

**COUNCIL MEETING**

**1<sup>st</sup> March 2021**

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

**1. From Cllr Kieran Terry to the Portfolio Holder for Renewal, Recreation and Housing**

Recent news reports suggest Sadiq Khan, the Mayor of London, is planning a ‘border tax’ that will charge anyone driving in to Bromley from outside of London £5.50 per day. What impact could this have on the vitality of Bromley’s Town Centres?

**Reply:**

The imposition of a charge on cars entering our borders would doubtless be welcomed by the owners of the Bluewater Shopping Centre but would be very bad news for shopkeepers in our borough. Shoppers already have to pay to park their cars here, and an extra charge will further deter them from visiting our high streets. Our high streets are not in the best of health due to Covid-19 and other things; this is just hitting them when they are down – terrible.

**Supplementary Question:**

Sadiq Khan’s punitive tax will definitely come as tough news for many of our independent shops, businesses and restaurants in the borough, including those here in Chislehurst. This is also on top of the effects of coronavirus, and now more than ever these businesses will need all the help they can get. Can the Portfolio Holder outline some of the positive steps that the Council is taking to help our high streets?

**Reply:**

We are doing lots of things to support our high streets. In the case of Bromley, for example, we supported the BID, whose vote came up a few days ago and was successful. We are also spending quite a lot of money in that particular high street to make it nicer – an events area, for example, a covered area. We are also giving money to the BIDS to help businesses which are struggling during the lockdown. We will continue to do whatever is necessary. The government grant that we are handing out is helping smaller businesses in a big way – we have handed out many millions of pounds of government money for that very purpose. We are looking forward very much to the lockdown being lifted and I am quite sure that our high streets, which are so lovely, will recover very quickly.

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

Given that this potential charge is not going to happen, if it does at all, until late 2023, and is part of the finance settlement for TfL that the Mayor was forced into by the government, how else does the Portfolio Holder think the funding should be made up, given the lack of use of public transport for the past year?

**Reply:**

I have no idea how the Mayor runs his finances. All I know is that when Boris was the Mayor the taxes did not go up, and now that Sadiq Khan is Mayor the taxes are going up and up and TfL is going down and down. That cannot be a coincidence and I hope

he gets himself sorted out and stops spending so much money on all the advisors with which he surrounds himself. To do this is utterly ludicrous – all it will mean is less and less business in our town centres and a lower rate-take; it will exacerbate the problems, not help them.

**Additional supplementary Question from Cllr Marina Ahmad:**

This time last year, Sadiq Khan had paid off 72% of the TfL deficit left by the mismanagement of the previous Mayor, Mr Boris Johnston. There was an attempt by the Transport Secretary this summer to impose cuts on Londoners for doing the right thing and not travelling during the pandemic. As part of finding different income streams which is what the Transport secretary has asked TfL to do, Sadiq Khan wants the government to give Londoners the £500m of vehicle excise duty it raises from London cars. The boundary charge is only a possibility if the Transport Secretary refuses to give Londoners the £500m that Sadiq Khan is fighting for. Will this administration in Bromley support Sadiq Khan when he stands up for Londoners to get our £500m back from central government?

**Reply:**

I will not.

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

Is the Portfolio Holder aware that the TfL debt is equivalent to £1,500 for every man, woman and child in the whole of greater London? That was before Covid.

**Reply:**

I was not aware of that particular figure, but it does not surprise me. The mismanagement of TfL by this Mayor defies belief.

**2. From Cllr Tony Owen to the Chairman of the Pensions Investment Sub-Committee**

How much has membership of the London CIV (Collective Investment Vehicle) cost Bromley pensioners?

**Reply:**

Since the Council joined the London Collective Investment Vehicle in 2015/16, we joined with £150k of regulatory capital. Since then, the initial membership fees of the CIV started at £25k per annum and have now increased to £110k per annum. The total cost to date has been £590k with a further £110k due on the 1<sup>st</sup> April 2021.

**Supplementary Question:**

What have our pensioners received in return?

**Reply:**

The main benefits were intended to be fee saving by buying in bulk and also improved fund performance. Bromley's pension scheme is an award winning scheme - currently we are the best performing fund over five years out of 88 nationally. I have queried with the CIV how they propose to improve on our performance bearing in mind that theirs is worse than ours and all I have received back are fairly bland statements and sound bites. I have to conclude, as one of the previous CEOs of the CIV said, that they could do nothing to improve Bromley's fund performance. On the question of fee savings, the CIV came to our Pensions Investment Sub-Committee

on 1<sup>st</sup> December 2020 and after much to-ing and fro-ing prior to that meeting, we eventually worked out that the fee savings (bearing in mind that these are supposed to be excellent savings) on a fund of £520m that we could have transferred to the CIV was £8k. That is not a big saving at all and even that would probably be eaten up with additional administration costs for the council. The short answer to the question is that we have received no benefit at all.

**Additional supplementary Question from Cllr Gary Stevens:**

We are an award winning Council in terms of the performance of our pension fund over a number of years. I raised this point with Rishi Sunak at the Conservative Party conference in 2019; I get the logic for having a CIV in London, and across the country, if Councils do not have adequate resources. Have other Councils that you have spoken to over the last two or three years, had a benefit from the CIVs, not just the London CIV but across the UK as well?

**Reply:**

You have probably realised from our Pensions Investment Sub-Committee meetings that I have done extensive work with the London CIV to try and make our membership work. Anecdotal evidence from a number of other Councils in London that belong to the CIV leads me to believe that there are quite a number that are in the same boat, many of whom are probably not aware of it. In other words, any additional benefits that they got by joining the CIV are possibly not there now or even been eroded, particularly on fee savings, where, generally, fee savings have dropped since the establishment of pooling. I have, through various webinars in lockdown, asked a number of questions of a number of other Councils and pools as to what their savings have been, and what the effects have been and we do tend to get sound-bites back rather than actual figures. I do have some doubt that the numbers being declared are being calculated properly, certainly not consistently. This is important because it is declared to government and government produces legislation or instructions based on those numbers.

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

In 2018, there was a damning report from the independent consultants, Willis Towers Watson. In that report, as well as being critical of the governance procedures of the CIV, the report highlighted political interference. What has changed since that report?

**Reply:**

I have to conclude that very little has changed.

**Additional supplementary Question from Cllr Simon Jeal:**

On the basis of his comments, would the Chairman agree that Bromley Council should lobby the government to reverse its decision to make pooling mandatory?

**Reply:**

Yes, it is time to lobby the government, and indeed we are doing that. Of course, it is an uphill battle with other things going on, such as with Covid, but any support that you or other councillors can give would be very welcome.

**3. From Cllr Angela Wilkins to the Portfolio Holder for Renewal, Recreation & Housing.**

What has the Council done in response to the Homes (Fitness for Human Habitation) Act 2018 and what use has the Council made of the powers granted to it by the Act?

**Reply:**

This Act allows tenants to seek remedy and redress for defects in their property – it does not alter any existing local authority powers.

**Supplementary Question:**

Can the Portfolio Holder clarify that, as my understanding is that it does give the Council enhanced powers to act and we have a number of problems with housing associations not being able to do their repairs at the moment.

**Reply:**

With regard to the Act, the role of the Council is one of advice and guidance, rather than enforcement. However, there are instances where it may be appropriate to offer more practical assistance to tenants seeking redress under this Act, especially for vulnerable tenants. If the tenants prefer the Council to act on their behalf the Council has an existing mechanism for tenants to report poor and sub-standard accommodation, so if you have anything like that please do refer them to us.

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

Given the combined backlog and future maintenance costs of nearly £480,000 as stated in the tender document for Beckenham Public Hall, does the Portfolio Holder agree that this makes the proposition a very difficult proposition for any bidders who many wish to put forward plans for its future? Can the Portfolio Holder explain why the Council has not pursued an application under the Heritage Lottery Fund?

**Reply:**

Beckenham Public Halls is a part of the Council's Regeneration Strategy, which seeks to improve and enhance the Council's buildings and facilities to the benefit of local residents. The report which was presented at the Renewal, Recreation and Housing PDS in September 2020 set out a number of options, based on external advice, given the current condition of the building.

The recommended option considers the necessary refurbishment costs and allows for a rent free period to an operator to facilitate the necessary works. Market testing is currently underway and once finished, we will have a better understanding of the viability. Subject to a formal procurement process, a provider will be brought on from the start and subject to meeting the Council's requirements, and in the long -term will enhance and improve the facility for Bromley's residents, Beckenham's residents in particular.

Due to the maintenance costs and the need to bring a provider on board from the start, Heritage Lottery Funding has not been considered feasible.

**Supplementary Question:**

Can the Portfolio Holder explain how the Beckenham Public Halls differ from other projects, for example the Biggin Hill Memorial Museum, where an application to the Heritage Lottery Fund was taken forward?

**Reply:**

They are completely different projects. Our officers are very skilled in applying for these grants. They have achieved some grants, but this one did not fit all the categories. We did seriously consider this.

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

Can the Portfolio Holder please explain why the Draft Open Space Strategy which went out to consultation included the following words:-

“Be brave enough to recognise when open space should be repurposed”,

“The need to increase residential provision though development and balance this with open space provision” and

“Identify open spaces that require alteration, investment or reassignment (including development or disposal)”?

**Reply:**

Residents’ expectations from our Parks and Greenspaces change over time. We have a strategy to set out how we consider our open spaces, where appropriate, should evolve over that time. Most residents view the addition of sports pitches, playgrounds, biodiversity projects, planting and the like positively, a few may not welcome such changes, so we consulted on our strategy and we were pleased so many residents responded. For example, your colleagues have supported the development of the Crystal Palace Park Trust with intention of an eventual handover of responsibility for Crystal Palace Park to the Trust.

This borough has been given a target for the number of new homes to be built in the borough, and with any reduction in private gardens, our parks and open spaces assume greater significance and need to be of high quality.

**Supplementary Question:**

Can you tell me what the consultation document actually meant when it said “Identify open spaces that require alteration, investment or reassignment (including development or disposal.)”

**Reply:** I included that in my first reply, but I will repeat it. It is the addition of, to name a few, sports pitches, playgrounds, biodiversity projects, planting projects and the like. In terms of other aspects, for example, looking to hand over responsibility for the maintenance of a park to a trust, like the Crystal Palace Park Trust. Not that there are examples elsewhere in the borough, but, going forward, the Crystal Place Park Trust might be a model that other parks aspire to follow.

**Additional supplementary Question from Cllr Simon Jeal:**

Could the Portfolio Holder confirm whether the strategy will include any attempt to build residential developments on our Open Space land?

**Reply:**

The strategy that we are consulting on does not include any of that.

**Additional supplementary Question from Cllr Angela Wilkins:**

Could the Portfolio Holder confirm whether or not there is any misinterpretation here, and does he understand why the public might understand this to mean that the Council is considering disposal. Crystal Palace Park is going to the Trust, but the Council will be retaining the freehold so it will not be a permanent disposal. I just want to clarify whether or not the Council will consider disposing of any open spaces and if not does he appreciate why the public have perceived what they have from this?

**Reply:**

When it became apparent this this was how some residents were interpreting the document, and when it became apparent that there was a media campaign encouraging them to interpret it that way we issued a press release to clarify exactly what we intended by that statement in the consultation. This is only a draft, and when it comes back for scrutiny by the PDS Committee we will be able to see how we have clarified the language that we used.

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

Could you please confirm what consultation will be undertaken, both with ward members and with members of the public, regarding plans considering sites for development in phase 2 and phase 3 of the Council's housing delivery plans, at what stage will residents be able to object to building on Green Belt land, or where the sites are currently used as day centres, youth centres, libraries, car parks or other public buildings?

**Reply:**

Any proposed development would be subject to planning permission and there will be a consultation as always prior to that being determined, and that will allow a significant time for public consultation.

**Supplementary Question:**

Can you please confirm on what grounds the plans for the Council's housing delivery plans were put under part 2 and are not available to the public to understand what sites are being considered?

**Reply:**

It depends – some sites are commercially confidential in terms of money, but we really do not want to be discussing plans that may not happen. We are considering all of the land in the ownership of the Council, not including parks - there is no point in setting hares running where there is no need to.

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

Would the Portfolio Holder agree that Bromley Council gives residents every opportunity to comment on planning proposals and planning applications that affect

them and the environment, including right up to the time that the application is determined at Committee?

**Reply:**

I would certainly agree with that.

**7. From Cllr Vanessa Allen to the Portfolio Holder for Resources, Commissioning & Contract Management**

Please explain why the pay award to Council staff was announced at the February Executive meeting, one day after the GP&L Committee meeting where it should have been considered?

**Reply:**

One of the key principles underpinning the Council's decision to adopt a localised pay and terms of employment is the realignment of the annual pay award with the annual Council budget process. It means that the pay award proposal is tabled at the same time as the draft Council budget is presented to the Executive for consideration and release for public and staff consultations. Thereafter, the proposal is then presented to the General Purposes & Licensing Committee following consultation with staff and their representatives, not the other way around as the question erroneously suggests. This tried and tested process has been the case since the Council adopted the localised pay and terms of employment on 12 November 2012.

**Supplementary Question:**

The point is that we were told at GP&L that discussions were still ongoing and there was no recommendation which was clearly not the case, because it was considered the next day, and we had to have a special GP&L meeting. I still do not understand how it happened that way.

**Reply:**

The first stage of this is to say what is in the budget – what we can afford. It is then for GP&L to review the process and make a recommendation to full Council, and that is where it is approved. On this occasion we had to move very quickly. We are always very keen to say to our staff what the settlement is and next month I think all members should be very proud that our staff will be the only local government staff in London who will know how much they are being paid. I am indebted to the way that Councillor Tunnicliffe responded and held the meeting so swiftly, and I think our staff will be grateful to us for taking away any doubt about how much they will be paid next month.

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

Can the Portfolio Holder confirm that one of the reasons that this was slightly delayed compared to previous years was because of the way that the government's announcement on the local government finance settlement was also delayed?

**Reply:**

I am happy to confirm that. We have had about forty different grants and we have not had clarity about the final settlement this year. We still do not know for certain how much we are going to be getting, but we are pretty clear where we are. You are quite

right – we live in very uncertain times and this was reflected in the way that this was handled.

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

Why last year, when the GP&L meeting was again one day before the Executive, did the pay settlement come to GP&L that day?

**Reply:**

I have just made it clear that this is an unusual year when unusual things happen, but the process was still followed in the correct manner. First of all, what can we afford, secondly for it to be crafted by a specialist committee and then for a recommendation to go to full Council.

**8. From Cllr Kevin Brooks to the Portfolio Holder for Resources, Commissioning & Contract Management**

Please provide figures as to the Council's in-house youth apprenticeships and the percentage comparison as to our contractors.

**Reply:**

Since 2015 to date, the Youth Employment Service has successfully secured 171 apprenticeships with other local and national employers for young people. Three apprentices were placed with our contractors Mytime, Amey and Clarion Housing Group.

Since the apprenticeship levy was introduced in April 2017, the Council has directly recruited 26 apprentices. Of those 26 recruits, 13 have successfully secured an offer of employment in Bromley via a temporary, fixed term or permanent contract.

**Supplementary Question:**

The Treasury has recently admitted that there have been delays between identifying placements and the actual start date for young people. What does the Portfolio Holder plan to do to encourage contractors, and the Council itself, to utilise more apprenticeships and to ensure that, when they are identified, their start date is timely.

**Reply:**

In general terms, Bromley has a long and proud tradition of recruitment, training and staff development which has led to retention. It is possible to find people that we have trained in-house through our schemes at the highest levels – we have a Director and an Assistant Director who came in as trainee apprentices. I think it is something we can be very proud of. It is also an extremely important issue that could perhaps be taken to PDS. I would like to see a presentation on a future agenda, if Councillor Fawthrop is comfortable, about our apprentices, and immediately I can think of an apprentice that would actually give that presentation. I think it would be extremely informative. I am not aware of delays; it may be that in the current climate something has happened and if Cllr Brooks can draw my attention to specifics I will try to come back to him.

**Additional supplementary Question from Cllr Simon Jeal:**

Given the success of the apprenticeship scheme within the Council, is the Portfolio Holder looking at placements under the government's Kickstart Scheme, either directly within the Council or through Council-commissioned providers?

**Reply:**

Yes.

*(At this point the time allowed for questions expired and written replies were provided for the remainder of the questions.)*

**9. From Cllr Kieran Terry to the Portfolio Holder for Resources, Commissioning and Contract Management**

What can be learned from the submission of a section 114 notice by neighbouring Croydon Council last year, which effectively declared the Labour-run authority to be bankrupt? How has Bromley acted differently over recent years to avoid encountering a similar situation?

**Reply:**

I believe it is always possible to learn more from the failure of others rather than their successes.

Key strengths of Bromley includes, for example, forward financial planning, robust financial management and never forgetting the requirement for the Council to 'live within its means' ensuring we spend public money wisely.

By way of contrast, let me highlight the following:-

- We have had not received any adverse commentary from external auditors on financial sustainability. Croydon have received adverse comments as follows – For the 2017/18 accounts Grant Thornton first raised concerns around financial sustainability with recommendations made within the VFM conclusion for corrective action. For 2018/19 Grant Thornton qualified their VFM conclusion with concerns’.
- We have adequate levels of combined general and earmarked reserves across which are significantly higher than Croydon's previously reported reserves of £16.6m as at 31/3/20;
- We currently have sufficient contingency (central contingency sum) to meet the any short term issues re Covid pandemic without requiring any drawdown of balances this year/ Croydon have sought a capitalisation directive from Government, which is permission to borrow to meet funding shortfalls;
- Our latest budget monitoring report shows that we are within budget - no overspends overall. Croydon face a significant overspend and Croydon's Public Interest report refers to a residual budget gap for 2020/21 estimated at £65.4m, exceeding available reserves of £16.6m;
- Bromley has had no overall overspend for some years - Croydon's Public Interest report refers to the Council failing to address the underlying causes of service overspends which during 2017/18, 2018/19 and 2019/20 had a combined overspend of £59.3 million;
- We remain 'debt free' which reduces the financial risk around cost impact of increases in interest rates. Croydon have reported debt of over £1.5bn and

Grant Thornton estimate that Croydon's debt will rise to £1.8bn by the end of 2020/21 and exceed £2bn by 2022/23.

We spend public money wisely. It is worth noting that Croydon Croydon's settlement funding per head of population is £222.11 for 2019/20 which compares with £112.61 for Bromley – nearly double. That can't be right.

**10. From Cllr Tony Owen to the Leader of the Council**

How much does membership of London Councils cost Bromley taxpayers?

**Reply:**

Membership in 2020/21 cost £161,958.

In addition, the Council was required to make a payment of £247,844 towards the London Boroughs Grant Scheme.

Bromley is also charged £33,459 by the Parking Enforcement & Appeals Service and £6,492 by Taxicard Administration.

**11. From Cllr Angela Wilkins to the Portfolio Holder for Environment & Community Services**

What actions is he proposing to reduce excessive traffic caused by rat-running on residential roads in Crystal Palace and why has he been silent on the recent Crystal Palace LTN implemented (and recently removed) by LB Croydon?

**Reply:**

I don't think that excessive traffic is caused by what you refer to as rat running and the Council has been far from silent on the matter of Croydon's LTN. Croydon's apparent attempt to help residents in their LTN area to achieve a less trafficked environment to encourage walking and cycling has in fact had a very detrimental impact on many residents. Those living in some adjacent residential roads on Bromley's side of the boundary have had to contend with vastly increased traffic flows on their narrow and now-congested streets. Bromley residents living on Anerley Hill also had to contend with longer queues of traffic while Croydon's LTN was in place, with the resulting negative impact on air quality.

For the avoidance of doubt, as a cross borough issue residents and members involved the Leader early on and the Leader naturally responded. Now Croydon is actually consulting Bromley on this scheme, I as PH have been involved in responses. This arrangement should not be taken as a divergence of views, just that in these unprecedented times we are avoiding duplication of effort.

**12. From Cllr Josh King to the Portfolio Holder for Environment & Community Services**

Can the Portfolio Holder explain why it has taken such a long time to clear the drain blockage at Birkbeck Bridge – I made a report on fix my street in August 2020 and the initial response was that it was a Thames Water issue.

**Reply:**

We were made aware of, subsequently investigated extensively and successfully managed to resolve the issue referred to, however these types of complicated enquiries can become drawn out given the variable nature of drainage which at times is due to multiple factors and responsibilities split across varying parties. Certain time frames and responses could have been tightened and improved, and this is a matter we are addressing.

**13. From Cllr Ian Dunn to the Portfolio Holder for Renewal, Recreation & Housing**

Can the Portfolio Holder please explain what the Council is doing to support MyTime, while its premises are closed down during Lockdown?

**Reply:**

Council officers have been meeting regularly with Mytime to monitor the situation. The Council has agreed rental deferrals along with other leases and continues to review this. Any further support will be subject to Executive scrutiny. The Council supported Mytime in applying for the National Leisure Recovery Fund Grant. Notification has just been received that this application has been successful with an award of £760K. Once received this will be passported to Mytime to support the hibernation costs incurred during lockdown. The Council will work with Mytime to apply for any further grant funding which may be made available to support leisure services.

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

What action is taken by Council officers in the event of a breach of COVID restrictions by people working or acting for council contractors - particularly where they are engaged in activity which put them into contact with vulnerable residents?

**Reply:**

In the event of the Council being notified of any such breach of restrictions, contractors would be contacted to ensure greater compliance by their employees in the future. Support would be offered to ensure that all staff have been trained and that appropriate use is being made of PPE and other infection control processes.

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

Please explain what the Council is doing to support Care Homes across the Borough which are struggling and currently suffering high levels of COVID infection.

**Reply:**

Fortunately due to the proactive stance and response to the pandemic taken by this Council and thanks in large part to the excellent management by their staff there are no care homes across the Borough struggling or suffering high levels of Covid at the current time.

In terms of support:

The Director for Adult Services and the Director for Public Health have put in place regular meetings where Covid-19 cases and outbreaks (2 Residents) are closely monitored.

In the event of an outbreak a tailored support plan is put in place to help the care home and its residents. Support can include:

- Additional PPE
- Extra support and guidance for providers on testing for staff and residents
- Advice and guidance and training from the Public Health team
- Wellbeing support for providers
- Regular meetings with providers to support the management of the outbreak and co-ordinate the response.
- Extra funds to cover costs of additional Infection Prevention and Control requirements and additional staff cover

Covid positive patients being discharged from hospital to a care home will temporarily stay at one of two designated homes with specialist facilities to support their recovery before moving on to their permanent care home.

In a poll taken at the January meeting of the Bromley Care Home Managers Forum providers reported high levels of satisfaction in the support they have received over Covid infection prevention and control.