

RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 26 June 2018

Present:

Councillor Michael Rutherford (Chairman)
Councillor Suraj Sharma (Vice-Chairman)
Councillors Yvonne Bear, Aisha Cuthbert, Josh King,
Angela Page, Gary Stevens, Melanie Stevens and
Dave Wibberley

Sheldon Allen, Bromley Youth Council

Also Present:

Councillor Hannah Gray, Councillor Alexa Michael,
Councillor Peter Morgan and Councillor Michael Tickner

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Julian Benington; Councillor Melanie Stevens attended as substitute.

2 APPOINTMENT OF NON-VOTING, CO-OPTED MEMBER

Report CSD18090

Members considered a nomination put forward by Bromley Youth Council for one of its members, Sheldon Allen (not Sheldon Thomas as set out in the report), to attend Renewal, Recreation and Housing PDS meetings as a non-voting co-opted member for the consideration of public reports only.

The Chairman extended a warm welcome to Sheldon and encouraged the representation of young people at meetings of the PDS Committee.

RESOLVED that Sheldon Allen be appointed to the Renewal, Recreation and Housing PDS Committee as a non-voting, co-opted Member for the current 2018/19 Municipal Year.

3 DECLARATIONS OF INTEREST

Councillor Melanie Stevens declared a non-pecuniary interest in agenda item 24 – Planning Enforcement Progress and Monitoring, as she was a neighbour of one of the properties listed in the part 2 report.

4 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

4a QUESTIONS FOR THE RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

No questions were received.

4b QUESTIONS FOR THE CHAIRMAN OF RENEWAL, RECREATION AND HOUSING PDS COMMITTEE

No questions were received.

5 MINUTES OF THE RENEWAL AND RECREATION PDS COMMITTEE MEETING HELD ON 27 MARCH 2018

Minute 63, final paragraph – West Wickham Leisure Centre and Library Redevelopment

In regard to Biggin Hill Memorial Library and Pool, it was noted that GLL had a 10 year contract to operate the library service on behalf of the Council. The Leisure Centre itself was managed by Mytime Active.

RESOLVED that the Minutes of the meeting held on 27 March 2018 be confirmed and signed as a correct record.

6 MATTERS ARISING FROM PREVIOUS MINUTES AND UPDATES

All actions for matters arising from previous meetings had been completed.

Minute 60 – 27.03.18 – Private Sector Tall Buildings

Two buildings in the Borough had been identified as fire risks. The background to this was set out in an update circulated to Members by the Chief Planner. Further updates regarding the active management of the buildings would be submitted to Committee in the autumn of 2018.

Minute 61a – 27.03.18 – Beckenham Improvement Works

Visiting Member Councillor Michael Tickner, reported the programme of work would be completed by 22 September 2018. The Beckenham Town Centre Working Group would be wound up and handed over to the Beckenham BID by Christmas. On the whole, residents were satisfied with the quality of work.

Minute 62 – 27.03.18 – Asset Recovery Incentivisation Scheme

None of the occupants were left homeless following action being taken under the Proceeds of Crime Act. Some were re-homed whilst others remained in the property. Monies received from the scheme would be reinvested.

RESOLVED to note that all actions arising from previous meetings had been completed.

7 PRE-DECISION SCRUTINY OF RENEWAL, RECREATION AND HOUSING PORTFOLIO REPORTS

8 BUDGET MONITORING 2018/19

Report FSD18047

Members considered the latest budget monitoring position for 2018/19 for the Renewal, Recreation and Housing Portfolio based on expenditure and activity levels up to 31 May 2018. The total portfolio budget showed a projected underspend of £156k.

Consideration was also given to the drawdown of the carry forward sums from 2017/18 held in the Central Contingency for the Housing Service, totalling £138k, excluding grant income.

The Heads of Finance for CEx and ECHS outlined the report and outlined the services provided by the Planning, Recreation, ECS Housing and Operational Housing sections.

Both the Building Control and Lard Charges sections provided chargeable and non-chargeable services. Fees were set to fully recover costs including all support services, accommodation and computer costs. Any surplus or deficit may be carried forward at the end of each year, although the service should not budget to make a surplus.

The Planning Team included development control and planning administration as well as appeals and enforcement. There were 51 ftes and the service received £1.6m of income, mainly from statutory planning fees.

The Renewal Division within planning, dealt with planning strategy and projects including the Local Plan, as well as conservation and tree preservation.

Within the Culture Division, £1m was paid to Bromley Mytime and £203k covered the cost of running the two learning shops at Mottingham and Cotmandene. The remaining budget covered the Culture Team which managed the Portfolio projects.

The library service was operated by Greenwich Leisure Limited at a cost of £4.4m. The remaining budget covered the Client Team of 2.7 staff and building associated costs for shared library premises.

The Town Centre Management service included 1.8 staff.

A total of £17m was attributed to temporary accommodation costs of which the majority was recoverable. Overall, homelessness cost £5m per annum.

The Homeless Reduction Act and the Benefits Cap had impacted on cost and a report would be submitted to the Committee each year requesting the drawn down of funding to offset homelessness. The Government were fully aware of Bromley's current homeless situation.

Councillor Bear requested future reports include a summary of key variances to help Members focus on key issues. It was agreed that an approach similar to that taken in budget reports provided to the Environment and Community Services PDS Committee would be adopted.

The Travellers budget was overspent due to high utility use at one particular site where no metres were currently installed. Action was being taken to rectify this. Rent arrears also contributed to the overspend.

RESOLVED that the Portfolio Holder be recommended to:-

- 1) endorse the latest 2018/19 budget projection for the Renewal, Recreation and Housing Portfolio; and**
- 2) approve the drawdown of the carry forward sums from 2017/18 held in the Central Contingency for the Housing Service, totalling £138k, excluding grant income.**

9 PROVISIONAL OUTTURN 2017/18

Report FSD17046

Members considered the 2017/18 provisional outturn position for the Renewal and Recreation Portfolio which showed an underspend of £336k for 2017/18.

Consideration was also given to the drawdown of the carry forward sums from 2017/18 held in the Central Contingency, totalling £282k, excluding grant income, as detailed in the report.

Members noted the underspend of £171k relating to a carry forward request from New Home Bonus projects within Renewal, two of which were grant funded and approved by the GLA.

RESOLVED that the Portfolio Holder be recommended to:-

- 1) endorse the 2017/18 provisional outturn position for the Renewal and Recreation portfolio; and**
- 2) approve the drawdown of the carry forward sums from 2017/18 held in the Central Contingency, totalling £282k, excluding grant income.**

10 TOWN CENTRES DEVELOPMENT PROGRAMME UPDATE

Report DRR18/034

Members received an update on the progress achieved in delivering the Town Centres Development and Growth Programme.

In particular, Members were requested to consider the allocation of £45k from various Section 106 monies to fund a programme of street furniture refurbishments in Market Square and Bromley South as part of town centre improvements.

In regard to the Good Growth Fund, multiple projects were being assessed in order to submit a stage 1 application by 13 July 2018.

The Chairman advised that this report was regularly submitted to the Committee to give updates on sites identified within Bromley's Area Action Plan.

Visiting Member Councillor Tickner reported that the selected design of the Beckenham Green Canopy had been endorsed by the Beckenham Town Centre Working Group. The stage was of a modern design and practical to manage. A budget of £35,000 was set aside for the detailed design, manufacture and installation.

Officers continued to pursue long-term maintenance arrangements for the canopy including options with the newly formed BID and Id verde.

The Chairman was very supportive of the use of S106 monies to fund the programme of street furniture refurbishments in Market Square and Bromley South as part of Bromley's town centre improvements.

The Chairman encouraged the Council's bid for the Good Growth Fund, Round Two, to be submitted.

The Head of Renewal reported the GLA were keen to support the proposed extension of the Penge Shopfront scheme and the Beckenham Green Community Market via the pro-funding scheme.

RESOLVED that:-

- 1) the progress achieved in delivering the Town Centres Development and Growth Programme be noted;**
- 2) the Portfolio Holder be recommended to approve the allocation of Section 106 monies of £25k relating to land at the South Side of Ringers Road and £20k in relation to land at the Multi-storey car park, Simpson's Road, to fund a programme of street furniture refurbishments in Market Square and Bromley South as part of town centre improvements; and**

- 3) the decision to submit a Good Growth Fund Stage 1 bid be delegated to the Director of Regeneration and the Portfolio Holder for Renewal, Recreation and Housing to meet the deadline of 13 July 2018.**

11 ARTICLE 4 DIRECTION - THE DRIFT, KESTON

Report DRR00000

An Article 4 Direction for The Drift, Keston was previously authorised by the Renewal, Recreation and Housing Portfolio Holder on 9 June 2015 (Report DRR15/064), but was never implemented. Further Portfolio Holder approval was therefore sought to proceed with the previous decision. It was noted that correspondence expressing objections to the proposed Direction was received following publication of the report. A copy of the correspondence, together with the Planning Officer's response, had been circulated to Members of the Committee in advance of the meeting.

The Chief Planner advised that removing Permitted Development Rights (PDRs) from this designated Green Belt land would reduce the risk of potential harm to its openness and character. Removal of PDRs meant that any potential development would be subject to permission via the submission of a planning application.

Visiting Ward Member Councillor Michael reported that the previous request for an Article 4 Direction for the Drift was considered and authorised by the Development Control Committee in 2015. Unfortunately, the Direction was never implemented.

The Drift was a substantial piece of land situated within a relatively built-up area. Whilst no development proposals had emerged over the past few years, there was still a risk to the land should development be proposed in future. Councillor Michael urged Members to agree that the Article 4 Direction be authorised and issued with immediate effect.

The Chief Planner confirmed that Article 4 Directions focused on possible future development and explained the publicity requirements and limited potential for compensation in response to questions from Committee Members.

The Planning Enforcement Manager advised that a recent complaint in relation to the replacement of fencing along the boundary had been brought to the Council's attention which led to the discovery that the previous Article 4 Direction had not been implemented.

Bearing in mind the possible risk to Green Belt land, the Chairman supported the immediate issue of an Article 4 Direction.

RESOLVED that the Renewal, Recreation and Housing Portfolio Holder be recommended to endorse the previous decision to make the Article 4 Direction.

12 RENEWAL, RECREATION AND HOUSING PORTFOLIO PLAN

Report DRR18/028

Members considered a report outlining the aims and objectives of the Renewal, Recreation and Housing Portfolio for 2018/19. The report also provided a summary of the achievements of the former Renewal and Recreation Portfolio in 2017/18.

Councillor Morgan would like to have seen digital infrastructure improvements included in the Portfolio Plan as it was vitally important to promote this project for homeworkers as well as businesses. The recent discovery of a main cable duct, capable of conveying 100 wires from Penge to the Cray Corridor, could be used for broadband wiring.

In regard to the Priority for affordable, decent and secure homes, it was noted that approximately 1,450 households were currently housed in temporary accommodation. Nearly 850 of these were placed in some form of nightly paid accommodation which amounted to a cost of £8k per year per family.

Referring to the protection and improvement of Bromley town centre, Councillor Morgan advised that the newly built Westfield Shopping Centre in Croydon was likely to divert trade away from Bromley. As a result, a wide range of good quality shops was needed to attract new businesses. Improvements were being made to Bromley market and discussions were taking place in regard to the opening of a new department store.

The Chairman requested that future Portfolio reports reviewing the achievements of the past year should be submitted to the final meeting of the Municipal Year.

The Head of Renewal drew Members' attention to Aim 5.2 (page 84), which reported on the options for the delivery of an enterprise network across the borough utilising surplus Council stock. An option to expand the Business Centres at Beckenham and Bromley were currently being explored. The ground floor of the mixed use development at Site G (identified within the AAP), could provide space for small businesses.

Page 85 of the report, outlined how the Council had performed against set performance measures. In regard to Economic Development relating to footfall in town centres (para. 1.2), Councillor Bear queried the high percentage increase reported for Penge compared with the figures for Orpington and Beckenham. The Director of Regeneration agreed to update Members as a 'Matter Arising' from this meeting and would also include the percentage figure for Bromley.

It was agreed that the occupation rates of shops and footfall figures would be included in Aims 1, para 1.4 on page 106 of the report.

The Chairman noted improvements achieved within the Planning Department, in particular the determination of planning applications within a reasonable time period. The Chief Planner acknowledged the importance to applicants of obtaining planning permission in a timely manner and reported that the Council had surpassed national targets.

Councillor Cuthbert was informed that agency and short-term staff were engaged to deal with any sudden increase in planning applications.

Approximately 15% of applications were referred to Planning Sub-Committees for consideration by Members; this somewhat impeded the Council from reaching its targets. However, referrals were gradually decreasing to around 5-10%.

The Chairman drew attention to Indicators 1-7 on pages 104-105 of the report which set out the priorities aimed for and achieved in regard to housing. It was noted that five of these had resulted in a decrease. The Director of Housing would be requested to provide Members with an explanation for this prior to the next meeting.

Page 99 (para. 4.1) focused on homelessness prevention work which consistently exceeded 80%. Members queried what happened to the remaining 20% of homeless people and were informed that the Director of Housing would attend the next RR&H PDS Committee meeting to answer any questions Members may have.

Councillor Cuthbert requested that figures pertaining to eviction rates be included within the housing section of the report.

At this point the Chairman moved that the housing element of the report be deferred for consideration at the RR&H PDS meeting in September 2018 and a full updated report including the information requested above together with Key Performance Matrices for 2017/2018 and 2018/19 be submitted for page 122-123.

RESOLVED that:-

- 1) the report be noted;**
- 2) the housing element of the report be deferred for consideration at the RR&H PDS meeting in September 2018; and**
- 3) an amended report incorporating the requested changes and Key Performance Matrices for 2017/2018 and 2018/2019 for pages 122-123, be submitted.**

13 GROWTH FUND UPDATE

Report DRR18/035

The report provided an update on the current Growth Fund work programme.

As part of the enabling infrastructure workstream, it was proposed to commission a full audit of existing Council owned assets to assess the potential for delivering new Fibre and Public Wireless Networks and provide new income streams to the Council.

The Head of Renewal informed Members that a full review on the outcome of the audit, options analysis and SIP Bid would be submitted to the September meeting of the RR&H PDS Committee.

Referring to the table on page 130, para. 5.1, the Chairman requested the inclusion of success rate information and challenging aims for each of the schemes approved and committed.

In regard to the Biggin Hill economic growth at West Camp, the Council had written to the site owners seeking an update on the current position however, no response had been received. The Head of Renewal confirmed he would try to contact the owners again. A further update would be submitted to the PDS meeting in September.

The Growth Fund allocation of £6.79m set aside for the Cray Business Corridor and Biggin Hill SOLDC would be divided equally between the two projects. The redevelopment of the Sun Chemical site, located in the Cray Business Corridor would deliver 24,740 sqm of additional industrial floorspace.

RESOLVED that the report be noted and subject to the outcome of the work stream set out in paragraphs 3.19-3.20, that a further detailed report be brought back to members on the outcome of the audit, options analysis and SIP Bid.

14 CONTRACT REGISTER - PART 1

Report DRR18/029

Consideration was given to an extract from the Contract Register taken in March 2018, containing all Renewal and Recreation Portfolio contracts with a total value greater than £50k. A more detailed Contract Register containing additional, potentially commercially sensitive information on each contract, was considered under part 2 of the published agenda (Item 22).

The Chairman raised concerns about the number of contracts listed on page 143 of the report which showed a code red. The Director of Regeneration explained that this data was approximately three months old. Since that time,

a huge amount of work had been carried out on the Contracts Register. Those listed were all capital projects consisting of a fixed start and finish date.

An historic issue with the IDOX Document Management system and UNiform Property Software had been resolved and would show as complete in the next report. Housing contracts would also be included.

In response to a question from Mr Allen, it was reported that library contracts were fixed for a 10 year plus five year option. Penalties for non-compliance would be deducted from payments to the contractor and termination clauses were included to deal with persistent failure to comply.

RESOLVED that:-

- (1) the extract from the Contract Register taken in March 2018, containing all Renewal and Recreation Portfolio contracts with a total value greater than £50k be noted; and**
- (2) the Part 2 Contract Register containing additional, potentially commercially sensitive information be noted.**

15 PLANNING APPEALS - COSTS 2017-2018

Report DRR18/023

Members received an update on the award of costs from planning appeals made in the financial year 2017/2018. The report also contained an update on cost claims paid in the same year.

It was noted that the Council had actively applied for and been awarded costs against an appellant whom the Council believed had acted unreasonably.

The Chief Planner outlined the report and explained that appeals were submitted to and considered by the Planning Inspector. In the event that unreasonable action was proven by either party, compensation costs could be awarded. It was, therefore, vital that strong grounds for refusal were established when considering planning applications.

Training seminars on planning work (including appeals and costs) were held for Members. The Chairman suggested that in future, the first planning meeting of the Municipal Year involving new Members of the Council, should not be scheduled until after Member Induction courses had taken place.

It was reported that a sizeable number of appeals were the result of decisions taken by officers however, cases were decreasing year on year.

RESOLVED that the report be noted.

16 PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO MARCH 2018

Report DRR18/024

This report provided an update on planning appeals received and decided for the year 2017/18.

The Chief Planner reported that the national figure for appeals allowed was 33%. Bromley's currently stood at 38%, a decrease on the previous year, so the Council was heading in the right direction. Bromley refused approximately 25% of applications compared to the national rate of 15%. This was due, in part, to the Borough having significantly more Green Belt land and Conservation Areas etc.

RESOLVED that the report be noted.

17 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT

Report DRR18/032

Members received an update on the progress of cases:-

- currently under investigation/pending consideration;
- at the appeal stage;
- awaiting compliance period;
- where enforcement action had been instigated;
- awaiting prosecution action;
- where enforcement action had been authorised; and
- currently with the legal department awaiting further action.

The report also included a full breakdown on the range of current complaints. As this contained confidential information, it was considered under the part 2 (not for publication) section of the agenda (Item 24 – Report DRR18/032).

Councillor Stevens alluded to the development of building blocks which had been divided into flats even though permission had not been obtained. Members were informed that this was an on-going trend and some buildings benefitted from permitted development rights which enabled them to do so.

The Planning Enforcement Manager reported a recent case under the Proceeds of Crime Act where action was recently taken against an unauthorised conversion for which an Enforcement Notice was in place. Although the case took five years to resolve, through the incentive scheme, the Council recovered five years' worth of costs from a person who had obtained ill-gotten gains from a development which required planning permission. The Enforcement Team were now using the scheme as an incentive to take on further cases.

In regard to paragraph 3.8 (page 160), Members were informed that court proceedings were taken against owners of a property in Market Meadow (Cray Valley East Ward), following their failure to act upon a Breach of Enforcement Notice. This resulted in a favourable outcome to the Council.

Similarly, a summons had been issued to a property in Manor Way (Kelsey and Eden Park Ward), following the erection of an unauthorised loft and roof extension. To avoid obtaining a criminal record, the owners had complied with the Notice.

Councillor Tickner noted that enforcement action would only be taken following a complaint being submitted to the Council. It was vitally important for property owners to check whether planning permission was required before development took place. The Planning Enforcement Manager agreed and reported that the onus was on the developer to check prior to starting the proposed work.

Members were informed that the length of time taken to complete the enforcement process varied due to several factors e.g. in one particular case an investigation was undertaken which led to the submission of an application and whilst a decision was pending, all enforcement action had been held in abeyance. As the application was recently refused, a Notice would be prepared and issued.

RESOLVED that a briefing/updates meeting on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018.

18 ENFORCEMENT MONITORING REPORT (APRIL 2017 TO MARCH 2018)

Report DRR19/025

The report provided an update of enforcement activity from 1 April 2017 to 31 March 2018.

No issues were raised by Members.

RESOLVED that a briefing/updates on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018.

19 RENEWAL, RECREATION AND HOUSING PDS COMMITTEE WORK PROGRAMME (SEPTEMBER 2018-APRIL 2019) AND CONTINUANCE OF THE BECKENHAM TOWN CENTRE WORKING GROUP

Report CSD18089

Members considered the Renewal, Recreation and Housing PDS Work Programme for the period September 2018-April 2019.

Member agreement was also sought for the continuation of the Beckenham Town Centre Working Group for the current Municipal Year with membership comprising Councillor Michael Tickner (reappointed as Chairman) and Ward Councillors.

The following reports were requested for future meetings:-

End of Year Portfolio Plan Report – March 2019

Housing Portfolio Plan – September 2018

It was noted that a Members' visit to the Churchill Theatre had been scheduled.

A visit to Crystal Palace Park would be arranged.

Recommendation 2.2 was amended to read '.....with membership comprising councillor Michael Tickner (reappointed as Chairman) and Ward Councillors for Copers Cope, Kelsey and Eden Park and Clock House.

RESOLVED that:-

- 1) the Work Programme for 2018/19 be noted; and**
- 2) the Beckenham Town Centre Working Group be appointed for a further year with a Councillor membership comprising Council Michael Tickner (reappointed as Chairman) and Ward Councillors for Copers Cope, Kelsey and Eden Park and Clock House.**

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

RESOLVED that the press and public be excluded during consideration of the items of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if Members of the Press and public were present there would be disclosure to them of exempt information.

**21 EXEMPT MINUTES OF THE RENEWAL AND RECREATION PDS
COMMITTEE HELD ON 27 MARCH 2018**

RESOLVED that the exempt Minutes of the meeting held on 27 March 2018 be confirmed and signed as a correct record.

22 CONTRACT REGISTER - PART 2

Members considered a confidential Part 2 report relating to Agenda Item 14 (Report DRR18/029) which contained additional and potentially commercially sensitive information in its commentary.

RESOLVED that the Contract Register containing additional, potentially commercially sensitive information in its commentary, be noted.

23 CULTURE PROJECTS - CONTRACT AUTHORISATIONS

Report DRR18/031

Members considered and noted the contents of the report.

RESOLVED that the report be noted and Member comments be made available to the Council's Executive Committee.

**24 PLANNING ENFORCEMENT PROGRESS AND MONITORING
REPORT - PART 2**

Members were provided with Part 2 (Exempt Information) relating to Agenda Item 17 (Report DRR18/032).

RESOLVED that the report containing additional sensitive information be noted.

The meeting ended at 9.10 pm

Chairman