

COUNCIL MEETING

14th October 2019

QUESTIONS FROM MEMBERS OF THE COUNCIL FOR ORAL REPLY

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

A number of authorities give one or more chairs of scrutiny committees to opposition parties. Is this something you would consider for next year?

Reply:

No.

Supplementary Question:

I wonder whether the Leader would like to pass comment please on what he thinks the public would judge of the fact that the Cabinet meets in private, the Conservative Group meets in private and prior to every scrutiny meeting there is a Conservative Group meeting to discuss what is and is not going to be said?

Reply:

I am very clear that it is for the ruling administration to both set policy and also take overall responsibility for ensuring proper scrutiny and service delivery are maintained efficiently at all times. I see the opposition's role as assisting in that task by providing effective challenge, constructive critical comment and positive policy amendment wherever it is justified and appropriate to do so.

Marking the hypocrisy given that in both Harrow and another borough that will come to me presently, there are no Conservatives on Labour-controlled Councils, I would merely mention to the questioner that members of the public seem to have a fairly good idea of the way we run the Council as evidenced by every election going back to 2002.

(Note: The Leader confirmed after the meeting that he was referring to the London Borough of Redbridge.)

2. From Cllr Vanessa Allen to the Leader of the Council

The recent Planning Advisory Service Peer Review of Bromley's planning processes was heavily critical and made numerous recommendations. What is your view of this report?

Reply:

Having personally approved the PAS' non-statutory visit to Bromley leading to the ensuing report that was produced, I regard it as having offered very helpful advice to Members and Officers alike in terms of getting service improvements, rather than being "heavily critical" as the questioner rather sadly seeks to portray for shallow political purposes.

As such, I obviously very strongly welcome the findings and furthermore strongly commend both Cllrs Alexa Michael and Yvonne Bear for bringing about the changes in such a positive and pro-active manner.

The highly successful outcome of this initiative has been that the Planning Inspectorate's recent decision to allow Bromley's appeal against the earlier threat to suspend our ability to decide upon major planning applications has now been overturned.

Supplementary question:

The letter which we received from the PAS said designation/non-designation is subject to clear and immediate improvements, and the clear implication is that we still have to make these improvements and continue with the improvements, so we are by no means in the clear. I would like to know when everyone who serves on Planning Committees and development Control Committees is going to see training and changes in procedure, which were some of the things in the well over twenty recommendations made by the PAS?

Reply:

I know for a fact that Councillors Michael and Bear are driving that agenda very positively at the moment. I don't have the dates for their planned meetings but I am sure that Cllr Bear or Cllr Michael would be pleased to elaborate if asked.

Additional Supplementary Question from Councillor Simon Fawthrop:

Is Councillor Smith aware that at the last Development Control Committee meeting a whole swathe of recommendations from PAS were already approved and taken forward, and there is more in the pipeline.

Reply:

Yes indeed - I know it is a very proactive arrangement at the moment.

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

The corporate risk of "potential detrimental impact of BREXIT upon service delivery" was reported to the July Executive, Resources and Contracts PDS as having a likelihood of 3 (likely) and an impact of 2 (minor). How have the likelihood and impact of this risk changed since then?

Reply:

I observe that Project Fear is still alive and kicking on the opposite side of the Chamber this evening.

At the risk of disappointing Cllr Dunn, and others, nothing has changed since the last time Brexit was raised in this chamber.

Senior Officers across the Council continue to confirm that there are no obvious risks to the Council post Brexit and in the highly unlikely scenario they are wrong, the Council continues to hold a significant contingency reserve to deal with any issues arising.

Contingency reserves incidentally which would have long since already been spent had this administration followed the spending priorities and budget amendments tabled by the party opposite over many years.

As an aside, the only reason the subject was raised in the risk register in the first place being at the direction of what many see as being the over cautious advice of the Council's External Auditor, in line with a policy direction from their national authorities.

Supplementary question:

It is not really Project Fear. The guidance describes minor impact as disruption to one service for a period of up to two weeks. Why was that impact chosen for this risk?

Reply:

The only reason it was on the risk register was at the insistence/request/expectation of the external auditor. That is why it is there - you will not get your audit report approved if it isn't in there. No other reason that I am aware of.

Additional Supplementary Question from Councillor Angela Wilkins:

Could the Leader please answer the question, which was how have the likelihood and impact of this risk changed since then?

Reply:

They haven't in my view - there has never been any risk.

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

Can the Portfolio Holder please comment on GLL's efforts to resolve the strike in the Borough's library service which is now into its fourth month, given at the September Renewal, Recreation and Housing PDS committee it was clear from discussions that GLL had not even met with the union side?

Reply:

GLL has met with representatives from Unite on a number of occasions since the start of the strike, specifically on 7th June, 2nd August, 19th September and 2nd October.

Supplementary question:

Does the Portfolio Holder not agree that with over 130 children's events and over 50 adults events being cancelled due to the industrial action it is not correct to say that library services are running as normal and that GLL must engage effectively to resolve the dispute.

Reply:

Any disruption to the Library Service is extremely regrettable. It is good that all the libraries have remained open for their stated hours - that is a tremendous effort by GLL. Yes, it is regrettable and it is regrettable that they are on strike. I do not know why they are on strike - GLL are simply trying to improve the service for the benefit of all our residents and yet these people are on strike and not letting it happen.

Additional Supplementary Question from Cllr Simon Jeal

Does the Portfolio Holder agree that a stakeholder group for the libraries might help him to understand why the strike has arisen?

Reply:

Probably not.

Additional Supplementary Question from Cllr Angela Wilkins

Could the Portfolio Holder actually answer and comment on the question, rather than just give us a list of dates when GLL have met. What happened at those meetings? Has GLL made a major effort or not?

Reply

GLL have made a major effort, but it needs a major effort from the other side.

5. From Cllr David Jefferys to the Portfolio Holder for Renewal, Recreation and Housing

Pages 27, 28 & 29 of the LBB Lease with Biggin Hill Airport Limited (BHAL) dated 6th May 1994 requires the Tenant to provide the Landlord with a Profits Certificate for Relevant Developments. Can the Portfolio Holder confirm that this requirement is followed by BHAL and provide a schedule showing the 50% payments received by the Council from BHAL during the last two years?

Reply:

The requirement for BHAL to provide the Council with a Profits Certificate is triggered by a Relevant Development, defined as development involving the construction of a new building or refurbishment of an existing building for a third party who has agreed to take an underlease, either at a premium or a rack rent. As it is understood that, to date, a Relevant Development has not taken place, there has been no requirement for BHAL to make any payment to the Council under this provision.

Supplementary question:

Could the Portfolio Holder confirm that if a major hangar was to be developed would that trigger such a certificate and payment?

Reply:

If it were let at a rack rent or premium then yes, it would.

6. From Cllr Kathy Bance MBE to the Portfolio Holder for Adult Care and Health

Since the Greenwich Service Plus contract ended, the Council appears to be using various modes of transport to escort vulnerable people to day care centres in Bromley. Have the current staff been trained in first aid, Passenger Assistant, movement and handling, epilepsy and risk assessments and do they all have enhanced DBS checks?

Reply:

The Council continues to, and has always used various modes of transport. All of the providers have a history of providing a TFL registered and regulated transport service which includes compliance with rules regarding DBS. The mode of transport and if necessary the requirement for a service user to have a personal assistant will be based on the individual needs of a person following a risk assessment which is undertaken by a Care Manager.

Supplementary Question:

On 3rd July, everybody that was going to have a change of transport service was written to saying that the Council were well under way with negotiations on alternative transport. When can we expect to see this in place?

Reply:

I am assured by the officers that vulnerable service users are matched to the appropriate transport option now. The previous contractor was the one who withdrew from the contract, so there was a bit of a rush to get things in place so that our residents could have access to day centre opportunities. This was mobilised on 1st September and, looking at your second question tonight, we will then be going into the details around any complaints, of which I understand there has only been one.

7. From Cllr Simon Jeal to the Portfolio Holder for Environment and Community Services

At the last full council meeting Bromley council passed a motion committing to reduce its emissions to net zero by 2029. What is the Portfolio Holder's plan to achieve this?

Reply:

A plan to achieve the goal is evolving and will be reported to the PDS in due course. Whilst developing that plan, we are continuing with actions to actually reduce emissions, such as the investment proposal on tonight's agenda to update our street lights with highest energy consumption with LEDs. More information can be found in the latest Carbon Management Programme.

Supplementary question:

In the motion that was passed at the previous Council meeting, the Portfolio Holder was strongly encouraged to include the commitment to net zero by 2029 in the Portfolio Plan and provide annual reports to the PDS. Will he be doing so?

Reply:

To some extent, the Portfolio Plan is scrutinised by the PDS, but I will certainly be proposing that it is in there.

Additional Supplementary Question from Cllr Ina Dunn:

Could the Portfolio Holder clarify what our carbon emissions actually are at the moment, so that we know what the baseline is?

Reply:

I refer you to our carbon management programme.

8. From Cllr Kevin Brooks to the Portfolio Holder for Environment and Community Services

What special measures are taken to enforce speed limits outside schools, particularly when children are entering or leaving the school?

Reply:

The Council is not responsible nor does it have legal powers to enforce speed limits – this is a Police function. However, the Council, in liaison with each school through the development of their School Travel Plan, examines safety around schools. Where appropriate, additional signs are added or physical changes are made. Signage may include changes to speed limits, either temporary (part-time) or permanent.

The Police have committed, London-wide, to increase the amount of speed enforcement they will be conducting. I will be meeting them shortly to see how they are progressing with that promise within the borough.

Supplementary question:

I appreciate that this is a subject that has been raised before, and has been responded to, but I am raising this due to concern within the community in Penge, especially raised by one of the local priests, who is very concerned about speeding down Padua Road, which is next to St Anthony's School in Penge. Will the Portfolio Holder commit, whether within the Council or with the Police, to review speeding down this road as soon as possible, along with other hot-spots around schools in the borough?

Reply:

When I have the meeting with the Police I will certainly be asking them how they are doing with that. All of us have our Safer Neighbourhood Teams and our Safer Neighbourhood Panel meetings - speed of traffic is clearly a safer neighbourhood issue and we should all be taking it up, as indeed I have, at our safer Neighbourhood Panels because that is where you have the direct interaction with your local team, who can start doing that. I would encourage you to do that. On a borough-wide basis, I will be talking to the Police.

Additional Supplementary Question from Cllr Kathy Bance:

At a PDS Committee there was talk of increasing CCTV cameras outside schools. Can you confirm that that is still going to happen?

Reply:

That is nothing to do with speeding - that is to do with parking on zig-zags, but yes.

9. From Cllr Marina Ahmad to the Portfolio Holder for Children, Education & Families

Can the Portfolio Holder please explain why the number of school exclusions for BAME pupils in Bromley is disproportionate to the number of BAME pupils attending Bromley schools?

Reply:

The question is a little bit challenging, as the proportion of excluded BAME pupils is not disproportionate.

Supplementary question:

Is the Portfolio Holder aware that according to the UK Government figures for 2017/18, which are the most recent figures, show that permanent exclusions of black African Caribbean students in Bromley figure at 0.24%, and white students at 0.6% and fixed term exclusions of black children are 5.92% and white children 4.99%?

Reply:

I thought that you might mean black Caribbean, as opposed to BAME, because there are certain complexities looking at that group of children as one whole group. I too have got the 2017/18 data which looks at permanent exclusions and if we look at the data here for black pupils it is broadly proportionate. The slight exception to this are Asian and Chinese pupils for whom the level of exclusions is slightly fewer than some of their white counterparts. Looking at our proportions across the local area, looking at Lambeth and Lewisham, they are both performing worse than Bromley schools. It is worth knowing that the schools in Lambeth and Lewisham are, broadly, state-run schools by their Labour boroughs. Politics aside, this is an important issue. Broadly speaking, exclusions are coming down in the borough because of the excellent work we are doing. The Councillor will be aware from her time on the PDS, indeed we were talking about this last week, that Bromley Primary School exclusions, because of the work, effort and finance that has been put in, working with schools, we have driven those primary exclusions down to pretty much zero. The work is now including secondary schools.

10. From Cllr Julian Benington to the Portfolio Holder for Resources, Commissioning and Contract Management (urgent question)

Could the Portfolio Holder please explain why the London Aerospace and Technology College and the 56 bedroom hotel are outside of the Permitted User Clause within the lease issued by the Landlord, London Borough of Bromley. This specifies that such development should conform to the following statement contained within the lease.

..“Airport providing facilities for business aviation, flight training and private flying and other airport and aviation related uses”

Could the Portfolio Holder also explain the view given by Cushman and Wakefield, the LBB consultants in this matter, who have advised that they will require the relevant committee formal approval and they have also advised that a form of public/resident consultation might be necessary?

(The Urgency is that the London Aerospace and Technology College is about to commence construction in order to be Open for September 2020, otherwise it will mean a 12 month delay in this very important Educational Asset Opening Date.

I have read again the Lease comment and I would consider that the College as it is for Aviation training and the Hotel is to cater for Airport Users, i.e. Pilots and aircrew is also Aviation related.)

Reply:

There are ongoing discussions between London Borough of Bromley as the landlord, and Biggin Hill Airport as its tenant, regarding both the proposed Aviation College and the Hotel. Cushman and Wakefield, acting on behalf of the Council, have advised the Airport that the information in support of the submission for the development of the College, so far submitted, has not satisfied them that the case has been made that the terms of the lease permit such a development under clause 5.5.2. They are seeking further and better details.

It is right that both the Council and its advisers ensure that the terms of its leases are strictly adhered to. Council Officers and Members have further discussions scheduled and the current situation should be very much viewed as work in progress.

All applications under the Biggin Hill lease for new buildings and facilities require member approval.

Reply:

The reason I have raised this issue particularly in relation to the College. The funding for that has come from the Greater London Authority under their Skills for Londoners further education capital investments. That money - £6.3m - which is a major part of the construction and development costs of the college is likely to be lost if this goes on too long, particularly as we have an election next year and we do not know who will be the new Mayor and who will be the controlling authority in the Greater London Assembly.

Can we ask that the matter is expedited within the Council so that none of these risks arise?

Reply:

I hear your concerns and I share your concerns. You and I have attended meetings at Biggin Hill where we are both supportive of the principle of the College, and also the hotel, and it is something that I would dearly love to see come to fruition. I would be very disappointed if the Council did anything in terms of slowing down the process, which could jeopardise those funds. I hear what you are saying and I do share your concern. I will attempt to do everything that I can, and I know our officers will, to make sure that this is expedited as best as we possibly can.

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

You recently initiated a Loneliness Summit. Who was invited and who attended?

Reply:

GDPR prohibits the authority from publishing the names of attendees without their explicit consent. Disclosure of the full list would amount to a data breach and would be beyond that which is reasonably expected by those who have attended the Loneliness Summit. As a best alternative we have provided proxy job titles and names of the organisations they represented. ([Appendix A.](#))

Supplementary question:

Could the Leader please tell me what the outputs from that meeting were? I do not want outcomes, I want outputs. (The Mayor ruled that this supplementary question did not arise from the first reply.)

12. From Cllr Vanessa Allen to the Portfolio Holder for Renewal, Recreation & Housing

Will the Portfolio Holder join me in thanking all the Bromley Council officers, volunteers, building representatives and owners, who helped make Open House weekend so successful in September?

Reply:

Open House was a great success this year. Nine sites opened their doors, including the ever popular Crystal Palace Subway and, I think for the first time for ages, the Royal Bell in Bromley. In addition, the borough hosted four talks and tours. The volunteering effort to

make this happen was great, so our thanks go out to everyone who made this happen to such a high standard.

Supplementary question:

I wholeheartedly second that - it was a very good weekend and we were lucky with the weather this year. Considering that this event does bring thousands of people to Bromley, can we engage earlier and get more buildings open next year?

Reply:

I will see what we can do. I thoroughly endorse your desire there.

13. From Cllr Ian Dunn to the Portfolio Holder for Environment and Community Services

What are the Council's criteria for the implementation of 20 mph speed limits both in a single street and over a wider area?

Reply:

As stated in Bromley's LIP3, the Council will adopt a targeted approach to the introduction of 20mph limits or advisory limits, focusing on the areas around schools, key walking routes to schools, and other high pedestrian footfall areas, thereby also supporting Council strategic ambitions for vibrant thriving town centres.

Supplementary question:

My supplementary question relates to my question for written response. That shows that of the 120 or so schools in the borough only 24 or about one in five have a 20mph speed limit outside them. Would the Portfolio Holder like to comment on what he plans to do to make that number higher?

Reply:

When we look at schemes we work with the schools, we encourage the schools to get to a silver or gold accreditation for the School Travel Plan and we work with them to work out what are going to be the most effective changes to implement increased active modes of travel to schools. They may not always request a 20mph or advisory 20pmh - that may not be what will help them achieve a higher pedestrian footfall, particularly those where they are on cul de sacs and nobody can get up to 20mph anyway. We will continue to work on a targeted approach particularly focusing on those schools which have high speed traffic outside them, but equally, this has got to be done in partnership with the schools - it is not being done to the schools, and also working to change their pupils' behaviours.

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

Can the Portfolio Holder give a date when residents of flats will be provided with the new waste and recycling collections i.e. small electrical items, clothes and batteries?

Reply:

No, I can't. Flats pose a challenge for recycling services. Many do not have storage space for recycling in addition to residual waste, others see frequent contamination of recycling. Contaminated recycling is not collected, until the residents/caretakers have removed the contamination - this can give the impression the collection has been missed. The recycling banks, otherwise known as green banks, spread across the borough are

primarily intended for residents of flats and other properties with limited storage space, particularly internal storage space – many of those already offer clothes recycling. We will be considering alternative collection models for recycling from flats. At this stage, it is too early to provide a definitive date for full borough coverage.

15. From Cllr Kathy Bance MBE to the Portfolio Holder for Adult Care and Health

What is the Portfolio Holder doing to address the complaints from Carers and parents of vulnerable people being transported by taxis without wheelchair access? Why are they arriving at the centres at midday and being picked up too early when they pay for a full day of day-care support?

Reply:

Officers have confirmed that the service has only received one formal complaint which incidentally was not related to wheelchair access. This complaint has been dealt with to the complainant's satisfaction.

Service users assessed as requiring a wheel chair, with their own chair have been transported by a mobility vehicle.

During the first two weeks there were some teething problems relating to arrival and departure times as the routing was new. Officers have worked closely with carers, day centres and the transport providers to remedy any issues and the service is not aware of any issues at this time.

Any concerns that have been raised with the service have been immediately dealt with and speedily resolved.

Supplementary Question:

You mentioned my second question in my first question, so I thought you were going to answer. Do we know when there will be an alternative proper service contract in place, because people are still arriving by taxis without wheelchairs, no matter what you say?

Reply:

If you would like to refer to me the specific evidence you have around that then obviously I would be happy to look at that outside of this meeting. What I can say is that the transport team are absolutely sure that people who need wheelchair access are being offered that opportunity. I would like to say that it is important to note that the service we have at the moment is more person-centred. For example, some service users have requested a door to door transfer into a car and the Council has loaned wheelchairs to facilitate this. Additionally, it appeared to be standard practice with the old provider for a wheelchair transfer to be undertaken even if it was not needed. One carer has positively commented that it is good that under the new arrangements their mother is encouraged to mobilise to and from the vehicle with her walking aid whereas before the chair was the only option. The new service is going to be mobilised by April 2020 and will be fully in place by August 2020.

16. From Cllr Simon Jeal to the Portfolio Holder for Public Protection and Enforcement

Following another knife-point mugging recently, this time in Whitehall Recreation Ground, again in an area with no CCTV coverage - would you agree that the lack of CCTV in Bromley parks continues to put residents at risk?

Reply:

CCTV is effective when there are no blind spots or multiple exits that can be exploited by criminals. Given the size of most of our parks, which often have multiple exits, CCTV cameras could easily be evaded. Furthermore, successive Bromley Police borough commanders or their equivalents, who are the experts in crime, have supported our policy. So, no, I do not agree that the lack of CCTV in Bromley parks puts residents at risk.

Additional Supplementary Question from Cllr Simon Fawthrop:

Can I ask the Portfolio Holder if she would agree with me that it is the lack of urgency on behalf of the Mayor of London who is responsible for the Police, a lack of his urgency and a lack of getting a grip on this issue that is causing part of the problem?

Reply:

Absolutely.

Additional Supplementary Question from Cllr Vanessa Allen:

If CCTV cameras are not visible people will not know where they are and they won't hide from them. Will she put CCTV cameras in and hide them, so that people do not know where they are?

Reply:

No, CCTV cameras in public places are there as preventatives and deterrent, and are not hidden away.