

Council

12 December 2022

Questions from Members of the Council for Oral Reply

1. From Cllr Mark Smith to the Portfolio Holder for Resources, Commissioning and Contract Management

Could he please outline the checks that are made to ensure people virtually attending Part 2 discussions at committee meetings are entitled to?

Reply:

With hybrid meetings the numbers of people invited to join online are generally small, and they can easily be monitored by officers.

The main check is that the clerk for the meeting will monitor who is in the meeting, and when a meeting moves into part 2 they can request the chairman to pause until anyone not entitled to remain leaves.

If a member or officer has a conflict of interest it is their responsibility to declare that interest and remove themselves from the meeting at the appropriate point. It is also the responsibility of members and officers who join online to ensure that they are in a suitable location where part 2 proceedings cannot be overheard or seen by third parties.

Supplementary Question:

The Portfolio Holder and I were both at the ERC Scrutiny Committee on the 23rd of November when there were various issues regarding people attending the meeting remotely, particularly when the meeting went into Part 2. Given the issues that came up at that meeting and the legal issues that arose and the legal problems we had, is this not something that perhaps should be reviewed, maybe by the Constitution Working Party?

Reply:

It is not for me to determine the agenda of the Constitution Working Group, but I am sure it is something that they would consider. What I would say is that if you have more specific concerns then you can always raise them with the Monitoring Officer.

2. From Cllr Tony McPartlan to the Portfolio Holder for Resources, Commissioning and Contract Management

An eye-watering £164.4m is required to refurbish our operational property portfolio to a minimum standard. Whilst I appreciate there has been external cost factors at play, could we have avoided getting into this situation if we had undertaken smaller but more regular maintenance work across the portfolio in the past?

Reply:

Much of the portfolio is over 40 years old and whilst smaller and regular works would have in part alleviated the position, we now find ourselves in the natural cycle in buildings which in any case would have required major works at significant expense to maintain their functionality. It is also worth pointing out that there have been numerous legislative changes to both building regulations and other areas, such as environmental requirements and access arrangements, which mean that the cost to bring the portfolio up to standard is prohibitive, whereas refurbishment and relocation provides the opportunity to address these issues at a lower cost to the London Borough of Bromley and its residents.

Supplementary Question:

I understand this is quite a complex issue, but there does seem to be a bit of a pattern of neglect that has possibly led to this. I think it is also important to note that this is our operational property and not our investment property portfolio, so could I therefore get your commitment today that decisions around property disposals will not just be made on financial grounds but also look at the social value properties provide?

Reply:

Whilst we do have a duty to consider all aspects of the buildings that we have in our care and those we choose to dispose of, we do have statutory obligations to obtain best value for our residents when any disposals do take place. That is a statutory requirement.

Additional Supplementary Question from Cllr Simon Jeal:

Could the Portfolio Holder comment on whether the Council makes repairs when issues are reported in properties that arise, and how quickly the Council endeavours to make those repairs?

Reply:

I believe there is a process of preventative and reactive maintenance but I cannot give a more detailed answer than that at present.

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

Beckenham Public Halls are an important and much loved community asset, used by a large number of groups. What is the Council doing to ensure it remains available to the public?

Reply:

The Executive decision to market the Halls is on the basis that it will be made clear in the marketing particulars that the Council would welcome offers from those organisations who would ensure public access is maintained, however once marketed the Council will also receive other offers for the asset. The outcome of the marketing exercise will then be reported to the Executive.

Supplementary Question:

Does the Portfolio Holder agree that the unsuccessful attempt to lease the building and require the lease-holder to repair the building was not the right approach and the Council should have invested before maintenance costs increased greatly when there would have been the opportunity to apply for external funding, for example, lottery funding, as suggested by many residents?

Reply:

No, I do not. I support the decision taken at Executive with respect to this building.

Additional Supplementary Question from Cllr Chloe-Jane Ross

Are the respective Portfolio Holders aware of the demand for the halls by the community? I have personally been contacted by a dance school, an SEN education provider and a church all looking for regular space in the halls. I spoke to Mytime just this Friday and they told me they are receiving enquiries for the site and are continuing to operate the site as a community asset. I understand that they have a twelve month contract and they will be working for the next twelve months to build up the halls. I hope the Council won't be still selling it off if the halls are doing well?

Reply:

The Executive has agreed its approach; however, I will emphasise that we are open to all bidders of all different natures.

Additional supplementary question from Cllr Michael Tickner:

Is the Portfolio Holder aware that another Council property that was disposed of a few years ago at 28 Beckenham Road, the former Adult Education Centre and, for a while, "The Studio," was disposed of requiring full repairs to the listed building, and a buyer was found who successfully renovated the building?

Reply:

I was not aware, and I appreciate your perspective, and I hope that we will be similarly successful.

Additional supplementary question from Cllr Simon Jeal:

Is Beckenham Public Halls an Asset of Community Value and how many other Assets of Community Value are within those the Council is currently looking at disposing of?

Reply:

I will give you a written response.

4. From Cllr Kevin Kennedy-Brooks to the Portfolio Holder for Adult Care and Health (reply given by the Leader of the Council)

Bromley Healthcare was last year inspected by the CQC and rated as requiring improvement. An action plan was subsequently put in place to address this. Will the Portfolio Holder please comment on how she feels the progress is going and how confident should residents currently feel in the Care they are receiving?

Reply:

I am pleased to advise that Bromley Healthcare is making good progress. The regular ICB and Council assurance meeting that Bromley Healthcare reports to shows that their Action Plan is on track with many of the targets now achieved. CQC Inspectors share this view and have reduced their engagement with Bromley Healthcare. Residents should also feel assured that the faults found by the CQC are far more concerned with business and assurance systems, such as record-keeping, audit and procedures for reporting death rather than the quality of their service to patients.

Supplementary Question:

I would like to be re-assured myself, however, recently my Dad came out of hospital and his package of care was due to have District Nurses give him injections of the medication he had. They failed to do so two days in a row and these injections were to prevent clots which could be life-threatening. He also requested a special hospital cushion which he needed for his condition – this did not arrive. Luckily I have a sister who is an ex-GP who was able, legally, to have these. However, Bromley Healthcare and District Nurses were not aware of this, so they did not do it because she was there. Also, when we managed to track them down, they had missed that his referral was urgent. We were told problems were due to staff and the communication was not what it should be. Bromley Healthcare fills its update with positive quotes but this is from extremely minimal feedback of about 5-7%. So, that positive-ness that comes back that we read and ingest, and feel that everything is going fine, when you have a personal experience like this it really feels different. I want to know, what action will the Portfolio Holder or the Leader take to ensure that Bromley Healthcare actually is improving at the rate it should be so that other residents who may not have the support system that my Dad did, would be able to help them and not face threats to their lives?

Reply:

May I first hope that Cllr Kennedy-Brooks' father makes a full recovery, and I am sorry to hear about that. Clearly, I cannot comment on individual cases even if I knew them. All I would say is that the regular reports between the Council, the CQC and the ICB are making positive sounds around the improvement in Bromley Healthcare. What I would respectfully suggest is that the Council's oversight and view of this process is controlled by the Health Scrutiny Sub-Committee and I think that is probably where, if you wish to share the details, will be a good place to pick it up.

Speaking more widely, we have all had examples of where loved ones have gone into hospital, perhaps using a subsidiary, such as Bromley Healthcare, where we have perhaps left feeling unsure about the care, but if there is anything to be done you should pursue it because that is the only way we will get improvements.

5. From Cllr Ruth McGregor to the Portfolio Holder for Resources, Commissioning and Contract Management

Small businesses including nurseries and pre-schools are struggling due to the covid pandemic and the cost of living crisis, with some being forced to close. In light of this do you consider it is fair or reasonable to impose backdated rent increases on

small business owners such as pre-schools who are providing services to local residents, and who will find it hard to pay an increase backdated to 2019?

Reply:

The Council leases numerous properties to small businesses, the revenue from such properties supports the delivery of Council services across the Borough. The tenants in such properties are therefore in occupation on commercial leases, which typically include provision that rents are reviewed at regular intervals to ensure the passing rent is in keeping with the open market as the Council has a fiduciary and statutory duty to ensure best value in relation to such matters. Rent reviews regrettably sometimes do take years to conclude but it is standard practice that once rent is agreed the uplift is backdated to the review/renewal date as per the terms of the Lease Agreement. This is standard commercial practice.

Supplementary Question:

I understand it is the commercial rent, but was any support offered to small business or charities renting property from the Council during the lockdown – did they get any concessions on rent?

Reply:

I do not believe there is a council-specific scheme but the Council did administer a huge volume of grants during Covid. In fact, it amounted to more than double the Council's annual spending at one stage and small businesses were included in that.

Additional Supplementary Question from Cllr Simon Jeal:

A number of Council tenants have reported to me that the Council has been seeking increases of twenty percent on their rent and also that they take on maintenance of the properties themselves. Could you explain how the Council feels this is justified particularly in the current climate when many tenants are already seeing huge increases in energy bills?

Reply:

I cannot comment on any individual negotiation as that would be against the interests of the Council and its residents. However, I would be grateful if you could share written correspondence of these examples and I will take it up with our Property Department.

Additional Supplementary Question from Cllr Kevin Kennedy-Brooks:

There is a community centre in my ward where I know the rent review is coming up, so I know it has not been set yet. I know there has not been any correspondence between the Council and the Centre, but I know it will be in the next few months. Is it worth the Centre at this point getting in touch with yourself to try to see if they can get a good deal on the rent because it carries out many services voluntarily which otherwise this Council would have to carry out itself, so it would make financial sense in the long term?

Reply:

I urge you in this case to recommend that they contact Mike Watkins and Amy Milton in the Property Department for consideration.

6. From Cllr Graeme Casey to the Portfolio Holder for Resources, Commissioning and Contract Management (as Cllr Casey was not present a written reply was provided.)

Would the Portfolio Holder agree that the Council can do no better with its money than to invest in the people and infrastructure of Bromley?

Reply:

I agree. The Council, through its Capital Programme invests millions of pounds annually to fund new and improved infrastructure in Borough, including for example, Housing, Libraries, Leisure Centres, Roads, Parks, Schools and Day Centres. Capital Expenditure during 2021/22 amounted to £19.3. The Capital Strategy for 2023/24 to 2026/27 which will set out the Council's medium-term plans will be presented to Executive in January 2023.

7. From Cllr Julie Ireland to the Portfolio Holder for Adult Care and Health (reply given by the Leader of the Council)

Does the Portfolio Holder agree that in the current extraordinary cost of living crisis we are fortunate in Bromley to have wonderful volunteer and community groups who we can call on, and that we should give them all our full support?

Reply:

I fully agree that Bromley is exceptionally fortunate to have an such an outstanding Voluntary and Community Group network locally, and we have repeatedly said so over many years.

As well, that the Council should continue to support that network as generously as it can wherever possible.

Supplementary Question:

I just want to know how the decision to sell off Community House shows that support for the voluntary sector. Fourteen charities and voluntary groups use the premises including Bromley Well, Age UK, Citizens Advice, Deaf Plus and others. It played a vital role during the pandemic; it continues to do so during this unprecedented cost of living crisis. How does the Leader's refusal to meet with organisations that form part of the Trust that occupies Community House match with his appreciation of the voluntary sector? I gather that he has told the voluntary groups that they move into the new HQ when their lease runs out, which is hardly what Community House represents – it is an open door for people of need and people willing to volunteer across the community.

Reply:

First of all, I did not refuse to meet organisations, I refused to meet an organisation in the singular. The reason for that is that they are not the landlord that we hold the contract with to discuss the terms and conditions. I also refused because certain people, one of them in this chamber, were spreading false scare-stories that the Council were going to do the dirty on the charities and leave them at the behest of a potential new owner and put them out on the street. I made the point at the Executive

last week when Cllr Jeal very kindly raised it that nothing could be further from the truth and people who spread stories like that cause a lot of upset, Cllr Ireland. I would encourage you to be more judicious in future.

Regarding the future of the charities and the organisations currently at Community House, they have a two and a half year protected lease at the same terms and conditions and rents, after that, or even before if they are released from their lease, they are very welcome to set up their new home either at the Civic Centre, if we're still here, if the deal elsewhere fails, or at Direct Line which, for those of you who have not seen it is a fantastically spacious place where any of the organisations will be able to do effectively much more, much more easily than they are doing at Community House at the moment, which is not the most easily accessible building in Bromley. I cannot say too much as I would be getting too close to the wind in terms of conversations with the contract holders, with the lessees, but the Chief Executive and I did meet with the current leaseholders of Community House during the summer when we were discussing their rent and their future requirements. We know there is a potential need for change there in terms of virtual working. All work patterns are changing and nothing lasts forever. I am sure that Community House has been a loved home for those that have used it. The same is true for us at the Civic Centre, especially for the older amongst us, but time and necessity moves on. It is part of a huge effort to keep this Council financially stable in four or five years' time. Even Bromley, in four or five years' time on current projections, runs out of money. We go bankrupt as others already have unless we make some difficult decisions, and this is one of them, because nobody wants to close down Community House, who would, but it is the right thing to do for the long term future of this borough and it is the right thing to do for the organisations that are in it, even if some of them, and I know some are very keen on the proposals because they have written to me to tell me now that they fully understand what is proposed. I know that one or two do not, and I understand that as well. This is what transformation is all about. This is what dealing with local government in 2022 is all about. This is what avoiding bankruptcy is all about – that is why I am absolutely firmly in support of that scheme, sorry as I am to upset a few people along the way.

Additional Supplementary Question from Cllr Mark Smith:

Her mentioned a two and a half year protected lease – can you confirm when that protection started from?

Reply:

I believe it starts from when notice is given, and I believe that will be scheduled from October 2025 on current projections, and if I'm out on that date then I apologise, but it is two and a half years from when the notice is given so that would be about October 2025.

Additional Supplementary Question from Cllr Simon Jeal:

Can I ask how much income the Council receives from rent from Community Houses a year?

Reply:

I will send a written response in the morning.

8. From Cllr Alisa Igoe to the Leader of the Council

Today, 28 November, Bexley, Lewisham and Southwark councils have a direct link on the front page of their website where residents are “one click” away from lists of advice on where they can access help with the cost of living crisis. Advice on food, energy debts, childcare, warm spaces, etc. Would the Leader agree with me Bromley should also have services in our borough highlighted clearly on our website front page?

Reply:

I personally believe that we already do, the button in question being ‘Advice and benefits’ so personally I think the home-page is fine as it is. I respectfully understand that Cllr Igoe disagrees and I understand that she has been in contact with Mr Rogers on the subject. My view on this is that I am easy either way – I do not profess to be the world’s authority on anything IT. Web-pages, home-pages, to some extent I do not mind, but I do believe ultimately that what we are doing at the moment is fully conversant with good practice and represents the interests of our borough and that they can find what they are looking for very easily. I am also mindful that only 20% of people who access the Council’s website look at the home-page – I am told that 80% go directly to what they are looking for so would potentially skirt around the home-page anyway.

As I say, I am happy with the home-page, happy with what it offers, but ultimately if Members decide they want to do other things with it then have a discussion with the relevant Committee.

Supplementary Question:

It is quite cheerful news, because since we had our discussions on email with Mr Rogers there is a simpler click-through to the warm places, which is fantastic, and also the link to Bromley Well was not working and it is now working. I would say that other boroughs, such as Lewisham, Southwark and Bexley have, on their front-page, a cost of living button and I am wondering why would we not put it on the front-page to make it so much easier for our residents?

Reply:

I follow the Advice from the PR professionals, that is why we employ them. They have explained on email to all of us, or certainly some of us, that they believe it works and why they believe it works, but if there is a balance of views among Members that they would like to see changes on it I am sure that can be accommodated.

Additional Supplementary Question from Cllr Colin Hitchins:

Would it be possible to have the analytics distributed around that area to make sure that the public are getting easy access to what they need?

Reply:

If analytics can be analysed and spread to Members that is fine by me as well.

9. From Cllr Simon Jeal to the Portfolio Holder for Transport, Highways and Road Safety

Following two incidents of cars hitting the same building in a two-year period, could you please provide an update on what action has been taken by council officers to address road safety issues at the junction of Maple Road and Penge High Street?

Reply:

An initial investigation of this location by Officers from the Traffic Team took place earlier in 2022. The possible improvements mentioned in their assessment will be further developed once a speed survey has been undertaken in the new year.

Supplementary Question:

I requested that a speed survey be conducted on the junction on 23rd January this year – it is almost an entire year since I made the request. Could I ask why no speed survey has been conducted yet.

Reply:

I think the problem has been that we have not had the money. Now we have the LIP funding we are in a position to advance some of the schemes.

Additional Supplementary Question from Cllr Kathy Bance:

The building that was hit by these two vehicles was a listed building and the insurers are refusing to insure the building any further until some mitigation against vehicles ploughing into the building is carried out, so that needs to be soon as the building will not be insured.

Reply:

Councillor Bance raised this with me on the ward visit and I am very keen to progress matters quickly.

10. From Cllr Jeremy Adams to the Portfolio Holder for Resources, Commissioning and Contract Management.

The timing of the operational property review combined with a crippling refurbishment bill is leaving the Council preparing to sell key assets at a time of falling asset prices. How will the Council avoid a fire sale - and could holding these assets be more beneficial in the long term?

Reply:

A number of the assets identified for disposal are not subject to short-term market influences and whilst there is a degree of national economic uncertainty, land values have not currently been negatively impacted due to the combination of a lack of housing supply and market views as to stabilisation of interest rates and build costs. The current disposal strategy is to market the properties in question and then report the outcome of that exercise to the Executive.

Supplementary Question:

I wanted to follow up on your point about the characteristics which mean that they are not subject to market fluctuations. I wonder if you can expand on that point as to what characteristics they are.

Reply:

I think we need to distinguish first of all between house prices and land prices, rather than conflate them, which some will want to do. Just to emphasise that the Executive has mandated to market these properties – clearly we are not going to dispose of any asset at less than what we feel to be its fair value, and we would not be able to under our statutory obligations in any case.

(At this point, the Mayor informed members that the 30 minutes allowed for questions had expired, but it was agreed that the remaining questions should be taken)

11. From Cllr Chris Price to the Portfolio Holder for Transport, Highways and Road Safety

What action is Bromley taking to reduce pollution from motor vehicles?

Reply:

The Council has a programme to promote active travel and modal shift towards public transport, where that is suitable for residents. This programme includes the introduction of new walking and cycling facilities, improvements to bus routes and bus stops, and the promotion of walking to school through the development of good quality School Travel Plans.

Bromley is also running an anti-idling campaign outside schools and is rolling out a residential EV charging trial.

Supplementary Question:

It will be great if Bromley can push that a little bit further and ensure that active travel becomes something that is constantly talked about in the borough and into all policies that we are writing.

Reply:

I am sure we would all like to see as many people walking when it is an area they can walk in rather than using cars, but also I should point out that we have a very good public transport system in Bromley and we encourage people to use that as well.

Additional Supplementary Question from Cllr Colin Hitchins:

Will the Portfolio Holder also agree that we should be encouraging the transport we have got provided not to be cut, as services have been challenged on our network rail at the moment, and some of our bus routes, I noticed during the snow, they weren't even getting half-way to their destination before being turned around. I am talking about a certain area to the south of the borough.

Reply:

They are matters for TfL and I suggest that he talks to Peter Fortune at the GLA.

Additional Supplementary Question from Cllr Chloe-Jane Ross:

In line with what you said about the Council promoting active travel, do you think that it was right that at the Development Control Committee it was agreed to remove the term active travel from the Supplementary Planning Guidance?

Reply:

I gather it is back in.

12. From Cllr Alisa Igoe to the Portfolio Holder for Transport, Highways & Road Safety:

I believe you have disbanded Bromley's Road Safety Panel, consisting of police, Council traffic officers, other professionals and residents. You have said the Panel, which highlighted safety issues across the borough, will be replaced by reports to Fix-My-Street and your one-off visits to wards. Could you please tell me why you have disbanded it and why ward councillors were not informed?

Reply:

The Panel last met in 2019 and the Police have not attended for many years, ward councillors were never members of these panels. The cost of running the Panel in officer time and resources cannot be sustained when the Council faces a growing budget deficit. Your reported quote is inaccurate. What I said was that in addition to Fix My Street and the knowledge of our professional staff, I have 57 colleagues to notify me of any road safety problems in their wards.

Supplementary Question:

At Environment we saw on the Environment Portfolio Performance Monitoring Report that there were 106 KSIs in 2019/20. The target was 92, so it seems a little premature to get rid of the Road Safety Panel. It was quite a large Panel – I appreciate that ward councillors were not on it, but if you are relying on us as ward councillors to report to you on road safety I have no professional qualifications in road safety and I find that quite worrying that it is left to me to decide what is safe in Plaistow. Can I ask you, is it really a good idea to disband this when, for 21/22 we have KSIs currently showing at 109?

Reply:

First of all, you cannot take one year's KSIs in isolation. It happens to have a bulge this year but it has been reducing over the years. Secondly, the Committee had not met for three years and nobody had noticed. The reality is that the Committee was made up of resident's associations who are not experts any more than Cllr Igoe. I have great confidence in my 57 colleagues that if there is a problem in any part of their ward on road safety matters they will raise it with me.

13. From Cllr Simon Jeal to the Portfolio Holder for Renewal, Recreation and Housing

At the time of writing, the Council's pre-application advice scheme has been suspended for non-major enquiries due to 'high caseloads and short-term resourcing problems'. How many enquiries for the service have been rejected, and how much do you estimate the Council has lost in fees, as a result of the suspension?

Reply:

We do not have a record of how many enquiries were rejected during the period of suspension. However, as a comparator last year the Council completed 244 pre-applications which generated an income of £146,128. I do have the figures for the last three years but in the interests of time I will not read them out.

FY2018/19 – 284 - £109,583

FY2019/20 – 294 - £116,968

FY2020/21 – 247 - £131,208

This year, up to 30th November 2022, 28 pre-applications have been completed, and a further 36 are in progress. Income for the year to date is £75,750.

Please note that major pre-application advice was never suspended, and this makes up a large proportion of the income. With full re-instatement of the service for non-majors this week, it is likely that the full year 2022/23 income will be just over £110,000, which means a projected drop in income of between zero and £35,000 compared to last year.

Supplementary Question:

It is great to hear that the service is being re-instated. Do you agree with me that, as Cllr Smith and others have said, in the current climate where the Council is facing huge cost pressures that we should do everything possible to avoid stopping income generating services and what action will be taken to ensure that we do not have to suspend this service again?

Reply:

The issue was a build-up of applications during the Covid period. That backlog has now been ring-fenced and is being tackled separately. I can reassure you that all existing new applications coming in now are being dealt with within the target times and it is hoped that the full backlog will have been cleared by very early in the new year. This was a very extraordinary set of circumstances; we do not expect that to happen again and traditionally we have always been within determination timescales.

Additional Supplementary Question from Cllr Alisa Igoe:

You have said that some have been ring-fenced. I have got residents who have been waiting for word on their applications. Have they been told that theirs are ring-fenced because they seem to have no communication at all at the moment?

Reply:

Every one would have an identified person, a Planner who is looking at them, so they can always make contact if they want to know what the status is. If you have got a specific case by all means let me know and I will make sure that the right contacts are made.