

COUNCIL MEETING

4TH JULY 2016

QUESTIONS FOR ORAL REPLY FROM MEMBERS OF THE COUNCIL

1. From Cllr David Livett to the Environment Portfolio Holder

Will the Portfolio Holder set out the results of his review of the recent closure of the satellite green waste collection sites and whether his review has identified the opportunity to provide at least a rotation of collections between the three sites?

Reply:

Although the assessment remains ongoing, I anticipate being in a position to provide you with an answer over coming days, a point I have already shared with a number of Cray Valley residents directly as well.

Officers' concerns regarding rotating the sites, which I am currently working through include:

1. There is the potential to increase fly-tipping at sites where the service is not operating on the three weekly cycle. With this comes the added cost for the removal of waste and potential costs of additional resource to proactively manage the non-operational sites to discourage fly-tipping.
2. When the sites are operating at locations other than the Shire Lane site, there is greater potential that regular site users from Shire Lane and Cotmandene or Biggin Hill will choose to divert to the Waldo Road reuse & recycling centre, which would add queueing pressure on the site and potentially overload it.
3. The Biggin Hill and Cotmandene sites have site determined limitations on how many vehicles, queueing capacity and the potential to secure the site as compared to the Shire Lane site. This may have implications on the effectiveness of the sites during busy periods, especially if customer numbers increase as the site would only be operating on a three weekly cycle.
4. I would estimate a potential annual cost increase of 15-20% above the current cost (£50K) were routine enforcement monitoring to be put in place to mitigate fly-tipping at non-active sites during the operational season.

I promise that I will update you as quickly as I can from this point as I would like to make this work.

Supplementary Question:

How confident is the Portfolio Holder that he will be able to overcome these objections of his officers to restoring the service?

Reply:

I am confident that I will make the decision on a fact-driven basis. If there is little or no reason not to do what you and I would like to do for the people of the Crays and Biggin Hill I certainly will. If it is going to lead to increased fly-tipping and extra cost,

and no real benefit, that might be a problem. We will finish these investigations and I will get back to you at the earliest possible opportunity. I want to make this work, too.

2. From Cllr Angela Wilkins to the Leader of Council

Will you apologise to the families of this Borough for the appalling levels of service which the council has provided to protect our vulnerable children, as detailed in the recent Ofsted report?

Reply:

I'm afraid that I don't accept the premise of this question.

I would suggest there is a gulf of difference between the Inspector's finding that the Service was "inadequate" and the intentional over exaggeration that the service is/has been "appalling". I would also encourage the questioner to consider that using such a derogatory term is thoroughly unhelpful to hard working staffs' morale.

What has been important above all else since the time the Inspector's findings were made known to the Council has been to carefully study all criticism and correct whatever shortcomings have been discovered as swiftly as possible.

I can confirm that this process is already now well in hand. To this end, I am also pleased to advise you that Councillor Evans will shortly make a statement to the Chamber laying out his Department's position in greater detail.

Supplementary Question:

I am not going to argue about my use of the word "appalling" but I will re-phrase the question. Will the Deputy Leader of the Council on behalf of the Leader please apologise to the children and families of this borough for the inadequate service, and that is quoting the Ofsted report.

Reply:

As I have just advised, Councillor Evans is going to speak to the Council on this matter.

3. From Cllr Kathy Bance to the Portfolio Holder for Education

With rising numbers of parents selecting home education for their children does LBB support a mandatory register for all children being home schooled?

Reply:

The LBB recognises the rise in parents declaring home education and notes it is a national trend not just peculiar to Bromley. It also recognises that without mandatory registration, there will remain a cohort of young people within Bromley who have not entered mainstream education; they will have moved into Bromley and are being home educated but the LA has no means of knowing who these children are. It is for this reason that LBB has always advocated mandatory registration, and recognises the need for it to be underpinned by legislation.

We all recognise the need to balance the rights of individuals against the statutory duties of the local authority. Through its membership with London Home Education Officers and The Association of Home Education Professionals (National Officers

Body) Bromley continues to advocate for changes in legislation to make registration mandatory.

In the interim, all home schooled children that the LA is aware of, are recorded using Bromley's education database, and monitored by Education Services. Education Services continue to raise awareness, with particular agencies and voluntary services, of the need to advise the local authority of any young person that is being home schooled.

Supplementary Question:

Does the Portfolio Holder believe that the local authority should have access to assess the standard of teaching that is being given to these children by unopposed home visits?

Reply:

You will recall that we discussed this subject very recently at a PDS meeting and I believe it is coming up again very soon at the Select Committee. We are currently bound by the legislation. We believe in mandatory registration and we will continue to advocate that. Everything that will come with that legislation will help to answer what the councillor is requiring.

4. From Cllr Vanessa Allen to the Leader of the Council

In light of the EU referendum vote, what is the Council doing to re-assure the many European people who are working in our schools, hospitals, care homes etc. that they are welcome here?

Reply:

I believe that if any such reassurance is actually discovered to be necessary, it would be logical for Central Government to promote the initiative given their open and easy access to all forms of penetrative national media.

Supplementary Question:

There has been an appalling increase in hate crimes since the Referendum and also there is the misapprehension that the leave vote includes expulsion of immigrants, and that may put local residents at risk, whether they have moved here in recent years or not. They are part of Bromley society and culture; they are our friends, family, neighbours and colleagues. I therefore ask the Deputy Leader to firstly convene a public meeting of all interested parties including the Police to discuss ways and means of countering this behaviour and secondly to issue a leaflet to all households that clearly states our support for all Bromley citizens and our complete condemnation of this disgusting behaviour.

Reply:

I can only reiterate that I have seen a communication from the Borough Commander that there has been no such rise in hate crimes in the borough.

Additional supplementary question from Councillor Simon Fawthrop:

Does Councillor Smith agree that it is important that we try to calm the situation down to make sure that these attacks from both sides of the Referendum debate should be calmed down and we should concentrate on trying to move forward?

Reply:

I believe that all decisions should be based on fact and driven by what is actually happening rather than on what the media is reporting. We see far too much in the media that whips people up rather than reporting objectively and that is what I would prefer to see.

5. From Councillor Kevin Brooks to the Public Protection and Safety Portfolio Holder

Since the cuts in community projects and youth provision in Penge there has been an increase in groups loitering on estates. This has caused much local concern. Will the Council accept that this increase is not a coincidence and explain what steps are being taken to address this?

Reply:

I am aware that a large group of Somalians are hanging around the Groves Estate which is causing concern to local residents. Operation Crystal has been successful in reducing ASB in the Groves Estate, but this is a new group. I do not accept that this issue has been a result of savings made in Penge as this new group is between 16 and 24 years of age and therefore would not necessarily be the target cohort for youth diversionary activities. However, youth activities are still provided in Penge by the Council's Youth Service and other organisations. Additionally, the Council and Affinity Sutton are currently funding football on the St Hugh's Estate, and are funding basketball later this month. The Police and Affinity Sutton are putting a lot of effort into tackling this current problem and the Council's ASB Coordinator has been in contact with residents to understand their issues. He is also in regular contact with the Police Gangs Team. A meeting was held yesterday between the Police, residents yourselves and Somali elders which was a positive step forward. A follow up meeting with a more formal structure was agreed to look at ways to work together to decrease tension in the area. The situation is a delicate one to manage as the local residents are complaining that not enough is being done to deal with the group, yet the parents of the group are complaining that the Police are being over-zealous.

Supplementary Question:

The meeting last night was more about reaching out between communities and I hope that this continues. The Police are understandably reluctant to issue lots of cautions without actual offences having taken place. What action does the Portfolio Holder intend to take to prevent community tensions rising without youths receiving unnecessary records affecting them in later life.

Reply:

I cannot speak on behalf of the Police, but I know that their tactic has always been to avoid giving young people criminal records if there are other actions they can take to not damage their future. Councillor Bance emailed me about funding another football session. That is something we have been looking into in the last few days and officers have been in contact with the Director of Sports Active Coaching which works with hard to reach individuals aged 11 to 25 in Crystal Palace Park, and we have been investigating whether this group would be eligible for funding from Get Active Bromley.

6. From Cllr Peter Fookes to the Public Protection and Safety Portfolio Holder

What is the procedure for monitoring and supporting individuals in this borough who leave prison?

Reply:

The National Probation Service supervises high risk offenders released into the community. The majority of offenders in Bromley are monitored and supported by a community rehabilitation company. The London CRC works directly with offenders to tackle the causes of their offending behaviour, enable them to turn their lives around and rehabilitate them back into the community. Community involvement depends on individual cases, for example we are involved in multi-agency work with the Police, Probation and Social Services with MAPPAs – multi-agency public protection arrangements for registered sex offenders, violent offenders and those who pose a serious risk of harm to the public. Currently within Bromley we are reviewing the role the local authority plays in offender management and plans have started to reinvigorate a coordinated approach of Integrated Offender Management (IOM). Last month I agreed to redistribute of budgets within the Public Protection and Safety Division to fund a part time IOM Coordinator and at last week's Safer Bromley Partnership meeting this proposal was approved. An IOM steering group will also be set up, as recommended by the Home Office. The IOM Co-Ordinator role is currently being designed, but will essentially pull together all the excellent work that is being undertaken across the borough to support offenders in terms of opportunities for employment/training, access to mental health services and access to alcohol & drugs services.

Supplementary Question:

Does the Portfolio Holder agree that it is not acceptable that people are left with no housing having left prison or other secure accommodation, as has happened on two occasions in Penge recently? I would urge that this area of operation is reviewed very quickly.

Reply:

This is exactly the type of issue that will be taken up by the IOM coordinator and the IOM Steering Group, of which housing will be a part of.

7. From Cllr Nicholas Bennett to the Resources Portfolio Holder

Pursuant to my question on 8th December 2014 regarding the Hawes Lane Health Centre has any progress been made by NHS Property in finding a use for this property?

Reply:

Strategic Property has made enquiries of NHS Property Services, the freehold owner of Hawes Down Clinic, and has been advised that this site has been declared surplus to healthcare requirements and that it recently obtained pre-application planning advice in respect of a proposal to demolish the existing clinic and redevelop the site for residential use. NHS Property Services is currently assessing whether to seek outline planning permission, or place the property on the market without the benefit of planning permission.

8 From Cllr Angela Wilkins to the Resources Portfolio Holder

I refer to my oral question raised at full Council on 11 April (question number 8).

Having not been given a direct answer to a direct question, I ask it again:

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?

Has he yet received the legal clearance referred to in his reply and if so, when will this matter be put into the public domain? If not, please can he explain why the matter has to remain in part two?

Reply:

Further to my previous response in April 2016 I would like reiterate that the employment status of self-employed individuals including consultants for tax purposes is incredibly complex. Hence the government is proposing to introduce a legislative change next year hoping to simplify the matter and significantly reduce the current risks faced by employers. This is about the tax status of self-employed individuals and not their general employment status including their right to work in the UK or fitness to practice where appropriate. Having reviewed our current arrangement there are no individual culpabilities but' as also previously advised, the Audit Sub-Committee will receive a regular update on the issue.

I can now confirm that the legal advice is that this matter can now be placed in Part 1.

Supplementary Question:

My question is really about past staff who should have been responsible for looking at whether or not these people should have had contractor or self-employed status, does this apply to them?

Reply:

Yes.

9. From Cllr Kathy Bance to the Public Protection and Safety Portfolio Holder

With a reduction in the number of staff, is LBB able to ensure that the food establishments are receiving regular hygiene checks?

We have a number of newly established restaurants & takeaways which only received a 1 star rating and some well-established restaurants who have fallen from a 5* to a 1 rating.

What action is LBB taking to get these establishments to an acceptable level?

Reply:

Staffing of the Food Safety Team has reduced since 2009, but this is not a unique situation to Bromley – almost all London Boroughs have seen pressure on resourcing in their Food Safety Teams. Following a report to the Public Protection and Safety

PDS Committee in January this year additional short-term resources were agreed for the team these are still in place. It has also been decided to move one post from the Health and Safety Team to the Food Safety Team to provide further support. The food safety team undertakes inspections based on risk. 100% of high risk businesses were inspected last year. Only ten newly established businesses were rated one star in the past year and well established businesses falling from five stars to one are extremely rare – less than a handful in the past year. In these cases, these businesses receive greater attention, intervention and support and are re-visited more frequently. They will be served more formal notices and prosecutions if they do not improve. I am satisfied that we are doing all we can in the current circumstances to meet our responsibilities.

Supplementary Question:

Is there any plan or action to make the “scores on the door” mandatory?

Reply:

It is not called “scores on the doors” any more, but it is something that the FSA are looking to implement nationwide.

10. From Cllr Peter Fookes to the Environment Portfolio Holder

Why are Penge and Cator Councillors getting more complaints from residents about street cleaning and rubbish in the area?

Reply:

I obviously have no way of knowing how Penge and Cator colleagues measure and compare your casework between the three of you, if indeed you do, so it is pointless me speculating.

What I do know is that the cumulative number of Street Sweeping and Fly-tips reports received year to date for Penge & Cater Ward is lower in 2016 compared to the same period in 2014 & 2015.

Although the challenge locally remains a constant one, I hope that you will join with me in congratulating Officers for the headway they have made so far. I have circulated the relevant figures this evening for inclusion in the minutes -

| Penge and Cator Ward | | | |
|-----------------------------|-------------------------|-------------------------|-------------------------|
| | 1/1/14 to 30/6/14 | 1/1/15 to 30/6/15 | 1/1/16 to 30/6/16 |
| Street sweeping reports | 261 | 260 | 198 |
| Fly-tip reports | 277 | 275 | 308 |

Supplementary Question:

Given the headline in the Bromley Times last Thursday over the performance of this borough, and in particular the fact that there was a million pound underspend in his department last year, is it not time for the Portfolio Holder to consider his position?

Reply:

Service is improving in his ward and he is still not happy – perhaps he should consider his position.

11. From Cllr Nicholas Bennett to the Environment Portfolio Holder

Has he read The Traffic Signs Regulations and General Directions (TSRGD) 2016 and what action can be taken to reduce 'street clutter'?

Reply:

No I haven't. Officers do advise me, however, relating to it, that currently, most of the documentation issued by the DfT regarding street clutter is in the "Traffic Advisory Leaflet 01/13 – Reducing Sign Clutter."

However, with regard to the new TSRGD document enabling the reduction of street clutter, the aim is to set out the design and conditions for the use of official signs and road markings that can be lawfully placed on the highway.

There are changes that are potentially going to enable more clutter to be removed. Officers' caution at this time is that until there is evidence available as to how the Parking Adjudicator and the Courts will interpret the correct use of the signage we are reluctant to move too quickly. I do ask that, across the Council, colleagues remain aware of the borough's desire to de-clutter where possible and I would encourage all Members to continue reporting any such clutter they believe they have found for consideration as to its removal.

Supplementary Question:

Could I ask him to look at the question of parking places. There are many streets in this borough where every single parking place has a pole with the hours on it. It does not seem that we need to have these poles in future – can we have them removed?

Reply:

I share the frustration, and the aesthetics are appalling. However, the current legislation is that any unbroken row of bays needs its own pole and timeplate to make it enforceable. Some roads do look appalling. More recently we have been introducing the lower poles set to wall level height to help reduce that, and wherever poles are damaged we will continue to try to increase that rate.

12. From Cllr Angela Wilkins to the Leader of Council

The ruling party in this council take great pride in the fact that they made Bromley one of the first councils to out-source services, and that this policy began back in the 1990s. You, as Leader, and members of your Group are frequently heard extolling the merits of being what you call "a commissioning council." Given that Bromley Council has had in excess of 20 years' experience of "commissioning", do you feel that the Council's management and scrutiny structures and processes of contracts have been adequate?

Reply:

Yes, personally I do, very much so, albeit a sub Committee has recently been set up to provide extra vigilance and attention to the awarding and subsequent policing of new Contracts as everyone will be aware.

I am comfortable that this will act as a double lock, if indeed same is needed, to ensure that quality of service and value for money are achieved across the Council's suite of services, rolling into the 2020's and beyond.

Supplementary Question:

Is there anything that you on behalf of the Leader can do to raise the profile of the reports that go through Audit Sub-Committee which are often very critical of the management and delivery of contracts and also to ensure that these reports are read by the relevant Portfolio Holder and PDS Chairmen and hopefully those committees too?

Reply:

I would encourage all colleagues to read the audit reports. Some of them are very enlightening, some of them do not make good reading, but there are lessons to be learnt there for all of us.

13. From Cllr Kathy Bance to the Education Portfolio Holder

With the changes to academies and an increase in free schools, will LBB continue to maintain a SACRE committee?

Reply:

SACRE is the Standing Advisory Council for Religious Education.

At present the statutory requirements related to the SACRE duty have not been changed by the Department for Education so the committee remains. The academisation context may impact the work plan of SACRE but that will be determined locally.

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

How many jobs will be lost in Bromley if Britain leaves the European Union?

Reply:

Clearly jobs come and go all the time, that is the nature of the market. If the question is asking me whether jobs will be lost because we leave the European Union I sincerely hope not and I do not expect that we will.

Supplementary Question:

According to a report by Pricewaterhouse, and subsequently picked up by the new Mayor of London, 17,000 jobs will be lost in Bexley and Bromley as a result of that decision. What are Bromley Council going to do to replace those jobs?

Reply:

I do not accept the premise of this question. How Pricewaterhouse can divine that we are going to lose 17,000 in these two boroughs I have no idea. There is no reason for it. It seems to me that trade in this country will increase dramatically following this decision and the likelihood is that there will be more jobs, not fewer.

Additional supplementary Question:

Can you confirm that Bromley will have a positive attitude and will be more geared up to an international outlook as a result of the Referendum, rather than that of a little Europeaner.

Reply:

I can confirm that we will have a positive attitude and welcome new companies from all over the world to establish themselves in Bromley.

15. From Cllr Nicholas Bennett to the Education Portfolio Holder

What information he has as to the impact of inward migration on schools in the Borough?

Reply:

It is very difficult to provide an accurate picture of the impact of migration on Bromley Schools. Bromley has seen a significant increase in the demand for school places. This is driven by a number of factors, primarily an increase in the birth rate but also migration into Bromley.

ONS live birth data indicates that calendar year births have increased from 3,414 in 2001 to 4,086 in 2014. This increase closely matches the increase in children in reception year in primary schools in the borough over the past 7 years.

There is no specific source that monitors the impact of inward migration on schools. The primary source of information regarding pupils in Bromley schools is the school census. However, from the school census we have information about pupils with English as an additional Language. The proportion of pupils with English as an additional language is increasing in Bromley schools although the rate is below the national average.

| Pupils with English as an Additional Language (%) | Jan 2014 | Jan 2015 | 2016 |
|---|------------------|------------------|-------|
| Primary | 12.6% (18.7%) | 13.4% (19.4%) | 14.1% |
| Secondary | 8.0% (14.3%) | 8.6% (15.0%) | 9.3% |
| Special | 9.6% (13.2%) | 11.3% (13.9%) | 12.8% |

Estimated data is also available from the Office for National Statistics on net migration into Bromley from other London boroughs. This indicates significant levels of net migration into Bromley of younger children which will have an impact on the local demand for school places. According to the estimate migration of 0-3 year olds into Bromley increased by 123% between 2009 and 2014 and 65% for 0-15 years olds.

We have some additional figures that we will get across to him by email which he can share with colleagues.

Supplementary Question:

Can I ask what information he has about in-year admissions to Bromley schools which I understand are at a record high.

Reply:

In terms of demand for school places, there is an increase across all the various fields that we monitor, and that is why we are taking pro-active steps, working with ward councillors, to determine where the need is and to meet that specific need.