

# LONDON BOROUGH OF BROMLEY

## MINUTES

of the proceedings of the Meeting of the  
Council of the Borough  
held at 7.00 pm on 29 June 2015

Present:

**The Worshipful the Mayor  
Councillor Kim Botting**

**The Deputy Mayor  
Councillor Alan Collins**

### Councillors

Vanessa Allen	Robert Evans	Sarah Phillips
Graham Arthur	Simon Fawthrop	Tom Philpott
Douglas Auld	Peter Fookes	Chris Pierce
Teresa Ball	Peter Fortune	Neil Reddin FCCA
Kathy Bance MBE	Ellie Harmer	Catherine Rideout
Julian Benington	Will Harmer	Charles Rideout QPM CVO
Nicholas Bennett J.P.	Samaris Huntington-	Michael Rutherford
Ruth Bennett	Thresher	Richard Scoates
Eric Bosshard	William Huntington-	Colin Smith
Katy Boughey	Thresher	Diane Smith
Kevin Brooks	David Livett	Melanie Stevens
Lydia Buttinger	Kate Lymer	Tim Stevens J.P.
Stephen Carr	Russell Mellor	Michael Tickner
David Cartwright	Alexa Michael	Michael Turner
Mary Cooke	Peter Morgan	Stephen Wells
Peter Dean	Terence Nathan	Angela Wilkins
Ian Dunn	Keith Onslow	
Nicky Dykes	Tony Owen	
Judi Ellis	Ian F. Payne	

The meeting was opened with prayers

In the Chair  
The Mayor  
Councillor Kim Botting

### 95 Apologies for absence

Apologies for absence were received from Councillors Gray, Jefferys, Joel, Page, Tunnicliffe and Williams, and from Councillors Ruth Bennett, Dean, Samaris Huntington-Thresher and Michael for late arrival.

**96           Declarations of Interest**

A declaration of interest was made by Councillor Ian Dunn as he lived close to the railway line at Clock House Station.

The Chief Executive declared that he and the Director of Corporate Services needed to declare an interest in the report on Modification to the Prescribed Standing Orders relating to the Dismissal of Statutory Officers. With the agreement of Members they both remained in the meeting during consideration of this report.

**97           To confirm the Minutes of the annual meeting held on 13th May 2015**

The minutes of the annual meeting held on 13<sup>th</sup> May 2015 were confirmed.

**98           Petitions**

A petition had been received from the Bull Lane Action Group containing 801 validated signatures calling on the Council to change the designate of Bull Lane Allotments from Urban Open Space to Local Green Space.

Mr Ben Lyon addressed the meeting on behalf of the petitioners. He described the intention of the Diocese of Rochester, who owned the land, to use it as a site for a replacement school building. He set out the history of the allotments and described their value to the local community in the historic heart of the village. The allotments were a haven of peace and provided plots for over seventy tenants and their families. He appealed to the Council to designate the site as Local Green Space so that this valuable green site could be protected as it deserved.

Councillor Peter Morgan, Portfolio Holder for Renewal and Recreation, responded, stating that the proposal from the petitioners would be referred to the Development Control Committee's next meeting on 13<sup>th</sup> July and the Executive on 15<sup>th</sup> July so that the proposal could be assessed through the Local Plan process, with the petition included as a submission. Councillors Bosshard, Boughey and Payne also spoke in support of the petition as ward Councillors for Chislehurst.

**99           Questions from members of the public where notice has been given.**

Forty two questions had been received for oral reply from members of the public – in view of the large number of questions it was agreed that public question time would be extended to thirty minutes. Twenty four questions were dealt with before the time allowed expired and the remainder received written replies. In addition, eight questions were received for written reply. The questions and replies are set out in Appendix A and Appendix B to these minutes.

**100 Oral questions from Members of the Council where notice has been given.**

Nineteen questions had been received from members of the Council. Nine were dealt with before the expiry of the time allowed – the remainder received written replies. These are set out in Appendix C to these minutes.

**101 Written questions from Members of the Council where notice has been given**

Twenty six questions had been received for written reply. These are set out in Appendix D to these minutes.

**102 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees.**

The following statements were made.

**(A) Councillor Graham Arthur, Portfolio Holder for Resources**

Councillor Arthur made a statement on the unprecedented financial challenges facing the Council and the Council's financial strategy in the light of recent estimates that up to half of local authorities would not be able to balance their budgets in 2017/18. He emphasised that Bromley was not in this category – there was tight control of revenue budgets, assets were reviewed and disposed of if they weren't useful or providing income and baseline reviews were carried out to assess what services were needed. This had led to increased reserves which were being put to good use by investing to produce interest income. The Council was exploring joint venture opportunities and the future would be secured by innovation and financial competence.

Councillor Peter Fookes responded by arguing that the Council was wasting resources in some areas and could be providing more much-needed services.

**(B) Councillor Peter Morgan – Portfolio Holder for Renewal and Recreation**

Councillor Morgan made a statement on Biggin Hill Airport. He explained that the Airport was entitled, as the Council's tenant, request variations to the lease, which the Council could not withhold without good reason, and there was an arbitration process if agreement could not be reached. He emphasised that this was about the provisions of the lease, not a town planning process. Having received and considered the current request to vary the lease from the Airport, the Council had decided in March that officers should negotiate an acceptable agreement, and the result of this would be reported in the autumn.

As a large number of questions had been raised about the Airport, not all of which might be covered in the meeting, the Portfolio Holder sought to clarify a number of issues –

- Helicopters were allowed to use the airport under the lease, although the Council could not dictate a flightpath for them. However, during the negotiations the Council was trying to amend the flightpath to cause less nuisance.
- The Council was trying to negotiate a reduction in noise – if successful, some noisy aircraft would be unable to use the Airport.
- The Council was seeking a reduction in aircraft movements. Thirty years ago the number of movements had been in excess of 100,000 a year, and now it was reduced to around 40,000 a year. Also, aircraft were generally quieter now than thirty years ago.
- Although there was concern at larger aircraft using the Airport, aircraft size did not always equate to noise produced.
- The Council has asked the Airport to agree to the permanent installation of two sophisticated noise monitoring devices, and a mobile device would also be used to monitor in locations where there were particular concerns.
- Recognising the sensitivity of noise during the shoulder hours, the Council was seeking a reduction in permitted decibel levels that would limit the types of aircraft able to use the Airport during those hours.
- The Airport had started consultation with the CAA about implementing a steeper rate of descent to lessen the impact of the flightpath. However the CAA had to balance the needs of Biggin Hill with other airports.

No deal had been concluded as yet, and the outcome of the negotiations would need to be reported back to a full Council meeting and then to the Executive for a final decision.

Councillor Simon Fawthrop asked the Portfolio Holder whether he could confirm that the Civil Aviation Authority (CAA) had not yet received any application from the Airport to vary the flightpath, and if he could explain the get out clauses under the Council's public law duties. The Portfolio Holder responded that he would check whether an application had been made, but he did not understand the second part of the question.

Councillor Tim Stevens asked the Portfolio Holder whether he could write to the Airport to clarify that they had not yet received permission for the increased hours. The Portfolio Holder responded that he would.

Councillor Tony Owen commented that the quietest option was to have no aircraft.

**103 Policy Development and Scrutiny Annual Report 2014/15**  
Report CSD15046

A motion to receive the Policy Development and Scrutiny Annual Report 2014/15 was moved by Councillor Eric Bosshard, seconded by Councillor Simon Fawthrop and **CARRIED**.

**104 Financial Planning/Risk Reserve**  
Report CSD15049

A motion to approve the creation of a Financial Planning/Risk Reserve as recommended by the Executive was moved by Councillor Graham Arthur, seconded by Councillor Stephen Carr and **CARRIED**.

**105 Provisional Final Accounts 2014/15 - Earmarked Reserves**  
Report CSD15084

The following amendment was moved by Councillor Angela Wilkins and seconded by Councillor Ian Dunn -

Delete recommendation (j) and replace it with –

Given existing levels of investment and reserves, and a balanced budget for 2015/16, Council resolves not to transfer £10.165m to the investment Fund but to use all or some of this money to reverse cuts identified in the 2015/16 budget.

On being put to the vote, the amendment was **LOST**.

A motion to approve the recommendations from the Executive to (i) approve the transfer of £10,165k to the Investment Fund as detailed in section 4.1 of the report; (ii) approve the creation of a Business Rates Risk Reserve of £1,200k as detailed in section 4.2 of the report; and (iii) approve the transfer of £1,250k to the Healthy Bromley Fund as detailed in section 4.3 of the report was moved by councillor Graham Arthur, seconded by Councillor Stephen Carr and **CARRIED**.

**106 Local Pension Board - Appointment of Board Members**  
Report CSD15072

A motion to approve the recommendations from the General Purposes and Licensing Committee to -

- (i) agree the amendment to the terms of reference as set out in paragraph 3.11 of the report;
- (ii) approve the revised terms of reference (appendix 1 to the report);

- (iii) formally appoint Brian Toms and Jane Harding as the two employer representatives to the Local Pension Board for a period of 3 years from 1<sup>st</sup> July 2015 (paragraph 3.13 in the report);
- (iv) delegate authority to the Director of Finance in consultation with the Chairman of General Purposes and Licensing Committee and the Chairman of Pensions Investment Sub-Committee to make any further required changes to the terms of reference (paragraph 3.14 in the report);

was moved by Councillor Tim Stevens, seconded by Councillor Diane Smith and **CARRIED**.

**107 Scheme of Delegation - Development Control Committee - Minor Amendments**  
Report CSD15083

A motion to approve that minor amendments to Development Control Committee delegations be confirmed for inclusion in the Scheme of Delegation to Officers, as set out in Appendix 1 to the report, was moved by Councillor Peter Dean, seconded by Councillor Nicky Dykes and **CARRIED**.

**108 Revision to the Scheme of Delegation of Executive Functions**  
Report CSD15082

The Council noted that the Chief Executive had been granted authority by the Leader (insofar as it was necessary) to exercise all delegations granted to the Director of Education, Care and Health Services.

**109 Modification to Prescribed Standing Orders Relating to the Dismissal of Statutory Officers**  
Report CSD15071

A motion to agree the recommendations of the General Purposes and Licensing Committee to modify the Council's Standing Orders relating to disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer and incorporate them into the Council's Constitution, and that the membership of the Chief Officer Disciplinary Panel be extended to include two Independent Persons when considering the dismissal of a Statutory Officer as required under the 2015 Regulations, was moved by Councillor Tim Stevens and seconded by Councillor Diane Smith and **CARRIED**.

**110 To consider Motions of which notice has been given.**

The following motion was moved by Cllr Angela Wilkins and seconded by Cllr Ian Dunn -

“This Council reaffirms its objectives (as prescribed by the Local Government Act 2000) as being the promotion or improvement of the economic, social and environmental well-being of the Borough of Bromley.

This council recognises also that these objectives are to be delivered via a balanced budget, with reasonable reserves being held against future contingencies.

When preparing and presenting the budget for 2015-16, many members, as well as the general public, were led to believe that the under spend for 2014-15 was expected to be £2.2m. This fact contributed to cuts of £8.4m to services delivered during 2015-16.

Members of the public, council employees and many Members are therefore extremely surprised to learn now that the final accounts for 2014-15 reveal an actual under spend of £11.154m.

Whilst recognising that commercial investments produce a high rate of return, this Council re-affirms its primary purpose is the provision of services as set down in the Local Government Act.

This council calls on the Executive to:

- 1) ensure that greater transparency in the budget process be provided in the future so that all Members and the public can more easily identify how much of their money is being spent on services and how much invested in properties and other reserves;
- 2) re-affirm that its primary commitment is to the provision of public services and not to the building up of superfluous reserves and investments.”

The motion was **LOST**.

## **111        The Mayor's announcements and communications.**

The Mayor thanked Councillors who had attended the Fly a Flag ceremony on Armed Forces Day, and drew attention to the following forthcoming events –

- Thursday 16th July 2015: Reception for Voluntary Workers
- Tuesday 28<sup>th</sup> July 2015: A dinner at the Hisar Restaurant
- Saturday 17<sup>th</sup> October 2015: Charity Ball at the Warren.
- Saturday 14<sup>th</sup> November 2015: A Star Wars themed evening with special guests.

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- Friday 11<sup>th</sup> December 2015: An Indian themed evening at the Tamasha Restaurant.

The Meeting ended at 9.59 pm

Mayor