

COUNCIL MEETING

8th April 2019

QUESTIONS FROM MEMBERS OF THE COUNCIL FOR ORAL REPLY

1. From Cllr Nicholas Bennett JP to the Environment and Community Services Portfolio Holder

If he will circulate in writing the number of graffiti incidents which have been reported in each year since 2010?

Reply:

The following are the number of verified graffiti incidents received and attended to by the Council's service provider. For ease, these have been broken down into financial years with the total incidents being 8,419.

09/10 = 915
10/11 = 616
11/12 = 717
12/13 = 377
13/14 = 682
14/15 = 1,024
15/16 = 1,136
16/17 = 819
17/18 = 964
18/19 = 1,169

Supplementary Question:

Cllr Bennett asked whether the trend was up or down.

Reply:

The Portfolio Holder responded that it fluctuated.

Additional Supplementary Question:

Cllr Simon Jeal asked whether the costs of cleaning graffiti by ward could be circulated.

Reply:

The Portfolio Holder responded that he was not sure if the information was necessarily available broken down by ward.

Additional Supplementary Question:

Cllr Kathy Bance asked whether Street Friends groups were still issued with graffiti removal equipment.

Reply:

The Portfolio Holder responded that he understood that the kits were still available, but he thought that graffiti cleaning was undertaken less by Street Friends and more by the contractor.

Additional Supplementary Question:

Cllr Simon Fawthrop asked whether the Portfolio Holder was aware that Councillors in Petts Wood and Knoll carried out regular graffiti inspections, and that the amount of graffiti in the ward was almost zero other than that on railway land.

Reply:

The portfolio Holder stated that he thought that this was common practice in wards across the borough.

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

At the last meeting of this Council I asked for details of the legal costs incurred by the Council in the more recent BWSFB planning appeal. The reply given was that this information could not be provided because of a confidentiality agreement.

Please give details of who initiated this agreement, why it was deemed necessary, and who the signatories were?

Reply:

The Council's legal team advise that the Council were offered discounted rates which are not routinely available. As a consequence Counsel has refused to waive commercial confidentiality.

It would be foolhardy to breach this as irrespective of other consequence and the risk of reputational damage; it may mean the Council would fail to attract beneficial rates in the future. I have seen the correspondence myself today.

Supplementary Question:

Cllr Wilkins repeated that she wanted to know who the confidentiality agreement was between.

Reply:

The Leader stated that his advice was that such arrangements framed the relationship between a lawyer and their client.

Additional Supplementary Question:

Cllr Wilkins insisted that, as the client was the Council, all sixty individual councillors were entitled to know the cost.

Reply:

The Leader repeated that the client was the Council, not individual councillors. As well, on a personal level, he did not care whether the figures were released or otherwise, he was merely repeating the advice provided by the Council's legal team.

Additional Supplementary Question:

Cllr Nicholas Bennett asked whether a global figure for the costs could be provided.

Reply:

The Leader repeated his advice that he could not reveal any details, but was happy, as ever, to follow legal advice on this matter. He advised that Counsel did not want their fee discussed, and that was the end of the matter as he was advised in law. He could not reveal information that he had been advised legally not to.

3. From Cllr Simon Jeal to the Portfolio Holder for Renewal, Recreation & Housing

How many people did Council staff refer to Bromley Homeless Shelter over the winter period and how many rough sleepers in the borough were additionally provided with accommodation under the severe weather emergency protocol?

Reply:

During the winter period a total of 24 people were referred to the winter night shelter since it opened in November. The severe weather emergency protocol was activated on 4 separate occasions. During the SWEPP activation periods a total of 5 rough sleepers approached and were offered placements by the Council.

Supplementary Question:

Cllr Jeal asked whether the Portfolio Holder would join him in thanking the volunteers from local churches who had helped run the shelter.

Reply:

Cllr Morgan stated that he was very happy to endorse this.

Additional Supplementary Question:

Cllr Aisha Cuthbert asked whether the Portfolio Holder was aware that neighbouring boroughs had much higher numbers of rough sleepers than Bromley, and she praised the excellent prevention work by officers.

Reply:

The Portfolio Holder agreed with Cllr Cuthbert's statement.

4. From Cllr Kathy Bance MBE to the Portfolio Holder for Renewal, Recreation & Housing

Can the Portfolio Holder advise whether there are plans to put housing for homeless people on the site of the former Harris Aspire School in Lennard Road?

Reply:

The Council does not hold an interest in this particular land. The land has transferred to the academy trust and therefore would not feature in the potential sites being considered by the Council for housing to assist in meeting homelessness and housing need.

Supplementary Question:

Cllr Bance stated that she would inform residents of the reply, and asked whether a list of the sites for temporary homeless accommodation could be circulated.

Reply:

The Portfolio Holder responded that when suitable sites came forward there was always consultation with the ward councillors.

5. From Cllr Marina Ahmad to the Portfolio Holder for Children, Education and Families

How many children are expected to be accommodated at the primary SEND provision in the Glebe School?

Reply:

The Glebe School is a secondary school: there are no plans to admit secondary pupils.

Supplementary Question:

I understand that primary SEND provision is being considered at the Hawes Down Centre? What happens when that is built?

Reply:

As part of the Leader's Manifesto, we are bidding for a new specialist Free School for key Stage 2 pupils (7-11) and part of this process has been approved. This is not associated with any particular school - it is a competitive process with the Secretary of State. Our bid for 50-55 children will relieve pressure on these places.

Additional Supplementary Question:

Cllr Simon Jeal asked who had been consulted about the process, and what needs were being addressed?

Reply:

The Portfolio Holder referred Members to Council policies which anyone could look at. He commended Cllr Nicky Dykes' work on this.

Additional Supplementary Question:

Cllr Angela Wilkins asked the Portfolio Holder to clarify what happened when the 55 places were filled?

Reply:

When the places are filled we will look at the situation and consider further provision.

6. From Cllr Vanessa Allen to the Portfolio Holder for Resources, Commissioning and Contract Management

Do interim directors cost more or less than their equivalent or previous post holders? By what margins?

Reply:

There is no separate budget for interims or agency staff including interim directors. They are recruited against a budgeted established post. Therefore, it means that interims are recruited within the cost (including on-cost) earmarked for a permanent post.

Supplementary Question:

Cllr Allen asked what the effect of vacancies was on staff.

Reply:

The Portfolio Holder responded that there would be temporary increases in workload while new members of staff were recruited. He added that in some cases it was necessary to reduce the hours of temporary staff to stay within budget, and this might have a knock-on effect on other staff.

7. From Cllr Josh King to the Portfolio Holder for Renewal, Recreation & Housing

Would the Portfolio Holder agree that the Capital Letters, a collaborative approach to supporting homeless households, formed by several London Boroughs across all parties provides a compelling alternative to Bromley's current out sourcing, especially following the recent draw down of £2.5 million from contingency? Will he investigate membership for Bromley?

Reply:

Capital Letters is a new scheme which is currently being developed through London Council's to try and procure accommodation from the private sector, similar to the existing schemes run through the Council's private sector leasing contracts and private rented sector incentive lettings schemes. Capital Letters has been designed to complement and run alongside schemes to source affordable housing such as the housing acquisition and development programmes. This Council has worked closely with London Councils in the setting up of the scheme. However, as with a number of Boroughs, some concern has been raised as the costs currently proposed to acquire and 'top up' the rental and management costs of accommodation sourced through this route appear to exceed the costs currently incurred by the Council. The decision was taken previously to monitor the progress of the scheme very closely once it is operational in order to assess whether there would be benefit to Bromley in joining the scheme to provide an additional supply of accommodation. This option will be fully considered as the next phases presenting the opportunity to join arise in years 2 and 3 of the scheme.

8. From Cllr Ian Dunn to the Portfolio Holder for Resources, Commissioning and Contract Management

A report has recently been published (by Campaign for FOI) which shows that Bromley Council is fourth worst in London for processing FOI requests. Only 60% (against a target of 90%) of FOI requests to LBB are processed within the time limit of 20 working days.

The council also fails to produce and publish the following:

- a report on its FOI performance (and therefore lacks a basic tool for improvement)
- details of how long it actually takes to answer FOIs not met within 20 days
- details of the number of complaints made about itself to the Information Commissioner
- details of any tribunal appeals with outcomes

What action is to be taken to address these failures?

Reply:

I am advised that the report covered a period when the Council's performance had dipped to the lowest it had been since FOI was introduced. As well that, if the report had taken place a few months either side then performance would have been better and historically we have been performing at around the London average.

That being the case there are no plans to address any perceived "failures" - we are currently responding to around 80% of requests within the deadline.

Supplementary Question:

Cllr Dunn stated that performance had been at around 77% in 2014 before central resources were removed. He asked whether performance would have been better if that resource had not been removed.

Reply:

The Portfolio Holder stated that he was comfortable with current levels of performance, and he wanted to give priority to residents with genuine requests rather than journalists or students.

9. From Cllr Kevin Brooks to the Portfolio Holder for Adult Care & Health

There is currently a planning application affecting Yeoman House in Penge proposing change of use from offices to residential housing. These offices are currently used by Bromley Council and NHS Oxleas to support clients with severe Mental Health issues. Will the Portfolio Holder guarantee that in the event of the application being permitted, a permanent site is found in the north of the London Borough of Bromley for these important support services to be delivered?

Reply:

I am unfortunately not in a position to guarantee that a permanent site is found in the North of the Borough as it is not within the gift of the Council; rather it is a matter for the NHS, in this case Oxleas, to decide where their services are provided.

I have asked Oxleas' to provide further information and to confirm how service users have been and will continue to be involved in the proposed move and will obviously update all interested parties as and when that information is to hand.

Supplementary Question:

Cllr Brooks repeated that it was necessary to retain services in the north of the borough. He had heard that Beckenham Beacon might be used, and he urged the Portfolio Holder to encourage this.

Reply:

The Portfolio Holder confirmed that she had recently met with senior managers at Oxleas, and it was their long-term plan to move to the Beckenham Beacon, subject to negotiations being completed. A site in Penge had also been identified as a back-up.

Additional Supplementary Question:

Cllr Brooks asked whether this was the Oakfield Centre.

Reply:

The Portfolio Holder responded that Beckenham Beacon was the main proposal.

10. From Cllr Tony Owen to the Chairman of Development Control Committee

What progress has been made in obtaining a meeting with a representative of the planning inspectorate to discuss a common approach to planning applications in the Petts Wood Area of Special Residential Character?

A Petts Wood Residents' Association committee member writes:-

"Re 40 Manor Way - the Planning Inspector states that several pairs (7) of semis have been imbalanced already by only 1 of the pair having a loft

conversion (highlighted by the appellants). Of these 7 pairs, 4 had loft conversions installed prior to 1999. Three had full planning permission (the 4th I cannot tell from the LBB website but possibly predates 20 years old). Of the remaining three pairs of imbalanced semis, one had full planning permission (2002), one was put in under PD (2011) and one just had Building regs (2010).

Some 23 out of 67 houses in Manor Way have loft conversions. This represents 34% of the properties. 10 have full pp, 6 have were put in under PD, 6 with building regs only and 1 where I cannot ascertain (number 52). I now see that new residents at number 1A Manor Way have applied for a loft conversion under PD citing the allowed appeal at 40 Manor Way (same designer - Crofton Design).

I have one question; in the case of Manor Way the Planning Inspector quoted other properties have similar loft conversions. How many or what percentage would be needed for a dismissed appeal?"

The ASRC was created in response to residents' concern at the quality of their garden suburb being eroded by successive out of character permitted development applications. i.e. They wanted no more.

An unelected planning inspector from Bristol, with no knowledge of the history of the area, has now effectively ruled that Manor Road residents may continue to ruin the character of their area as much as they like.

Attempts by ward councillors to have a meaningful dialogue with the planning inspectorate have been treated as complaints and entered the complaints procedure which, of course, the planning inspectorate takes 'very seriously'.

Reply:

Cllr Michael responded that she had written to the Planning Inspectorate seeking a meeting, but had received a disappointing reply from the Director of Strategy - she read out the salient parts of the letter. The Director could add little to what had already been said to Jo Johnson MP and Cllr Fawthrop - he could only guarantee consistency of approach, not outcome, describing how different inspectors would need to use their judgement to give different weight to different matters. Inspectors' decisions were final and he saw no reason to go over previous cases.

Supplementary Question:

Councillor Owen stated that he wanted to show Petts Wood, rather than examine particular sites, and asked the Chairman whether she could suggest any other approach.

Reply:

The Chairman stated that she would take the matter up with the Minister if necessary.

Additional Supplementary Question:

Cllr Fawthrop echoed the thanks of Cllr Owen to the chairman for pursuing this matter, and asked whether she would arrange a meeting between the three ward councillors and the Chief Planner.

Reply:

The Chairman responded that she would be happy to do that.

11. From Cllr Nicholas Bennett JP to the Resources, Commissioning and Contract Management Portfolio Holder

What percentage of the Council's income was received from:

- Council tax
- Government Grant
- Fees and charges
- Return in investment

in 2010 and how this compares with 2019-20?

Reply:

The Portfolio Holder explained that the detail would be circulated (see table below) but emphasised that although overall income had dropped by £108m in this period, and Government funding had reduced by £174m, the Council had still balanced its budgets. There was still a massive challenge to cope with losing a further £32m in the next three years.

Comparison of Council Income 2009/10 and 2019/20

	2009/10	2009/10	2019/20	2019/20
	£000		£000	
Council Tax	129,715	20.3%	159,851	30.1%
Core Government Funding				
* Business Rates	52,175	8.2%	39,810	7.5%
RSG	12,043	1.9%	0	0.0%
Other Government Grants	374,078	58.5%	225,269	42.4%
Fees & Charges	45,144	7.1%	52,107	9.8%
Return on Investments				
Investment Properties	5,372	0.8%	11,828	2.2%
Interest on Balances	4,479	0.7%	3,291	0.6%
Other Income	16,067	2.5%	39,169	7.4%
Total Income	639,073	100%	531,325	100%

* Although Business rates are collected locally they are re-distributed by Central Government and this represents the amount retained by the Council.

Supplementary Question:

Cllr Bennett asked for the percentages (set out above.)

(As the time limit of thirty minutes had been reached, the Mayor announced that the remaining questions would receive written answers.)

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

Why does the Council not routinely provide Equality Impact Assessments and Social Value Impact Assessments in reports to its committees?

Reply:

To avoid unnecessary bureaucracy and needless additional expense to Council Officers' time and Council Tax Payers' money.

In short, there is no need to provide equality impact assessments every time a report is written unless there is a justification for it.

Managers are thoroughly aware of the need and importance of presenting equality implications as well as the legal, finance, HR and any wider policy implications in Committee reports or in a separate document to Members for consideration if relevant.

13. From Cllr Simon Jeal to the Portfolio Holder for Adult Care & Health

Owners and operators of care/nursing homes and agencies are extremely worried about the impact of Brexit on staffing. What action is she taking to mitigate this both to support the private sector and to ensure the council's staffing needs are met?

Reply:

I can only repeat my response to a similar question from Cllr Wilkins at the last Adult Care and Health PDS Committee concerning preparations for Brexit and specifically the supply of carers.

I confirmed at that time that no concerns had been raised by senior officers who have been working with our providers locally, and that continues to remain the case to date.

14. From Cllr Kathy Bance MBE to the Portfolio Holder for Children, Education and Families

Excellent work is being done by Bromley Youth Council yet this is not reflected on the Council's website. Please explain why not and please give a firm date by which this problem will be resolved?

Reply:

No concern has been raised by the Youth Council who currently have various media platforms. We are in constant communication with the young people and we'll seek from them what exactly their digital aspirations are. We are always mindful of safeguarding our young people online.

15. From Cllr Marina Ahmad to the Portfolio Holder for Renewal, Recreation & Housing

Will he agree with me that the current permitted development rights within planning law, coupled with the limitations around the licensing of HMOs are inadequate in

ensuring provision of good quality housing whilst also protecting the quality of life of neighbours and residents?

Reply:

The permissions and consents relating to Permitted Development Rights and HMO licensing are set by national government but are applied locally. As such, they do not always give local authorities the remit to challenge certain developments. Indeed, the rights afforded by permitted development give home owners greater freedom in enlarging their home greater than the norm, without the need for full planning permission. However, on 30 May 2019 the Government's current view about Permitted Development Rules will again be reviewed (and possibly revised).

With regards to the HMO Mandatory Licensing scheme, the purpose of this regime was to ensure that the safety of tenants is protected and that appropriate management arrangements have been made for the property, and that internal conditions are satisfactory - the location of the property is not a factor. If in licensing a property issues arise in the neighbourhood, then these would be dealt with by the appropriate legislation.

16. From Cllr Vanessa Allen to the Portfolio Holder for Resources, Commissioning and Contract Management

What initiatives have been taken to look at options for income generation?

Reply:

The approach to generating income is reflected in the 'One Council' approach, included in the 'Draft 2019/20 Budget and Update on Council's Financial Strategy 2020/21 to 2022/23' report to Executive on 16th January 2019. This includes future plans for community infrastructure levy, review of the Council's assets (review of investment portfolio, disposals etc.), utilisation of the Council's Growth Fund and Investment Fund, generating investment income and review of fees and charges. This work will be enhanced through the planned Transformation Review. The challenge in addressing the 'budget gap' is identifying new income opportunities which will be considered within the Transformation Review.

Any investment resources are not solely available for generating income but ensuring that significant financial savings can be delivered. As reported to Members previously, future utilisation of the Growth and Investment Fund will be prioritised for housing investment at this stage.

The initiatives range from the planned site G development and new Bromley South development which will generate additional business rate income, lending to a developer to support a key homelessness initiative, achieving top decile performance in treasury management from a range of investment initiatives (outcome of additional income), achieving considerable income from investment properties, Cushman and Wakefield review of property income, recent asset disposals and further income from the recent review of fees and charges. The Council's investment income is estimated at £15.3m in 2019/20 (see response to Q11, Cllr, Oral Reply) and fees and charges are £52.1m in 2019/20.

Council Tax remains another key source of income, whilst income from Government continues to fall.

17. From Cllr Josh King to the Portfolio Holder for Environment and Community Services

After the contractor responsible for street lighting went into administration, for how many days were street lights switched on during the daytime, how many street lights were affected and what was the cost?

Reply:

To clarify the position; it was the software provider for the CMS system and manufacturer of the CMS components that went into administration. Street lighting is part of the Highways Contract, they and the lantern manufacturer remain in business. The energy data provided by Power Data Associates (who monitor our CMS sub-meters), shows that our consumption has increased by approximately 7,633 kWh per day for the 13,000 lamp columns affected. This equates to £9,443.87 for the 7 day period involved.

18. From Cllr Nicholas Bennett JP to the Resources, Commissioning and Contract Management Portfolio Holder

What research is being undertaken as to how Artificial Intelligence can transform Council services?

Reply:

I have been working with Officers to monitor AI developments within the industry for some time and I am excited by the possibilities that it might present. We already have some applications of AI, for example automation and semi decision making software has already been used by the Parking Service team, bringing about improvements for the customer and making the service more efficient.

There are many potential service developments which could come forward in the future in an industry where it is still 'early days', with our IT specialists keeping closely apprised with industry developments. Officers on my direction recently met with Dr Owusu, who heads up BT Global Service & Enterprise Management Research to explore how AI could benefit the Council. He is undertaking work elsewhere on using AI to provide efficient transportation for adults and children and this is something we will be following up on.

We are currently exploring Live Chat bots that potentially could sit on our website and provide quick information to the website visitors and if viable then I will instruct officers to bring the necessary formal reports forward.

Cllr Bennett may also be interested to note the developments of FiveAI, who are currently testing an autonomous vehicle on Bromley's roads and whilst this does not require Council approval, we are nevertheless watching this with interest.

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

Why did he vote against the proposal at Constitution Improvement Working Party to extend the time allocated for public questions at full Council?

Reply:

Not that I feel compelled to respond given that the meeting was a private one and should have been respected as such by all Members who attended, for two reasons. One of which I directly advised Cllr Wilkins about on the evening in question.

Firstly, because I believe the current arrangement worked perfectly well for the purpose intended and in short that the system wasn't bust so therefore didn't need fixing.

Secondly, as discussed, because the system as it stood was nevertheless being routinely abused by local opposition party activists, very much including Cllr Wilkins' own, asking questions they more often than not already knew the answers to, or which could easily be sourced by simple emails or telephone calls, in an attempt to score petty party political points at the expense of busy Council Officers' time and Council Tax payers money.