

COUNCIL MEETING

25th SEPTEMBER 2017

QUESTIONS FOR ORAL REPLY FROM MEMBERS OF THE COUNCIL

1. From Councillor Nicholas Bennett JP to the Leader of the Council

If he will make a statement on his vision for the future of the Borough?

Reply:

I thank Cllr Bennett for his question and I am very pleased to confirm that I shall be including my vision for the future as part of my statement to the Chamber which immediately follows this evening's question session.

2. From Councillor Tony Owen to the Bromley Heritage Champion

What steps will he take to ensure that the London Borough of Bromley is represented at the Council for Kentish Archaeology conference on 14th October 2017 when Bromley is invited to receive a heritage award?

Reply:

None.

Supplementary Question:

Does Councillor Bennett think that the Council deserves its Heritage Vandal of the Year Award? Does he think that the Council is wise to demolish a grade 2 listed structure, given a 17,000 signature petition to Downing Street and complaints about procedure to the Ombudsman?

Reply:

This award appears to have been invented for the sole purpose of trying to embarrass the Council. It has been presented by the Council for Kentish Archaeology, and I wonder why they feel a 26 year old building comes within the terms of archaeology. The building itself is a late addition to what is a listed building, and I do have concerns about the campaign group using a perfectly legitimate organisation for its own political ends. The reality is that this building which is to be demolished was only added in 1991 and is used for storage and as an office. The demolition is supported by the Museums Committee, the ward councillors, the Friends of St George's Chapel, the Bishop of Rochester, the Archdeacon of Bromley and Bexley, who is a trustee, the planning committee of this Council, the Ministry of Defence, the Heritage Lottery Fund and Historic England, who have supported the demolition. I do believe that with all those groups having that judgement it is not right that a small group wish to substitute their own subjective views when all the expert evidence is that this building will be enhanced when we go back to the original 1951 building. I have therefore no intention of taking this matter further.

3. From Councillor Angela Wilkins to the Leader of the Council

Could you please outline your position on transparency and openness as regards meetings and decision making in this Council?

Reply:

My position is that anything and everything should be discussed in open session at all times unless there is legal advice to the contrary.

4. From Councillor Ian Dunn to the Portfolio Holder for Environment

Can the Portfolio Holder please explain why he was unable or unwilling to provide the current timetable for the Environmental Services procurement to the Environment PDS meeting in July?

Reply:

The Portfolio Holder provided an update on the commissioning process at the Environment PDS Committee in July in answer to your questions at that meeting. A further update will be provided at the PDS next week.

Supplementary Question:

In 2016 the Parking Enforcement contract procurement overran, costing this Council several hundred thousand pounds in lost savings. How were the lessons learnt from that procurement incorporated into the planning for the Environmental Services procurement which is currently underway?

Reply:

As you indicated, by taking our time in getting a better contract we were able to get a lower price than the previous contract. If we can do the same on these contracts, and are prepared to take a bit more time, we will get the best contract and get the best value for the Council.

5. From Councillor Vanessa Allen to the Portfolio Holder for Resources

Answering my question concerning investment in fossil fuels at the June Council meeting, Councillor Arthur pointed out that only 0.04% of the total portfolio is currently invested in fossil fuels. As this is self-evidently a very small percentage, and there are good returns to be had from a multitude of more environmentally friendly funds, I repeat my request for Bromley to divert this money.

Reply:

As stated in my response to the original question at Council in June, the 0.04% of the total treasury management portfolio is in Diversified Growth Funds which are pooled funds that the Council cannot control the underlying investments of.

Whilst there are “green” or fossil fuel free funds, these are either predominantly invested in a single asset class e.g. equities, or in particular sectors like wind or solar. These funds could be significantly more volatile and expose the Council to an unacceptable level of risk.

Officers are not aware of any fossil fuel free Diversified Growth Funds, so in order to remove fossil fuels from the Council’s investments and maintain an acceptable level

of risk, it would be necessary to sell these investments and place the money in “standard” term deposits with banks and building societies.

Since the Diversified Growth Funds were purchased in December 2014, they have achieved an average net return of 2.31% p.a., which equates to £622k in total. Whereas over that period, “standard” deposits would have earned around £270k, so the Council would have “lost” around £350k in income.

Supplementary Question:

I am sure that if other investment bodies were consulted there would be all sorts of other options. At the last meeting there was talk about professional advice that the Finance and Treasury Management Team had taken, and they do a very good job in difficult circumstances and they have my full support and sympathy, but there is lots of professional advice from other bodies on alternative investments. I would repeat my request that this is reconsidered.

Reply:

I take the point that we are all moving over a period of years to fossil free heating and people are doing what they can in their own homes. I am sure that Members opposite would not be operating cars or white vans that used petrol or diesel as people might think that would be probably a little hypocritical. Everybody is moving towards that within their own homes – it is a matter for individuals to do it. I do not think it would be right at this time to sacrifice income on behalf of our taxpayers of the sort of sums of money that I just quoted. I think this is something perhaps that over a period of time we will be looking at but for the time being we will maximise income on behalf of our taxpayers.

Additional Supplementary Question:

Can the Portfolio Holder explain why, when the Leader of the Labour Group sits on the Executive and Resources PDS Committee, where a report on these matters arises at almost every meeting, and they have put forward no alternative suggestions in terms of the treasury management, and indeed they have supported those positions previously.

Reply:

Perhaps that question should be directed at her and she could explain what she contributes.

6. From Councillor Peter Fookes to the Leader of the Council

What are his priorities in the run up to the Local Elections next year?

Reply:

My priorities are as they are every day, week, month and year, irrespective of whether there is a local election pending or otherwise.

Namely, that this administration continues to provide quality, value for money services to Bromley residents, whilst working in close co-operation with all of our statutory and voluntary partners to help ensure their maximum health, safety and protection wherever possible at all times.

Supplementary Question:

Can the Leader make sure that vulnerable people in this borough are looked after and that we do not have, for example, as happened under the previous regime, food banks being charged a commercial rent?

Reply:

I can assure Councillor Fookes that there are no plans to change any policies around food banks in Bromley.

7. From Councillor Nicholas Bennett JP to the Portfolio Holder for the Environment

If he will list the number of times in the past three years officers have required residents to cut back vegetation over hanging the pavement or highway because of obstruction or possible injury to the public?

Reply:

2014/15	876 reports	484 with enforcement action
2015/16	683 reports	334 with enforcement action
2016/17	880 reports	453 with enforcement action

These are based on the numbers on the CONFIRM system.

Supplementary Question:

Can I draw attention to the logic of what he has just said? The Council quite rightly prosecutes and goes after people whose vegetation overhangs the street. Can he make sure that the Council does the same with its own vegetation? We have raised before the question of the crab-apple tree at 23 The Drive which is damaging the footway and also the owner's property. One law for one people – there should be the same law for the others - the Council should take action.

Reply:

Being in post only a short period, I am not familiar with the location you mention. It is not just overhanging the pavement – all our trees contribute to the green nature of our borough which all our residents appreciate. Overhanging the pavement at a suitable height is not in itself a problem. There are other examples where there is root growth that is likely to give rise to an insurance claim against the borough - then we will take action. However, overhanging in itself, if it is not at low head height and causing a hazard, or otherwise obstructing a street light, then it will not be necessary to take action.

8. From Councillor Tony Owen to the Portfolio Holder for Renewal & Recreation

What options have been discussed for the future of the Walnuts Leisure Centre site in Orpington?

Reply:

No options have been discussed for the future of the Walnuts Leisure Centre at Orpington, although the Council will be seeking to explore any opportunities that may arise through discussions with key stakeholders.

Supplementary Question:

Can the Portfolio Holder explain why people have come to me and said that they have been approached for finance to do certain things in Orpington? When will local Orpington Councillors and the public be involved in any plans for the Walnuts Leisure Centre, or will we be presented by a fait-accompli?

Reply:

I did say in my reply that we will have discussions with key stakeholders. They will certainly include the Orpington Councillors, the present owners of the Orpington shopping centre, the BID company in Orpington, assuming the re-election goes well and anyone else who is interested. No, there will not be a fait accompli; there will be a serious and proper discussion with all views taken into account.

9. From Councillor Angela Wilkins to the Leader of the Council

There has been a noticeable decrease in the number of organisations (particularly charities and the third sector) who are willing or able to tender or re-tender for Council contracts because of financial constraints. Would he agree with me that it is time now to re-visit the 60:40 value to quality policy in order that Bromley ensures it attracts the best contractors?

Reply:

I would advise you that the Council has a duty to demonstrate value for money in its contracting arrangements.

With that in mind, the 60% price and 40% quality model sits in line with CIPFA best practice, which is broadly why the policy is followed.

I would however agree that situations might arise where the policy needs to be varied on a case by case basis which is precisely the procedure and policy we employ today as well.

Supplementary Question:

I do not think that really answers the question about the fact that we are losing charitable and voluntary organisations. I am slightly concerned that, given that Councillor Smith described my reference to various procurement delays and audit reports, are we likely to see him claiming “fake news”?

Reply:

For the second time tonight, the Leader of the Opposition does not justify a response with her ridiculous comments.

10. From Councillor Ian Dunn to the Portfolio Holder for Environment

In response to my question in April you stated that the Council’s liability for Cornwall Drive “might be” limited to £300k. The paper which came to Council just four months later in July had a revised estimate of £573k. Can you please confirm that this really will be the limit of the Council’s liability?

Reply:

Almost certainly, yes.

Supplementary Question:

When asked the question earlier this year there was a suggestion that the limit of liability might be up to £450,000 and it has now gone up a further £123,000. Can you explain where the extra £123,000 over the previous answer came from?

Reply:

My understanding is that due to the delay in time before we were able to secure the funding from the Department for the Environment to continue to clear the site the kit that was retained on-site waiting for them to release the money to us incurred certain on-going costs. Now we are able to go ahead we do not foresee any further increase in costs.

11. From Councillor Vanessa Allen to the Portfolio Holder for Environment

It is standard practise over most of London and indeed the country for councils to offer a recycling service for business waste. Please would the Portfolio Holder instigate business waste recycling throughout the borough, and include it in the tender for the waste services contract. Business waste recycling collections could also be used for collection of on street recycling which is also standard in many parts of London, so please can this also be included in the service specification?

Reply:

Past assessments as part of the work of the Environmental Services PDS Waste Minimisation Working Group have found that the likely business take up of recycling would be low due to the projected costs that we would charge them. We therefore signpost businesses to alternative specialist recycling businesses.

Officers are currently exploring the options around introducing business waste recycling in the borough and I am pleased to give Councillor Allen the reassurance that business waste recycling will be considered as part of the retendering exercise for the Waste Management Services. Service take-up will remain a financial decision for businesses.

On-street recycling was another topic considered by the Environmental Services PDS Waste Minimisation Working Group. It is offered where visitors dispose of sufficient recyclable material that it can be collected in an environmentally sustainable and economical way.

12. From Councillor Peter Fookes to the Portfolio Holder for Care Services

What steps is she taking to ensure the future of Carers Bromley?

Reply:

Members in this Chamber will be aware and appreciate the great work that Carers Bromley do within our Borough. However the situation at present is complicated.

Following Carers Bromley's unilateral withdrawal from the CCG and Council's joint procurement process for the recently awarded contract, their future as an organisation remains unclear.

With that in mind, it is absolutely imperative that Carers Bromley now fully engage with the Bromley Third Sector Enterprise (BTSE) as the contract holders, to see what part they can still play locally should they wish to do so. I therefore very much hope that Carers Bromley will review their current position.

Supplementary Question:

Can we have a report to the next Care Services PDS Committee meeting on 14th November detailing how the Council can assist this organisation, who have probably saved the state an lot of money over the years.

Reply:

I believe this will be a matter for the PDS Chairman to decide, but it is worth mentioning that this is a good news story. Not only have the CCG and the Council committed to their existing funding, but there will be an additional £1.5m to go into the pot for preventative services.

13. From Councillor Nicholas Bennett JP to the Portfolio Holder for the Environment

How frequently are the street litter bins at the following locations emptied:

- Addington Road to Rydal Drive footpath;
- Rydal Drive to Windermere Road footpath;
- Hawes Lane by Hawes Down School and Centre entrance;
- Hawes Lane by Glebe School entrance?

Reply:

- Addington Road to Rydal Drive footpath –
Fortnightly on a Thursday, Week 2
- Rydal Drive to Windermere Road footpath –
Fortnightly on a Thursday, Week 2
- Hawes Lane by Hawes Down School and Centre entrance –
Weekly on a Thursday.
- Hawes Lane by Glebe School entrance –
Weekly on a Thursday.

Supplementary Question:

Is he aware of the long correspondence that I have had with the Department about these waste bins? The reality is that they are full very quickly. What policy do we have to ensure that they are emptied on a regular basis because, I am told by residents, these bins are often being missed, and what action is being taken where people are using these bins for household waste despite the fact that we now have notices on the bins. Can he give us an assurance that if we can identify who are using these bins for that purpose that prosecutions might follow under the Environmental Protection Act 1990.

Reply:

As of yet, no, I am not, but I am quite happy to look at those. Our street bins are looked at on a regular basis and where there is evidence that we can prosecute we will do so, if it is within the law.

14. From Councillor Angela Wilkins to the Portfolio Holder for Public Protection and Safety?

Will the Portfolio Holder require all LBB food establishments to visibly display their food hygiene scores on premises and websites?

Reply:

I am afraid that I do not have such power. Unlike Wales there is no statutory requirement for food businesses in England to display their food hygiene scores. It is something the Food Standards Agency is very keen to introduce but is not yet in place.

Businesses with scores of 3 (broadly compliant) or higher are generally happy to display their stickers so where a business does not display a score it is more than likely less than 3. The only exception would be for a new business that has yet to be inspected and rated.

Anyone can check the score of a food business before eating by visiting the Food Ratings Website <http://ratings.food.gov.uk/>

Supplementary Question:

I take the point – it would be helpful if the borough could encourage our food establishments to do that on a voluntary basis. Would she acknowledge that it was short-sighted of the Council to reject the Labour Group's budget in 2015/16 which would not have accepted the proposed cuts that were then carried out to the Public Protection Team which has now cost us a lot of money to put back?

Reply:

No, I do not accept that is the case. Previously, the Food Standards Agency was very flexible and understanding of the situation that local Councils found themselves in. However, when they came to see us recently they had completely changed the goal-posts and we were not able to foresee that. It was a change of stance overnight so I do not accept that proposition.

15. From Councillor Ian Dunn to the Portfolio Holder for Care Services

What will be the impact on the Council's Care Services of the inclusion of the South East London STP footprint in the NHS's Capped Expenditure Process.

Reply:

As a member of the 'Our Healthier South East London' Joint Health Overview and Scrutiny Committee, Councillor Dunn will appreciate that detail relating to the Capped Expenditure Process remains scant at present. As well, that the whole process remains very much work in progress. As such, it is impossible to quantify what level of impact the process might or might not have on Care Services at this point in time.

I would however very much hope, with the agreement of the Chairman, and expect to have received a fuller briefing from CCG colleagues regarding their intentions at the time of the November's HOSC - that will enable us all to understand the anticipated impact more fully.

Supplementary Question:

What sort of contingency plans might we need if part of the capped expenditure process involved some sort of reduction in the CCG's contribution to the Better Care Fund?

Reply:

I would anticipate that we would be looking to use the Better Care Fund and the Improved Better Care Fund to underpin any extra work that the Care Services Portfolio needs to undertake.

16. From Councillor Vanessa Allen to the Portfolio Holder for Renewal & Recreation

Will the Portfolio Holder join with me in congratulating all of the organisers and volunteers who enabled Bromley to participate in London Open House for the first time in several years?

Reply:

The borough has a rich and diverse collection of heritage assets and it was fitting that the Council did participate in London Open House this year to offer our residents an opportunity to visit and appreciate these architectural gems such as, for example, the Crystal Palace subway, Orpington Priory and Bromley and Shepard's Colleges. As far as the latter is concerned, I happen to be a trustee of Bromley and Shepards Colleges and I chair the fabric committee which has a meeting at 8.30am tomorrow morning I will pass on the congratulations to them.

Supplementary Question:

I would like to request that we try to stay engaged with Open House (or Open City, as it is re-branding itself) in future years, and encourage more modern buildings as well as the older ones to be participating.

Reply:

I share that view and will do my best to ensure that this happens. We will have to see what more modern buildings we can find.

17. From Councillor Peter Fookes to the Portfolio Holder for Education, Children and Families

Is he aware of the considerable parental concerns about the management of St Olave's School?

Reply:

Yes.

Supplementary Question:

I think parents that were in the public gallery earlier on rather got the impression that Bromley was abdicating its responsibilities. Perhaps at the next meeting of the Education Select Committee on 17th October we could have a report on the situation at St Olave's?

Reply:

It is not for a Portfolio Holder to dictate what is on a Chairman's agenda for a select committee meeting. I think it is poor to suggest that Bromley has in any way abdicated its responsibilities.