

Council

16 October 2023

Questions from Members of the Council for Oral Reply

1. From Cllr Michael Tickner to the Chairman of Development Control Committee

Under the current Legislation and Government Guidance does a resident or business in a Conservation Area need to notify the Local Planning Authority and obtain consent to use the whole of their garden as a car park?

Reply:

The advice that I am going to give applies inside and outside conservation areas.

Dwellinghouses benefit from permitted development to create a hard surface which can be used for car parking (that is subject to restrictions which mean if it is in front of the dwelling and more than 5 square metres the materials and/or design must allow for drainage).

The parking of a car itself within a residential curtilage by residents or visitors is not development and therefore requires no planning approval irrespective of how much of the garden this takes up.

Businesses and flats are likely to require planning permission for the formation of a hard surface although car parking itself on an existing surface is unlikely to require permission because it is not development.

A commercial car park would require planning permission, although the government planning guidance offers the following information about renting a space on your drive.

The Government's view is that it should be possible to rent parking spaces without planning permission, provided there are no substantive planning concerns such as public nuisance to neighbours.

"There is a public interest from such renting, by providing more cheap and flexible parking spaces for people to park their car and taking pressure away from on-street parking.

The decision on whether renting out a parking space requires planning permission will depend on 2 principal factors:

1. *The first is whether renting out a parking space results in a material change in the use of the space. Determining whether there has been a material change of use will depend on whether a space is used in a significantly different way to how a parking space would normally be used (irrespective of the identity of the driver). For example, if by renting out spaces, it causes a notable public or neighbour nuisance. A local planning authority will make this decision based on relevant facts and on a case-by-case basis.*
2. *The second is whether there are any other relevant planning considerations, such as planning conditions, which impose restrictions that prevent parking spaces being rented out.*

If renting out parking spaces does not amount to a material change of use and if there are no other planning considerations that prevent parking spaces from being rented out then it would not require planning permission.”

Supplementary Question:

Are you aware that in my ward there is a listed building, a commercial building, in a conservation area, where the new owners have torn up the garden - it is in excess of 5 metres - to make a car park? When this was reported to Planning Investigation my residents were fobbed off with the response that they should speak to Highways Officers about it. Are you aware that in Shortlands Village Conservation Area the front garden has been filled with hardcore, the front wall torn down, all without planning permission? Whilst I understand that there are staff shortages in Planning is it not about time that officers' delegated authority to close enforcement cases is removed so that Planning Members can decide whether or not a case should be dropped?

Reply:

I am aware of both of these cases and I would agree that planning enforcement should be as robust as it possibly can to stop incidents like this from happening again.

2. From Cllr Chloe-Jane Ross to the Leader of the Council

Given the disgusting misogynistic comments broadcast by GB News on 26th September, will the Leader of the Council be asking his Conservative colleagues, and any other inclined Councillors, to refrain going on the discredited GB News Channel in their capacity as Councillors representing the good people of Bromley?

Reply:

I must confess to being rather surprised to receive a question concerning misogyny from the Liberal Democrats at this time, given the vulgar and utterly tasteless 'joke' made by their Party Leader, Sir Ed Davey, at the Liberal Democrat conference on 26th September, for which he has still not apologised to the 34 Conservative women MPs to whom he caused offence at the last time of checking.

I also note in complete contrast, how swiftly GBN moved to remove those concerned from post for their excesses. A question of double standards, perhaps?

In either event, the answer to the substantive question is no.

We believe in free speech within bounds of the law on this side of the Chamber and we will continue to appear through any legally approved broadcasting medium, if, and when invited to do so.

Supplementary Question:

I was outraged that day. This is about standards in public life for all of us as councillors. Are you aware that there are twelve Ofcom complaints against GB News, so not just for this incident. It has been widely reported that the owner of GB News is so worried that he is concerned that he will not be considered a fit and proper person to make a bid and buy the Telegraph newspaper. Given that information, do you still think it is appropriate that Bromley Councillors go on GB News in their capacity as Councillors?

Reply:

I find it quite telling that the Liberal Democrat Group opposite is concerned that Bromley Councillors are getting a very clear and distinct message out on what I understand is one of the most popular TV channels in the country. I think it says more about their concern about our message getting across than the reputation of the TV channel itself.

(Councillor Simon Fawthrop declared an interest that he had been on GB News and other broadcasters.)

Additional Supplementary Question from Cllr Simon Jeal:

Would the Leader like to reconsider his position in the light of Councillor Fawthrop's comments?

Reply:

I am reconsidering my position.

3. From Cllr Simon Jeal to the Portfolio Holder for Environment (taken by the Portfolio Holder for Transport, Highways and Road Safety in the Portfolio Holder's absence)

When were the waterways in Kelsey Park, Crystal Palace Park, Betts Canal and others across the borough last desilted and why was an ongoing requirement for regular desilting not included in the contracts for parks management and related services, awarded to idverde in 2019?

Reply:

Unfortunately, it appears that these were last desilted around 20 years ago or more. Croydon Canal in Betts Park was completed in the summer. Desilting requires a

specialist supply chain. The Council has committed £2m to desilt Kelsey Lakes with works planned next year.

Supplementary Question:

Is he aware that the requirement was withdrawn from the contract at the last minute, and could he explain who took that decision and why. I would be happy for the Portfolio Holder to write to me with that answer.

Reply:

Councillor Jeal anticipates my answer.

4. From Cllr Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing

Referencing this article: <https://www.mylondon.news/news/south-london-news/terminally-ill-south-londoner-trapped-27516863>

Following the Ombudsman's decision and after calling this case an "injustice", what lessons have been learnt and changes put in place that ensure we offer residents with complex medical needs the best housing service possible?

Reply:

This is a very complex case and we have great sympathy for the lady in question. She was made offers of accommodation, including a new build property in one of the Bromley's own led developments, which she declined. However, the service recognises that communication with her was not as clear as it could have been and consequently failed to properly manage her understanding of the process and her expectations. In addition, there was an administrative error which led to a delay in a further offer being made.

Staff have been reminded of the importance of following the correct procedures in respect of assessments and nominations. A high needs panel, made up of senior staff including housing officers and OT's meets regularly to discuss the cases of those clients with complex medical circumstances in order to ensure that they are properly assessed and prioritised for assistance. This also ensures that the best use is made of any adapted or adaptable accommodation that becomes available to the local authority to nominate to.

I am pleased to advise that a further offer with a Registered Provider has been made to the lady in question. This is in a new build, within her preferred area of choice. The development is due to be handed over at the end of the month and we expect tenants to be able to move in shortly thereafter.

Supplementary Question:

This is a complex case. Is there an argument that we might need additional resources or additional training to help our incredibly stretched teams deal with complex case like this in future?

Reply:

The approach being taken to address this is working more collaboratively across teams to ensure that all angles are covered. With any case where mistakes are discovered in retrospect lessons have to be learned and working practices have to be addressed and that is what has gone on with this one. We will try to do things better going forward and make sure that we more efficiently deal with cases of this nature.

Additional Supplementary Question from Cllr Jeremy Adams

Lots of us are getting emails in our inboxes regarding housing issues and de-mystifying the process for people going through housing applications for the first time. Are there active steps in making communication more simple, explaining the jargon, explaining the procedures?

Reply:

The Team will walk someone through filling out the application form. They can do that by phone, they can come into the Civic Centre, but they can be hand-held through the process if necessary.

5. From Cllr Alisa Igoe to the Portfolio Holder for Transport, Highways and Road Safety

Reference: GOV.UK - Active Travel England announcement 29 September 2023.

“£60million government investment to transform the school run for 2 million children”

It's good to see this investment in walk and cycle to school programmes over the next 2 years, including £50million in Bikeability cycle training. £5million will, via charity Living Streets, support walk to school programmes aimed at hundreds of thousands of pupils across England.

Does the Portfolio Holder support Living Streets' aim “to tackle the barriers that prevent families choosing to walk to school, such as unsafe walking environments” and how will he break down those barriers?

Reply:

Making our streets safer is the central core of our road safety policies. Cllr Igoe will have seen the comprehensive report I tabled at the June Environment PDS.

We have a first-rate School Travel Plans team. In recent years we have built a dozen new zebra crossings and improved many other streets in different ways and more are in the pipeline.

Supplementary Question:

That is excellent to hear, and I am on the Environment Committee so, yes, I have seen that report. On a recent walk with Bromley Officers and School Travel Officers around the roads surrounding one of the schools in my ward, Plaistow, the officers queried whether the “Slow” flashing signs were actually working close to the school. Those are being checked. Do we, and if we do not do you agree that we ought to,

regularly check that all of these road safety signs around schools are working, and will you agree to have all such signs around each school checked that they are working before the end of this school term please?

Reply:

We can do that, subject to the resources. I was at Raglan Road School last Thursday with the ward councillors Councillor Jefferys and Councillor Gupta and there the 20mph zone was not working, so we are going to replace that. Yes, we will see if we can make sure that they are all working, otherwise there is no point in having them.

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

Is the Portfolio Holder aware of whether the Council or any of their contractors employ the use of artificial intelligence (AI) in determining access to services or for any other purposes, or whether they have the intention to do so?

Reply:

Signposting Voice Bots are currently live on our Registrars telephony service and the Council Tax and Business Rates lines. Voice Bot functionality uses artificial intelligence (AI) and natural language to interpret intent and speech commands to direct customers accordingly.

Further development is underway to increase the number of services that the VoiceBot functionality is available on for residents to make access to services easier. We will be looking to take the lessons from the Signposting VoiceBot developments to look to introduce Web Bots onto the Bromley Council website, to improve the experience of those who access it.

Supplementary Question:

This question came up at a meeting with residents, so it would be helpful if that information could be made available. I was thinking more around decision-making. As technology moves on there may be potential for a decision that moves through a chain of events. If we are going to use it those circumstances what safeguards would be in place and would be doing consultation with residents about extending its use?

Reply:

At the moment, our use of AI is at the rudimentary Or initial stages. Officers are working on the groundwork for an updated digital and IT strategy and that will consider additional applications of AI which may be more advanced than those we are currently using. It depends on the service area what degree of consultation is appropriate but Members, certainly through the relevant PDS Committees, will be involved in drawing up the strategy and will have many opportunities to contribute.

7. From Cllr Jessica Arnold to the Portfolio Holder for Renewal, Recreation and Housing

Bromley Council recently refused planning permission for a hand car wash business to operate from the Council-owned car park of Beckenham Spa. However, the business was already operational and has a contract to rent the site from the Council.

Will the Council be enforcing the planning permission refusal and terminating its contract with the business, or continuing to draw an income?

Reply:

This application is currently the subject of an appeal. If the appeal is unsuccessful then the tenancy agreement with the car wash will be terminated forthwith.

Supplementary Question:

I do sympathise with the Council's situation where we find ourselves and the impact we are having with residents who want fair planning enforcement but also we are doing business with businesses who are setting themselves up. Where the reason for refusing planning permission is some kind of nuisance, for example excessive noise, and the Council as landlord has responsibility for its tenants, how does the Council reconcile that when not enforcing planning permission and remaining the landlord of these potential nuisance-causing activities? Not this specific one, where I appreciate there is a resolution, but there are other examples in the borough – I understand run the risk of falling foul of doing right by both residents and the businesses?

Reply:

Enforcement action cannot be taken whilst an application is in an appeal process. You have to await the outcome of the appeal, because there is still a valid route for them to take and until that route is concluded they are still "innocent."

Additional supplementary question from Cllr Jessica Arnold

Is there a period of time before the refusal and the appeal coming in because in this specific case it has been quite a long time so residents are a bit befuddled about why it had not been enforced.

Reply:

I do not know the details of this specific case to know whether that was an issue, but we can find out and I am happy to get back to you.

Additional Supplementary Question from Cllr Mark Smith

I note that the Portfolio Holder replied to the same question that Councillor Arnold put as a written question, and referenced the car wash in High Street, Chislehurst car park, which is in exactly the same position – it has gone to appeal, and we are waiting for the result. The car wash in High Street, Chislehurst has been operating for about eight years – can the Portfolio Holder shed any light as to why and how it has been allowed to operate without any permission?

Reply:

Is it still in appeal at the moment? That will be why – it is the same principle. If there is an appeal.

Additional Supplementary Question from Cllr Mark Smith

My question was, what happened eight years ago to give the car wash permission to start, when it did not have permission. How was it able to operate for eight years without permission?

Reply:

I do not know the specifics of that scenario; we will have to look into that and get back to you.

Additional Supplementary Question from Cllr Josh King

What due diligence and other checks are carried out to ensure that when Council land is leased it is used lawfully to ensure fairness for residents and businesses?

Reply:

That question may be better directed at Licensing.

The Mayor suggested that a written response be provided to Cllr King.

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

What is the current waiting time for Autism Assessments?

Reply:

These assessments are overseen by the ICB and are delivered jointly by Oxleas (CAMHS) and Bromley Health Care. The current wait time is an average of 18 months. Both organisations are very aware that this level of waiting time is clearly not in the interests of our young people, and have recently agreed additional resources to speed up initial contacts and the triaging of cases. They are already seeing some early improvements in waiting times. The length of waiting times have been impacted by a rise in demand in recent years and this is a pattern that has also been experienced nationally.

Supplementary Question:

We have parents whose children are literally in limbo with this long, protracted wait time for assessment. Is there anything that can be put in place to engage with these children, even if it is not exactly what they need so that they are not left for all this time with no support for the parents and the children doing nothing?

Reply:

There are certain schemes being put in place by the ICB, the Education Department and the schools to try and support these children while they wait. Here at the Council, with the South-East London ICB, we have a new all-age Autism Strategy

2022/27 which aims to help us understand what more is needed to shorten the length of time and how to support those waiting. Bromley Council and South-East London ICB have also brought in a project manager to lead on improving diagnostics and support services. The ICB want to assure you that all referrals are triaged so that the young people with the most acute needs are prioritised, and they have also agreed additional funding for two new posts to provide extra capacity and to support intervention with those young people while they are waiting. The ICB have also increased funding to Mencap to increase their capacity to provide practical help.

I can give you some information as to how schools are supporting them. Last year at the Council we co-produced with parents a 100-day Challenge for Autism. This focused on up-skilling skills in schools and settings to raise awareness of Autism and this also led to Autism Champions in our schools. The Education Department offers comprehensive guidance and training packages for schools including accredited Autism Trust training and this helps ensure the school staff are able to identify and support Autism spectrum conditions within the school. Schools are also supported by the Department here to adopt ways in which school environments can become more Autism-friendly, which can have a positive impact on pupils with Autism and prevent placement breakdown.

Additional Supplementary Question from Cllr Simon Jeal

Could you please confirm how many children across the borough are currently out of education and have been since the start of term due to awaiting such an assessment?

Reply:

I do not know that number, but I will get back to you on that.

Additional Supplementary Question from Cllr Alisa Igoe

Are the families told at the very beginning that there is an eighteen month wait or do they only find out further down the line?

Reply:

This is an area managed by Health – I don't know if someone more health related might know the answer?

Additional comment from Cllr Kathy Bance

Two of my parents were informed that the wait would be twenty-four months, so they are made aware early on that there is going to be a long wait.

(At this point the time allowed for questions expired – the remaining questions received written replies.)

9. from Cllr Chris Price to the Portfolio Holder for Children, Education and Families

The Mayor of London is funding Free School Meals for children in years 3 to 6 at £2.65 per meal at an expected take up rate of 90%. Bromley Council have received the funding. Can you confirm that all Bromley primary schools have received their full first term grant?

Reply:

The GLA has not provided a detailed breakdown of the allocation for Bromley schools. The first tranche of funding has been allocated to Bromley schools in accordance with the grant criteria and an update provided to Schools Forum.

10. From Cllr Josh King to the Portfolio Holder for Transport, Highways and Road Safety

There was yet another accident on Elmers End Road at the end of September which involved an overturned car and a trapped occupant. Residents are concerned that given the repeated serious accidents on this road it is only a matter of time before there is a fatality.

What is the Portfolio Holder doing to prevent this?

Reply:

I refer Cllr King to the reply to Cllr Igoe with regard to our road safety policies and actions.

At each location where there have been a number of injury collisions, Officers investigate to see if there is a common cause behind them and whether there are measures that can be taken to prevent them.

Officers are looking at the junction of Ash Grove and Bourdon Road.

11. From Cllr Kevin Kennedy-Brooks to the Portfolio Holder for Resources, Commissioning and Contract Management

What is the Portfolio Holder's justification to more than doubling the rents of community centres run by unpaid volunteers? An action which essentially prices out renters which leads to the prevention of important community services for the most vulnerable residents.

Reply:

Leases entered into by community centre groups, in common with all property assets owned by the Council, are governed by S123 of the Local Government Act. Lease renewals or rent reviews, which occur at regular intervals throughout the tenancy period, are required by this legislation to achieve best value.

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

The cost of the capital programme for the refurbishment of Churchill Court has risen by £4.25 million. There are also added costs of £1.8 million for dual running of two HQs. Can the Portfolio Holder guarantee that the costs of the move to Churchill Court will not rise significantly further?

Reply:

The costs of the refurbishment of Churchill Court have not risen by £4.25m as suggested; at the time that members agreed to the purchase, indicative figures were provided for the refurbishment. Since then, the scheme has been developed with information obtained from surveys and additional background information and from this detailed work, the full cost of the refurbishment has been established. There was also an opportunity identified to generate additional income from the site, and the updated costs needed to reflect this.

There is always uncertainty in predicting the final cost of building works and relocation arrangements given the current inflationary environment and cost arising from any additional work that is deemed necessary but could not have been foreseen at an earlier stage. However, no additional costs are expected from the latest estimate, with some contingency remaining.

In considering the overall costs, it is essential to recognise that there remains a fundamental business case to support moving to the new headquarters with:

- (a) One-off capital savings currently estimated at £15m over the planning period after allowing for the impact of staying on the current site and attempting to bring it up to a suitable and fit standard;
- (b) The new office accommodation also provides significant opportunities to generate revenue through commercial lettings which will lead to a positive ongoing revenue savings by year six of occupation of around £1.4m per annum;
- (c) There are further cost savings not included above relating to the release of other property used by staff other than the civic centre site. For example, moving Adult Social Care staff from the Walnuts to Churchill Court enables the council to save on potential liabilities of £2m.

In addition, the new headquarters are likely to have a significant effect on the recruitment and retention of staff, which is a significant benefit to the organisation.

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

Over a year on since the camera was removed outside Harris Kent House Primary on Kent House Road, the school has reported daily incidents to the Council of unsafe driving and parking by parents, putting children at risk of harm, while a civil

enforcement officer said in April the number of incidents was "more than at any school" they had observed.

Why is the Council refusing to move the camera back?

Reply:

There are more than 100 schools in the borough and so the available cameras are moved when they have served their purpose at one school. Compliance with the school zig zag lines at Kent House improved as a result of the camera and it has been moved to another school with a greater need.

Nearly all schools report problems of bad parking around school pick up/drop times and the team will continue to share the resources accordingly.

It should be noted that a camera will only issue PCNs to vehicles stopping on the school keep clear zig zag markings, the more common parking problems around schools are vehicles parked on yellow lines, the footway or blocking driveways and these restrictions can only be enforced by a Civil Enforcement Officer on foot, not by camera.

14. From Cllr Alisa Igoe to the Portfolio Holder for Environment

On 27/09/23 two annual residents' surveys opened on the Council website, a) Street Cleansing, b) Recycling & Waste Collection, with only 27 days, until 24/10/23, to complete. In 2022 Veolia sent surveys to a statistically representative sample of homes, and held face to face surveys in Bromley Town centre, receiving only 395 respondents (123 postal & 272 on-street).

How many of our 330,000 residents are you hoping will complete the surveys this year?

Reply:

I see no point in trying to estimate how many residents will respond. I would encourage all members to publicise the surveys on their social media websites.

15. From Cllr Kathy Bance to the Portfolio Holder for Environment

We are suffering from a sudden increase of graffiti that is costing our residents large sums of money to rid their vans, shopfronts and properties of the painted TAGS/Dates. Is the rest of Bromley suffering from this increased problem and if so, is anything being done Bromley-wide to address this issue?

Reply:

There does not appear to be a marked increase in graffiti reports. As Cllr Bance will know, we have an excellent record of removing graffiti and fly posters. We aim to clear and remove reported graffiti and flyposting within three working days, where the location is visible and accessible from the public highway (which would include

3rd party property such as shop fronts) but we require authorisation and a signed waiver form to be completed before any work will take place.

16. From Cllr Tony McPartlan to the Portfolio Holder for Renewal, Recreation and Housing

Bromley is one of just a handful of local authorities where there is a shortfall of over £20 per week between Local Housing Allowance (LHA) rates and 30th percentile rents for two-bedroom homes. This means private rental properties are unaffordable to those on housing benefit. Are we lobbying the government to increase LHA rates?

Reply:

Yes we are. Lobbying is being led by London Councils on behalf of all London Boroughs and is also raised by the Council at meetings directly held with government. In the meantime, we continue to work with private landlords in order to bridge the shortfall through a variety of services and incentives in order to support our residents to secure private rented accommodation.

