

EXECUTIVE

Minutes of the meeting held on 20 May 2015 starting at 7.00 pm

Present:

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Peter Fortune, Kate Lymer
and Peter Morgan

Also Present:

Councillor Nicholas Bennett J.P., Councillor Simon
Fawthrop and Councillor Tony Owen

193 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Colin Smith and Robert Evans.

Although not a Member of the Executive, Cllr Angela Wilkins also provided apologies for the meeting.

194 DECLARATIONS OF INTEREST

Councillor Kate Lymer declared a personal interest by virtue of her mother being employed by the Council in the Education, Care and Health Services Department. Councillor Peter Fortune also declared a personal interest as a Member of the Affinity Sutton Regional Scrutiny Board and in view of his wife being employed at Perry Hall Primary School in the borough.

195 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 24TH MARCH 2015, 25TH MARCH 2015, AND 24TH APRIL 2015

Minutes of the meetings held on 24th March 2015, 25th March 2015, and 24th April 2015 were agreed.

196 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

A number of questions had been received for oral and written reply. Details of the questions and replies are at **Appendix A**.

197 UPDATE ON PORTFOLIO HOLDERS, APPOINTMENT OF EXECUTIVE ASSISTANTS AND MEMBER WORKING GROUPS AND APPOINTMENT OF MEMBERS TO THE BROMLEY ADOPTION PANEL

Report CSD4091

Members noted appointments by the Leader of the Council to help with administration of Executive business during 2015/16. Elected Member representation on the Bromley Adoption Panel for 2015/16 was also confirmed. Details of the appointments were tabled at the meeting. This additionally included appointments by the Leader to the Health and Wellbeing Board, Crystal Palace Park Project Board, and Children's Board (reference to these Boards being omitted from Report CSD4091).

RESOLVED that:

(1) the Leader of the Council's appointment of Executive Members for 2015/16 along with their Portfolio responsibility be noted as –

- **Councillor Stephen Carr, Leader of the Council**
- **Councillor Colin Smith, Deputy Leader of the Council and Portfolio Holder for the Environment**
- **Councillor Graham Arthur, Portfolio Holder for Resources**
- **Councillor Robert Evans, Portfolio Holder for Care Services**
- **Councillor Peter Fortune, Portfolio Holder for Education**
- **Councillor Kate Lymer, Portfolio Holder for Public Protection and Safety**
- **Councillor Peter Morgan, Portfolio Holder for Renewal and Recreation;**

(2) the Leader of the Council's appointment of Executive Support Assistants be noted as –

Councillor Lydia Buttinger - Environment
Councillor Tom Philpott – Education
Councillor Diane Smith - Care Services
Councillor Will Harmer – Leader's Assistant

(3) the Leader of the Council's appointment of Members to the following Working Parties/Group/Boards and Advisory Panel for 2015/16 be noted

- **SEN Working Party**
Cllr Julian Benington
Cllr Nicholas Bennett
Cllr Judi Ellis
Cllr Robert Evans
Cllr Peter Fortune

**Cllr David Jefferys
Cllr Tom Philpott
Cllr Pauline Tunncliffe
+ 1 Labour Member and 1 UKIP Member (to be confirmed)**

- **Town Centre Working Party**

**Cllr Julian Benington
Cllr Stephen Carr
Cllr Peter Dean
Cllr Nicky Dykes
Cllr Will Harmer
Cllr William Huntington-Thresher
Cllr Alexa Michael
Cllr Peter Morgan
Cllr Ian Payne
Cllr Colin Smith
Cllr Michael Tickner
+ 1 Labour and 1 UKIP Member (to be confirmed)**

- **Child Safeguarding and Corporate Parenting Working Party**

**Cllr Nicholas Bennett
Cllr Judi Ellis
Cllr Robert Evans
Cllr Peter Fortune
Cllr Kate Lymer
Cllr Tom Philpott
Cllr Diane Smith
Cllr Pauline Tunncliffe
+ 1 Labour and 1 UKIP Member (to be confirmed)**

- **Local Development Framework Advisory Panel**

**Cllr Stephen Carr
Cllr Peter Dean
Cllr Nicky Dykes
Cllr Simon Fawthrop
Cllr William Huntington-Thresher
Cllr Charles Joel
Cllr Russell Mellor
Cllr Alexa Michael
Cllr Peter Morgan
Cllr Colin Smith
Cllr Melanie Stevens
+ 1 Labour and 1 UKIP Member (to be confirmed)**

- **Constitution improvement Working Group**

Cllr Graham Arthur
Cllr Julian Benington
Cllr Nicholas Bennett
Cllr Stephen Carr
Cllr Mary Cooke
Cllr Peter Dean
Cllr Robert Evans
Cllr David Livett
Cllr Tony Owen
Cllr Tim Stevens
Cllr Colin Smith
Cllr Angela Wilkins

- **Health and Wellbeing Board**

Cllr David Jefferys (Chairman)
Cllr Diane Smith (Vice Chairman)
Cllr Ruth Bennett
Cllr Ian Dunn
Cllr Robert Evans
Cllr William Huntington-Thresher
Cllr Terence Nathan
Cllr Angela Page
Cllr Pauline Tunncliffe

- **Crystal Palace Park Project Board**

Cllr Stephen Carr (Chairman)
Cllr Peter Morgan
Cllr Colin Smith
Cllr Angela Wilkins
and 1 UKIP Member (to be confirmed)

- **Children's Board**

Cllr Nicholas Bennett
Cllr Stephen Carr (Chairman)
Cllr Judi Ellis
Cllr Robert Evans
Cllr Peter Fortune
Cllr Kate Lymer

(4) Member representation on the Bromley Adoption Panel, 2015/16, be confirmed as –

Cllr Alan Collins
Cllr Diane Smith
Cllr Stephen Wells

Democratic Services Note:

After the meeting the following additional appointments were confirmed –

SEN Working Party - Cllr Kathy Bance

Town Centre Working Party - Cllr Vanessa Allen

Child Safeguarding and Corporate Parenting Working Party – Cllr Kevin Brooks

Local Development Framework Advisory Panel - Cllr Vanessa Allen

In addition, Councillor Alexa Michael would not be a member of the Town Centre Working Party.

198 PROCUREMENT STRATEGY FOR BASIC NEED PROJECTS

Report ED15501

Report ED15501 advised on updated/additional capital schemes within the Council's Basic Need Capital Programme.

Further feasibilities were undertaken at a number of schools during 2014 and 2015 linked to delivery of the primary school development plan. With a projected growth in pupil numbers, further projects had also been added to the education capital programme. Projects within the programme were ranked as either Priority 1 (schemes in delivery or urgently required to ensure sufficiency of places) or Priority 2 (schemes which might be required to satisfy future demand, or where further developmental work is required). For both priorities further work was required to progress schemes to a position where they could be brought to tender stage quickly should demand for places increase.

The Department for Education (DfE) recently announced that L B Bromley had received a further capital allocation (Basic Need Capital Grant) of £8,837,573 for 2017-18. The programme agreed by the Education Portfolio Holder on 27th January 2015 highlighted schemes brought into the list of funded projects being delivered and projects in development - the latter only being brought into the programme upon funding being available. This broadly correlated with Priority 1 and Priority 2 projects. The additional £8,837,573 capital allocation would allow a number of other schemes to be brought forward for development based on need and affordability. The total cost of schemes highlighted in Report ED15501 amounted to £96.150m.

The timetable for the projects was driven by the need to have accommodation in place ready to satisfy demand at schools listed in the report. Following completion of feasibility studies, a detailed programme for each project would include the development of requirements and specification, consultation, achievement of planning consent, and delivery of the main construction contract.

In view of recent difficulties in attracting contractors to tender for works (strong competition for building works), Report ED15501 also outlined an updated procurement methodology.

It was confirmed that Ward Members would be consulted on individual schemes in the report at a stage when the projects were being developed. The Portfolio Holder for Education expressed his wish to see an increased level of Ward Member involvement.

RESOLVED that:

(1) the Bromley Basic Need Programme at Appendix 4 to Report ED15501 be noted, particularly those schemes in delivery and development;

(2) the fully costed appraisal for new schemes at Beacon House, Blenheim Primary School, Farnborough Primary School, Green Street Green Primary School, James Dixon Primary School, Leasons Primary School, Marian Vian Primary School, Poverest Primary School, St George's CE Primary School, St Mary Cray Primary School and The Pioneer Academy (Stewart Fleming) be approved, in addition to the projects outlined in the previous report agreed by Executive on 2nd April 2014;

(3) changes to the procurement strategy outlined at paragraph 3.9 of Report ED15501 be agreed to address present volatility in market conditions; and

(4) the Chief Executive be authorised to submit planning applications in association with these works.

199 ANNUAL REPORT FROM EXECUTIVE WORKING PARTY ON CHILD SAFEGUARDING AND CORPORATE PARENTING

Report CS14141

Members noted an annual update on the work of the Executive Working Party on Child Safeguarding and Corporate Parenting 2014-15, the Working party taking a lead role in:

- promoting safeguarding and preventing neglect and abuse in Bromley, and;
- ensuring that children looked after by Bromley have their interests protected, opportunities maximised, educational achievement enhanced, and voices heard with care services shaped to meet the children's needs.

The Working Party assists the Portfolio Holder carry out his responsibilities and provides a focus on services to safeguard children and promote life chances for Looked After Children (LAC) through detailed review and challenge.

The Leader suggested that it was necessary to further promote the corporate parenting role of the Council particularly to a wider number of Council Members. The Portfolio Holder for Renewal and Recreation indicated a need to assist in helping Looked After Children achieve an equality of opportunity.

RESOLVED that the report be noted.

200 ADOPTION UPDATE AND GRANT DRAW DOWN

Report CS14127

At its meeting on 15th October 2014, the Executive approved drawn-down of £345,700 non-ring fenced adoption reform grant for 2014/15 but deferred a decision on 2015/16 grant draw-down at £272,400 until nearer the 2015/16 financial year. Members could then consider a progress report before considering the release of further funding.

Report CS14127 detailed adoption and permanence activity since April 2014 and sought approval for draw-down of an adjusted sum of £280,400 for 2015/16.

Developments nationally in relation to Adoption Orders were highlighted in the report, particularly in the context of Appeal Court Judgements. The adoption performance of L B Bromley since 2011-12 was also outlined, L B Bromley being one of only 19 authorities to have demonstrated year on year improvement for the average time between a child entering care and moving to its adoptive family. Numbers being adopted however were not as high as planned in view of the family court not always agreeing to the authority's plan for adoption and the court agreeing to the making of placement orders. There was a significant increase in the making of Special Guardianship Orders (SGOs) in 2013/14 and 2014/15 and an increased level of ongoing support to the children and their special guardians.

The level of work securing adoptive placements and the assessment of prospective adopters and special guardianship/connected person carers had continued at a pace. Without resources from the adoption reform grant, significant pressure would be placed on the service in meeting current demand; capacity would not be available to allocate Special Guardianship assessments in-house and the assessments would need to be commissioned from external providers at a greater cost.

The Leader felt that it was necessary to be aware of an exit strategy to ensure that the Council would not be left with a financial liability should an increase in the making of Special Guardianship Orders continue (requiring increased

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ongoing support to the children and their special guardians) with a reduction in the level of adoptions.

Members were advised that L B Bromley had achieved 21 adoptions in 2014/15. This replaced the projected figure recorded at paragraph 3.15 of Report CS14127.

RESOLVED that:

(1) the progress report be noted; and

(2) draw-down of the non-ring fenced adoption reform grant of £280,400 for 2015/16 be approved.

201 RELEASE OF GOVERNMENT FUNDING AND PROCUREMENT STRATEGY TO SUPPORT THE STEP UP TO SOCIAL WORK PROGRAMME

Report CS14142

Report CS14142 sought approval for the release of 'ring-fenced' funding for cohort 4 of the Department for Education's Step Up To Social Work Programme, the funding to be released in instalments over two financial years: 2015/16 and 2016/17.

As part of the cohort 4 delivery, L B Bromley was required to commission a higher education institute (HEI)/university to ensure the programme produces skilled, confident and capable social workers for front line child care teams. The report set out a procurement strategy for commissioning the HEI and Members were asked to approve the strategy. It was proposed that the contract to procure the HEI service begin on 29th June 2015 and end on 30th April 2017 and include recruitment and selection of the students, design of the course, course delivery and close –down, and evaluation of the course.

L B Bromley would take the lead authority role in a Regional Partnership (RP), receiving total grant funding for the programme on behalf of other partnership authorities and managing both the project and contract with the HEI. Known as the Surrey and South East London RP, the partnership now included the London Boroughs of Bromley, Bexley, Lewisham, Lambeth and Southwark, the Royal Borough of Greenwich and Surrey County Council. Partnerships were able to work closely with their chosen HEI to create a bespoke course and the Surrey and South East London RP was looking to recruit 35 trainees across the authorities with L B Bromley looking to take on six students. It was estimated that L B Bromley would receive total funding of £1,211,750 over the financial years 2015/16 and 2016/17 (based on 35 trainees being taken on to the programme). The funding would be released in stages on meeting certain milestones, Report CS14142 outlining timescales for its release.

L B Bromley had previously participated in and had lead authority role for Cohorts 2 and 3 of the Step Up Programme and details were provided of outcomes.

Further details of the Programme as applying to L B Bromley were outlined to Members including its benefits. Councillor Fawthrop (Chairman of Executive and Resources PDS Committee) understood that only one student had withdrawn from the third cohort of thirty two students.

RESOLVED that:

(1) release of the 'ring-fenced' funding for 2015/16 and 2016/17 related to cohort 4 of the Step Up To Social Work Programme be approved; and

(2) the procurement strategy to deliver cohort 4 be agreed.

202 GATEWAY REVIEW OF SUBSTANCE MISUSE SERVICES

Report CS14134

Approval was sought to tender for substance misuse services.

For the procurement of a new contract to take effect from January 2016, Members had previously requested a policy review to develop a revised approach to counter substance misuse - information was to be provided on outcomes that could be expected from the service and the effectiveness of treatments.

Work since undertaken included:

- clarification of the legal basis for providing substance misuse services;
- assessment of the local population need for substance misuse services, including a review of the effectiveness of treatments; and
- commissioning options in relation to the above points.

Copies of the full needs assessment for alcohol and drugs misuse were provided online and copied to the Members' room at the Civic Centre. Key points from each assessment were presented in Report CS14134.

There were a number of risks should services not be commissioned for people misusing drugs or alcohol. It was recommended that substance misuse services continue to be funded to provide a full range of treatments outlined in guidance. The report outlined how commissioning arrangements for the services could be more efficient with an opportunity provided to revise service specifications and create greater efficiencies.

On success and outcomes, officers were aware of the proportion of patients not returning for treatment. Successful completion of treatment was defined as leaving treatment free from the substance of choice and not re-presenting

to services within six months. This was a Public Health Outcome Framework indicator – accepted nationally - against which the local authority was measured. Although the proportion in effective treatment in L B Bromley was a little lower than for England, successful completion rates were higher, suggesting that Bromley services were working effectively and meeting statutory requirements. Some 20% of patients were considered to have successfully completed treatment and to have been cured. It was agreed to provide an indication of the number of people this percentage represented.

It was intended to realign contracts for the main services and tender those services as one contract. As such the Leader supported the recommendation to grant a waiver to extend the shared care contract from October to December 2015 so aligning it for inclusion with the other services to be tendered as one contract. Noting the recommendation from the Executive and Resources PDS Committee, the Leader agreed that further work (and information) was needed before the tender process could begin. It was important that relevant Members had a part in the process for defining the tender specifications. The Portfolio Holder for Resources suggested that the views of residents be considered along with desired outcomes from the NHS Bromley Clinical Commissioning Group (CCG) - it was necessary to work closely with the CCG in this area. Successful outcomes could then be built into the tender process.

In merging the current contracts, it was explained that the services would be re-specified in a different way. More was known about the adult population, those who use the service, and what was needed, and it would be possible to specify a better service. Effectiveness of substance misuse services in L B Bromley was in line with national expectations and the authority was in the top quartile of performance.

The Portfolio Holder for Renewal and Recreation suggested that an easier strategy to counter drug misuse might be to reduce numbers starting to take drugs. Some of the Public Health Grant funding for substance misuse services might be better invested in preventative measures such as education at schools, improving parenting, targeting families where parents are drug users, and supporting the police in targeting venues where illegal drugs are sold.

Councillor Fawthrop (Executive and Resources PDS Chairman) advocated moving quickly so as to achieve savings in the new contract earlier. He suggested an approach where elements of the contract could be taken forward/released in tranches. One part of the contract would come into force earlier than other parts to achieve savings. With negotiations in advance, savings could be achieved in contract tranches for release in October and January. The Leader indicated that it might not be possible at this stage to change the contract approach and questioned how it might be possible to take savings earlier. The approach also appeared similar to submitting individual services to tender.

Having considered the issues and Member views, the Leader was minded to support the recommendations in the report subject to Members being involved early in formulating the tender specifications and how a contract might eventually look. Officers could take account of the suggestions from Councillor Fawthrop but it was necessary to have a formal contract from 1st January 2016 where performance could be determined against outcomes through KPIs etc. It was necessary to consider this in the next few months. Councillor Fawthrop agreed that the matter be looked at, understanding that it was best to take savings as soon as possible; also, in principle, to look at rolling forward the contracts into one contract, and assessing how different a contract might look if rolled over to a third year.

RESOLVED that:

(1) the following substance misuse services be tendered in line with the Council's Contract Procedure Rules (CPR):

- **Stabilisation and Assessment Service**
- **Recovery Service**
- **Intensive Prescribing**
- **Children and Young People Substance Misuse Service**

(2) relevant Members be involved at an early stage with the formulation of tender specifications and how a contract might eventually look; and

(3) the grant of a waiver be agreed to extend the Shared care contract for three months (October to December 2015) in order to align it and incorporate it within the contracts at (1) above.

203 LONG TERM CARE FOR OLDER PEOPLE - EXTRA CARE HOUSING SUPPLY AND DEMAND - FURTHER REPORT

Report CS14143

It was agreed in February to commence consultation with staff, trade unions and other staff representatives on the decommissioning of Lubbock House as an extra care housing scheme for older people – this alongside consultation by Affinity Sutton with tenants at Lubbock House. Affinity Sutton considered Lubbock House unviable long term given its condition; a high level of voids in extra care housing also placed further pressure on the adult social care budget.

Report CS14143 set out results of the consultation and sought agreement to close Lubbock House when all existing service users had moved to alternative accommodation identified for them.

Members noted that it was not possible for officers to release the report until the afternoon of 21st May 2015 (as soon as agreement had been reached on

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alternative accommodation arrangements with families of Lubbock House residents).

In order to give the matter proper consideration and to be able to reach a fair and balanced decision as quickly as possible, it was proposed that the meeting be adjourned following consideration of other agenda items and re-convened at 10 a.m. on 22nd May 2015 to give further consideration to the item. This was agreed.

Upon the meeting being re-convened, Members received an update on the current position. Officers had worked closely with residents and families concerning alternative places. Accommodation had been identified for all service users at Lubbock House and Members were assured that residents and their families had agreed to the alternative arrangements offered. The majority of residents would move to another extra care housing scheme – three residents were being assessed to establish whether they needed to move to a care home. In all cases service users would move to an appropriate alternative which in some cases would provide improved accommodation for the service user. Packages of care would be commensurate with peoples' current assessed needs. Extra care housing did not replicate provision in a residential care home and the packages in extra care would not be an additional financial burden for the Council. Suitable alternative employment within the Extra Care Housing services had been identified for the majority of displaced staff, subject to individual circumstances or preferences.

Should there be significant and sustained demand for extra care housing in future, officers would work with Housing Associations to identify additional housing supply. Officers had continual sight of the housing market.

The Portfolio Holder for Care Services praised officers for the sensitive and supportive manner in which the matter had been taken forward.

RESOLVED that the closure of Lubbock House at the point at which all of the existing service users have moved to the alternative accommodation identified for them be agreed.

204 LOCAL DEVELOPMENT SCHEME 2015-16

Report DRR15/021

Members considered the revised Local Development Scheme (LDS) for 2015/16 which set out the timescale for preparing the Borough's Local Plan. The report had previously been considered and supported by the Development Control Committee on 24th March 2015. For the information of Members, an amended Diagram 2 at Paragraph 3.6 of the LDS was tabled.

It was anticipated that the Local Plan would be completed by 2016. Included within the revised LDS was further required evidence to ensure the Local Plan is 'sound'. Risks associated with this were also included along with measures

to mitigate the risks. The revised LDS also outlined the timescale for preparing a Bromley Community Infrastructure Levy (CIL).

RESOLVED that the revised Local Development Scheme at Appendix 1 to Report DRR15/021 be approved as the formal management document for the production of the Bromley Local Plan.

**205 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM
THE EXECUTIVE AND RESOURCES POLICY DEVELOPMENT
AND SCRUTINY COMMITTEE**

There were no additional issues to be reported from the Executive and Resources PDS Committee.

**206 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006 AND THE FREEDOM OF
INFORMATION ACT 2000**

**207 EXEMPT MINUTES OF THE MEETING HELD ON 24TH MARCH
2015**

The exempt minutes were agreed.

208 CHURCHILL THEATRE MANAGEMENT CONTRACT

Report DRR15/039

Report DRR15/039 provided details of tender returns for the future management of the Churchill Theatre when current arrangements expire on 3rd April 2016. Members agreed to the award of a contract.

Adjournment of Meeting

As recorded at Minute 203 above, Members agreed to adjourn the meeting until 10 a.m. on 22nd May 2015 in order that proper consideration could be given to the report at item 11 of the agenda.

It was not possible for officers to be able to release the report until the afternoon of 19th May 2015 and the meeting was adjourned at 8.10 p.m. on 20th May 2015 in order that Members could have further time to be able to reach a fair and balanced decision on the matter as quickly as possible.

The meeting was accordingly reconvened at 10 a.m. on 22nd May 2015 to consider the item and the meeting concluded at 10.12 a.m. that day.

Chairman

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QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

(A) From David Clapham

1. The primary reason for the purchase of Biggin Hill by LBB and the property's designation as an investment is fundamental. The scale and impact of the application the Executive considered on 25th March 2015 is substantial. In these circumstances why did the Executive not channel this application through the Planning process?

Reply

Biggin Hill Airport's proposal was to their landlord, Bromley Council, as a tenant requesting a variation in the terms of their lease. It was not a planning application and planning permission is not required.

Supplementary Question

Mr Clapham enquired of the "Masterplan for Biggin Hill" suggesting that as all of the borough's residents had been consulted on BHAL's application to vary the airport's operating hours it was therefore a substantial issue to be taken through the planning process.

Reply

It was explained that BHAL's proposal did not require an application for planning permission and was essentially a matter between the Landlord (L B Bromley) and the tenant (Biggin Hill Airport Ltd).

2. The application by BHAL against the background of the URS Final Report¹ is significant. What steps were initiated and taken to inform Councillors and residents, through the Residents' Planning Seminar, LBB Residents' Federation and at local RA meetings of the existence of the URS work and Final Report?

Reply

The purpose of the URS Biggin Hill Study which was completed in February this year was to provide a critical assessment of the growth capacity of Biggin Hill. The work is to help inform the development of planning policies and identify enabling infrastructure requirements. As such the URS Report should be seen as an important contribution to our emerging Local Plan. The draft Local Plan will be subject to further consultation with residents and resident groups. The URS Report is publicly available.

¹ URS Planning for Growth in Bromley – Biggin Hill Study – Final Report – February 2015, Prepared for LB Bromley

Supplementary Question

Mr Clapham felt that the reply did not answer the question and he asked whether Councillors were aware of the URS report before the date of the Special Council and Executive meetings on 25th March 2015.

Reply

The Leader confirmed that Members were aware of the report but referred Mr Clapham to the reply from the Portfolio Holder for Renewal and Recreation highlighting the report's purpose.

3. The Officers Report (Ref: DRR15/035) was circulated to Councillors at midnight on 17th March 2015 providing 5 working days consideration. Given this report runs to 200 pages and did not mention the URS Report, do you consider proper and due process in accordance with the Community Involvement principles was followed?

Reply

I am satisfied that proper and due process was followed by the Council in issuing this report for Members' consideration including the notice period that was given prior to the Committee Meeting. As stated in answer to Question 1, this is not a planning decision but a matter for the Council to consider as landlord. Community involvement was facilitated through the consultation exercise, as detailed in the Executive Report of 17th March. There will be a future public consultation period during the Local Plan preparation process.

Supplementary Question

Referring to the Localism Act, Mr Clapham sought assurance on local consultation and that debate on BHAL's application had not been stifled.

Reply

In reply it was explained that extensive consultation had been undertaken on BHAL's proposal.

(B) From Mike Overall, Keston Residents' Road Safety Group

1. The scale of the additional hours application by BHAL against the background of the URS Final Report must be regarded as significant. LBB Policy BH1, requires an Environment Impact Assessment in such circumstances. Why was an EIA not produced?

Reply

I refer to my previous answer to Mr. Clapham, which makes it clear that this is not a planning application we are dealing with. An EIA is applicable in certain cases within the context of a planning application, but the Airport's proposal is not a planning application and therefore an EIA is not required.

Supplementary Question

Mr Overall referred to a recent statement by the Managing Director of BHAL indicating that the proposed change of BHAL operating hours and the planning policy was a "game changer" and Mr Overall could not understand why an Environmental Impact assessment (EIA) had not been carried out.

Reply

The Portfolio Holder for Renewal and Recreation highlighted that the operating hours had not yet been changed. The Council's Local Plan was also being prepared. If in the future BHAL were to submit a planning application, an Environmental Impact Assessment would be undertaken.

2. In Section 6 of the URS Report Junction 1.2 is already operating over capacity with the narrow B265 through Keston Village taking more traffic than the A233 Westerham Road. How do you plan to encourage use of the A233 when the junction 1.1 is also close to capacity?

Reply

As stated in my previous answer to Mr. Clapham, the URS report will contribute to the Local Plan preparation and matters of this type will be considered in that process.

Supplementary Question

Mr Overall asked what steps were being taken by L B Bromley to "deal with Transport for London (TFL)" in relation to growing problems at the Keston Mark junction (Junction 1.1)

Reply

As the Deputy Leader and Portfolio Holder for the Environment had sent apologies for not being able to attend the meeting, the Portfolio Holder for Renewal and Recreation offered to pass on details of the question to the Deputy Leader.

The Portfolio Holder also highlighted that should a decision be taken to change the operating hours of the airport, flight movements would be capped at 50,000 annual movements. However, the issues related to junction 1.1 in the URS report did not appear to be related to the airport.

(C) From Peter Slevin, Keston Residents' Road Safety Group

1. Pages 102 to 124 of the URS Report cover the 'Transport Impacts of the Masterplan'. What is the Masterplan and what are the fundamental aspects?

Reply

As stated in the URS report at paragraph 6.1, the "Master Plan" was prepared for the Strategic Outer London Development Centre (SOLDC) by Nathaniel Lichfield & Partners. The "Master Plan" identified the growth prospects for Biggin Hill Airport. Section 6 of the URS report was considering the traffic impacts that could arise from such proposals. I am not sure what you meant by "fundamental aspects" but I would refer you to paragraph 6.2 of the URS report which identified six junctions which could require improvements if the proposed growth were to be delivered. If development proposals are submitted for Council consideration, transport impacts of the type referred to in the URS report would of course need to be addressed through the normal planning process.

Supplementary Question

Mr Slevin asked whether the "Master Plan" is a public document and who would be responsible for promoting it.

Reply

The Portfolio Holder for Renewal and Recreation thought the document might be in the public domain and the Leader added that it might be associated with the GLA. The position would be clarified and confirmation (or otherwise) provided to Mr Slevin.

(D) From Giuliana Voisey

1. Taking the information available to us, it appears that LBB would be raising a maximum incremental income from BHAL of £1.4m by 2030, much less before then. How do you think that this figure justifies granting a 27% increase in operating hours and undertaking an unspecified amount of infrastructure and service costs?

Reply

It is too soon to speculate on how much income the Council will receive as a consequence of agreeing to change the operating hours. As indicated in the report, the supplementary community payments proposed by BHAL are not considered to be commensurate with the increased level of business activity that the additional hours will facilitate or the noise generated at antisocial hours. This is the subject of further discussions with the Airport, the results of which will be reported back to Members in due course.

Supplementary Question

Giuliana Voisey submitted that the maximum possible amounts of income suggested by BHAL and Cole Jarman would still be some 40% to 50% less than the average income per square hectare of land in Bromley today, and this was before any infrastructure and service costs. In light of this she questioned why BHAL's proposal was being considered.

Reply

The Portfolio Holder for Renewal and Recreation indicated that financial motive was not behind the consideration of BHAL's proposal adding that if the Council were considered unreasonable in withholding consent, it could be taken to arbitration.

2. Does the Executive not see the contradiction in terms that the principle of a 'community fund' or an 'out of hours' fund represents? It would mean that LBB is encouraging more and more disruption to people's sleep in order to increase its income. How can this be an acceptable concept?

Reply

The Council must be seen to be acting reasonably in its capacity as a landlord under the lease when considering proposals from the Airport to amend the lease. We also have to consider the interests of our residents across the borough as a whole and not just those most affected by any potential changes. Within these confines the Council is doing all it can to ensure that residents' quality of life is not disrupted any more than is necessary. The Council is not seeking to encourage more disruption to people's sleep in order to increase its income. Rather we are seeking to mitigate as far as possible any further disruption to people's quality of life and to include enforceable noise controls within in any potential variation which will, if adopted, give greater control than exists at present. The Council's noise expert recognised the rationale of additional fees and/or compensation for movements that were outside the core working hours as defined by the Government. This was potentially considered to be part of the mitigation that should be sought from the Airport for any variation to hours. As stated in my previous answers, this is the subject of further negotiations with the Airport, and this will be a matter for further consideration by Members in due course.

Supplementary Question

Giuliana Voisey referred to the recommendation from consultants Cole Jarman that a proposed unit of surcharge be applied to flight departures and arrivals (higher fees to be paid at times when individuals are most sensitive to aircraft noise). She suggested that an average surcharge of two units at a maximum of £250 per unit would only provide an increase of £500 per flight, out of hours. She asked how this would be a disincentive for an elite clientele that could afford private flying from New York.

Reply

The Portfolio Holder for Renewal and Recreation indicated that negotiations with BHAL are continuing and that this type of payment and the result of those negotiations will be reported back to Members.

3. How is the council monitoring that the passengers on the now frequent Global Express, from Teterboro to use an example, are business and not fare-paying passengers?

Reply

I can confirm that there are no scheduled flights from Teterboro Airport. All flights are consistent with the lease. They are business-related and no individual tickets are sold. Flights are either whole aircraft charters or solely-owned aircraft. The Council does not currently have the capacity to undertake independent monitoring of all aircraft movements. BHAL is fully aware of the restrictions in the lease and we take specific matters up with them if we are made aware of any potential breaches. I should add that BHAL is acutely aware of the implications of a breach of lease conditions which potentially risk forfeiture of their enjoyment of the lease. It is therefore not in their commercial interest to allow any breaches. This is a matter that the Council and Airport take very seriously.

Supplementary Question

Giuliana Voisey enquired whether the Council had asked BHAL to monitor larger aircraft to check that they were being used by a business for its business purposes and that they were not being used by individual fare paying passengers.

Reply

The Portfolio Holder for Renewal and Recreation was uncertain whether such a request had been made of BHAL but suggested that monitoring could be undertaken if necessary.

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY

From John Getgood, Chair, Penge Forum, to the Portfolio Holder for Resources

1. What is the current status of the former Sure Start building on the former Royston Primary School site? What are the council's intentions for this building?

Reply

The Council is currently in the process of relocating the children's social care contact centre currently operated from James Dixon Children and Family Centre to Royston Children and Family Centre. This will allow James Dixon School to increase the delivery of Early Years Foundation Stage activities from James Dixon Children and Family Centre. In particular this will allow the school to admit a reception age additional bulge class in September 2015 and expand nursery provision.

From John Getgood, Chair, Penge Forum, to the Portfolio Holder for Renewal and Recreation

2. Now that Betting shops are in their own planning class, what advice would the Portfolio Holder give to residents hoping to stop the spread of these pernicious outlets in their High Streets?

Reply

Betting Offices are now separate from other uses such as banks and building societies. This means that a change of use to a Betting Office from other uses will normally require a separate planning permission. The applications for planning permission, if received, will be publicised by the Council for comments. Residents should consider what impacts they foresee the proposal having and include those in their comments, for example their concerns about the loss of current uses, or possible disturbance to local residents.

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