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RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Tuesday 6 October 2020

3 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING (Pages 3 - 32)

The replies to the questions submitted for this meeting are now attached.

Copies of the documents referred to above can be obtained from
<http://cds.bromley.gov.uk/>

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RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

TUESDAY 6 OCTOBER 2020

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR THE PORTFOLIO HOLDER FOR RENEWAL, RECREATION AND HOUSING

Questions 1 to 24 were submitted by Ms Alison Stammers, Trustee/Executive Committee member, Chislehurst Society & Visit Chislehurst Town Manager on behalf of Chislehurst residents, organisations and businesses.

Question 1

In December 2015, Milngate were chosen by LBB out of 3 potential candidates. Can the Council please explain why the Milngate deal failed in Summer 2019 given they were ready to sign a development agreement following very protracted negotiations?

Portfolio Holder's Response

It would not be appropriate to discuss the commercial affairs of another party, however it is safe to state that it was not possible to conclude a Development Agreement at that time due to a lack of clarity on fundamental parts of the agreement.

Question 2

Was a report submitted to any LBB committee on why those negotiations failed and propose a subsequent course of action for agreement? If yes, when and which committee? If not, why not?

Portfolio Holder's Response

No as it was not required to do so.

Question 3

Given so many years had elapsed since the original decision to sell Chislehurst Library, what processes/reviews were undertaken before putting it back on the market in December 2019?

Portfolio Holder's Response

The principle of the provision of a new library for Chislehurst at no cost to the Council has not changed and the desire for such a new facility has continually been supported by Members.

Question 4

Did the Council ever consider and/or evaluate the feasibility of making improvements to the current library to overcome its accessibility shortcomings, etc? If not, why not?

Portfolio Holder's Response

This was not a consideration as the principle of the provision of a new library for Chislehurst at no cost to the Council means that the Council would not need to make such improvements.

Question 5

Why have there never been any public agenda or other papers on the sale of Chislehurst Library until the minutes of 2 September 2020?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format.

Question 6

Why has there never been any public consultation conducted by LBB on the sale of Chislehurst Library, a public asset much valued by Chislehurst residents? (The only consultations have been by M&S (December 2013) and a survey by The Chislehurst Town Team/Chislehurst Society in February 2020.)

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The concept of this redevelopment was in any event made aware to the residents of Chislehurst via the consultations previously undertaken by prospective occupiers in 2013 via a Public Meeting.

Question 7

What parties were involved in the decision-making process reducing the list from 16 to 8 to 5 to 3? What criteria were used to consider each bid to make those decisions?

Portfolio Holder's Response

The Council appointed Cushman and Wakefield Chartered Surveyors to act for it in this disposal and together with Ward Members, Officers and myself criteria were agreed – principally around financial ability to transact, planning risk and market certainty of the bid.

Question 8

Can the criteria used to assess/eliminate the various bids (without disclosing the bidder) be shared?

Portfolio Holder's Response

The criteria used were principally around financial ability to transact, planning risk and market certainty of the bid.

Question 9

Will the Council share the proposal in terms of planned usage and value from each bidder without disclosing names?

Portfolio Holder's Response

No – there is little point in sharing this as the process which the Council undertook is considered robust and the decision-making process of evaluation is not a matter for public consultation.

Question 10

Under Section 123 of the Local Government Act 1972, a local authority has the power to dispose of land. The main caveat to this power is that the Council must not do so for “a consideration less than the best that can be reasonably obtained”. This is interpreted as being the best price achievable in the open market. Can the Council please explain why they accepted the Prime bid which they announced, “was not the highest offer in financial terms”?

Portfolio Holder's Response

The report published for the Call In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 11

What justification is there for not accepting the highest capital receipt offer?

Portfolio Holder's Response

The report published for the Call In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 12

The General Disposal Consent (England) 2003) gives consent to the disposal of any interest in land at less than best consideration where the Council considers it will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area, subject to the condition that the undervalue (i.e. the difference between the consideration obtained and the best consideration that can reasonably be obtained) does not exceed £2million. Residents would be interested in information on how the sale to Prime will secure the ‘promotion or improvement of the economic, social or environmental well-being’ of Chislehurst?

Portfolio Holder's Response

It is considered that a Medical facility would benefit the health and well being of residents and therefore improve the social benefit for residents and as the highest offer was not considered viable the offer put forward by Prime was considered the best deliverable offer.

Question 13

What evidence is there that this sale gives best value to a) Bromley Council b) Chislehurst residents and Library users?

Portfolio Holder's Response

The report published for the Call In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 14

Can the Council assure us that in selecting the bid for a combined library and medical centre, it was satisfied that the medical services to be offered will be superior in scope to what is currently offered by the three (*sic*) existing surgeries in this area? If so, can they please demonstrate in what way local services will be improved? We would be most concerned if the proposed medical centre is to become no more than a giant G.P Surgery. The community would hope to benefit from an improved offer with facilities to include such things a blood testing and improved nursing services.

Portfolio Holder's Response

These are questions which should be directed to the local CCG who are supportive of this scheme.

Question 15

It is in the public domain that M&S submitted an offer. Can the Council explain why their bid was not accepted?

Portfolio Holder's Response

It would not be appropriate to discuss the commercial affairs of another party, however it is safe to state that a bid was received from a party whom M&S were supporting. The Prime bid was considerably higher.

Question 16

What is the undervalue? If the Council cannot give the undervalue sum in £, will they give it in % terms? Can the Council confirm that the undervalue does not exceed £2m?

Portfolio Holder's Response

I can confirm that the undervalue did not exceed £2m. By providing an exact % it could be possible to determine other bidders pricing structure and It would not be appropriate to discuss the commercial affairs of another party in this forum.

Question 17

The stated purpose of the Renewal, Recreation and Housing PDS Committee includes "The Committee is also involved in Best Value reviews and the performance monitoring of services which are within the remit of the Renewal, Recreation and Housing Portfolio." In what ways did the committee meet this purpose throughout the process and also on 2nd September 2020?

Portfolio Holder's Response

This disposal and decision was scrutinised on 2 September 2020 and all decisions made by the Council are scrutinised by the relevant PDS Committee. The committee was satisfied that the Council's fiduciary obligations were adhered to.

Question 18

What assurances can the Council give that this deal will not fail as the one with Milngate did?

Portfolio Holder's Response

The due diligence undertaken by the Council has included certainty of occupiers for the scheme, financial backing with proof of funds and Planning risk mitigation by bidders taking a Pre- App. Therefore, it is considered likely that Heads of Term and the entering of a Development Agreement will be swift. There is always a risk to development not completing but the due diligence undertaken to the Prime bid is considered to minimise this risk.

Question 19

What timescale will the Council be working to with the chosen development partner including a) to conclude the Heads of Terms; b) conclude the development agreement with Prime c) validate a planning application?

Portfolio Holder's Response

It is considered likely that Heads of Term and the entering of a Development Agreement will be swift. The Development Agreement should be concluded by January with Planning estimated to be submitted by April/May2021.

Question 20

What consultations with the public will be held prior to submission of a planning application by the chosen developer?

What engagement will there be with Chislehurst residents and organisations going forward until delivery of the agreed scheme? Given the library is to be delivered 'shell and core', can the committee please explain how the fit out costs (as per the

specifications as submitted by LBB to interested parties) have been estimated to cost as much as £1m and provide a breakdown? Will tenders for those works be obtained?

Portfolio Holder's Response

As with any development which contains Public facilities, consultations will take place in due course.

As with all expenditure of public funds the Council will ensure that it gets value for money and apply its procurement policies for such tender of works. The £1m is an estimate based on previous works to other libraries.

Question 21

In the event that the costs of the library fit out exceed the estimated costs of £1m, where will the shortfall come from?

Portfolio Holder's Response

In this unlikely scenario the Council would need to consider the shortfall at that time.

Question 22

In the event that the disposal capital receipt exceeds the estimated Library fit out costs of £1m, where will the surplus go? Can it be ringfenced for Chislehurst to fund improvements such as cctv on the High Street?

Portfolio Holder's Response

Any capital receipts the Council generates are centrally held and for Members to decide on appropriate allocation.

Question 23

In the Council's press release of 17 September 2020, it says "It is *envisaged* that library facilities will still be available in Chislehurst during the construction phase ...". Whereas the sale specifications say "To ensure a continuity of library service, an interim library facility *will need to be provided* by the purchaser during the construction period" and gives further detail on size and proposed location. Can the Council confirm that compliance with the library sales specification will be complied with?

Portfolio Holder's Response

Yes

Question 24

Were the Councillors made aware during the process that M&S were behind the Third highest bid working with Kimberley Developments who submitted the offer?

Portfolio Holder's Response

It would not be appropriate to discuss the commercial affairs of another party, however it is safe to state that a bid was received from a party whom M&S were supporting. The Prime bid was considerably higher

Question 25 - From David Viles

Why was the report on the redevelopment of the Library site to the Renewal, Recreation & Housing PDS Committee on 2 September treated as a Part 2 item (subsequently partially reversed at the meeting), thus denying the public timely access to the background to this important decision which directly affects the residents of Chislehurst?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format.

Question 26 – From David Viles

Will the Council confirm that the design of the new library will be in conformity with the Conservation Area requirements and will be subject to public consultation?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 27 – From Alisa Igoe

"The minutes (page 6) of the 2 July 2019 meeting of the PDS Committee state:
In regard to the Chislehurst Library site (Priority 3, page 89 of the agenda), Members were advised that the Milngate developer agreement was still being prepared for signature by the legal team and a long-standing issue was now close to being resolved."

Unless you are able to provide documentary evidence of the decision to re-market Chislehurst Library, its timing and the identity of the decision makers, can those details now be communicated verbally to the virtual call in meeting on 6 October?

Portfolio Holder's Response

It would not be appropriate to discuss the commercial affairs of another party, however it is safe to state that it was not possible to conclude a Development Agreement at that time due to a lack of clarity on fundamental parts of the agreement.

Question 28 – From Alisa Igoe

Could you please tell me and name which Councillors on the Renewal Committee (aside from the ward Member for Chislehurst, Cllr Sharma) have ever visited Chislehurst Library since the decision to sell was agreed for the second time and the dates they did so?

Portfolio Holder's Response

I cannot speak for Members of the committee.

Question 29 – From Christian Mole

Why does the sales brochure say only 550sqm of actual public library is needed in the new build. If a new library is to be built why not make it larger?

Portfolio Holder's Response

The library element of every proposal put forward was a key-criteria when assessing the offers received. The selected purchaser will be providing a library of no less than 695 sq m.

Question 30 - From Christian Mole

Why has the Council Leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 31 - From Christian Mole

If the Committee approves the sale and the new developer defaults, how will the Council be able to continue to provide its statutory required library service in Chislehurst?

Portfolio Holder's Response

The Development Agreement will provide appropriate guarantee mechanisms in the form of Collateral warranties and Step In rights if such an eventuality took place.

Question 32 - From Christian Mole

If this sale is challenged by an unsuccessful bidder, as we hear it could be, how long could this delay the sale, demolish and rebuild?

Portfolio Holder's Response

The Council is extremely confident of its legal position should a legal challenge materialise. It is impossible to say how long such a delay would take due to the matter being determined through the Courts.

Question 32 – From Christian Mole

Can the Council guarantee that, in the event of the developer's failure or any other reason that the development is stalled, that a new permanent library facility, of at least equivalent size to the current building, will be completed, if necessary using Council funds, within the next three years?

Portfolio Holder's Response

The Development Agreement will provide appropriate guarantee mechanisms in the form of Collateral warranties and Step In rights if such an eventuality took place.

Question 33 - From Christian Mole

What experience does Prime have in mixed developments including libraries? They seem to me to be specialist healthcare developers.

Portfolio Holder's Response

Prime are considered to have the appropriate track record in development.

Question 34 – From Rachel Eyres

Please can you explain what public consultation has happened regarding the sale of Chislehurst library? I for one was not aware a sale was happening and am sure many residents who use the library (I used it all the time when my children were small) are completely unaware this is happening.

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format.

Question 35 From Richard Garvey

Could the Council please confirm what the evaluation criteria and scoring were to select the preferred bid?

Portfolio Holder's Response

The criteria used were principally around financial ability to transact, planning risk and market certainty of the bid.

Question 37 – From Lisa Campbell

Why has the Council Leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 38 – From Lisa Campbell

Why, in a temporary library, should Chislehurst only have half the 17,000 books available and very little space available for the annual 336 events (2019 figures)?

Portfolio Holder's Response

The temporary library will as much as possible attempt to replicate the functions of the existing library whilst the new library is re-developed. The Council will work with Prime to facilitate this. As far as possible, the council is committed to ensuring that book and event provision should reflect that being offered in the existing library prior to any transfer to a temporary location.

Question 39 – From Lisa Campbell

Where will I take my children to children's library events in Chislehurst if the temporary library is not big enough to continue to hold the 299 children activities held in 2019?

Portfolio Holder's Response

See Q 38

Question 40 – From Tim Slessor

Why has the Council Leader not chosen the highest bidder - and instead chosen a bid that is paying significantly less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 41 – From Tim Slessor

If an unsuccessful bidder challenges the sale, as might well happen, how long could this delay the sale, the demolish and the rebuild?

Portfolio Holder's Response

The Council is extremely confident of its legal position should a legal challenge materialise. It is impossible to say how long such a delay would take due to the matter being determined through the Courts.

Question 42 – From Michael Bassett

Why did the first sale fall through?

Portfolio Holder's Response

It would not be appropriate to discuss the commercial affairs of another party, however it is safe to state that it was not possible to conclude a Development

Agreement at that time due to a lack of clarity on fundamental parts of the agreement.

Question 43 – From Michael Bassett

Why has the Council Leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 44 – From Sarah Gill-Schmitz

Why was the library put up for sale?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council.

Question 45 – From Sarah Gill-Schmitz

Why does the sales brochure say only 550sqm of actual public library is needed in the new build. If a new library is to be built why not make it larger?

Portfolio Holder's Response

The selected purchaser will be providing a library of no less than 695 sq m as advertised. This is seen as an enhancement of the current offering.

Question 46 – Nick Bull

If the Committee approves the sale and the new developer defaults, how will the Council be able to continue to provide its statutory required library service in Chislehurst?

Portfolio Holder's Response

The Development Agreement will provide appropriate guarantee mechanisms in the form of Collateral warranties and Step In rights if such an eventuality took place.

Question 47 – From Nick Bull

If, as the sales brochure suggests, the temporary library will be sited in the High Street car park (behind the Post Office, taking up a third of the parking spaces) for up to 2 years, where will customers of the shops park?

Portfolio Holder's Response

Any development of an existing facility will mean some disruption. The impact of this will be minimalised and that the loss of parking bays is kept to the minimum.

Question 48 – From David Souter

Why has the Council Leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 49 – From David Souter

If the Committee approves the sale and the new developer defaults, how will the Council be able to continue to provide its statutory required library service in Chislehurst?

Portfolio Holder's Response

See Q18

Question 50 – From Rebecca Witten

For the purposes of visually encouraging residents and children to visit the library, will the Council confirm that they will insist the developer puts the library on the ground floor of the new building?

Portfolio Holder's Response

The Council's requirements specified that ideally the library should be located on the Ground Floor. The Prime bid confirmed this in their proposal.

Question 51 From Rebecca Witten

If Committee approves the sale and the new developer defaults, how will the Council be able to continue to provide its statutory required library service in Chislehurst?

Portfolio Holder's Response

See Q18

Question 52 – From Rebecca Witten

Will children's services, which my own children have enjoyed attending at the Library over a number of years, still operate in the same way from both the temporary and new Library?

Portfolio Holder's Response

The temporary library will as much as possible attempt to replicate the functions of the existing library whilst the new library is re-developed. The Council will work with

Prime to facilitate this. It is inevitable that there may be some challenges as it will be difficult to fully replicate the existing provision. The area of 200 sqm was originally agreed as a temporary minimum provision to give bidders clarity on what they should factor into their bids. However, if possible, the Council is committed to ensuring that book and event provision should reflect that being offered in the existing library prior to any transfer to a temporary location. Of course, other libraries in the Borough will still offer these services.

Question 53 – From Clare Owen

Why has the Council Leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 54 – From Clare Owen

Why, in a temporary library, should Chislehurst only have half the 17,000 books available and very little space available for the annual 336 events (2019 figures)?

Portfolio Holder's Response

See Q38

Question 55 – From Revd Dr Catherine Shelley

How much profit will Bromley Council make from this sale and why will the profits not be reinvested in Chislehurst and Mottingham, the ward that the library serves?

Portfolio Holder's Response

The capital receipt from the disposal will predominantly be used for fitting out the new library. Surplus receipts will then be held by the Council's Capital Fund for allocation with the approval of Members.

Question 56 – From Revd Dr Catherine Shelley

Who made the decision and why has the Council not chosen the highest bidder and instead chosen a bid paying considerably less cash than might have been realised by the highest bid?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 57 – From E M Hollingsworth

What are the true plans of the Council for this site including the closure of the longstanding and much used Library Service - a great asset to the Community in so many ways - and why has it acted in this apparently clandestine way?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council.

Question 58 - From E M Hollingsworth

Does the Council intend to use the proceeds of sale to establish a satisfactory long term Library facility in Chislehurst and if so where and when?

Portfolio Holder's Response

The disposal of the library site is to re-provide a new modern library on the same site at no cost to the Council.

Question 59 – From E M Hollingsworth

How do we know that the Council has negotiated in good faith in this matter - which seems possibly unlikely in view of the failure to consult over this proposed sale?

Portfolio Holder's Response

The library was marketed in the open market to ensure the Council ensures it achieves the best consideration and complies with its statutory responsibilities.

Question 60 – From E M Hollingsworth

Does it surprise or even concern you that the manner in which this seems to have been handled appears to leave us local people and long term supporters of the Library too much in the dark and with the feeling that there is a hidden agenda on the part of the Council?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council.

Question 61 – From Anthony Bompas

Why was the library sold? Why was it appropriate to decide to sell it using Covid emergency delegated powers?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure

a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council. During the Covid-19 pandemic, since March, the Council has had to adapt some of its decision making processes so that normal business can continue.

Question 62 – From Joanna Medrecki

Why was the library put up for sale?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council

Question 63 – From Joanna Medrecki

Will the new development still offer an adequate library for our children, with as many books and events?

Portfolio Holder's Response

Yes it will.

Question 64 From Joanna Medrecki

If a temporary library is set up in the car park, where is it proposed all the vehicles that usually park there would park to use the shops and recreation ground?

Portfolio Holder's Response

See Q 47

Question 65 - From Susan Sassoon

Why was this sold at all? How does this fall remotely within Covid Emergency powers?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council. During the Covid-19 pandemic, since March, the Council has had to adapt some of its decision-making processes so that normal business can continue.

Question 66 – From Mike Fox

I want to know why Chislehurst library is being sold off?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council.

Question 66 – From Mike Fox

How much profit will Bromley Council make from this sale and explain how it will be reinvested in Chislehurst and the local area?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 67 – from Mike Fox

The library is in the Conservation Area. Will Bromley ensure that planning approval is only given to developments that conform with this and enhance the site.

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 68 – From Mike Fox

Why did the initial sale fall through?

Portfolio Holder's Response

It would not be appropriate to discuss the commercial affairs of another party, however it is safe to state that it was not possible to conclude a Development Agreement at that time due to a lack of clarity on fundamental parts of the agreement.

Question 69 – From Mike Fox

Why does the sales brochure say only 550sqm of actual public library is needed in the new build. Is a new library is to be built why not make is larger? Is the Council planning to profiteer by commissioning flats (not social housing)?

Portfolio Holder's Response

The selected purchaser will be providing a library of no less than 695 sq m as advertised. This is seen as an enhancement of the current offering.

Question 70 – From Mike Fox

Why has the Council Leader not chosen the highest bidder? This doesn't seem to make any sense!

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 71 – From Mike fox

Why does the temporary library (during building works) only measure 200sqm including a kitchen for staff, as this will not be big enough and is a third of the size of the current library?

Portfolio Holder's Response

See Q38

Question 72 – From Mike Fox

Why, in a temporary library, should Chislehurst only have half the 17,000 books available and very little space available for the annual events. Will the council reinvest with computers and other facilities?

Portfolio Holder's Response

See Q38

Question 73 – From Mike Fox

Will the Council request a levy (CIL) on the developer to enhance the local infrastructure?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 74 – From Mike Fox

Will the Council insist the developer puts the library on the ground floor of the new building or makes it fully accessible?

Portfolio Holder's Response

The Councils requirements specified that ideally the library should be located on the Ground Floor. The Prime bid confirmed this in their proposal.

Question 75 – From Mike Fox

If the Committee approves the sale and the new developer defaults, how will the Council be able to continue to provide its library service in Chislehurst?

Portfolio Holder's Response

See Q18

Question 76 – From Mike Fox

If this sale is challenged by an unsuccessful bidder, as we hear it could be, how long could this delay the project?

Portfolio Holder's Response

The Council is extremely confident of its legal position should a legal challenge materialise. It is impossible to say how long such a delay would take due to the matter being determined through the Courts.

Question 77 – From Mike Fox

Why is this project not properly visible to the local people and the public via local press internet and social media as it should be?

Portfolio Holder's Response

See Q6

Question 78 – From Julie Nathan-Smith

The activities and services provided by the library contribute to the well-being of the local people. This is particularly important at this time when so many more people are in need of additional community support. Will the proposed new library be able to offer a full range of activities for:

1. Pre-school children
2. Infant and junior school children
3. Children of secondary school age
4. Students and adult learners
5. Adult clubs and societies
6. Activities, clubs and societies for the elderly
7. Activities, clubs and societies for the vulnerable

Portfolio Holder's Response

The new library will offer the same range of services as the existing one does.

Question 79 - From Christine Pott

Why can the most attractive, in keeping with Chislehurst 'village' building not be extended, refurbished, brought up-to-date with disabled facilities etc.?

Portfolio Holder's Response

This was considered but it was decided that a new library was a better option.

Question 80 - From Christine Pott

The library team has worked very hard and achieved excellent results in establishing a social hub for the village. It's a joy to go into the library when something is going on, be it stories and songs for little ones, talks and activities for schoolchildren or get-togethers for adults. As an older person I always attend the talks in the library if I am able and one of the nicest things I've done in my life is the fortnightly Social Saturday there. Heartbroken not to be able to do that now because of the pandemic.

Will there be space for us to meet in the temporary car park library? Or will you be making provision for this in another public space so that this lovely group of older people can continue to benefit their mental health and happiness?

Portfolio Holder's Response

See Q38

Question 81 – From Alex Fisher

The library is in the Conservation Area. Will Bromley ensure that planning approval is only given to developments that conform with the Conservation Area and enhance the site?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 82 – From Alex Fisher

Why has the Council Leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call- In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 83 – From Alex Fisher

Why, in a temporary library, should Chislehurst only have half the 17,000 books available and very little space available for the annual 336 events (2019 figures)?

Portfolio Holder's Response

See Q38

Question 84 – From Alex Fisher

Where will I take my children to children's library events in Chislehurst if the temporary library is not big enough to continue to hold the 299 children activities held in 2019?

Portfolio Holder's Response

The temporary library will as much as possible attempt to replicate the functions of the existing library whilst the new library is re-developed. The Council will work with Prime to facilitate this. It is inevitable that there may be some challenges as it will be difficult to fully replicate the existing provision. The area of 200 sqm was originally agreed as a temporary minimum provision to give bidders clarity on what they should factor into their bids. However, if possible, the Council is committed to ensuring that book and event provision should reflect that being offered in the existing library prior to any transfer to a temporary location.

Question 85 – From Alex Fisher

How much parking revenue will be lost by Bromley with the final loss of the Library car park and many spaces lost under the site of the temporary library in the High Street car park?

Portfolio Holder's Response

See Q47

Question 86 – From Alex Fisher

Will the Council be insisting on a Construction Management Plan, to stop large HGVs and other construction vehicles operating during times school children will be accessing the school?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 87 – From Mark Bunker

Why did the Leader of Bromley Council use emergency Covid-19 powers to agree the sale of the Chislehurst library when the Council has been trying to dispose of the library for the past 6 years and therefore such a sale has nothing to do with the current pandemic?

Portfolio Holder's Response

During the Covid-19 pandemic, since March, the Council has had to adapt some of its decision making processes so that normal business can continue.

Question 88 - From Mark Bunker

Will Bromley Council agree to re-invest any profits made from the Chislehurst library sale back into Chislehurst and therefore for the benefit of the local area and residents, and if not, why not?

Portfolio Holder's Response

The capital receipt from the disposal will predominantly be used for fitting out the new library. Surplus receipts will then be held by the Council's Capital Fund for allocation with the approval of Members.

Question 89 – From Anthony Burrett

Why was there no public debate since 2014?

Portfolio Holder's Response

See Q6

Question 90 – From Anthony Burrett

Why was a lower offer of sale purchase excepted?

Portfolio Holder's Response

The report published for the Call- In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 91 – From Ian Dawson

Why has there been no public consultation on the sale, no public agenda papers on the sale, no public scrutiny or mention of the sale of the library for 6 years?

Portfolio Holder's Response

See Q6

Question 92 – From Ian Dawson

The eventual proposed sale of the library does not appear to have gone to the highest bidder so please explain the thinking behind this with reference to any other bids made and whose interest this sale is serving?

Portfolio Holder's Response

The report published for the Call- In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 93 – From Dee Whittington

Why have you allowed us only 48 hours to submit public questions? (This is not sufficient time for the public to respond as fully as they would wish).

Portfolio Holder's Response

Residents can contact the Council and raise concerns at any time, but we do set some time limits around formal questions for reply at meetings so that there is time to prepare replies.

Question 94 – From Dee Whittington

Why is the Library up for sale? (It should not be. This is a public use building and it is for the people of Chislehurst to decide its fate).

Portfolio Holder's Response

See Q6

Question 95 – From John & Diana Willes

If the library is sold will Bromley Council ensure that planning approval is only given to developments that conform with the Conservation Area and enhance the site and will the profit be reinvested in Chislehurst ?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 96 – From John & Diana Willes

If the temporary library is sited in the High Street car park behind the Post Office, together with the loss of parking behind the present library, this will severely reduce the parking area for shoppers which will disastrously impact on the turnover of the shops which are already struggling to survive.

Portfolio Holder's Response

See Q47

Question 97 – From Lisa Harte

Please explain why this public building has been sold without due process?

Portfolio Holder's Response

This disposal has fully complied with due process.

Question 98 – From Mick Flynn

Can you please tell me why Chislehurst library has been sold, how much it was sold for, was it sold at the best price and who took the decision to sell it?

Portfolio Holder's Response

The report published for the Call- In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 99 – From Caroline Hampton

Prime Development is noted on the relevant documents as being the Developer. There are a number of developers with the name Prime in their title. Please confirm exactly who the library has been sold to and their company address.

Portfolio Holder's Response

Prime Developments address is 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX

Question 100 – From Caroline Hampton

Please confirm that the chosen developer has no relationship public or private with any member or employee of Bromley Council.

Portfolio Holder's Response

There are no known such relationships with Prime.

Question 101 – From Daniel Kinrade

When will a permanent replacement library be opened and what is its proximity to the current site?

Portfolio Holder's Response

The new library will be on the same site as the existing and will open when building work is complete.

Question 102 - From Daniel Kinrade

Will the new permanent library offer the same services, and will there be a period when Chislehurst will not have a library?

Portfolio Holder's Response

The new library will offer the same range of services. A temporary library offering will be available during the construction phase.

Question 103 – From Alison Hall

Why has the council leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 104 – From Alison Hall

Why is temporary planning consent needed for the temporary library? Does that not run the risk of there being no library for the residents of Chislehurst?

Portfolio Holder's Response

All buildings require Planning consent. The Development Agreement with Prime will ensure that this is a condition on the whole scheme to progress – if Planning cannot be obtained then the scheme will not progress.

Question 105 – From Jenny Lyon

The new proposal for Chislehurst library would create a combined library and medical centre - combining the Woodlands Practice and Chislehurst Medical Practice. Chislehurst has currently got very good provision of medical practices. Both practices are in excellent locations on the high street with very good facilities. They are close to bus stops and car parks. Can the Committee please explain what added value the new proposal provides the residents of Chislehurst?

Portfolio Holder's Response

The future provision of medical services in Chislehurst is a question that should be addressed to the local CCG.

Question 106 – From Jenny Lyon

The local population have a lot of affection for our library. As someone who works in architecture, I can see that the main issue of accessibility is one that can be resolved and resolved beautifully with the right architect. Is the real issue, that the Council needs money and are stripping assets and dressing it up as a "positive news story" to the community?

Portfolio Holder's Response

The decision to dispose of the library was based on a replacement library being re-provided in a new scheme at no cost to the Council.

Question 107 – From Jenny Lyon

Can the Council outline why it has not run its own public consultation on the sale of Chislehurst library?

Portfolio Holder's Response

See Q6

Question 108 – From John Hubbard

Chislehurst Library – the building, the land on which it stands and the car park – are currently in LB Bromley's ownership for the benefit of residents of the borough.

(a) Under the proposed re-development plans recently considered behind closed doors, will ownership of the whole site, including the resulting new or adapted building, remain with LB Bromley?

(b) If not, what public consultations have been conducted on the Council's preferred approach and has a cost benefit analysis of the different options been published?

Portfolio Holder's Response

The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision. The Council then undertook two marketing exercises to secure a development partner – due to the nature of commercial negotiations these are usually reported in a Part 2 format. The rationale behind the sale was that a new replacement library meeting modern standards could be provided with a new development at no cost to the council. The Council will dispose of the site and take a 999 year lease at a peppercorn rent for the new library once it has been developed.

Question 109 - From John Hubbard

Over the years, the current Chislehurst Library building has provided a space on its upper floor for community activities such as music groups for babies and toddlers, dance classes, pensioners groups and others. Will the Council guarantee, over and above plans to incorporate a library facility, that the new library development will include at least an equivalent space for use by the community in future?

Portfolio Holder's Response

The new library will be accommodate such uses.

Question 110 – From John Hubbard

Will the proposed redevelopment provide for library services on at least the same scale as present services, and will the provision of a library facility on at least this scale be guaranteed in perpetuity?

Portfolio Holder's Response

The new library be able to accommodate the same level of service.

Question 111 – From Gary Minshull

Why has the library been put up for sale?

Portfolio Holder's Response

See Q6

Question 112 – From Gary Minshull

How much profit will Bromley Council make for this sale and why will it not be reinvested in Chislehurst which needs as you have cut back so much already as a Council and we need money injected back into to it.

Portfolio Holder's Response

The capital receipt from the disposal will predominantly be used for fitting out the new library. Surplus receipts will then be held by the Council's Capital Fund for allocation with the approval of Members.

Question 113 – From Gary Minshull

The Library is in a conservation area - will you confirm that the planning approval is only given to developments that conform with the conservation area and enhance the site?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 114 – From James Igoe

Why was the library put up for sale?

Portfolio Holder's Response

See Q6

Question 115 - From James Igoe

Why has the Council Leader not chosen the highest bidder and instead chosen a bid paying considerably less than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 116 - From James Main

What does the Council plan to use the money from the sale of the library for and will it be reinvested in our public services?

Portfolio Holder's Response

The capital receipt from the disposal will predominantly be used for fitting out the new library. Surplus receipts will then be held by the Council's Capital Fund for allocation with the approval of Members.

Question 117 – From James Main

Why was the library not sold to the highest bidder? Doesn't this suggest there could be a conflict of interest involved here?

Portfolio Holder's Response

The report published for the Call-In answers this question as does the Part 1 Report published following the earlier PDS Committee. There is no conflict of interest.

Question 118 – From Clare Mulrooney

Why wasn't the local community informed of this sale?

Portfolio Holder's Response

See Q6

Question 119- from Clare Mulrooney

Who agreed to this sale?

Portfolio Holder's Response

The Leader of the Council following the scrutiny of the Renewal, Recreation and Housing PDS , the Executive, Resources and Contracts PDS, Ward Councillors' ,the Portfolio Holder for Resources, Commissioning and Contract Management and the Portfolio Holder for Regeneration, Recreation and Housing.

Question 120 – From Clare Mulrooney

Who has the library been sold to?

Portfolio Holder's Response

Prime Developments.

Question 121 – from Clare Mulrooney

It was promised a library would stay in the building and the premises would be preserved. I have read that the refurbished building would be a library and medical centre, is this correct?

Portfolio Holder's Response

The purpose of selling this building is to create a new library on the same site as part of a wider development. Subject to Planning Permission, the building will be demolished, and the site re-developed to incorporate a new library and a medical centre.

Question 122 – From Richard Purkiss

Why does the sales brochure state only 550 sq.m of actual library is needed. If a new library is to be built, why not make it the same size as the present one?

Portfolio Holder's Response

The selected purchaser will be providing a library of no less than 695 sq m as advertised. This is seen as an enhancement of the current offering.

Question 123 – from Richard Purkiss

Why does it have to be sold, and also why has the highest bidder not been accepted if your reason for selling is to enhance Bromley Council's coffers, albeit I understand that Chislehurst will not benefit from this sale?

Portfolio Holder's Response

The purpose of selling this building is to create a new library on the same site as part of a wider development. Subject to Planning Permission, the building will be demolished, and the site re-developed to incorporate a new library and a medical centre. The report published for the Call In also answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 124 – From Sam Webber

How much profit will Bromley Council make from this sale and what additional community facilities will be offered in the new library?

Portfolio Holder's Response

The capital receipt from the disposal will predominantly be used for fitting out the new library. Surplus receipts will then be held by the Council's Capital Fund for allocation with the approval of Members.

Question 125 – From Sam Webber

For the purposes of visually encouraging residents and children to visit the library, will the Council confirm that they will insist the developer puts the library on the ground floor of the new building?

Portfolio Holder's Response

The Council's requirements specified that ideally the library should be located on the Ground Floor. The Prime bid confirmed this in their proposal.

Question 126 – From Alice & John Sennett

Has planning permission been granted for the demolition of Chislehurst Library, and furthermore for plans for a replacement building?

Portfolio Holder's Response

No Planning Permission has been granted. The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 127 – From Alice & John Sennett

If planning permission has not been granted, is it proposed that a condition of sale is a replacement library on the site?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council. Without a new library the scheme will not proceed.

Question 128 – From Peter & Valerie Skinner

The library is in the Conservation Area. Will Bromley ensure that planning approval is only given to developments that conform with the Conservation Area and enhance the site?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 129 – From Peter & Valerie Skinner

Why has the Council Leader not chosen the highest bidder and instead chosen a bid that is paying considerably less cash than the highest bidder has offered?

Portfolio Holder's Response

The report published for the Call- In answers this question as does the Part 1 Report published following the earlier PDS Committee.

Question 130 – From Matthew Smith

How is the proposed demolition of the building by the present owner of benefit to the local community?

Portfolio Holder's Response

The purpose of selling this building is to create a new library on the same site as part of a wider development. Therefore, the local community benefit from a new library at no cost to the Council.

Question 131 – from Matthew Smith

What is the current status of library services in the area Chislehurst library is in, and could these be improved by repurchasing and reopening the building as a public library?

Portfolio Holder's Response

The current building owned by the Council is over 80 years old and by its it's age and design is not considered as a suitable for housing a modern library offering. The building currently is a public library.

Question 132 – From Matthew Smith

What public consultation has been undertaken regarding the demolition of this library building?

Portfolio Holder's Response

See Q6

Question 133 – From Brian John

Why was it considered necessary to arrive at this particular decision please?

Portfolio Holder's Response

The decision to dispose to Prime followed a marketing exercise for the sale of the library site with the outcome of that exercise requiring approval.

Question 134 – From Brian John

Why was it considered urgent?

Portfolio Holder's Response

The decision to dispose to Prime followed a marketing exercise for the sale of the library site with the outcome of that exercise requiring approval. Such decisions are usually stated as being Urgent due to the need to advise the successful and unsuccessful bidders as soon as possible.

Question 135 – From Brian John

What were the reasons for taking advantage, or appearing to take advantage, of conferred "emergency powers"?

Portfolio Holder's Response

During the Covid-19 pandemic, since March, the Council has had to adapt some of its decision-making processes so that normal business can continue.

Question 136 – From Paul Horton

Why did the first sale fall through?

Portfolio Holder's Response

It would not be appropriate to discuss the commercial affairs of another party; however, it is safe to state that it was not possible to conclude a Development Agreement at that time due to a lack of clarity on fundamental parts of the agreement.

Question 137 - From Paul Horton

It is important to know how London Borough of Bromley intend to reinvest the money back into the community rather than be syphoned off into an investment portfolio or hedge fund.

Portfolio Holder's Response

The capital receipt from the disposal will predominantly be used for fitting out the new library. Surplus receipts will then be held by the Council's Capital Fund for allocation with the approval of Members.

Question 138 – From Paul Horton

The library is located in a conservation area. How is London Borough of Bromley going to ensure that the new development is to conform and be in keeping with the ecological integrity of its surroundings?

Portfolio Holder's Response

The new facility will require Planning Permission and be subject to the various Planning Policies of the Council.

Question 139 – From Paul Horton

The sale brochure states only 550 sq metres of actual public library space is needed for the new build? Why not larger...affording more community space?

Portfolio Holder's Response

The selected purchaser will be providing a library of no less than 695 sq m as advertised. This is seen as an enhancement of the current offering.

Question 140 – From Paul Horton

Why is it the case that residents have only been given 48 hrs to voice their concerns/ask questions?

Portfolio Holder's Response

Residents can contact the Council and raise concerns at any time, but we do set some time limits around formal questions for reply at meetings so that there is time to prepare replies.

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