

COUNCIL MEETING

9TH APRIL 2018

QUESTIONS FROM MEMBERS OF THE COUNCIL FOR ORAL REPLY

1. From Cllr Russell Mellor to the Renewal and Recreation Portfolio Holder

Whilst I thank Councillor Morgan for his written reply to my oral question at the last Council meeting, may I enquire as to number of 56 day prior applications which have been received in the last four years and the number which were determined by a planning Committee?

Reply:

A total of 367 '56 day' prior approval applications were received by the Council since 01.04.2014. Of these 22 were considered by a planning committee (about 6%).

For clarity there are other prior approval applications which include different determination periods and in addition during that period there were also: 28 x '28 day' prior approval applications (for agricultural development or demolition of a building) of which 2 were considered at planning committee; and 1,321 x '42-day' prior approval applications (for larger householder extensions) of which none were considered at planning committee.

Supplementary Question:

Can he inform me of any directions he has given to increase the Member involvement in these decisions?

Reply:

This question has not arisen so far, but as it has arisen now I will look into it.

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

What do you consider are the main functions of the Internal Audit Department in a Commissioning Authority?

Reply:

The Council's independent Internal Audit function, which meets its statutory duties, will through its risk-based approach to work, provide assurance to the Council's Audit Sub-Committee and senior management on the higher risk and more complex areas of the Council's business.

In a Commissioning Council, Internal Audit provides assurance that managers are using the recognised process to complete a business case aligned to the Council's strategic objectives.

Internal Audit reviews the supplier selection process and assesses whether the Council has adequate and effective policies and procedures for procuring and

tendering. Compliance to these policies and procedures are measured and confirmed.

Internal Audit examines the contract management and performance arrangements in place when a contract is operational.

Internal Audit's objectives include supporting a positive culture of internal control improvement, effective risk management and good governance.

Supplementary Question:

What would you say as Leader of the Council to a Portfolio Holder when the management of the biggest contract in his or her portfolio has just received an internal audit with an opinion of limited assurance and fifteen priority one recommendations for improvement?

Reply:

That is exactly what Internal Audit are there for and it proves that they are doing their job.

3. From Cllr Angela Wilkins to the Care Services Portfolio Holder

Could you please explain the delays in awarding the nursing care beds contract which was only agreed at last week's Executive?

Reply:

Subsequent to the Care Services PDS meeting on 14th November, I was alerted to the fact that a care home provider who was in the process of being considered for the nursing beds contract had received Required Improvement notices from the CQC.

As a result, I advised my Executive colleagues that we should not proceed with the award of the contract until such time that the Council's contract monitoring team could confirm that the required remedial action had been taken and the provider was once again operating to the required higher standard. Postponing the decision enabled members to be re-assured that these issues of concern have been addressed before awarding the contract.

As part of this process, Officers visited the homes, spoke to residents, spoke to relatives of residents, had conversations with the CQC and met with the provider to review the delivery of their action plan. It was prudent and wise to delay this as the safeguarding of our most vulnerable residents is paramount.

Having since received that reassurance from the Director of Adult Care Services, who is the statutory director responsible for safeguarding older people, I was in a position to update and advise Executive colleagues that the reported issues had since been addressed, as well that the Homes in question were likely to be assessed more positively at their next CQC inspection, meaning that the Contract could be awarded.

Supplementary Question:

I am pleased that the process was halted. Why was the contract awarded, given that the second home was inspected in January and found to be inadequate.

Reply:

It is important when considering how care homes are rated that there is often a significant interval between CQC inspections and CQC inspection reports being published, during which time a significant amount of work is undertaken by providers and the local authority to implement any improvement measures. The actual assessment of the home that Councillor Wilkins is referring to was undertaken in December and in between times there was a considerable amount of work that was taken on by our quality monitoring team and the provider. There has been a strong response from the provider's management to make the improvements required, with a number of service improvements being identified and implemented. The provider has added management capacity and commissioned an independent audit. The resulting report has been shared with us and action points identified and incorporated into the provider's action plan. In addition, our contracts monitoring team has carried out additional quality assurance visits to ensure that the relevant improvements were on track. I believe that it is a sign of a responsible local authority to pause the award of a contract where there have been concerns raised by an inspecting body, our own contracts teams or feedback from scheduled visits undertaken by Care Services PDS Members. I think that it is essential that we do that and I make no apology for the fact that this Administration is seeking to ensure that Bromley residents have access to good quality care and that we therefore require that our nursing homes have a rating of Good.

4. From Cllr Vanessa Allen to the Environment Portfolio Holder

Government is being urged to bring forward the ban on petrol and diesel cars, at the same time as superfast charging points are becoming available and there are already funding schemes for the installation of on street charging points. As the Portfolio Holder is aware, demand is growing for electric charging points in areas where many houses do not have off street parking, such as my own ward of Clock House. What will he do to ensure that my residents and those in similar areas in other wards are able to take advantage of this new technology?

Reply:

As Cllr Allen will be aware, as her ward colleague sits on the Environment PDS, this issue was reviewed as both a policy development and scrutiny item in January this year. Following that meeting, in February, I issued a press release on EV charging and asked all residents considering an electric or electric hybrid vehicle to contact us. Although that only yielded four replies we are following them up together with previous enquires to establish more details about how they wish to charge their car.

The latest position is that we currently have twenty charging points across the borough. The latest figures showed that on average there were only two charging sessions used per day across the whole twenty bays – i.e. less than six hundred sessions per year. We are in the process of consulting ward members on a further twenty four charging points – as you know, three of those are in Clock House ward. We were also only the second London borough to install taxi charge points – those

around Bromley South Station. The technology is rapidly evolving – the EV charge points about to be installed will fully charge a car in an hour or two. I am also liaising with other London Councils on Ultrafast charging technology, that is, technology that will fully charge a car in about ten to fifteen minutes.

The location of the charge points were chosen in conjunction with Source London, the pan London supplier of EV charge points based on known users of EV charge points. We are acutely aware that the areas under heaviest parking stress are also the areas where there might be more demand for on street charging, however due to that parking stress we are also wary of blocking off parking bays until we see there is a high enough concentration of electric car drivers in that area.

Supplementary Question:

I received a press release but I do not think that all owners of electric cars would have seen it – it was a press release, not a proper PR exercise. I know that charging points are being proposed for Ravenscroft Road and I am curious about whether that is in response to requests from residents or what the decision making process was that you have just alluded to. I know of at least one resident in our ward who has given up on getting a car because there was no feedback about on-street charging and I would have hoped that there might be electric charging points installed in roads where people did have electric vehicles. I am curious about the decision making regarding Ravenscroft Road and what has happened to the people who have already asked for charging points in other parts of the ward, because this may be being repeated in other wards.

Reply:

The Source London membership is people who are using on street EV charging points. I have looked at the locations of their members (dots on a map, rather than names and addresses for data protection reasons.) The two addresses that you have highlighted do not appear on the maps and they do not appear to be addresses where residents are using on street EV points. As reported at Environment PDS Committee, these charge points have been installed by Source London and they have been installed based on concentrations of users – i.e. where the people who have signed up to access on-street charging are living. The current technology will charge a car in an hour or two, and we want to make sure that those bays are going to be used for most of those times, because each session is going to be of the order of an hour or two, with twelve to twenty four sessions available a day.

5. From Councillor Nicholas Bennett JP to the Environment Portfolio Holder

What research has been conducted into the effectiveness and economic viability of establishing a Material Recovery Facility to enable co-mingled waste collection as opposed to separate waste collections?

Reply:

Within a fully co-mingled system all recyclable materials as well as residual waste materials would be collected within the same container and the fully collected waste would be processed at the Material Recovery Facility. Facilities of this nature are rare and the potential risk in having sufficient capacity to deal with this waste materials is

limited and the percentage of recyclates that are able to be extracted from this process is limited.

Technologies that have the capability to extract recycling from black bag rubbish already exist e.g. Mechanical Separation Facilities and Mechanical Biological Treatment, which I did forward to you last week. However, the recycling that is extracted is of a lower quality than recycling from separate recycling collections and this reduces both the economic and environmental benefits that can be gained. Under the Waste Regulations 2012, we are required to provide a separate recycling collection for at least paper, glass, plastics and metal where it is technically, environmentally and economically practicable to do so. We do, however, optimise every potential to further extract recyclates from waste and have sent over 17,500 tonnes of 'black bag' waste to a Mechanical Biological Treatment facility in 2017/18.

As a Council we monitor innovations to see if any can provide a benefit to Bromley. A recent study indicated that the Bromley system was the most cost effective waste service in the study in London and delivered an excellent rate of recycling. The current procurement of a new waste collection contract provides an opportunity to consider any alternative recycling collection systems that the market place consider to have an economic and environmental value to Bromley.

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

What representations has he made to the Secretary of State to ensure that local authorities have a key role in determining the location of new schools in the borough?

Reply:

I am happy to remind Councillor Fookes that the role of opening new schools and finding new sites is the responsibility of the Department for Education through the Education and Schools Funding Agency and it has been that way for about eight years now.

Supplementary Question:

I note that we seem to have found a temporary solution to the problem of the site for Bullers Wood Boys. Is it not absolutely ridiculous that a Government that is in favour of abolishing quangos all of a sudden is quite happy to give resources and responsibility to the Education Funding Agency which is unaccountable to local residents?

Reply:

When the academy programme started under the Labour government and Lord Adonis some of the process was to ensure that local councils met their statutory responsibility to ensure that there were sufficient school places. We are happy to report in Bromley that we are well on our way to achieving that by 2020/2022. We do work closely with the Department for Education, we do feed back our view around where we think there is need for certain school places in the borough. Through the draft Local Plan we put spaces and sites for them to choose.

With the recent issue around Bullers Wood School, we have had some really positive meetings with the ESFA subsequent to that to talk about how we can do things better in the future, and I am happy to say that we are working very positively together and there is a communications plan that we are working on to ensure that there is proper dialogue as we move forward.

7. From Cllr Tony Owen to the Renewal and Recreation Portfolio Holder

The report on Biggin Hill Memorial Museum presented to R&R PDS on 5th July 2017 and Executive on 19th July states at paragraph 3.4 that funding is in place to deliver THE SCHEME. At paragraph 3.19 it states that PHASE 1 delivers the BASIC SCHEME and that PHASE 2 will see the FULL SCHEME implemented with the delivery of the learning space and wall. It says no funding is identified for this phase.

Can you please -

- (i) Confirm that the full £2 million treasury grant only requires PHASE 1 to be completed and is not conditional on the full scheme being completed.
- (ii) Confirm that the local taxpayer will be required to contribute £1 million to the full scheme (all but £60k.)
- (iii) Indicate the latest funding position.

Reply:

- (i) Yes, the £2m treasury grant only requires phase 1 to be completed and is not conditional on the second phase of the scheme being delivered.
- (ii) No, the Council’s contribution not £1m to the scheme is £410k.
- (iii) Phase one of the scheme is fully funded at £5.35m. This is made up of £2m treasury grants, £914k from section 106 monies, £1.998m from the Heritage Lottery Fund, £3k from the Biggin Hill Memorial Museum Trust, and £410k contribution from the Council.

<u>FUNDING</u>	Capital	Revenue	Total
	£'000	£'000	£'000
Treasury grants	802	1,198	2,000
S106 monies	715	199	914
HLF grant	1,309	689	1,998
Biggin Hill Memorial Museum Trust	3		3
Bromley Council contribution	257	153	410
TOTAL FUNDING	3,086	2,239	5,325

The Council and Trust have now also secured funding to conserve the chapel railings for an additional £62k as part of the first phase of works. This is being funded by grants from the Member’s Community Fund, Heritage of London Trust and Friends of St George’s Chapel:

Source of funding	£000
Friends of St George's Chapel	10
Members Community Fund	47
Heritage of London Trust	5
TOTAL	62

The Trust is currently fundraising for the second phase of the project which will build the learning space and memorial wall. The Council has received one-off income from a film location fee that has been reallocated to the project to enable the piled foundations for this phase to be undertaken during the first phase of works at a cost of £54k so as to reduce the amount of time that access is restricted to the memorial garden.

Supplementary Question:

Have trees been cut down on site that were stipulated by our consultants to remain, and if so, why?

Reply:

The question of the landscaping of the site as a whole is that we have always intended , and the Heritage Lottery Fund insisted, that the whole site was re-landscaped. I think that there are two trees to which Councillor Owen refers which were a doubt and I do not know the answer to his question at this moment in time. We are trying to find out and I will email him shortly with a full answer.

Note: The following reply was subsequently provided -

The planning documents were clear that the scheme would implement a new landscape design to reset the Chapel in its immediate environment. This included clearly identifying the removal of two Irish Yew trees. The scheme's heritage consultants Donald Insall Associates had initially advised that the Irish Yews should be retained, but later changed their advice. This is because the scheme's structural engineers subsequently discovered that the continued presence of the Irish Yews was likely to impact upon the structural integrity of the listed Chapel. It was also accepted that their removal would open the Chapel elevation to enable it to be seen in the way that the Chapel was originally conceived, and return it to the original planned setting as evidenced from historic photographs.

Additional Supplementary Question:

Councillor Simon Fawthrop asked what the were implications for the accounts for the whole scheme of the shop and the gift shop being hived off into a separate company and separate accounts?

Reply:

I do not think that there are any particular implications. The Trust will run the whole centre, including the shop, and I will look to see if there is any risk to the Council. I do not think there is, because we are not standing behind these people in the future.

They will have their own income and they should be able to run their own scheme very successfully.

8. From Cllr Russell Mellor to the Renewal and Recreation Portfolio Holder

Can the Portfolio Holder advise me as to the number of planning applications in the last four years which have been called in by the applicant due to non-determination by the Council within the prescribed time?

Reply:

The Council has received 30 appeals against non-determination of planning applications within the prescribed period since 01.04.2014.

9. From Cllr Ian Dunn to the Care Services Portfolio Holder

Why did an article on stopping smoking appear on the front page of the Council's website shortly after an article appeared in the British Medical Association News, criticising the council for stopping its Smoking Cessation service?

Reply:

I do not accept the premise of your question, as it is factually incorrect to suggest that "the Council stopped its smoking cessation service." If you had taken the time to read the BMA News report carefully you will note that it says and I quote:

"Bromley says it has merely changed the way we help smokers quit. Its phonenumber is 'more convenient and easier for many people and provides a value for money service' a spokesperson adds 'it better suits busy people in today's world.' She points to a Public Health England paper which says phone lines can boost quit rates by 50 to 100 percent when done properly."

That is emphatically not the same as "closing" the service which incidentally mirrors the smoking cessation services offered in Labour controlled Harrow.

As to why the article was posted on Bromley's website the reason was twofold. Firstly to rebut misleading insinuations that the service had been ended and secondly because the 14th March was National No Smoking Day this year as you should have been aware.

Supplementary Question:

The previous service helped about 1,200 patients each year at a cost of £300 per quitter, which when the average 20 a day smoker cost business, the Fire Service and the NHS about £,000 per year was a perfect investment to save approach. Also, the previous service had a much better success rate than the phone line. The BMA news article talked about somewhere between three and six times better. Could you explain again why exactly we did decide to stop such a good investment?

Reply:

It is fair to say that the previous Stop Smoking service was under-performing against the contract. Smoking cessation is not a statutory function but Bromley has provided funding to the Stop Smoking London telephone support service which will be evaluated by Professor Philip West a well- recognised clinician, consultant and academic in the field of smoking cessation methodology. I think it would be prudent to wait and see what that response is.

10. From Cllr Angela Wilkins to the Environment Portfolio Holder

On 9th August 2017 the Executive agreed additional resource of £238k for Environment & Community Services 2017/18 to ensure frontline services had a sustainable level of staff to fulfil the corporate requirements for contract monitoring, business support and to deliver the expected standard of service in key areas. Of this money, £146k has been spent. Please explain on what exactly given that two posts in the Neighbourhood Team (West) have been vacant for 9 months?

Reply:

The recruitment of suitable officers in the Neighbourhood Team (West) is not related to the £238k you mention and all neighbourhood officer posts have been filled.

The additional resources that the Executive agreed related to contract monitoring and business support; Public Protection; Food Safety and Business Continuity. The senior contract monitoring person is in post and is busy recruiting to the 2 business support posts. The planned reorganisation in Public Protection is being implemented and relevant posts have been recruited to. The Business Continuity Officer is in post. We have had challenges in recruiting suitably qualified food safety officers, although a new officer will join us in May.

Supplementary Question:

Given that we have a number of streets that are only cleaned one out of every eight cleans that are scheduled, can some of the £92k that is about to be transferred to central contingency that was not spent could be spent on having some deep cleans on the roads that have suffered, I think largely because we have not had neighbourhood officers in post for the last nine months.

Reply:

As I previously answered, there were more inspections than the required number, in all areas, in all wards across the borough in that period when we were a number of Neighbourhood Officers under-post. There have been more inspections than the minimum that was required across the whole of the borough.

11. From Cllr Vanessa Allen to the Public Protection and Safety Portfolio Holder

Since 1 October 2017, food hygiene inspections in Bromley have awarded ratings of two on 21 occasions, one on 31 occasions and zero on five occasions. How many of these inspections would have taken place had we not have increased staffing in the Food Safety Service as a result of the adverse report we received from the Food Standards Agency dated April 2017?

Reply:

Food hygiene inspections are prioritised based on risk. All of the higher risk premises would have been inspected, even without the additional staff. The FSA now want lower risk premises to be inspected periodically and the additional resources have allowed us to start catching up with that backlog.

12. From Councillor Nicholas Bennett JP to the Education, Children and Families Portfolio Holder

Has he seen the article in the Sunday Times of March 25th 2018 entitled “Revealed: How the Met is ignoring the lessons of Holly, Jessica and Baby P”? Is he satisfied that there is full co-operation by the local police in the creation of pre-assessment check (PAC) requests on Merlin? How many such requests have been made in each year since 2010?

Reply:

I did not see the Sunday Time piece. Children’s social care receives merlins for children coming to the attention of the Police. These either go through our MASH or to an allocated worker. We have the public protection desk co-located with the MASH Team to ensure co-operation with our Police colleagues. The figures which I will provide show the numbers of Police contacts to the CSC within the last four financial years. Due to a change in procedures and the introduction of the MASH we do not have comparable data for the preceeding three years. It is normal practice for local authorities to record the merlin but not specifically the pack. The numbers are -

2014/15 - 1,186

2015/16 - 1,567

2016/17 - 2,050

2017/18 – 1,177

I can reassure Councillor Bennett that this is something that we are talking about with officers and further work is being completed.

Supplementary Question:

Having now seen the Sunday Times article, the Portfolio Holder will see in there that the number of reports in London fell from 28,000 in 2010 to just 12,000 in 2016, and it is said that this is because the records contain personal information and detectives have been told not to share it with other agencies. This is in direct contravention of the agreed protocols. The figures he has given us seem to reflect that as well for Bromley. Will he assure me that this matter will be taken up with the Police and reported to the next CSC Improvement Board.

Reply:

As I alluded to earlier, the Ofsted review last year looked specifically at these services and did show that there was a huge improvement in the work that we are doing now compared to a few years ago. I can reassure Councillor Bennett that we are looking at this with officers and this is something that is due for discussion at my meeting with the Director later this week.

13. From Councillor Peter Fookes to the Public Protection and Safety Portfolio Holder

How much of the extra £60million allocated by the Mayor of London to protect frontline policing will be spent in the borough?

Reply:

We do not know yet.

Supplementary Question:

What will the Portfolio holder be doing to ensure that neighbourhood policing returns to this borough?

Reply:

There are no proposed changes to neighbourhood policing, it is staying exactly as it is in the new Crime and Policing Plan.

14. From Cllr Tony Owen to the Environment Portfolio Holder

When was St John's Road, Orpington last resurfaced? What communication took place with the gas authorities before this was done? What did they say?

Reply:

We have resurfaced two separate areas of St John's Road in the last few years;

- Crofton Lane to Berger Close was completed in October 2014.
- Tudor Way to Berger Close was completed March 2017

The current gas works do not involve excavations in either of these areas.

When any planned resurfacing scheme is being prepared all utility companies are notified in an effort to try to co-ordinate any planned works. This allows the Council to protect the resurfaced road from any utility works for two to five years, depending on the nature of our project, other than emergencies.

Supplementary Question:

Is the Portfolio Holder satisfied with the reliability of information that we get from statutory undertakers, or are there still bad boys out there?

Reply:

I am not aware of any examples recently where we have not been given accurate information. There is always the case of emergencies. As I understand it, once we have gone through the process of notifying utility companies of our plans we can apply a moratorium to them regardless of their wishes – that is within our power.

(At this point the time allowed for questions ended and written replies were sent for the remaining questions.)

15. From Cllr Ian Dunn to the Environment Portfolio Holder

What are the options under consideration for the repair of the Betts Park gates?

Reply:

Amey were requested to remove the gates in question as they were structurally unsafe. Amey have submitted costed options for repair and are currently awaiting confirmation for the necessary works to be completed.

16. From Cllr Angela Wilkins to the Public Protection and Safety Portfolio Holder

What action is being taken in response to the recent increases in gang and other violent incidents taking place in the north of the Borough?

Reply:

The MPS has asked each Borough to look at violent and knife crime in a much more in depth way so going forward there will be a new tactical plan drawn up to incorporate all elements of knife related crime, gang/youth violence and violent crime in general. In addition to this, we will be looking for an increase in visibility from police and partners.

17. From Councillor Nicholas Bennett JP to the Public Protection and Community Safety Portfolio Holder

What use has the Council made of the provisions in the Crime and Policing Act 2014 to counter anti-social behaviour?

Reply:

Despite limited resources in Community Safety there has been use of the powers. A good local relationship with partners exists which allows for timely information exchange to facilitate problem solving. A recent example of this saw the Community Safety ASB case worker organising a multi-agency meeting to review persistent ASB by a local person, orchestrating community engagement to gather hearsay evidence from residents who were too frightened to come forward, and at the same time raising the profile of the ASB team within the community. The result was the council has been able to provide evidence (through log sheets and hearsay statements) of a more widespread problem caused by an individual who, on conviction of any offence, could now be served with a CBO (A Criminal Behaviour Order) to control their future behaviour.

The Council has also made use of Community Protection Notice procedures. FOR example to tackle an illegal Head Shop operating in the borough; a CPN was also served on a commercial premises for a noise issue. This notice has been effective so no further action has to be taken. A licensing CPN related to a local farm where

livestock were escaping from pens was also used and the owners were required to take corrective action to secure them.

18. From Councillor Peter Fookes to the Resources Portfolio Holder

When will accommodation on this site (the Civic Centre) which has lain empty for the best part of ten years be brought back into use?

Reply:

The two buildings on the Civic Centre site which are currently empty were being held back to be used as decant accommodation to enable the Civic Centre refurbishment. A decision as to their future use is due to be made shortly.