training and briefing across all Councils and companies at the time. Will the Portfolio Holder please agree that the information should be in the public domain and not in part 2. Will he agree to do that? This part of the report should be published and not in part 2 and in order to avoid the allegations of a cover up this is exactly what we need to do.

**Reply:**

The advice which puts reports into part 2 is legal advice. In this case legal advice was given that as this was an ongoing contractual matter it should properly be put in part 2. The report has two items and this particular item I would be happy to see in the public arena. We are talking about public funds and therefore it is a matter of public interest. There are certain things that I would like to explain which would probably take me into part 2. That said, I think I can properly say that HMRC operate under delegated regulation and have chosen to interpret this piece of legislation in a certain way that disadvantages local government. It is true to say that a good number of Councils up and down the country, some suffering a liability in the millions of pounds, have engaged other people to act on their behalf. It was acting on our behalf that led to our own liability coming down from an initial figure substantially higher than the figure finally arrived at. The process for that should be in the public domain once I have legal clearance for that.

**Additional supplementary question:**

Councillor Simon Fawthrop stated that he supported Councillor Arthur's hope that the issue could be brought into the public domain, but he also asked that if necessary Audit would look at this to see if any other action should take place.

**Reply:**

Cllr Arthur responded that he was happy to give this assurance and that he had already spoken to the Chairman of the Audit Sub-Committee who would be taking this to his Committee.

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

Do the London Borough of Bromley and Affinity Sutton have any plans to identify and convert appropriate empty properties to suit our residents who are on the waiting list for adapted properties? They understand that at present they have to wait for tenants to die and so vacate one of the few premises we have.

**Reply:**

Bromley has a dedicated housing Occupational Therapist (OT) who works with housing associations and housing developers to ensure that 10% of new build units are built to wheelchair accessible standards in line with the London Plan Policy. The OT also works with households requiring adapted properties and housing associations to make the best use of existing adapted units. This work will also include facilitating adaptations in non-adapted properties where these properties have the potential for adaptations to meet a household's needs.

In response to the last sentence of the question, the understanding that they have to wait for tenants to die and so vacate one of the few premises we have is incorrect. Applicants with disabilities have equal rights on the register to all other people, and if they are allocated a property according to our criteria and that property needs, and we can put in, adaptations, then we do so.

**Supplementary Question:**

The last time I checked with our dedicated Housing Officer, residents, such as a resident that I am working with who has had both legs amputated living high up off the ground floor, could be waiting up to six years. That does not seem to match the reply you have given. Is there any proactive work that could be done to reduce this? I have at least two residents who are totally incapacitated that live not on the ground floor and not in adapted properties with no short term assurance that they will be moved soon.

**Reply:**

I have quoted the official departmental policy, but if there are individual cases that do not fit that please refer and I will look at them.

**10. From Cllr Peter Fookes to the Portfolio Holder for Education**

What evidence has he got that academy schools perform better than those under LEA control?

**Reply:**

If the two areas of performance are considered for schools – Ofsted outcomes and attainment data we cannot give a simple response. I will try my best.

For the January 2016 Education Policy and Development Scrutiny Committee we reported in the Schools Performance Update Report on Ofsted Outcomes presented in the Ofsted Annual Report 2015. Bromley has a high level of schools that are Good or above.

At Secondary level 100% of Bromley pupils are taught in Good or Outstanding schools, which makes Bromley the second highest performing LA in England and Bromley also the second highest number of secondary pupils taught in Academy schools (95%).

At primary phase, 77% of pupils in mainstream primary phase schools are in Good or Outstanding schools, with the highest number of pupils educated in primary phase mainstream academy schools, also 77%. Most Academy schools, however, have not been inspected post-conversion, so it is too early to comment on relative performance when comparing Ofsted inspection data. Most maintained schools with a below Good rating have chosen to await their next inspection before converting.

In terms of attainment data it is also difficult to present a definitive view as to the performance of academies as compared with maintained schools. In Bromley we continue to perform at above national comparators on all indicators. The DfE produce school performance tables for LAs showing all schools.

As only one secondary school does not have academy status the comparative aspect is very limited in terms of its usefulness.

For Primary phase schools we can say that of the schools that were Academies with published Key Stage 2 results for 2015 92% showed the same or improved results for 2015 compared with 2012, whilst for maintained schools it is only 73%.

**Supplementary question:**

Is he aware that there has been widespread disagreement amongst his Conservative colleagues? Roger Gough, his Kent counterpart, says there is no demonstrable evidence of improvement under the academy regime, and Graham Brady MP, chair of the 1922 Committee, says schools should not be coerced into becoming academies. The other problem we have here is whether this authority supports the loss of parent governors from academy schools, which is also part of the Bill.

**Reply:**

I did try to present the facts, both from Ofsted and attainment data, but it seems that we are going to quotes, so I dug out a quote from a former Education Secretary that talks about some of the important aspects of academy schools. He says "... My key priority is to close the gap between the best and worst performing schools... That is the single most important challenge facing the national education system. We have, at the top of our system the best schools in the world but by far too long a tail of underperforming schools. That is why I was so relentless about maths and literacy, phonics and effective teaching of reading in primary schools. I am passionate about improving pay and conditions for undervalued teachers, passionate about Teach First which gets more highly achieving graduates into the most challenging schools, it is why I pioneered the academies programme to act as a battering ram for high standards." That was Lord Adonis, the former Labour Education Minister and author of "Education, Education, Education." What we are seeing is an improvement in schools, we are seeing choice for parents and more responsibility being given back to the people looking after the children.

What I do not understand is that they are very keen for steelworkers to run the steelworks, for tube drivers to run the tube network, and yet they do not seem to trust the teachers to run the schools. I have faith in those teachers.

**11. From Cllr Nicholas Bennett JP to the Portfolio Holder for the Environment**

What is the policy regarding the cleaning of mandatory and advisory traffic signs on the borough roads?

**Reply:**

Traffic signs, other than illuminated 'keep left' bollards which are cleaned 2 to 3 times a year subject to requirement, are cleaned on an ad-hoc basis where a need is seen by officers or requested by a 3rd party.

**Supplementary question:**

Is the Portfolio Holder aware that when I was last at the West Wickham Residents Association the person who represented the Association at the Road Safety Panel was told that no street signs were cleaned because of the cuts? I am delighted to hear that that is not the case.

**Reply:**

Our Road Safety Panel perform a very important function and help us to link with residents. Communication in these matters has to be spot-on. Mindful of Councillor

Bennett's information, I will feed back through officers to the Panel to ensure that anything that they have been told that is incorrect is corrected – we will do that tomorrow morning.

(At this point the 30 minute time limit for question was reached, but the Mayor agreed that the remaining questions should be heard.)

**12. From Cllr Angela Wilkins to the Leader of the Council**

Has he read the recent "*London Plan Annual Monitoring Report 12, 2014-15*"?

**Reply:**

Yes, not in its entirety but a large chunk of it.

**Supplementary Question:**

This report explains how Boris Johnson has struggled to get to just over 50% of his own target for social housing across London for 2012 to 2015. Here in Bromley we have only contributed 18 houses to this and we have had two years where we have lost social housing for various reasons. Will the Leader undertake to ensure that Bromley makes a much better contribution under the next London Mayor?

**Reply:**

We are fully aware of our statutory obligations and do continue to meet them over a period of time. The figure that Cllr Wilkins alluded to is a disappointing figure but it must be taken in real context – the net effect it has of having closed two or three regeneration sites across the borough that has led to a much lower figure than would otherwise be the case. Cllr Wilkins also refers to social rented accommodation, and that is just part of the definition of affordable housing and we have been very keen to get a balanced and mixed tenure spread of affordable units across the borough. We will continue to do that. What has happened because of the economic situation is that it has become more and more difficult where developers, getting planning permission to build (and we have never aspired to 50% affordable housing, but have a target of 35%) still seem to be able to get away with claiming a lack of viability on schemes and are not delivering the affordable houses that should be delivered in our borough. I will take that up with people. I do think that the figures are slightly inaccurate at present or certainly must be put in context. One of the things we have benefited from is that a significant part of the developments in the borough have been from small sites up to nine or ten units where no affordable housing is required. We are getting the significant benefits of new builds, but it has been difficult to acquire the affordable housing units. Yes, we will be doing more to give more choice and the ability for people to get on the housing ladder where here they can, but it will be done in the Bromley way. We do not believe in high densities and tall buildings in certain areas, but we will be doing what we can to support what we believe is the Bromley aspiration for young people to aspire to own their own homes.

**13. From Cllr Peter Fookes to the Portfolio Holder for the Environment**

When will weekend or evening street cleaning take place in those roads which are heavily parked during the day?

**Reply:**

The borough's street cleaning department are already cleaning roads early mornings, evenings or at the weekends. I have asked in this chamber if any Members have any

roads that should be a candidate for weekend cleaning or at a time when the kerbs may be more accessible, to please let me know and I will process that with officers on their behalf, but I have not had contact from many people, or indeed from Cllr Fookes.

**Supplementary Question:**

What we need to do is look again at this. In the past we have asked people not to park in particular roads to allow cleaning to take place and we do need to do this more, particularly in the Beckenham and Penge areas.

**Reply:**

We have the Environment PDS Committee where these issues can be channelled through if there is a real need and I would welcome input from any Members. It is clearly a problem but we are working around it where we get cooperation from Residents Associations and Street Friends. Please feed any positive input through and I am sure that we can take this forward in any ward across the borough.

**14. From Cllr Nicholas Bennett JP to the Portfolio Holder for Education**

What estimate he has of the number of schools which will have converted to academies by September 1st 2016 and what that will represent as a proportion of the total maintained schools in the Borough?

**Reply:**

As of September it is expected that there will be 64 Primary Academies, 87% of the total, and 16 Secondary Academies, 94% of the total (that is all but one of the secondary schools.)

In addition 1 special academy and 1 alternative provision academy exist out of a total of 5 special provisions, 40% of the total having converted.

Our overall conversion rate is therefore predicted to be over 90% for mainstream schools by September 2016.

**Supplementary Question:**

Has the Portfolio Holder seen the White Paper “Educational Excellence Everywhere” page 69 published on March 17<sup>th</sup> which refers to Bromley in glowing terms. Can I congratulate him and Cllr Wells his predecessor on all the work they have done on the academisation process and can I ask him that he ensures that he will be there at the first Education Select Committee where we look at the future role of the Education Authority?

**Reply:**

I have seen that report and I echo his comments about Cllr Wells who laid the path for what we have done and to himself on the PDS Committee. We will have a big role to play with the academies agenda. We have already been invited to talk to DfE officials last week, we have spoken with the Regional Schools Commissioner who talks about Bromley at the highest level. I think this is something we should be proud about because we are championing the academies programme, we are providing opportunity for the children, we are making sure that kids in our borough are getting the best possible education that they can get. This is something we should be very proud of. Whether or not I attend the Select Committee as Portfolio Holder is, as he is aware, not up to me.