

**COUNCIL MEETING**

**12<sup>th</sup> October 2020**

**QUESTIONS FROM MEMBERS OF COUNCIL FOR ORAL REPLY**

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

Please provide details of the legal action against Croydon Council's implementation of a Low Traffic Neighbourhood in Crystal Palace which you promised in early August. Are you looking at options for securing an injunction and / or judicial review of Croydon's actions?

**Reply:**

I shall take it as given that she is referring to my message of 12<sup>th</sup> August sent to local residents in the Crystal Palace area and subsequently reported widely in the press that I would like every affected Bromley Council taxpayer to know that you enjoy the Council's one hundred percent undiluted support in your campaign to have Croydon's actions reversed. However well-intended their objectives might have been they have neither been thought-through properly or consulted upon and that simply isn't acceptable. I can confirm that Bromley has today initiated the first tentative legal steps to try and have the barriers removed by order if common sense is not deployed and their street paraphernalia removed swiftly as we would clearly prefer.

Against that back-drop, prior to and since that time, Bromley Council requested Labour-controlled Croydon to desist from completing their scheme immediately upon discovery of their unadvised intentions on 27<sup>th</sup> July, only to be ignored. Then again, but formally this time, in line with good legal practice, on the 12<sup>th</sup> August, following Croydon Council's continued refusal to consider doing so, Bromley Council then wrote to Mayor Khan's team at Transport for London (TfL) requesting that they use their reserve powers to instruct Croydon to comply with the relevant Traffic Act, the Road Traffic Regulation Act 1984, section 121 B. TfL's response was not to do so, but instead propose a meeting between Croydon, Bromley and TfL to discuss the situation and any possible way forward and this discussion took place on 24<sup>th</sup> September. The outcome of the meeting was that Bromley again requested the immediate removal of the obstructions, Croydon declined again but instead spoke loosely of employing a technology based solution early in the New Year with no defined time-line being offered for implementation. As a result, Bromley then formally requested Mayor Khan's team at the GLA to scrutinise Mayor Khan's team at TfL over their decision not to instruct Labour-controlled Croydon Council to remove their barriers, which have continued to this day to cause so much upset, traffic congestion, wasted travel time and considerably reduced air quality across the neighbourhood on both sides of the borough boundary since their installation. The GLA's response, from Deputy Mayor Heidi Alexander, received as recently as last Wednesday morning, was to propose no further action at this time but instead support further discussions at the end of the month which by coincidence or otherwise would coincide with the expiration of the three month judicial review limitation period.

In answer to the question, yes, having now exhausted all reasonable alternative means in line with good legal practice Bromley has engaged Counsel to advise on and take legal options to reverse the situation. That advice will be known within days. Councillors are very clear, on this side of the chamber, that Bromley residents deserve far better than the

shoddy treatment, inconvenience and stress being imposed upon them by Croydon Council and remain determined to do whatever we can to bring that suffering to an end.

**Supplementary Question:**

I concur entirely that the way this scheme has been implemented by Croydon has been appalling and the impact on our residents is completely unacceptable. However, I am not clear whether this legal action will be an injunction or a judicial review?

**Reply:**

I did say that we are in discussion with Counsel and that advice should be known in the next couple of days. We will share that with Cllr Wilkins as soon as that advice is received.

**Additional Supplementary Question from Cllr Kieran Terry:**

I noticed on BBC news in August that Cllr Stuart King (Labour) suggested that Bromley council had been consulted about these changes prior to implementation, whereas a subsequent News Shopper article printed on 10<sup>th</sup> September said that Croydon's Highway Team (and this is a quote from Croydon) should have reached out to their counterparts in Bromley and I regret that this has not taken place. There are clearly two different versions of the same story from the same person here. Can you confirm whether you have been consulted on this and whether either of the Crystal Palace ward councillors have been spoken to?

**Reply:**

I can only speak for myself and Bromley Council and any uncertainty at the outset that Bromley Council might have been consulted has long since been dispelled; that has been accepted by both Croydon colleagues and Bromley. They didn't consult; should have done, and I thin Croydon do acknowledge that now.

**Additional Supplementary Question from Cllr David Cartwright:**

Is he aware that Lewisham Council have done exactly the same thing and introduced a similar scheme in Lee Green which is seriously affecting the Bromley boundary there, causing a lot of upset. Could we do the same thing against Labour-controlled Lewisham Council please?

**Reply:**

That particular problem I have read about, but it has not been drawn to my attention. Were it to have been I would have played an active part in it but I can inform colleagues, and clearly I cannot vouch for its accuracy or otherwise, but there is a report as recently as this afternoon on the News Shopper website that the Lee Green scheme is being looked at by Lewisham with a view to reversing it. Which if so would be very welcome news and hopefully Lewisham and Croydon colleagues can come to some consensus.

**Additional Supplementary Question from Cllr Peter Fortune:**

As the GLA candidate I have been receiving quite a deal of correspondence on this matter from upset residents. Would the Leader consider having one final attempt at getting the Mayor of London to take responsibility for this scheme? Perhaps write to him and express how deeply frustrated the residents are. The Mayor of London has got the power to remove this and he should. I appreciate that this is about what is right for the residents and it is not a party political issue, so perhaps he can extend an offer to the Labour ward members to co-sign that letter with you to demonstrate their solidarity with their residents.

**Reply:**

If Cllr Ahmad and Cllr Wilkins wish to co-sign a letter with me asking that those barriers be removed and life be returned to normal for the residents of their ward I would be absolutely delighted to send that offer to them.

**Additional Supplementary Question from Cllr Marina Ahmad**

The whole issue of Low Traffic Neighbourhood (LTN) schemes is being promoted by Government and I think that is something that should be acknowledged. I know that residents in my own ward have suffered quite severely around this and I hope we can come to a sensible conclusion around this. It is, and it must be acknowledged, that this is Government policy.

**Reply:**

That is not absolutely true. It is true that the Government made money available for the implementation of some of these schemes but it most emphatically is not compulsory or statute that boroughs have to introduce them. We would all agree that cleaner air, reduced traffic, increased cycling and walking and, indeed, in normal times, increased use of public transport is an unmitigated good thing, but where you put these LTNs as we have seen across the country, not just in London, just slapping them in without research, thought and planning is not something that is compulsory and incumbent on any council, and I think, with respect that this is where Croydon colleagues might have got a little bit ahead of themselves and why residents are suffering as badly as they are today. You do raise the point that the initiative is not solely a TfL thing, Her Majesty's Government did make some money available for it, that is true.

**2. From Cllr Kathy Bance MBE to the Portfolio Holder for Renewal, Recreation and Housing**

When can we expect to see the first of the modular housing units to be installed and in use?

**Reply:**

The Council was granted planning permission for the first site in Brindley Way in my ward in July, and scheduled to be on site this month, perhaps early November, with the development completing with tenants in by May 2021. A further two applications have been submitted for planning consideration in July and I think decisions are going to be made in November. A further group of sites is also now subject to feasibility studies at the moment.

**Supplementary Question:**

Do you know how many adapted units will be included in this first build?

**Reply:**

I will circulate a response. I do know that all the schemes are completely compliant with all the legislation around that area.

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

Following the recent decision not to relocate Beckenham Library to Beckenham Public Halls, what are the Council's plans to address the backlog in maintenance of the Beckenham library building?

**Reply:**

As with all Council owned buildings the existing maintenance resource provision does ensure that the buildings meets statutory compliance standards and is safe to both the public and staff who utilise the building. The Council will shortly survey all of its operational holdings with a view to understanding which properties and individual pieces of infrastructure should be prioritised. This will include Beckenham Library as well as the Public Halls.

**Supplementary Question:**

Will the Portfolio Holder commit to maintain the Library in the existing building on Beckenham Road?

**Reply:**

I cannot make a commitment for ever, but for the foreseeable future it is staying exactly where it is.

**4. From Cllr Ian Dunn to the Portfolio Holder for Adult Care and Health**

What changes to Domiciliary Care Services have required to be made as a result of COVID?

**Reply:**

The key changes required of domiciliary care providers in response to Covid-19 have centred on their management of infection control to protect their staff and the residents they support.

Measures have included but not exclusively -

- ensuring that domiciliary care staff who have Covid or Covid symptoms are isolating in line with government guidance;
- steps to limit the number of different people from a domiciliary care agency visiting a particular resident or steps to enable staff to perform the duties of other team members/partner agencies when visiting to avoid multiple visits to a particular individual;
- ensuring that staff who need to attend work for the purposes of being tested (or potentially in the future, vaccinated) are able to do so;
- steps to limit the use of public transport by members of staff.

**Supplementary Question:**

What do you think are the main lessons from the last six months that we have learned that can be transferred in the coming months to deal with Covid?

**Reply:**

I think that the Council has learned quite a lot from the support it has already provided with our domiciliary care agencies. We have ensured that there has been a sufficient workforce, by supporting them through infection control training, there has been a five percent uplift to their budgets to ensure that they are able to access PPE. We have also had a new infection control fund that has been allocated by the Government. We are looking at how we will implement the guidelines that they have put on the fund; eighty percent of that funding is ring-fenced to care homes, domiciliary care providers and extra care housing and support. The other twenty percent is a discretionary fund which the Council is working through the options, potentially giving more funds to domiciliary care providers. Also, giving extra funds to care homes that are able to take Covid-positive patients back from hospital which is obviously very important. We are also looking at some small grants to support the day-care providers where we know there is a potential

for people to access some form of day-care facilities to support carers and provide respite.

## **5. From Cllr Kevin Brooks to the Portfolio Holder for Children, Education & Families**

Will the Portfolio Holder provide details of which Academies or other providers were invited to apply for the Kentwood Site and explain why Harris appears to be the sole favoured provider?

### **Reply:**

No Academy Trusts were invited to apply to open a free school on the Kentwood site.

### **Supplementary Question:**

We are aware that Harris are doing a feasibility project on the site. As a result, we, as local councillors, undertook a survey which, while it showed support for a school, came out with far less support for Harris, with people coming out with phrases such as they feel that there is already a monopoly - Harris dominate already. If you say that at the moment there has been no such invitation, how can you assure me what you will do in the future to look at a site here for schooling in 2030? What will you do to provide a far more open tender so that local residents feel that they have a choice of schools to send their children to?

### **Reply:**

I will do everything in my power – which is absolutely nothing. I'm sure that Cllr Brooks is familiar with the process for academy schools being approved. The Harris Federation bid successfully to central government as part of wave twelve of the Department for Education's free-school programme. It is the Department for Education that approves these free schools; once the schools are approved they will look for land which is dedicated for education use on which they will apply for planning permission. That is the process that we have had for quite some years now, so it is not a case of the local authority opening up anything for tender. I would be happy to send through the process so that Cllr Brooks can re-familiarise himself with it.

### **Additional Supplementary Question from Cllr Simon Jeal:**

Would the Portfolio Holder agree that one of the disadvantages of the free school and academy system is that the local authority has very little ability to control which schools are granted approvals and therefore has little power to give parents choice in terms of which academies are provided for in the local area.

### **Reply:**

The question of choice was the driving issue around the introduction of academy schools when it was brought in under Andrew Adonis in the Tony Blair government. Since then those options for choice have expanded and changed and it does provide some level of choice for parents. I think, and we have experienced some of this recently around some of the schools that have been granted planning permission in Bromley, that sometimes it does feel that the local authority should have more control around the planning. We can control a bit of that because when we do our local plan we can designate land or certain parts of land to be open for educational use. That is the process – a school is approved and then they go out and look for some of this designated land on which to build.

### **Additional Supplementary Question from Cllr Simon Fawthrop**

Does the Portfolio Holder find it a bit rich that the Labour party are complaining about lack of choice when they oppose selective education; they would rather have everything controlled by the borough and have no choice at all about providers for parents.

#### **Reply:**

What is important is that there are some great schools in this borough – the majority of them are good or outstanding. This is a great place to go to school and we are grateful, especially at this time, for the extraordinary work of teachers and staff in education settings right across the borough for everything they have done to continue to provide these excellent educational opportunities in Bromley.

(At this point, with the agreement of members, the Mayor extended question time.)

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

What is the current difference between this Council's expenditure on COVID related work and the funding for such provided by central government? How is the Council going to fund this difference and which services do you envisage being cut as a direct consequence?

#### **Reply:**

Latest estimates indicate potential costs/loss of income of £52.1m. After allowing for some of these income losses shared by Government and the GLA this sum reduces by £7.6m to £44.5m.

There is specific grant funding of £31.7m available to meet these costs and income losses resulting in a net cost to be met by the Council of £12.8m. Any estimate needs to be treated with caution due to the ongoing uncertainties which we are facing.

The Council will continue to spend wisely public money and continue with robust cost control which will reduce and minimise the funding gap, in comparison to many other local authorities facing more serious financial difficulties. So we will continue to protect key services as much as possible by meeting the funding gap through obtaining further Government funding, through lobbying and where absolutely necessary we will utilise remaining monies in the Council's 2020/21 Central Contingency Sum. We will continue to monitor the position closely and an updated position, with further details, will be reported to Leader and Executive in November.

#### **Supplementary Question:**

Can the Portfolio Holder be any more specific about the areas that he may be considering cutting?

#### **Reply:**

There are not areas that we are considering cutting at the moment because we are still trying to seek efficiencies and just doing things better but not cutting as such. We will be doing things differently as we go forward because every council will be adopting new methods of operation. We will make sure that we maintain frontline services of the highest quality.

**Additional Supplementary Question from Cllr Simon Fawthrop:**

Will the Portfolio Holder join me in congratulating Mr Turner and Mr Hogan and Bromley Council staff for the way that they have been dealing with grants? The fact that we are now upheld as the national standard and used for national training for the way that we have been dealing with grants during the Covid crisis.

**Reply:**

I am more than happy to join you. It is an irony that we are held up as an example of how to do things. You will recall that I was nagged about the fact that we were behind some other boroughs in rolling out the financial assistance, but Mr Turner, Mr Hogan and I were absolutely convinced that we would do it properly and thoroughly. Now we have got to a situation where we have only seven potential issues that we are looking at out of three and a half thousand grants. Other Councils have got hundreds that they are trying to rein back in and it is an irony that those Councils were complemented in Parliament for rolling out their money before us. The message has to be fools rush in.

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

What plans is the Council making to support rough sleepers in the borough over the upcoming winter period and ensure they are provided with shelter, particularly in the event the Bromley Homeless Shelter is unable to run as normal due to the risk of Coronavirus?

**Reply:**

The Council has already done a significant amount to support rough sleepers. Since March an additional 70 households (who were rough sleeping or at risk of rough sleeping) have been provided with emergency accommodation and are being supported to move on to more settled homes. The Homelessness Code of Guidance has been updated to reflect the impact of the coronavirus pandemic and this has broadened how local authorities assess priority need for accommodation and has increased those to whom the Council will owe a statutory duty.

Throughout the pandemic we have maintained our full emergency service with officers contactable 24 hours a day, 365 days a year to provide emergency support and assistance. We have successfully applied for and been awarded grant funding to support rough sleepers and will be able to access additional support services and private rented accommodation for those affected by the Covid pandemic.

Our Housing Options service is working proactively to support those in need of assistance. Our dedicated Rough Sleeper and Complex Needs Navigator is working jointly with a number of organisations, including Thamesreach, the Police Safer Neighbourhood Team, local churches and foodbanks in order to identify anyone new to the streets or who may be at risk of rough sleeping so that we can engage with them as early as possible. We are mindful that we could see increased numbers of approaches and we have already begun discussions with a number of providers so that we are in a position to access additional accommodation at short notice should we need to.

**Supplementary Question:**

Given the steps that are being taken to prepare for a potential increase, does this include conversations between Bromley's housing team and the Bromley Homeless Advice Shelter to understand the experiences and support that is being provided and the needs of those who are presenting as rough sleepers?

**Reply:**

I am sure it does. We are engaging with a lot of bodies as well as them and we are managing extremely well.

**8. From Cllr Angela Wilkins to the Leader of the Council**

Are you content to accept the recommendation from Executive, Resources and Contracts PDS Committee that the decision of the Urgency Committee taken on 6 May that a review of its COVID governance arrangements take place in June 2020 be ignored, and that this review be postponed until January 2021?

**Reply:**

I am extremely content for the Executive to be scrutinised in whatever way scrutiny chairmen, in particular the Executive, Resources and Contracts PDS chairman, wish to scrutinise the Executive. It is clearly not for me to dictate to anyone how the Executive is scrutinised; quite the reverse, it is for the wider membership to dictate to the Executive. I am very happy with whatever recommendation is made by Executive, Resources and Contracts PDS or the Urgency Committee or by anyone else.

**Supplementary Question:**

It was the Urgency Committee's decision that was overridden by a scrutiny committee. The net result is that there is very little scrutiny of the Executive because the Executive is not meeting. Will you reconsider your answer; the key point being that the Executive is not meeting because Executive, Resources and Contracts PDS Committee overrode the Urgency Committee.

**Reply:**

It is not true; the Executive Committee is continuing to meet – it is meeting electronically. You do not have to physically sit in a room to agree items, particularly where recommendations have already been scrutinised by at least one PDS Committee if not two. This is probably the fourth time we have had this conversation that the Executive is not scrutinised – it is, but virtually from a distance rather than sitting online together doing it visually at the same time.

**Additional Supplementary Question from Cllr Simon Fawthrop:**

In respect of Executive, Resources and Contracts PDS Committee, would the Leader accept that this was not ignored but was deferred and the review will actually take place in January next year and that part of that review includes looking not just at members but looking at the implications for officers as well and the impact that it will have on them?

**Reply:**

Yes, that was very much part of the conversation. First of all, it was raised at the meeting and agreed to defer a review until January and the second part was that one of the benefits of doing remote scrutiny was the amount of work and officer time it would save. I believe that is borne out in the written answers this evening as well.

**Additional Supplementary Question from Cllr Ian Dunn:**

You referred to virtual meetings of the Executive. Could you tell members where the minutes of these meetings are published?

**Reply:**

They are published in the Leader's decisions.

**Additional Supplementary Question from Cllr Vanessa Allen:**

No one is suggesting that you need to meet in person, but if you are meeting as per normal why not have it in public as per normal as with other committees?

**Reply:**

As Cllr Dunn and Cllr Wilkins have, I am sure, explained, it was raised at the meeting. The answer given was to save officer time whilst ensuring that scrutiny is still maintained. Scrutiny is still undertaken; it is just done differently.

**9. From Cllr Kieran Terry to the Portfolio Holder for Environment and Community Services**

Please outline Bromley's recycling performance on a monthly basis for the period from May 2020 to the most recent month for which data is available. Please provide comparisons with for last year and comment on the overall impact of the council's collection changes since implementation last September.

**Reply:**

The unaudited recycling rate in May was 54.4% which was 7% above May 2019. In June, it was 51.6% which was 3.7% higher than June 2019. In July it went up to 53.9% which is 3.4% higher than 2019. August was 50.1% which is 5.3% higher than 2019. Unfortunately that has not continued and September was 47.7% which is 1.7% lower than 2019. Hopefully, things will go back up and continue to improve. The indications are that the change to recycling in 2019 are linked to this improvement in terms of improved reliability of collections and various other campaigns in previous years to enhance our recycling rate.

**Supplementary Question:**

Can I start by welcoming what is good news for the borough and thanking all those officers and residents involved in achieving these results. As part of our push to increase recycling, the Council recently launched a pilot recycling service for flats above shops. Is the Portfolio Holder able to provide an update in relation to the results of this so far please?

**Reply:**

The participation rate of the new scheme in Penge is currently running at 27.5%. The participation rate in the trial in Petts Wood is currently running at 71.6%, which is excellent. We have seen a 64% increase in participation in Penge since the start of the trial and 169% increase in Petts Wood since the trial started, so I do not expect these figures to be the final figures but this does seem to be a scheme that is getting more and more popular and increasing our recycling rates. I can provide more details by email.

**Additional Supplementary Question from Cllr Alexa Michael:**

How does Bromley's recycling rate compare with other London boroughs?

**Reply:**

As these are unaudited results we do not actually have the 2020 results to compare with other boroughs. For 2019, I believe we were third in London, which means that we have more work to do to be number one in London.

**10. From Cllr Kathy Bance MBE to the Portfolio Holder for Environment and Community Services**

Traffic bollards were due to be installed on a parade at Croydon Road, Penge over three years ago. They have not been installed to date despite my progressing regularly. This is a health and safety issue, with cars and vans mounting the pavement daily on a busy concourse. Do you have an ETA of when the installation will take place?

**Reply:**

Initially this scheme included the installation of a tree, some cycle stands, a bench and some bollards to prevent over-running of the footway by vehicles. The scheme was initially delayed once detailed investigation revealed that the presence of underground utilities would prevent a tree being planted. Installation of the changed design was then delayed by lockdown.

I am glad to report that the funding from last year is still available and as soon as the current emergency active travel projects are completed, works will commence to install the scheme. I cannot give you an installation date at present, but have asked officers to undertake this overdue work as soon as possible.

**Supplementary Question:**

This is a health and safety issue – pedestrians have to wait for the vehicles to make their move on the pavement before they can move. We are happy to go ahead without the tree and whatever scheme you can do to make this safe is acceptable by us.

(At this point the time allowed for questions expired, so the remaining questions received written answers.)

**11. From Cllr Josh King to the Portfolio Holder for Resources, Commissioning and Contract Management**

Given the introduction of the rule of six and the further restrictions announced by the government at the end of September, how is the Council proposing to improve the operation of virtual Council meetings, particularly improved participation by members of the public? And what investigations have been carried out to look at the root cause of reliability issues.

**Reply:**

Webex, like all similar systems, is heavily reliant on the individual participant's local Wi-Fi and broadband including the impact of other devices being used at the time.

We have successfully held over forty virtual meetings, including three full Councils, two major Licensing hearings and numerous Plans Sub-Committees with members of the public actively involved, speaking for and against applications.

**12. From Cllr Ian Dunn to the Portfolio Holder for Environment & Community Services**

The Funding Submission paper which came to the Environment & Community Services PDS in June, spoke about projects which can be implemented in weeks, not months. Can the Portfolio Holder provide dates when the projects where our bids were successful will be fully operational?

**Reply:**

All town centres across the Borough had appropriate footway widening and social distancing signage installed in June and July, as high streets reopened. Work is ongoing to adapt the social distancing measures in town centres, as necessary.

Five of six temporary school streets are now operational and a number of footway widening schemes around schools have also been installed. The sixth school street will be operational in a couple of weeks' time. Temporary zebra crossings are also being installed at three locations over the next few weeks, subject to safety assessments being completed. The Department has also introduced social distancing signage around 114 schools across the Borough. A number of schools are also having part-time 20mph signage installed over coming weeks.

A new refuge has been installed in Southend Road, and cycle routes in Shortlands and Crystal Palace are subject to ongoing consultation regarding some details of the design, with works on site having now started. The routes should be fully operational before Christmas.

**13. From Cllr Kevin Brooks to the Portfolio Holder for Children, Education & Families**

What action will the Portfolio Holder undertake to guarantee that the current provision and especially the Adult Education provision is retained on the Kentwood site and at its current level?’

**Reply:**

The Council's position in discussing the feasibility of the scheme with the Department for Education is that all services currently on-site continue to be delivered from the site.

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

Could the Portfolio Holder please advise whether, as has been seen in other parts of the country, Bromley has seen an increase in reports/cases of domestic abuse and violence during the recent lockdown?

**Reply:**

When the figures for domestic violence are compared to the same period last year (March to August) the number of offences has decreased overall by 2%

When the figures for violence against the person are compared to the same period last year (March to August) the number of offences has decreased overall by 19%.