

COUNCIL MEETING
26TH SEPTEMBER 2016

QUESTIONS FOR ORAL REPLY FROM MEMBERS OF THE COUNCIL

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

How, and by whom, are decisions taken about which committee reports and papers are considered under “Part Two” (i.e. not available to the public)?

Reply:

There is no discretion on disclosure of confidential material. Where a report contains exempt information the proper officer will decide if a report should be exempt from publication when the agenda is issued and Members then decide whether or not the matter should be debated in public.

Supplementary Question:

There is clear guidance in the Local Government Act, and other publications and there is a public interest – are we giving sufficient weight to whether public interest is being met and can we re-consider whether the report to Executive and Resources PDS Committee on 7th September 2016 “Reference from Audit Sub-Committee: Contract Issues Arising from Internal Audit” can be put into the public domain?

Reply:

Councillor Carr stated that he was happy for particular cases to be reviewed, but weight had to be given to Legal advice. (Councillor Simon Fawthrop added that legal advice had been sought on the report mentioned by Cllr Wilkins.)

Supplementary question:

Councillor Nicholas Bennett asked whether the Leader was aware that some years ago the Children and Young People PDS Committee had moved a report from part 2 to part 1, and that it was up to Members to challenge part 2 items if they did not meet the criteria.

Reply:

Councillor Carr agreed with this and stated that he had used his pre-meetings to challenge part 2 reports that should be in the public domain. He agreed that as much as possible should be in part 1.

2. From Cllr Ian Dunn to the Leader of the Council

What are the consequences for the Council of our External Auditor qualifying their conclusion on the Value for Money we provide with the following words:-

‘We have qualified our conclusion, noting that the Authority has made proper arrangements to work effectively with partners and third parties and deployed resources to achieve planned and sustainable outcomes for taxpayers and local

people except for in the areas relating to children's services and Youth Offending Teams, where the Authority received negative reports from external inspection agencies relating to current performance in these areas, on which basis our opinion is qualified.'

and

Given one of the Authority's core services has been rated as inadequate, it is evident that resources have not been deployed in a sustainable fashion in these areas within the Council. The way resources are currently being deployed is deemed by Ofsted to be putting children at a greater risk, which is not sustainable in the longer term.

Reply:

The Section 151 Officer has confirmed to me that there is no direct consequence arising from the auditor's opinion. The improvement plan on the Council's agenda seeks to address action required following the Ofsted report. The appointment of a new Director will assist in reviewing the resources available and provides an opportunity to ensure that future resources are allocated appropriately. I have had this confirmed by the Council's external auditor.

Supplementary Question:

At Executive and Resources PDS it was said a few weeks ago that Adult Services would be, at best, "requires improvement" at an inspection and we all know that there is a substantial budget gap in future years. How will you assure yourself and this Council that the budget gap can be closed without putting services at risk as services for children were?

Reply:

I don't agree with the opening remarks of Councillor Dunn, but as the Chief Executive said at the PDS Meeting he is challenging all Chief Officers to ensure that all services are providing the type and level of service that our residents expect. I do feel comfortable and that work will continue.

There is a significant role for all scrutiny panels to be far more forensic in the way that they scrutinise services. I know that colleagues are very keen to scrutinise the Executive and individuals; what is crucial is that scrutiny committees scrutinise the policy and delivery not just of the Council but of external providers as well.

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

We are seeing an increase in casework around protracted Liberata Housing Benefit claims where the resident has either been issued an eviction notice or is under threat of eviction due to rent arrears. Although all requests from Liberata for documentation are in their files the cases sit Pending Review. We Cllrs are asked to intervene by residents and suddenly the cases move to conclusion.

What is LBB doing to ensure that Liberata are fulfilling their duty to our residents and closing out queries as early as possible and so reducing the stress to our residents?

Reply:

As part of contract monitoring, officers consider the processing times of both new claims and change of circumstances, as well as undertaking the mandatory checks

on accuracy. Officers actively review and instigate inquiries and complaints received from representatives or escalated through the Authority's complaints procedure. Feedback on the monitoring team's findings is provided by Liberata at the regular operational management meetings with any serious and/or unresolved items being escalated to senior managers within Liberata's organisation.

A significant percentage of claims have always required further information. However, welfare reform and changes in the make-up of the caseload have in many cases exacerbated the position. Even allowing for the additional days taken in the collection and verification of information, last month's performance identified that new claims were processed in an average of 19 days and change of circumstances in 9 days.

The welfare reform changes which form part of the Government's approach to getting people back into work have resulted in a greater number of tenants contributing to their rent costs, thereby increasing the risk of arrears and subsequent recovery action. A process is in place to prioritise claims from those at risk of eviction; however on occasions this is only brought to the attention of the Benefits Section by receipt of a Member's enquiry. There are plans in place to significantly reduce the need to request further information, and thereby reduce the amount of time claimants are waiting for their application to be processed following investment in the development of a new online benefit application and verification system. Bromley is working with Liberata in its implementation and will explore any further opportunities for automation of the information received from the Department of Work and Pensions.

Supplementary Question:

My concern is that Liberata staff are not using the correct method to elevate claims. When claimants visit the Council officers their claims are just sitting in a pending tray - it seems that a note from me and their claims are instantly resolved. It seems that Liberata are not asking for help soon enough – can you continue to work with them to ensure that claims are escalated?

Reply:

We can and must do better. In common with a lot of Councils we do have issues. When you look at performance we are in the top half, but not in the top quarter. When I visit other Councils I can identify a couple of boroughs who are doing better, and that is what we are trying to learn from. I think we will see steady improvement.

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

The R&R Portfolio Plan 2016/17 sets out its strategy for the year with various issues for development including for example attracting major private sector investment, attracting external funding, and securing the future of cultural assets, previously part of Marc Hume's remit. Is the Portfolio Holder aware that at last week's E&R PDS it was suggested that he - the Portfolio Holder - should become more involved with the work now that we have no director of Regeneration and Transformation? What are his plans?

Reply:

I am becoming increasingly involved with all of this work and meet relevant officers on a weekly basis to determine progress on a range of development projects. I will also work with our new property contractors AMEY and Cushman and Wakefield who have the necessary expertise and will be in a position to provide appropriate advice.

Supplementary Question:

Are there any plans to appoint a new Director?

Reply:

No.

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

Does the Portfolio Holder think that there is a problem with speeding in the north of the borough?

Reply:

Could I start by saying on behalf of everybody in this Chamber just how saddened we all were by the shocking crime which occurred in Penge & Cator Ward on the afternoon of Wednesday, 31st August.

Whilst their loved ones and the wider local community can only now mourn those who were so cruelly taken from them, could I place on record everybody's hopes and best wishes for as full and complete recoveries as possible for those so badly injured and traumatised that truly awful afternoon.

It is against that very difficult backdrop that I now turn directly to the question which has been posed.

My answer is that speeding is not a particular problem in the North of the Borough, any more than it is, or is perceived to be in the East, West, Centre or South.

Where there are any problem roads causing local concern, I would as always, strongly encourage colleagues to report them to the Police via their relevant Safer Neighbourhood Panels/Teams, likewise the Council's Road Safety Team to have them prioritised either for enforcement action where the problem is deemed to be a Ward priority and speed check assessments where not.

Supplementary Question:

Councillor Brooks thanked the Portfolio Holder for his comments on the recent tragedy, but commented that there was a wider issue about speeding. He reported that buses were sometimes guilty of speeding, and asked whether, appreciating the budgetary constraints, any other options beyond speed humps and 20mph zones had been considered, and whether more TfL funding could be obtained.

Reply:

The Portfolio Holder commented that he was aware that all bus journeys were recorded and bus drivers could get into serious trouble, or even be sacked, for speeding, so there was a mechanism for dealing with dangerous bus driving. The road infrastructure and intervention was prioritised by the number of accidents

suffered over a three year period in any given cluster of roads or stretch of road. That is what the £2.5m of the TfL budget is focussed on each year. This year, the Green Lane/Penge High Street junction has risen to the top of the list and is going to benefit from intervention. That is how the money spent is organised. There are different priorities in different Councils across London – some believe in 20mph restrictions, but in Bromley we do not. I can only suggest that if you believe there are roads in your wards that need attention please let the Engineers or the Police know and they can be looked at.

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

When is he going to do something about the disgusting state of the carriageway under the Birkbeck Station bridge?

Reply:

If you had asked your Clock House Ward colleagues they could have told you that the area in question is jet washed on an ad hoc basis. I understand that the next ad hoc intervention may already have been undertaken, and will be undertaken shortly if not.

Supplementary Question:

What action has been taken to resolve this issue, and is the Portfolio Holder glad that street cleaning is not inspected by Ofsted?

Reply:

I think the frankly bizarre nature of the question doesn't merit a response. But, I'm sorry if Councillor Fookes is offended that the street has been cleaned when he asked for it to be cleaned. I might be missing something.

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

Do you agree with me on the following points:

- That for the three senior figures in this council to all express “surprise” at the recent OFSTED report on Children’s Services merely reflects their poor understanding and lack of knowledge about the quality of services being delivered by this council to our vulnerable children?
- That if such a damning indictment of management competence were to have happened in the private sector, “heads would have rolled”?
- That it is time that the quality of all services provided by this council, along with the effective monitoring and scrutiny of them, are given greater priority.

Reply:

I think this is more complicated than the Member’s question suggests. The indications prior to the inspection from our Performance Monitoring and our Audit and Quality Assurance were that we would probably be a service that requires improvement. We can all look back with the benefit of hindsight, however, looking forward I have already put in place a more robust and detailed series of performance management and monitoring systems including through the Care Service PDS. We

have also significantly improved our internal audit and quality processes. The DfE Commissioner has indicated her satisfaction with this approach. You will also note the significant emphasis on Performance Management and Monitoring in the Improvement Plan.

A key issue in the report was one of capacity. It was therefore important in the immediate short term to bring in additional staff at all levels rather than destabilise the Department at a crucial time. Now that the Executive Director has been appointed, his skills and expertise will be vital in the continued development of a strong, secure service for children and young people in Bromley.

The Member and her colleagues have been in recent meetings of the E&R PDS, Care Services PDS and Executive, she will therefore be fully aware of the discussions on this very point. Quality of our Services has always been a priority.

Supplementary Question:

Councillor Wilkins commented that the Leader had not considered an apology to be appropriate at the last meeting, would he consider making one now?

Reply:

For the record, I was not present at the last meeting. I certainly regret any damage that may have been done in the quality of service as measured by Ofsted if it has had a negative impact on anyone in the borough.

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

The OFSTED report states that the Assistant Director for Children has limited authority corporately to lead, share or drive forward change and has absorbed extensive additional responsibilities as part of the Council's financial pressures. How can you assure Members and the residents of Bromley that the new Director will have sufficient authority to make the necessary improvements and will not be subject to excessive financial pressures?

Reply:

In appointing the new Executive Director of Education, Care & Health Services, the Council has made a clear statement of intent to ensure all the issues contained in the Ofsted report are addressed. Should the Council make the decision to allocate the monies for the Improvement Plan later this evening, then this emphasises our commitment. Having interviewed and had discussions with the new Director he would not have taken the job unless he was given authority to do what needs to be done. The Leader has similarly given his commitment. As far as financial pressures are concerned, I am afraid that we cannot insulate anything against financial pressure. All that we can do is to say that, in terms of services to vulnerable people, we will do our very best to maintain services at the highest possible level within the constraints that we have financially.

Supplementary Question:

How will the performance of the new Director be assessed?

Reply:

The new Director will be subject to the same appraisal and assessment procedures as any other officer.

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

When will you be in a position to present the options for alternative arrangements for School nurses and will these arrangements have taken into consideration the rise in the number of children self-harming or with some form of emotional or mental illness so that we can ensure there is early detection and intervention for every child.

Reply:

A review of Children's Public Health services is being completed at the moment, which includes a detailed well-being needs assessment. This will inform future commissioning of options of Public Health services for 5-19 year old school children. The review will be completed in the next couple of weeks.

Supplementary Question:

Does the Portfolio Holder accept that the school nurse plays a vital role in detecting the early stages of mental ill-health?

Reply:

As I understand it from the experts, the model in Bromley of school nursing is out-moded. The sort of thing that we will probably be suggesting is that we will continue to have school nurses, but not to have them allocated to a particular school, but to have experts who carry out peripatetic work across the borough. This will not be as expensive as the old school nurse system. But from all accounts, including the Commissioner, we could get a better service from a smaller amount of money.

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

What assurances can the Portfolio Holder provide that any future audits and inspections across all of Bromley Care Services will not highlight other deficiencies in the department?

Reply:

The recent Inspection of Children's Services identified Children's Services quality assurance and performance monitoring arrangements as insufficient to the task. This area is identified for action in the Children's Improvement Plan and work is currently progressing on developing a new children's performance framework to include monthly case audits and performance data which will be reported to Members and senior officers across the Council. Members of the Children's Board and Care Services Committee have in addition requested training to support greater challenge of information that is being provided. The incoming Director is also looking at this area and how the Council can introduce independent audit and scrutiny support. These improvements are being implemented to bring greater assurance of how well children are being safeguarded.

Adult Services have been conducting internal team and service audits for the past few years, we have also had a positive ADASS peer review for our safeguarding process. We annually conduct audits to ensure services are fit for purpose and so

that we can assure ourselves that services are being delivered in a way that meets need and safeguards adults. We also have in place service improvement plans based on outcomes from these audits.

Supplementary Question:

After two unfortunate reports, has there been any movement to ensure that recommendations are implemented – I fear that we are becoming a retrospective Council. What monitoring is the Portfolio Holder doing to ensure that disability services are adequate?

Reply:

I would not agree that we are becoming a retrospective Council. The two reports that we have received on the YOS Service and Children's Services are very regrettable, but in both cases we have resolved to do what is needed to improve the situation.

As far as Adult Services are concerned, I can only assure that we are doing our very best to make sure that we conduct audits, we conduct peer reviews and do all we possibly can to ensure that the standards that we have in the Department are as high as they possibly can be.

11. From Cllr Peter Fookes to the Portfolio Holder for Care Services

How many people in Bromley were refused access to the housing register last year?

Reply:

During 2015/16:

3,805 households applied for inclusion on the housing register

1,083 households met the criteria for inclusion

2,759 households were not accepted as they did not meet the threshold criteria for acceptance onto the housing Register.

The numbers do not add up to as some of those processed will have been received prior to the start of the year.

Supplementary Question:

What follow up is there with the people who do not meet the criteria?

Reply:

Our housing department works incredibly hard with everyone who applies to us. We undertake all sorts of measures to mitigate the effects of people being made homeless. A year or so ago we changed the criteria for entry to the register because we felt that it was not fair to put people onto the register when they do not have a chance of getting any accommodation for ten, fifteen, twenty years. At the moment, we have 3,840 people on the register; the average time, even for that reduced figure, for someone in a fairly high band to obtain two bed accommodation, is three and a half years.

(At this point the time allocated for questions had elapsed, but the Mayor agreed to continue until all the questions had been dealt with.)

12. From Cllr Angela Wilkins to the Portfolio Holder for the Environment

Whilst being pleased that the long-running troubles at the former Waste 4 Fuel site appear to have been resolved and clear-up work can now begin, can he please update the council on the uncertainty discussed at the Executive on 2nd September regarding the Environment Agency's stated position that any "unforeseen" clear-up costs would have to be borne by Bromley Council?

Reply:

I am by no means clear what uncertainty Cllr Wilkins refers to and it certainly isn't the case that any "unforeseen" clear-up costs would have to be borne by Bromley Council either.

The Environment Agency's latest position is:

"We consider that there are sufficient funds to effect clearance of the waste. We have agreed that we will work extremely closely with LBB and Veolia during the clearance phase to check progress and to consider any issues as they arise. We would therefore expect to have early sight of any as yet unforeseen circumstances and be well positioned to agree a course of action and any additional funding requirements identified."

Supplementary Question:

Can I remind Councillor Smith that there was uncertainty, this was in the report and this was discussed at the Executive. Is there no way that this Council is going to face any further costs from this clean-up?

Reply:

I would be very curious to know if the Labour Party would refuse the residents of the Crays a few dozen extra thousands of pounds to clear up the waste mountain if indeed it were to be needed?

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

LBB recently introduced a charge for Remembrance Day Parade Services apparently brought about by the police's demand for formal road closures - The cost to be borne by the organiser. The organisers are our communities, uniformed cadets, Ministers, local councillors and residents all who made a promise "not to forget" past sacrifices. Will LBB agree to budget for these services or write to Central Government and strongly advise them that present day cost cutting and budget constraints should not jeopardise this service of gratitude to those who gave their lives for our country and so ensure that future generations can continue to honour them in this formal and public display of gratitude and remembrance.

Reply:

As a former and indeed future poppy seller myself, likewise the Member responsible for the introduction and continuation of the giant poppies adorning our Town Centre High Street each November, I am delighted to confirm that I have already instructed the cancellation of any such suggestion for the very reasons you rightly touch upon.

14. From Cllr Peter Fookes to the Leader of the Council

Given that we are always being told about the parlous state of the finances of Bromley Council, when are we going to see an income generation strategy being produced?

Reply:

Thank you Mr Mayor and Cllr Fookes for your question as it enables me to remind colleagues of the success of our income generation strategy which in turn is helping to protect frontline services. Part of that strategy will be debated later this evening at item 12 on our agenda, but of course it is much more than that.

We have been able to set aside funds to create our growth fund which colleagues will be hearing about shortly. Our property investment fund is performing as we hoped with yields of in excess of 5% rather than at bank rates.

Our Total Facilities Management Contract, as part of our strategy, is anticipated to accrue in the order of £750k in a full year and also allow to make further disposals of surplus assets.

Our Council Tax Support initiative and Council Tax collection levels also continue to perform.

Mr Mayor, we do have a strategy that is working for us, and may I say I am not sure the Labour Party has supported any of the things I have made mention of this evening, which begs the question how on earth would they make ends meet if the unthinkable were to happen and they got their fingers off the purse strings again.

Perhaps Cllr Fookes will resort to selling sandwiches to members and members of the public to pay the bills.

Supplementary Question:

I think we do need to be a bit more inventive than some of the things suggested. I was going to suggest that we look at some of the work done by the London Finance Commission, instigated by Mayor Livingstone and continued by Mayor Johnson. Can we look at setting up a working group to look at this in more detail?

Reply:

The Administration is open to new suggestions; I will look at this further.