

**COUNCIL MEETING**

**12<sup>th</sup> DECEMBER 2016**

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

**(A) QUESTIONS FOR ORAL REPLY**

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

Would the Council give an update on the current progress with the installation of the Noise Monitoring and Track Keeping System which is being installed by BHAL as a condition of being granted the extra hours of operation?

**Reply:**

It is for the Airport to properly commission their system and then to properly demonstrate their system to the Council's satisfaction. If the Council is not satisfied, the change in operating hours will not be granted. We expect the Airport to make contact when they are ready for this formal process to start. The Airport has started the installation of their noise monitoring software and has already sent calibration details of three monitors.

**Supplementary question:**

Mr Clapham asked to what extent had Bromley staff been involved in the testing and commissioning of the system.

**Reply:**

We will use experts to do this rather than our own staff as we do not have the necessary expertise within the Council to do this properly.

**2. From Andy Richardson to the Portfolio Holder for Resources**

Can Bromley Council explain why residents pay an extra 2% on council tax for Adult Social Care and yet the Social Care Budget for this year was £2,146,000 less than 2014-15 and the proposed expenditure for Social Care in 2016-17 is £10,246,000 less than this year's expenditure?

**Reply:**

The precept has protected social care from cost pressures and the need to make further efficiencies in 16/17. For example we have not made any further reductions in spending on day opportunities for older people or people with learning disabilities in 2016/17.

Budgeted expenditure has decreased in the Care Services Portfolio in the way you have indicated in confirming those figures to be correct. This is in the main due to efficiencies and savings taken from the portfolio as part of the medium term financial strategy to balance the Council budget.

**Supplementary question:**

Looking at the precept, it looks like we would get £2.6m in adult social care from the first year of the budget precept collection. Can you say whether or not adult social care has received that money.

**Reply:**

I can confirm that it has received that money – to offset against the savings that would otherwise have had to be made to balance the budget.

**3. From Julie Ireland to the Portfolio Holder for Resources**

Will the council state the staff turnover rate since May 2014 (expressed as a % of total employees at May 2014) for the following departments: (a) Financial Services and Procurement (b) Children's Social Care (c) Regeneration and Transformation (d) Commissioning?

**Reply:**

Turnover Rates since May 2014

	May 14 - Mar15	Apr 15 - Mar 16	April 16 - Dec16
Financial Services and Procurement	10.7%	12.3%	0.0%
Children's Social Care	11.3%	12.5%	12.2%
Regeneration and Transformation	10.4%	9.4%	4.8%
Commissioning	6.7%	6.7%	4.4%

**4. From Richard Wilsher to the Portfolio Holder for the Environment (asked by Juliet Corbett)**

Will Bromley Council kindly acknowledge the wishes of hundreds of Beckenham residents and upgrade current proposals for a refuge on Copers Cope Road, such that a dedicated pedestrian crossing can be installed near the junction with Park Road, thus allowing commuters and school children to cross this busy road safely?

**Reply:**

The Council readily acknowledges the outstanding local efforts of Cllrs Michael Tickner, Russell Mellor and Stephen Wells working in tandem with local residents to secure the beneficial recent safety changes along Copers Cope Road.

Whilst Bromley Council completely understands and shares Mr Wilsher’s concerns regarding pedestrian safety, the additional works you seek are not possible for the reasons detailed to Mr Wilsher by email on 21<sup>st</sup> November by the Council’s Mr Joyce for reasons which include:

- The number of pedestrians needs to meet a certain criteria level, which is calculated based on the number of pedestrians crossing versus the volume of traffic – and they do not.
- Accident statistics.
- Pedestrian desire lines.
- Proximity to junctions, bends and vehicle cross overs.
- Location of trees and street furniture on the footway/grass verges.
- Demand for on-street parking.
- Location of bus stops.

The above is not an exhaustive list and each site is investigated individually as other site specific issues may arise, which prevent a formal pedestrian crossing from being installed.

The underlying principle for a formal pedestrian crossing to operate correctly is that they need to be used on a regular basis throughout the day. If there are too few pedestrians using it for the majority of the day, drivers may ignore the crossing and as a result put pedestrians at risk on occasions when they do use the crossing. Conversely, if the traffic flows are low, pedestrians are able to comfortably cross in the gaps between vehicles, without the need for a formal crossing.

Informal pedestrian crossings, such as Pedestrian Refuges, can be more suitable crossing measures instead of the above mentioned formal crossings. These allow pedestrians to cross the road in stages by creating safe waiting points on the carriageway. Pedestrian refuges have and will be installed at various locations along Copers Cope Road in line with the scheme worked on by the ward councillors.

After taking all the above points into consideration, the current design for pedestrian refuges is the most suitable for Park Road and the junction with Copers Cope Road and will aid in assisting pedestrians accessing New Beckenham Station and the Schools beyond.

**Supplementary Question:**

Given that we do not want to wait for the accident statistics to dis-improve, and given the overwhelming weight of opinion amongst local residents who use the crossing every day, will Bromley Council agree to reconsider this decision and if so give timescales for that reconsideration?

**Reply:**

No, the scheme going in is the best approved scheme as agreed by traffic experts, rather than my opinion or anyone else's, and that is the scheme that will be finished on the ground very shortly.

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

Following the departure of the Director for Transformation and Regeneration, who has been appointed/assigned to the senior role of ensuring that BHAL comply with the terms and undertakings of the current lease and with the conditions which must be fulfilled before the extra hours of operation will be granted?

**Reply:**

The Director of Corporate Services is continuing to advise on legal and related matters with the Council's Communications Executive also continuing to be the nominated co-ordinating lead for Biggin Hill Airport, with the support of appropriate colleagues depending on the exact nature of what is required.

**Supplementary Question:**

Which officer will be responsible for finally confirming to the Council that all the conditions have been fulfilled, with special regard to clarifying how those conditions which include the wording "reasonable endeavors" can be considered to have been met?

**Reply:**

The Director of Corporate Services with advice from whatever experts we deem to be necessary.

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

Will the Council assure residents that no flight movements within the extended hours will be allowed before the Council has agreed that all pre-conditions for the extended operation have been met, and that any such movements will be treated as a breach of the existing Lease?

**Reply:**

As I have stated previously, until all the various conditions are satisfied, the operating hours continue to remain as they are under the existing lease.

**Supplementary Question:**

At which Council meeting is it anticipated that the report into the compliance with the conditions will be considered?

**Reply:**

It will be the Council meeting immediately following our satisfaction that they have indeed been satisfied. If they are not, we will revert to the existing lease.

**(B) QUESTIONS FOR WRITTEN REPLY**

**1. From Susan Sulis, Secretary, Community Care Protection Group, to the Care Services Portfolio Holder**

September 2016 Commissioner's Report into Bromley's children's Services - The report states that "there was systemic failure in Bromley's services and that vulnerable children were disadvantaged and put at risk." Despite this, areas of good practice were identified – the Multi-Agency Safeguarding Hub, and early intervention approaches.

What lessons can be learned from the exemplary performance of these staff?

**Reply:**

During the development of the Children's Services Improvement Plan officers were able to consider areas of good practice and opportunities for sharing learning. Over the coming months these opportunities will be used to ensure that practice improves.

**2. From Susan Sulis, Secretary, Community Care Protection Group, to the Care Services Portfolio Holder**

Risks of Service Failure to Bromley's Children: Community and Public Involvement. The effects of risks on many aspects of their lives may be hidden and unknown, as recent scandals demonstrate.

(a) What is the Council's plan to investigate this?

(b) Can the Council reach out to young people, families, organisations and the public to ask if they have experienced problems related to this?

**Reply:**

(a) The Bromley Safeguarding Children Board has a key role in identifying, exploring and reporting on risks.

(b) The Bromley Safeguarding Children Board priorities include the need to engage better with children, young people and their families.

**3. From Dermot Mckibbin to the Resources Portfolio Holder**

How many housing benefit claimants does the council have who are subject to the bedroom tax whose circumstances are similar to the successful claimants in the recent Supreme Court decision on 9 November 2016 and when will their housing benefit claims be paid at the full eligible amount?

**Reply:**

The Authority is unable to advise as to the number of Bromley households with circumstances similar to those successful in the recent Supreme Court decision who are subject to "removal of the spare room subsidy". The data held in respect of applicants does not contain the information necessary to determine whether their Housing Benefit entitlement would increase as a result of the Supreme Court decision.

The Department of Work and Pensions in an Urgent Bulletin dated the 9/11/16 advised the following:

"No immediate action needs to be taken by local authorities following the judgment. The Court did not strike down the legislation underpinning the size criteria. As such local authorities must continue to apply the rules when determining Housing Benefit claims as they did before today's judgment and the judgment does not require any local authority to re-assess the HB of existing claimants. Local authorities should continue to award DHPs to claimants who they consider require additional financial support.

The Department is considering the Court's judgment and will take steps to ensure it complies with its terms in due course. The Department will notify local authorities once a decision has been taken."

**4. From Dermot Mckibbin to the Resources Portfolio Holder**

Does the council agree that under the Human Rights Act that the council must take steps not to discriminate against any housing benefit tenant whose circumstances are the same as in the Supreme Court decision and that they should be awarded their housing benefit in full immediately?

**Reply:**

The Authority seeks to make all its decisions in accordance with legislation, taking into due consideration the particular circumstances of each case and guidance received from the Department of Work and Pensions.

## 5. From Dermot Mckibbin to the Resources Portfolio Holder

What are the implications for the council of the recent supreme court decision in this area and when will the council be publishing information for members of the public whose circumstances are similar to the successful claimants in the supreme court decision?

### Reply:

Implications of the Supreme Court decision and the requirement for publishing of public information will be fully evaluated on receipt of the updated information from the Department of Work and Pensions.

## 6. From Helen Alsworth to the Resources Portfolio Holder

How much money has the Council set aside in its budget to provide discretionary Housing Benefit payments for claimants whose benefit has been cut as a result of the bedroom tax, and how much of this money has been spent in the last three years?

### Reply:

The Authority's Discretionary Housing Payment expenditure relating to the removal of spare room subsidy was £394,803 in 2013/14, £403,399 in 2014/15 and £309,554 in 2015/16. In each of these 3 years total Discretionary Housing Payment expenditure exceeded the Government contribution.

The Authority does not have a specific amount set aside for providing Discretionary Housing Payments for those whose entitlement has been restricted by the removal of the spare room subsidy. Rather than further supplement the Discretionary Housing Payment scheme, the Authority utilises alternative resources and funds to provide assistance to those at risk of eviction and/or requiring assistance in obtaining accommodation.

#### *Additional information – DHP Expenditure*

<i>Financial Year</i>	<i>Govt contribution</i>	<i>Total expenditure</i>
13/14	£700,174	£707,425
14/15	£683,179	£684,878
15/16	£509,406	£509,475

## 7. From Helen Alsworth to the Resources Portfolio Holder

Will the Council seek assurances from local housing associations that they will not take possession proceedings against disabled tenants who are waiting for the Government to change the Housing Benefit regulations to reflect the decision of the Supreme Court in R(Rutherford and Todd) v SSWP UKSC 0029/2016?

### Reply:

The Authority is not in a position to seek assurances from Housing Associations with regard to rent arrear proceedings they may be considering. However, the Benefit Section has relayed to the Associations the provision of Discretionary Housing Payments as a way of providing assistance in addition to the calculated Housing Benefit entitlement. If brought to the Benefits Section's attention, claimants with circumstances similar to those

successful in the Supreme Court decision would have been looked at favourably in any Discretionary Housing Payment application.

#### **8. From Helen Alsworth to the Resources Portfolio Holder**

What are the service standards used by the Council for Housing Benefit claimants and how are they publicised?

**Reply:**

The Benefits Section reports its performance against the main service standards on a bi-annual basis. This performance is reported to the Executive & Resources PDS, with report, appendices and minutes being entered on the website. The areas covered in the report include:

- Level of outstanding work
- Speed of processing
- Accuracy levels
- Level of complaints
- Rate of Housing Benefit overpayment recovery
- Call Centre performance
- Caseload