

COUNCIL MEETING

11th DECEMBER 2017

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

**1. From Anna Martin to the Chairman of Development Control Committee
(answered by the Leader of the Council)**

Vodafone have estimated that the highest emissions from the mast (adjacent to St Mary's Church, Shortlands) will be 9.51v/m at 10 metres away – the same distance as the pre-school. The World Health Organisation has described waves as “possibly carcinogenic”. German studies show adverse health effects at 0.06v/m. How are the children going to be protected?

Reply:

The Leader explained that he was substituting for Councillor Dean, and also stated that he was no great fan of telecommunications masts.

Telecommunications operators benefit from statutory undertaker status which means that they are able install equipment within the public highway network without seeking any specific approval from the Highway Authority. The only approval required from the Council is planning approval for certain development. In this case planning permission was sought and granted under reference 16/03842/FULL5. The National Planning Policy Framework

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

sets out at Section 5 national policy which the Council is required to follow when making planning application decisions for telecommunications development.

Specifically, paragraph 46 states: *“Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.”* Therefore where certification is provided of International Commission for Non-Ionizing Radiation Protection guidelines, it would not be reasonable for the Local Planning Authority to refuse planning permission on the basis of health concerns. In answer to the question posed, the Council does not have any further powers to prevent the development on the basis of harm to health.

Some might find that a great shame, including myself, but we are bound by the law.

Supplementary Questions:

Will shielding be used within the pre-school and the church for the children, given the World Health Organisation are concerned about the possible effects of this form of electro-magnetic radiation?

Reply:

I do not have that technical information to hand. Where there are safety concerns they would have been taken into account at the planning stage, so I suspect not. I will ask Councillor Dean to follow that up and provide a written record for the minutes of the meeting.

2. From Dave Wibberley to the Environment Portfolio Holder

Is the Portfolio Holder aware of the residents' concerns about road safety along Village Way in Beckenham?

Reply:

I am very aware of the ongoing concern of local residents about road safety in Village Way. The Council has a proven approach to how it invests in road safety schemes, with funding being prioritised at accident cluster locations on the basis of where the lowest spend is likely to yield the greatest road benefit.

The Council has looked very carefully at the situation in Village Way several times in recent years and concluded statistically, in terms of accidents, injuries and speeding, that Village Way does not stand out as being a 'dangerous' road – i.e. any different to the majority of other roads in the borough.

A zebra crossing has previously been considered, but the volume of pedestrian footfall, overall and at any particular location, was not high enough to justify it, nor could a suitable location be readily established.

The Council has previously conducted speed surveys in Village Way which did not give cause for particular concern. Nevertheless, we are keeping this whole matter under close review, which is why we have commissioned a new speed survey to assess current speeds, with potentially increased numbers of younger pupils crossing Village Way introducing a new dynamic.

More generally, please be assured that the Council recognises the importance of road safety and has worked with residents, schools, pupils and parents more generally across the Borough over many years to improve road safety. This has included identifying new pedestrian routes and safe crossing points for them. The work of our Road Safety Team has received national recognition over the years and our commitment to this important cause remains undimmed.

In light of the recent comments by the Head of Harris Academy Beckenham, I was surprised that the Primary School does not yet have a School Travel Plan. I have recently written to Harris Academy Beckenham to ask them to develop a School Travel Plan with our support if necessary, and for their support in improving road safety and developing school travel routes for their pupils. This could, for example, include a School Crossing Patrol.

The Council is committed to liaising closely with all schools through the travel plans process, through which safer routes to schools are developed. This does of course rely on the schools' cooperation and support.

Supplementary Questions:

What data does the Council use to inform its decisions on road safety?

Reply:

The Council uses underlying reference data captured across the Borough. In this particular case, we will do speed surveys and we will do counts of individuals crossing the road. We will look at several locations, and depending on the type of road, this could be for 24 hours or for a week. We will particularly look, in this case, at school pupils crossing the road and obviously it will be done in school times and at

particular times when children are likely to be crossing the road, rather than at any other time.

3. From Pam Remon to the Care Services Portfolio Holder

Bromley Council are in the process of accepting the South East London (SEL) Sustainable Transformation Plan (STP). All over the country councils are refusing to accept STPs. STPs are closing A&Es in many parts of the country (from 140 to 70 or 40) Can the Council ensure that closures will not occur in SEL?

Reply:

I'm afraid that no Council across SEL can honestly offer that assurance, as any decision is simply not within a Council's gift to make.

What I can tell you with absolute certainty is that I have had first hand assurance from the Chief Officer of Bromley CCG, that there are no plans within the SEL STP for the closure of an A&E Department.

Supplementary Questions:

Are the Councillors aware that STPs are part of an overall process which will eventually lead to the Accountable Care Organisations (ACOs) where large corporations are preparing to take over the NHS and implement an insurance based health system based on the US model? Will the Council investigate these charges before accepting the SEL STP and ACO?

Reply:

Yes, I am very aware of the Accountable Care Systems. As far as I am aware, there are no privatisations associated with those organisations. What I can say is that the Council works very closely with the CCG, I attend their Governance Board meetings and they regularly attend the Health Overview and Scrutiny Committee and Health and Wellbeing Board. At the last meeting in November the chief officer of the CCG provided a brief verbal update on the SEL STP and we are expecting a fuller briefing at the Health Overview and Scrutiny Committee on 6th March which I suggest that you attend.

4. From Dermot Mckibbin to the Resources Portfolio Holder

What is the lawful authority for the voter ID pilot in Bromley and when will the Council publish details of this legal advice?

Reply:

We are limited on what we can say or disclose (especially with regard to the forms of ID) until the Minister for the Cabinet Office has signed off the Pilot Order, which is expected by the end of this month.

A Statutory Instrument will be made in accordance with section 10(1) of the Representation of the People Act 2000 to be signed off by the Minister for the Cabinet Office following consultation with the Electoral Commission, authorising the pilot. This is expected by the end of December and is sufficient lawful authority for the pilot.

Supplementary Questions:

Is it not a shambles that the Council is proceeding on the basis of this scheme when there has been no consultation with Parliament, the major political parties or the public? Is it not likely that if and when this issue comes to court, as indeed it will, through some crowd-funding scheme as has occurred in America, the courts will look very unfavourably on a scheme whereby people end up being deprived of their right to vote. Will the Council take legal advice on this matter and publish that legal advice.

Reply:

The Council takes legal advice on all matters, it is certainly taking advice on these matters, and at the appropriate time all will be published. Not until the final Order has been signed will it be appropriate to comment.

5. From Marie Bardsley to the Resources Portfolio Holder (as Ms Bardsley was not present a written reply would be sent)

With regard to the trial of Voter ID in the local elections, what is the Council's campaign for consulting voters and promoting the scheme?

Reply:

It is essential there is excellent communication with voters if the change is made. The Council is working with the Cabinet Office and the Electoral Commission to produce a communications plan which will deliver a tailored and comprehensive awareness raising campaign to encourage eligible voters to bring ID to the polling station.

6. From Naresh Chauhan to the Resources Portfolio Holder

Why is the Council conducting a voting ID pilot when both the Council and Electoral Commission agree that there is no electoral fraud in the borough?

Reply:

There is clearly the potential for electoral fraud in the systems we have and the Electoral Commission has made it clear that it wants to see the introduction of Voter ID as a priority.

The opportunity to pilot Voter ID was offered on a number of occasions to all local authorities in Great Britain. Change will be coming anyway and being a pilot authority will give Bromley additional funding to implement and publicise the changes.

The pilot scheme should strengthen electoral integrity and enhance public confidence at the elections in Bromley in May 2018.

Supplementary Questions:

Will the Council make sure that the Voter ID changes will be well-publicised and that everybody is informed of these changes? Why was there no consultation if this is so important?

Reply:

The answer to the first part of the question is yes. The second part is that I will be giving details in response to another question later on.

Additional Supplementary Question:

Councillor Simon Fawthrop asked whether the Portfolio Holder agreed that even if one person's vote was defrauded that was one vote too many.

Reply:

Yes.

(The Mayor pointed out that the time allowed for public questions had been reached, but Council agreed to continue for a further ten minutes.)

7. From Rich Wilsher to the Environment Portfolio Holder

Does the Council agree that incidents of fly-tipping are on the rise in some areas of the borough – on Worsley Bridge Rd and Copers Cope Rd in Beckenham, for example - and can the Council outline steps which will be taken to reduce this blight on our communities?

Reply:

There has been an increase in the number of reports from 5 in 2015 to 13 in 2017 in the areas of Worsley Bridge Road and Copers Cope Road, but this is not felt to be statistically valid to warrant a particular concern in this area as opposed to across the borough.

However, I would add that -

- Two incidents of fly tipping that occurred on Worsley Bridge Road on 29/11 and 2/12 were both witnessed and statements have been provided by the witnesses giving details of the vehicles involved. These are being followed up.
- Fly tipping prevention signs are going in this week.
- A bid for temporary covert CCTV is in the process of being submitted for consideration. A surveillance application will be put forward for approval at Bromley Magistrates Court should that bid be successful.
- I have also asked Ward Security to provide a quote to provide mobile security fly tipping patrols across the Borough's fly tipping hotspots.

In the Council questions there is a bit more detail in terms of the number of prosecutions and the number of Fixed Penalty Notices issued for fly tipping.

Supplementary Questions:

What steps will the Council take to alleviate the concerns of many residents who, specifically, feel that one reason for fly-tipping is the overly complex and over-priced bulky household item removal service that is provided by Bromley Council?

Reply:

The Council does not believe the service is over-priced. Personally, I do not believe that most of the people who look at fly-tipping visit the Council website to find out what the price would be. I do not think this is the cause of fly-tipping - I suspect most

of these people realise that it is not that expensive and do it out of ease or for other reasons.

8. From Alison Davis to the Environment Portfolio Holder (as Ms Davis was not present a written reply would be sent)

What assessment did the Council undertake of the travel-to-school routes, prior to the expansion of the Harris Academy Beckenham and the development of the Harris Primary Academy Beckenham on the same site?

Reply:

Before any new school opens, the Council gives consideration to the likely impact on transport links in the vicinity, through a Transport Assessment, one of which was conducted for Harris Academy Beckenham. Some measures will obviously be needed to support the safe travel of pupils to and from the school, such as school keep clear zigzags outside a school gate. Other measures are considered at a later stage, once travel patterns have been observed.

Despite the Council being able to access postcode data for school pupils to see likely journey routes, the Council cannot predict with certainty how parents will choose to get their children to school. The Council is committed to liaising closely with the school, through the Travel Plans process, through which safer routes to school are developed. This of course relies on the school's co-operation and support and I have recently written to Harris Academy Beckenham to ask them for their support in improving road safety and developing travel routes for their pupils.

9. From Adam Bambrough to the Environment Portfolio Holder (as Mr Bambrough was not present a written reply would be sent)

There is a 1300+ local petition for a safe crossing at the junction of Village Way and Whitmore Road – are the Council reassessing road safety on Village Way with regard to a pedestrian crossing being installed on this junction?

Reply:

I refer to my previous answers and would add the Council regularly reviews roads across the borough where evidence is available to suggest there is a safety issue.

The Council is undertaking counts and surveys to see what type of crossing facility, if any, would be suitable for Village Way, in the vicinity of Whitmore Road. Crossing facilities can only be installed where they are safe and will not be likely to actually lead to collisions. For example, it is not best practice to install a zebra crossing in a location where it will be little used for much of the day and where drivers may start to ignore its presence. Sight lines for drivers and pedestrians must also be sufficient and turning movements must be considered.

10. From Julie Ireland to the Environment Portfolio Holder

La Fontaine Academy will be relocating to the Widmore Centre next month. This site is adjacent to 2 other primary schools and roads are already very congested around school dropping off times. La Fontaine currently has a large catchment so many parents will drive their children to school and this will ultimately be a large 3 form entry school for 630 pupils. Despite repeated requests the Council has to date

refused to procure and implement its own travel plan. Will the Council reconsider their stance on this as a matter of urgency?

Reply:

The Council does not plan where new schools will be located in the borough and cannot dictate to schools how they operate. There is therefore no point in the Council producing its own Travel Plan independently of the school. The Council's Schools Travel Advice Officer has actively engaged with La Fontaine and has been doing so for many months in respect of offering advice for their travel planning and for their relocation to Nightingale Lane.

As I have mentioned previously tonight in respect of Harris Beckenham, it is the developer's and school's responsibility to produce Transport assessments as part of the planning process and a School Travel Plan once occupied. The Council's School Travel Advisor is actively engaged with La Fontaine and has been for many months, in respect offering advice for their travel planning for their relocation to Nightingale Lane. The Council has also had a number of meetings with the developer in regard to the site and the developer has produced a Travel Plan.

Subsequent to this, the Leader of the Council supported by Ward Members, the Chairman of the local residents association and the Head of the Council's Road Safety Team has met with the head teachers of all three schools in this area: St Georges, Bickley Primary and La Fontaine and representatives from the EFA and their contractor, Kier in an attempt to instil some pace into the latter's processes.

Measures are being implemented in Nightingale Lane to aid traffic flow and the Council will reassess the traffic and pedestrian situation once La Fontaine occupies their new site in February next year, as part of the ongoing Travel Plans process.

Supplementary Questions:

Do you not think that the whole issue of congestion around these pinch-points would be eased if the Council gave some thought to a broader policy for encouraging travel to school by any other means than by car, and I wondered what action you are taking about that?

Reply:

Unfortunately there is very little that we can do to require parents, teachers or anyone else to make a particular journey in any particular way. We engage with the schools, through the Travel Planning process, to get them engaged with parents, teachers and pupils to try to encourage them to work with their pupils to get the most healthy and least congested method to access the school.

**11. From Anna Martin to the Chairman of Development Control Committee
(answered by the Leader of the Council)**

Please can you explain why we did not receive postal information of the Vodafone mast at St Mary's Church, thus giving us the chance to challenge the application? We received postal information on the new school in Kingswood Road which is further away from our house than the mast development site.

Reply:

In this case a number of local residential properties were notified of the application by letter, a press notice was published and a site notice displayed, which exceeded the

statutory publicity requirements for this type of planning application and accorded with the Council's published approach to publicity for planning applications.

Supplementary Questions:

We are only seven houses away from the mast and we did not receive any information about the mast.

Reply:

I do genuinely understand the frustration but the argument as always with who do you notify is if you do seven houses, why not eight, and if you do eight, why not do ten. The policy is structured that really directly adjacent residences are contacted with the theory that if there is a major problem it affects them most and indeed, if there is cause for concern they will spread word from the site outwards to affected residents. I do believe that a number of residents associations get the lists for these planning applications and scan them pro-actively just in case they see an application of concern that they wish to object to.

12. From Pam Remon to the Resources Portfolio Holder

In connection with the local elections and Bromley piloting photo ID at voting stations. Will the Council Keep a record of those people who are denied the right to vote?

Reply:

The pilot order will specify the data to be collected at the polling stations in respect of the production of Voter ID. Both the Cabinet Office and the Electoral Commission will undertake full evaluations of the pilots.

We recognise the point being made, but unfortunately we cannot give any specific details until the Order is made.

Supplementary Questions:

Can Councillor Arthur take note that there will be a lot of people who do not have a passport, a driving licence or a freedom pass? As long as you take that into account – what other voter ID will be acceptable?

Reply:

The point is very well made and we do not wish to deprive anybody of their right to vote purely because they could not provide a certain type of evidence. The Returning Officer is very well aware of this and we will have conversations in order to ensure that everybody who should vote can vote. I think that the principles of the pilots have been well-established through lots of different things such as Universal Credit and the fact that we are being chosen to pilot this I am very proud of. I think it is because it builds on our very good turnout record and our very good record at elections – we have a fine record in the borough for how we deal with elections. There is also an interesting point about the demographics of Bromley that makes it particularly interesting to hold it here. Once we get it right, and the other pilots get it right, they will be informing people how they can take this forward across the country. One of the things we will certainly be looking at is the type of evidence that is being produced and making sure that it does not prohibit people from voting who should.

Additional Supplementary Question:

Councillor Nicholas Bennett asked whether the Portfolio Holder was aware that in one part of the United Kingdom, Northern Ireland, voter ID already existed? There

were seven forms of ID which were accepted, and one of them was a free ID card issued by the Northern Ireland Government to anyone who did not have any other form of photo ID.

Reply:

It is a point well-made and certainly Northern Ireland's experience is being drawn heavily upon. You may recall that when you were a little lad you had an identity card, given to you at birth. Those disappeared over time but, whilst I do accept that there are great sensitivities about carrying identification I do think that it is a perfectly sensible pre-requisite of voting at a polling station that you establish who you are.

(At this point the Mayor ended Public question Time and the following questions received written answers.)

13. From Dermot McKibbin to the Resources Portfolio Holder

Does the Council know how many local people in the borough who are entitled to a vote but are not on the electoral roll? What is the Council doing to encourage people to register to vote?

Reply:

We have recently completed the annual canvass and published the new register with 96.80% of households in the Borough providing the necessary information.

If the Order is made the publicity campaign to encourage eligible voters to bring ID to the polling station at the 2018 local elections, will increase awareness of the need to register to vote and will raise awareness considerably. As mentioned, the number of registered electors increases as we get closer to an election.

14. From Naresh Chauhan to the Resources Portfolio Holder

Why has there been no consultation with the public or all the political parties in the borough?

Reply:

Ultimately the Minister will decide with the authority of the Government whether or not to make the Order and there is no requirement to consult. Responsibility for most electoral matters is vested in the Returning Officer who has covered the proposed Pilot in public reports to councillors and who has received representations from local political parties.

**15. From Alison Davis to the Environment Portfolio Holder
(Ms Davis is not now attending)**

What grant applications has the Council made to Transport for London in the last three financial years?

Reply:

Although not all actual grants, over the last three years the Council has received from TfL funding for the following:

Corridors (e.g. congestion, cycling and road safety schemes);
Bus priority routes;

Bus stop accessibility;
Bridge maintenance;
Principal road maintenance;
Major schemes (e.g. Beckenham Town Centre);
Cycling on greenways;
Borough cycling programme;
Local Transport Priorities (e.g. supporting school crossing patrols);
Incubator fund (to look at new traffic management technologies).

16. From Adam Bambrough to the Environment Portfolio Holder

How do Bromley Council use KSI (killed or seriously injured data) to determine whether road safety interventions are needed?

Reply:

Funds for road safety schemes are obtained from TfL and spend is prioritised on the basis of whether the funds will maximise the reduction of injury accidents, particularly serious and fatal accidents.

After successful interventions the number of serious accidents at any one location has decreased markedly over the years. The current method of selecting sites involves finding clusters of similar accidents of any severity (sites with five or more accidents within a circle of 50m diameter, over 36 months), ranking these clusters by severity, and then choosing potentially treatable sites.

Road safety engineers will not always be able to identify a cost effective solution, but where there is an apparent cause of the collisions and a solution can be identified, the Council will take action on a priority basis.

It should be noted that some measures that could be seen to have road safety benefits, such as zebra crossings for instance, are not always installed as a result of accident data, but might be used to make improvements to a well-used walking route.

17. From Julie Ireland to the Environment Portfolio Holder

Has the Council made a conscious policy decision to remove street litter bins from around the town centre? An example is the end of Palace View near the Kentish way underpass where lamp post litter bins seem to have been removed resulting in litter scattered all over the street. Surely there is a proven need for such bins of sufficient capacity and regularly emptied within a 10 minute walk of the town centre?

Reply:

No it has not.

In the case of the bin formerly sited on Palace View adjacent to the underpass, I am advised by the Leader of the Council that it was removed approximately 4 years ago following a repeated spate of domestic waste and other miscellaneous non-litter being dumped in it, causing the bin to continually overflow.

Following a conversation between the Leader and the Chairman of the local Residents' Association the bin was removed as a possible remedy to help improve cleanliness locally and it has worked. Since its removal the tidiness of the area has improved considerably.

I would add this area is monitored almost daily by several Members, myself included, to ensure that remains the case.

18. From Anna Martin to the Chairman of Development Control Committee

It is reported that the value of houses located within 100 metres of a phone mast can drop by 25 percent. In such an instance, will Bromley Council compensate residents for this loss in value?

Reply:

Government advice makes clear that planning decisions must be made in accordance with material planning considerations. As set out in government advice in the National Planning Policy Guidance website (paragraph 008 at <https://www.gov.uk/guidance/determining-a-planning-application#how-decisions-on-applications>) *“The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.”* As the development is not being carried out by the Council, and the possible loss of value is not something that can be considered as part of the planning decision, there is no reason for the Council to be liable to pay compensation for any identifiable reason.

19. From Pam Remon to the Resources Portfolio Holder

Will the Council explain why there has been no equalities impact assessment report into this new policy and will this report be published before Christmas?

Reply:

An equality impact assessment has been produced and submitted to Cabinet Office. We will publish once it is signed off.

20. From Naresh Chauhan to the Resources Portfolio Holder

How is the Council going to ensure that the Voter ID requirements are well publicised so the voting public are well informed of the changes?

Reply:

Please see the answer to question 5 above.

21. From Alison Davis to the Care Services Portfolio Holder (answered by the Resources Portfolio Holder)

Whereabouts in the country are the 400 “More Homes Bromley” properties that Bromley Council bought in partnership with Mears Ltd?

Reply:

In order to secure a sufficient supply of accommodation it is necessary to purchase homes both inside and outside of the borough within the South East. Homes purchased are within a maximum of 1.5 hours travel from Bromley in line with the

approved temporary accommodation placement policy. Properties have to date been purchased in the following areas:

Bromley
Canterbury
Chatham
Dartford
Gillingham
Maidstone
Medway
Swale

The bulk of properties are currently located in Bromley and Swale.

22. From Adam Bambrough to the Environment Portfolio Holder

How do the Council intend to gather and assess qualitative information about the pedestrian and driver experiences of Village Way and how much weight will be given to these when deciding whether to add traffic control systems?

Reply:

I refer to my previous answers regarding new surveys. In addition I would add, Council officers and Members have previously met with residents to discuss concerns about safety in Village Way and the Council is aware of the concerns raised in the current petition. Travel Plans are also a useful tool in identifying the experiences of pupils and parents at nearby schools.

When considering interventions, priority is given to casualty reduction schemes, where the Council believes that the most accidents can be prevented through the investment of the limited taxpayer resources. However, funding is also used to help facilitate road users to travel by the mode they choose to, so if there is an obstacle to walking or a blight to residents' lives caused by speeding, low cost interventions are considered. This might include the installation of a pedestrian refuge, zebra crossing or vehicle-activated signs.