

EXECUTIVE

Minutes of the meeting held on 9 September 2015 starting at 7.00 pm
(adjourned until 17 September 2015 following the Special Executive meeting)

Present

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

Also Present

Councillor Simon Fawthrop and Councillor William
Huntington-Thresher

255 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Robert Evans.

The Leader also conveyed apologies from Councillor Nicholas Bennett who was unable to attend the meeting as a visiting Member.

256 DECLARATIONS OF INTEREST

Noting the agenda for the Executive's Special meeting to be held on 17th September 2015, Councillor Simon Fawthrop declared an interest by virtue of his employment with British Telecom.

257 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 15TH JULY 2015 AND 7TH AUGUST 2015

The minutes for both meetings were agreed.

258 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

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

Noting that one of the received questions was similar in content to a question previously asked at an Executive meeting, the Leader highlighted provision in the Council's Constitution enabling a question to be rejected if substantially the same as one asked in the previous six months.

Although willing to accept the question on this occasion, the Leader explained that it would be necessary to reject such a duplicate question in future.

**259 LEAD LOCAL FLOOD AUTHORITY UPDATE AND GRANT
DRAW-DOWN**

Report ES15041

Report ES15041 provided an update on the Council's role as Lead Local Flood Authority, including progress in implementing provisions of the Flooding and Water Management Act 2010 (FWMA), and changes in responsibilities. The report sought approval for the Local Flood Risk Strategy (LFRS) and Action Plan (the strategy having been drafted as part of a joint procurement approach with the South East London Flood Risk Group). It also reviewed L B Bromley's response to the groundwater flooding issue in 2014 and sought agreement for a sum of £213k being released from Central Contingency to implement a programme of future responsibilities and work streams.

At the previous meeting Councillor Nicholas Bennett explained that he had made a number of suggestions in comments submitted during consultation on the proposed LFRS (appended to Report ES15041) but that these did not appear to have been taken into account. In the circumstances Members agreed to defer the report to the next meeting.

Report ES15041 advised that comments received during consultation were now included at Appendix C to the strategy, with the LFRS document amended as appropriate.

Referring to recommendations from the Executive and Resources PDS Committee at their meeting on 3rd September 2015, the Deputy Leader and Portfolio Holder for the Environment indicated that work on the Council's flood risk register had not yet concluded. Concerning a Flood Asset Register, Report ES15041 advised that following condition surveys and ad hoc investigations, knowledge continued to develop of assets with a potential to contribute to flooding.

In regard to the Environment Agency document "*Living on the Edge*", providing a guide to the rights and responsibilities of riparian landowners, the document would be made available on the Council's website. The Portfolio Holder highlighted that riparian landowners would also be reminded by letter of their responsibilities for helping to manage flood risk.

Members agreed to the recommendations in Report ES15041 and further agreed that the additional recommendations from the Executive and Resources PDS Committee be taken forward.

RESOLVED that:

(1) a sum of £213k be released from the 2015/16 Central Contingency budget to implement the proposals detailed in Report ES15041;

- (2) the Local Flood Risk Strategy and associated Action Plan be approved;**
- (3) the LLFA future works programme be approved;**
- (4) the Register of Flood Risk features be published on the Council's website; and**
- (5) a positive programme be undertaken to highlight the responsibilities of riparian landowners, including publication to the Council's website of the Environment Agency document "*Living on the Edge*".**

**260 SCHOOLS PROGRAMME, VOLUNTEER MANAGER, AND
 RESETTLEMENT OFFICER - DRAW-DOWN**

Report ES15067

The Department for Communities and Local Government (DCLG) had allocated a total of £86,570 Preventing Homelessness Grant to L B Bromley. The Public Protection and Safety Portfolio Holder agreed in June 2015 that £26,570 be released from Central Contingency and approval was now sought to release the remaining £60k.

The funding would be used to enable Bromley Women's Aid (BWA) to continue and expand their Schools Programme to develop awareness of healthy relationships and domestic violence. It would also be used so that a Volunteer Manager and a Resettlement Officer could be employed to expand the BWA support service for the next two years. The scope of support available within BWA's services could improve so that women move from a refuge when ready into a range of different housing options, rather than wait for a local authority housing offer.

Early identification, intervention, and support would not only help prevent domestic abuse but could also remove a need for refuge accommodation, allowing bed spaces to be provided for those in urgent need.

The grant would fund the project to 31st March 2017. The service specification and project plans had been developed by BWA and the grant awarded on the understanding that BWA would deliver the project. There were no other known local providers with the capacity, knowledge or skill set to undertake the work.

Some Members of the Executive and Resources PDS Committee were concerned that children as young as seven years old should be addressed on domestic violence, and suggested that raising the awareness of teachers might be more appropriate. There was also concern at how outcomes would be measured and it was suggested that Executive Members be sent summaries of the content of actual sessions with further details of DCLG methodology and performance standards. Councillor Fawthrop suggested that the methodology behind the programme needed consideration and he

supported the involvement of teacher staff who would have an understanding of the children and be familiar with their history.

The Schools Programme was delivered by a BWA officer in a one hour session in the children's classroom with the children's teacher present. The session would include the use of DVD material and feedback suggested that the children engaged well. Any children disclosing domestic abuse during a session were referred to the school's safeguarding lead and offered one to one support by a BWA Child Support Officer. The Portfolio Holder for Public Protection and Safety suggested that information on the Service Level Agreement with BWA be circulated to highlight activities and outcomes from the project. Referring to the Executive's Children's Board, the Leader was reassured on measures for dealing with some of the safeguarding issues and all schools had a nominated safeguarding officer.

Confirmation was sought on whether issues unrelated to safeguarding would be passed to agencies. It was explained that a focus would be on the most vulnerable children with identified concerns. The school would manage the relationship between the BWA officer and children. Assessments would be made around the degree of risk for a child and of hearsay issues not related to domestic violence and child abuse. The BWA officer would be encouraged to report concerns to the Head Teacher and/or Safeguarding lead and feed back concerns to the project organisers via the Council's Head of Trading Standards and Community Safety.

As part of ongoing scrutiny, it was suggested that the Public Protection and Safety PDS Committee receive a presentation from the BWA officer providing sessions at schools. A Member was unsure on whether means were available to judge project outcomes; he was also concerned about a DVD on domestic violence being shown to children as young as seven years old. He suggested that schools already covered the matter without a need for BWA sessions which could incentivise children to report issues that might not be there.

The Leader felt that if one child could be prevented from serious harm then it was necessary to consider release of the funds. Although concerned to ensure there would be no ongoing cost should grant funding be withdrawn, the Leader suggested that the recommendations be agreed in principle. The Portfolio Holder for Public Protection and Safety added that Bromley Women's Aid were experts in their field and the DVD would focus on what a healthy relationship would look like.

It was agreed to support the recommendations in principle with the Portfolio Holder for Public Protection and Safety delegated to obtain responses to concerns raised in discussion. This would include feedback on the range of matters reported on from the BWA classroom sessions.

RESOLVED that, in principle:

(1) draw-down of the £60k sum held in Central Contingency be approved and allocated to the Public Protection and Safety Portfolio Budget for 2015/16;

(2) award of the contract to provide a Schools Programme, Volunteer Manager, and Resettlement Officer to Bromley Women's Aid be approved; and

(3) any residual balance of the year two grant be carried forward into 2016/17 to enable Bromley Women's Aid to deliver the project.

261 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.

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

263 EXEMPT MINUTES OF THE MEETINGS HELD ON 15TH JULY 2015 AND 7TH AUGUST 2015

The exempt minutes of the above meetings were agreed.

264 BROMLEY ADULTS AND BROMLEY YOUNG PERSONS SUBSTANCE MISUSE CONTRACT TENDERS - AWARD OF CONTRACT

Report CS15920

Report CS15920 outlined the results of a tendering process for provision of the Bromley Adults Substance Misuse Service and the Bromley Young Persons Substance Misuse Service. The report also provided a recommendation for award of contracts.

265 AWARD OF CONTRACT FOR CAPITAL WORKS AT BEACON HOUSE

Report ED15104

Members were updated on progress in refurbishing Beacon House, Old Holmesdale Road, Bromley so that it could open as Burwood School's KS4 and KS5 provision next year.

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The meeting was adjourned on 9th September 2015 and re-convened following the Executive's special meeting on 17th September 2015 to *inter-alia* enable clarification on costs related to the refurbishment project.

Having considered supplementary information and explanation from officers, Members accepted the costs as presented and agreed the recommendations in Report ED15104.

Chairman

The Meeting ended at 8.27 pm

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

(A) From Ms Annick Tuesley to the Portfolio Holder for Renewal and Recreation

1. Why do we feel that the Council is not being open with residents most affected by the increase in hours? Would it not have been better to work with those residents rather than agree an approval in principle when even Councillors were not given sufficient time and information before the meeting of 25th March?

Reply

The Council has sought to be as open and transparent as possible with local residents and this is reflected in the Council-run consultation exercise, the largest ever conducted by the Council. I also do not accept that Councillors were not given sufficient time and information prior to the meeting on 25th March.

The subject of airport operating hours along with the proposals put forward by the Airport which were debated at the meeting of 25th March 2015 had been in the public domain for well over 6 months and had been the subject of two extensive public consultations, one conducted by the airport operator and one conducted by LBB. It is not credible to suggest that the matters debated at that meeting were not understood by members. The number of individual opinions expressed by members from both sides of the argument, expressed at that meeting, suggest that the proposition was well understood and that the decision to enter into further discussions with the Airport was reached in accordance with due process and normal practice.

Supplementary Question

Referring to the existence of a VRS report and a potential M25 related expansion, Ms Tuesley asked why these matters were not covered even though jobs were.

Reply

The Portfolio Holder was unable to comment.

2. Why do the Council feel that these increased hours, that will devastate the lives of those under the flightpath, are so instrumental in the expansion of BHAL? What proof do you have of it?

Reply

The Council's own plans and strategies recognise the Airport as one of the Borough's key employment growth areas. This is also reflected in the Mayor of London's designation of the Airport as a Strategic Outer London Development Centre (SOLDC). The Airport is not unreasonably putting to the Council their opinion that the hours, which were set twenty years ago, are impacting the realisation of the Airport's true potential as

a business and general aviation airport and need to be reviewed. The Council is keen to remove any potential obstacles to growth where it is reasonable to do so. Indeed, the Council is working assiduously to ensure that both the Airport and residents' interests are properly considered.

Experience has shown that an increase in airport operating hours is an important issue to potential inward investors including aircraft maintenance companies and aircraft operators. Presently, aircraft operators have a choice of 6 London Airports – Luton, Stansted, Farnborough (Hants), Northolt, Southend and Biggin Hill. Luton, Stansted and Southend are open 24/7 whilst Northolt and Farnborough (Hants) both enjoy optimal road links to the West End.

It is against this background that Biggin Hill must compete. The airport's business case is based upon obtaining a better financial yield from each aircraft movement as opposed to simply increasing in the number of movements at the airport. The Airport's proposals are firmly based on remaining in the Business and General Aviation sector and, as we understand it, do not rely upon attracting larger or noisier aircraft, but rather upon attracting newer generation, quieter, cleaner aircraft. This seems to be a desirable direction of travel for the Borough.

If aircraft operators are to use Biggin Hill as a base for their aircraft, we understand that they will require more flexible operating hours. Aircraft based at Biggin Hill will require parking and hangarage, aircraft maintenance and refurbishment services, cleaning and catering services, flight planning services and a variety of ground handling services. This creates a range of valuable jobs along with increased revenues.

Statistics show that business jet aircraft based at Biggin Hill, on average, make less than 25 departures per annum and spend much of their time conducting business overseas before returning to base. This is in contrast to visiting aircraft which might stay for a day or two whilst purchasing significantly fewer services during such a visit. The airport business plan therefore appears to be consistent with encouraging economic growth and this is consistent with the aims of the SOLDC designation afforded to the airport and surrounding industrial area which is intended to stimulate just such growth.

3. Why have the Council spent so much time and effort meeting and liaising with the airport but we affected residents have had to battle to even have meetings with Cllr Carr and other members of the Council? Why is the Council overall showing such evident bias for BHAL?

Reply

The Council has engaged technical consultants in order to ensure that the controls and mitigations to be put in place are clearly identified and fit for purpose. The subject of environmental control and mitigation is very much a matter for experts, which is why the Council elected to appoint expert advisors Cole Jarman. The Council conducted a very substantial consultation over the airport proposals and a substantial majority of residents supported the proposals. On this basis, the Council agreed in March, to have further discussions with the Airport on such controls and concessions as it might reasonably be

able to require and as you would expect, this is precisely what the Council has been doing since March 2105. It is very appropriate that the Council has put time and effort into this process in order to ensure that the subject has been fully considered and the best solutions identified.

Supplementary Question

Ms Tuesley suggested that the same amount of time and effort put into discussions with the Airport should be applied to engaging with residents affected by the BHAL proposal.

Reply

In response the Leader was resentful of any suggestion that Members were not meeting residents.

(B) From Mr David Clapham to the Portfolio Holder for Resources

1. We know that the Council has spent a total of £1,768,264 (£185k revenue and £1,583k capital) in connection with Biggin Hill Airport since the 6th May 1994. Could the Director of Finance please list, by year would be helpful, the rental income the Council has received during the same period.

Reply

Since the lease was signed on 6th May 1994, the Council has received a total of £2,434k rental income in connection with Biggin Hill Airport, a breakdown of which is provided in the schedule before you (Annex to this document).

From Mr David Clapham to the Portfolio Holder for Renewal and Recreation

2. We see that you will be launching a new consultation. Will all the letters sent by residents since the 25th March to Councillors and Council Officers be counted? Residents will probably not write again as they will believe that they have already sent in their objections.

Reply

We have not yet decided on the final form of any further consultation with residents, but it is likely to be web-based, encouraging residents to inform the Council of any views they may have on the report to be considered by the Executive. Resident Associations will also be written to inviting their comments. We do not envisage the consultation to include Yes/No votes as previously.

The Leader added that all communications would be fed into the further consultation.

Supplementary Question

Mr Clapham suggested that weighting be applied to the assessment of consultation responses in recognition that some respondents would be located outside of the area immediately affected by any change in BHAL operating hours.

Reply

The Leader acknowledged that it would be different for those residing at the end of the flight path compared to those residing in other parts of the borough. There was also benefit to be considered for all in the borough alongside recognition that residents under the flight path are concerned.

(C) From Mr Bruce Anderson to the Portfolio Holder for Renewal and Recreation

1. It has become clear that a substantial proportion of the revenues in BHAL's plans, and the consequent income for the LBB, comes from hangarage and ground services. Does the Council now agree that there is little justification for the extended hours considering (a) the impact on the local community and (b) the required infrastructure expenditure, for little financial return?

Reply

As was stated in the report to the March Executive meeting, it is claimed that without the changes to the hours, inward investment is much less likely. This is one of the issues that the Executive must assess.

2. Even under the current lease it is permissible for planes such as the Boeing Business Jet/Boeing 737 to visit. However, we are sure that, as this is a residential borough, both the Council and the airport will have concluded that planes of this size/noise should not take off and land in the requested extended, unsocial hours. Can we assume that, in your negotiations this undertaking was sought and that this assurance has been freely given?

Reply

Under the current lease, the airport can theoretically handle up to 125,000 annual movements by Boeing 737 sized aircraft because the only formal noise controls in the lease relate to the specific noise signature of aircraft concerned. If the noise signature falls below the set limit, and the Boeing 737 does, then the aircraft is permitted to use the airport as often as may be required. The proposed Noise Action Plan currently under consideration would deliver, for the first time, real controls on the noise that the airport can make in the community, offering protections for the future that do not currently exist. This limit is to be policed by a state-of-the-art Noise Monitoring and Track keeping System. Aircraft unable to comply with the set limits will not be allowed to use the airport

at all. Different models of the Boeing 737 create different noise signatures – later models being significantly quieter than earlier models - so it is difficult to say whether or not certain models of any aircraft type will or will not comply with the proposed noise limits, which mirror current government guidelines and best practice. Any aircraft using the airport at any time of day will need to comply with the limits set out in the proposed Noise Action Plan.

I am pleased to confirm that the airport has entered into the process of agreeing the Noise Action Plan willingly and cooperatively and has engaged fully in arriving at suitable solutions designed to minimise noise nuisance as far as may be practically possible. It has been a long and highly detailed process.

3. According to a report from an independent Airport Noise Consultant which has been made available to the Council, the new proposals by the Airport do not appear to be as stringent as those already in the lease, which also do give the Council the right to monitor noise. On this basis, is it the case that the Council may view the offer by the airport of the proposed new system, less effective than the current lease for affected residents, as a poor negotiating point on behalf of BHAL?

Reply

Since the revised Noise Action Plan has not yet been published it is difficult to understand how the plan might have been assessed by an “independent expert”. In any case, such advice is at odds with that received from Cole Jarman, who are retained to advise the Council on the subject of airport related noise and who have been close to the matter throughout the process of designing and specifying the required noise controls and mitigations.

(D) From Ms Giuliana Voisey to the Portfolio Holder for Renewal and Recreation

1. Councillors are probably aware that the reason why the Airport intends to install GPS is to attract larger aircraft from further afield who would find it difficult to land on runway 03 with only visual approach. Do you accept that GPS is an aid for airport development, not a benefit for the residents?

Reply

There is no evidence to support the suggestion that a GPS approach is designed to attract larger aircraft. Indeed recent press in the Times highlighted the important part that new GPS tracks play in reducing aircraft noise and emissions. I do not accept that GPS is provided for any other reason than best practice, enhanced safety of aircraft and improved noise routing.

Supplementary Question

Highlighting that larger aircraft would not use the airport without GPS and a previously installed Instrument Landing System (ILS), Ms Voisey suggested that the situation would be compounded should the airport operating hours be varied as requested by BHAL.

Reply

In his reply, the Portfolio Holder referred to a GPS approach being able to track aircraft and identify aircraft that are off track in their approach and to keep a record of such occasions.

2. Mr Curtis keeps stating that the NMTK (Noise Monitoring and Track Keeping) system costs £250,000 and can only come as 'part of a package', i.e. with longer hours. In view of the fact that precision tracks are objectionable and under investigation by Aviation Minister Goodwill, and noise monitoring will only demonstrate that 737s are within the limits, is the Council still thinking that NMTK is a suitable quid-pro-quo for longer hours?

Reply

The Noise Monitoring and Track Keeping System is a specific recommendation of the Council's airport noise consultant. The system will deliver real benefits to local residents by identifying any aircraft that do not abide by prescribed procedures, allowing action to be taken against the operators of those aircraft which may include sanctions or even total exclusion from the airport. In the same way that speed cameras are used to improve the behaviour of drivers, so the NMTKS will improve adherence to set procedures and limits.

There is no statutory legal requirement for an airport the size of Biggin Hill to adopt a Noise Action Plan or indeed a Noise Monitoring and Track Keeping System. Under government guidelines, Biggin Hill would need to carry out approximately five times the number of jet traffic movements it handles today before a Noise Action Plan would be a mandatory requirement.

Despite this, the Council have required the adoption of a Noise Action Plan as a condition of considering the application to vary the airport hours and have appointed expert consultants, Cole Jarman, to ensure that the Noise Action Plan is adequate in scope and content.

Supplementary Question

Ms Voisey suggested that a resident awoken by a Boeing 737 at 11pm would not find it helpful on complaining to be advised that the aircraft noise, following monitoring, was within limits.

Reply

The Portfolio Holder suggested that a balance was needed and it was necessary to keep track of aircraft.

3. Is it correct that the Council intends to spend tax-payers' money on infrastructure so that BHAL can attract companies, largely from abroad, of the type of Rizon Jets?

Reply

The Council currently has no such plans. Infrastructure costs related to any new development/planning applications will be considered by the Council in the normal way.

Supplementary Question

In her supplementary question, Ms Voisey claimed that Rizon jets and its sister hangarage company had paid no tax in the UK. Ms Voisey also referred to where she understood that a purchaser of some of Rizon's activities was incorporated. Ms Voisey suggested that taxpayer's money was being used for the benefit of such companies.

Reply

The Portfolio Holder advised that tax matters were not within his remit.

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY

From Mr Matthew Coates to the Portfolio Holder for Renewal and Recreation

1. We have reports of different numbers of companies operating at the airport. The Airport website lists 52. Mr Curtis says 65, NLP 60 and Jones Lang Salle 30. Could you please provide the correct list of all the companies located at Biggin Hill airport and the adjacent industrial area, with their names?

Reply

If you have a specific interest in the number of companies based at the airport then you will find that the airport website contains a list of resident companies. You should note that the wider Biggin Hill Strategic Outer London Development Centre (SOLDC) area also contains companies on the adjoining industrial estate, such as Formula One Management. Of course, you might expect the number of companies based at the airport to change from time to time as a result of the normal ebb and flow of business just as is the case elsewhere in the UK economy.

2. Following on from the question above, could you please list the number of the employees each of the above companies has on its payroll (full time and part time)? This is an essential piece of information on which to base forecasts for future jobs.

Reply

The Council does not hold up-to-date information on the employment status of employees at the Airport.

Annex

Breakdown of £2,434k rental income received by L B Bromley in connection with Biggin Hill Airport.

Year	Income Received £
1994/95	45,034
1995/96	50,000
1996/97	51,881
1997/98	58,214
1998/99	80,125
1999/00	74,638
2000/01	75,093
2001/02	82,863
2002/03	87,478
2003/04	91,094
2004/05	88,039
2005/06	98,380
2006/07	113,475
2007/08	132,791
2008/09	177,831
2009/10	181,258
2010/11	162,791
2011/12	176,831
2012/13	193,038
2013/14	204,980
2014/15	208,528
Total	2,434,362