

## **EXECUTIVE**

Minutes of the meeting held on 26 May 2021 starting at 7.00 pm

### **Present:**

Councillor Colin Smith (Chairman)  
Councillors Graham Arthur, William Huntington-Thresher,  
Kate Lymer (Vice-Chairman), Peter Morgan, Angela Page  
and Diane Smith

### **Also Present:**

Councillor Julian Benington, Councillor Robert Evans,  
Councillor Simon Fawthrop, Councillor Christopher  
Marlow, Councillor Michael Rutherford, Councillor Richard  
Scoates and Councillor Angela Wilkins

### **225 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **226 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **227 QUESTIONS**

No questions had been received.

### **228 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 31 MARCH 2021 AND 28 APRIL 2021**

**RESOLVED** that the minutes of the meetings held on 31 March and 28 April 2021 be confirmed.

### **229 EXECUTIVE APPOINTMENTS**

Report CSD21061

The Executive received a report setting out appointments made by the Leader of the Council to assist with the conduct of executive business. The Leader congratulated Cllr Kate Lymer on her new role as Deputy Leader and Portfolio Holder for Children, Education and Families, replacing Cllr Peter Fortune who had stepped down following his election to the Greater London Assembly, and welcomed Cllr Angela Page to her first meeting of the Executive as Portfolio Holder for Public Protection and Enforcement.

**RESOLVED** that

**(1) The appointment of Councillors to serve on the Executive and responsibility for portfolios, as allocated by the Leader of the Council, be noted.**

**(2) The appointment of Councillors as Executive Assistants by the Leader of the Council be noted.**

**(3) The appointment by the Leader of the Council of Executive Members to serve on the Health and Wellbeing Board and the Fostering Panel for 2021/22 be noted.**

## **230 CHIEF EXECUTIVE'S UPDATE REPORT**

The Chief Executive submitted a report with key updates on behalf of the senior leadership team across a number of areas, in particular –

- The Council's response to the Covid-19 pandemic;
- The Covid-19 Staff Wellbeing Survey;
- Return to office working approach;
- Arrangements for committee meetings;
- Economic Development Strategy for 2021 – 2031.

The Chief Executive particularly highlighted the response of staff to the pandemic – while some local authorities had struggled to mobilise their staff, Bromley officers had volunteered in large numbers. It was noted that the positive response had extended to contractors and their staff.

The Council had worked hard to tackle vaccine hesitancy amongst particular groups (ethnicity, deprivation, people with serious mental illness and care home staff) - some of the targeted activities were highlighted in the report. In terms of care home residents, 96.8% were vaccinated. Councillor Peter Morgan asked the Chief Executive to send more detailed statistics on vaccination to Members.

Councillor Angela Page added that as Trading Standards had been unable to hold their regular meetings with residents they had developed an email alert which was reaching over two hundred residents groups.

**RESOLVED that the report be noted, and thanks be recorded to the Chief Executive and his staff for their outstanding performance.**

## **231 SUBSTANCE MISUSE SERVICES - LOT 1: ADULT SERVICES CONTRACT VARIATION; LOT 2: YOUNG PEOPLE SERVICES - CONTRACT VARIATION** Report CSD21062

The Substance Misuse Service for Adults and Children provided an integrated provision for drugs and alcohol services with the aim of moving an individual from the position of problematic drugs and/or alcohol misuse to a position of

stability, improved health and positive engagement with employment or education and the community.

On 21<sup>st</sup> May 2018, the Executive approved the award of two contracts to Change Grow Live for the provision of Adults Substance Misuse Services and Young Peoples Substance Misuse Services. Both Contracts were awarded for a period 3 years commencing on 1 December 2018 to 30<sup>th</sup> November 2021, with an option to extend for a further period of up to 2 years. The Adult Service contact had an annual value of £1,349k and a whole life value (inclusive of extension option) of £6,745k. The Young People's contract had an annual value of £149k and a whole life value (inclusive of the extension option) of £745k.

On 8<sup>th</sup> April 2021, Public Health received a Section 31 Local Authority grant of £207k for one-year non-recurring funding for schemes to support improvements in interventions to reduce drug related offending and deaths in 2021/22. It was proposed to utilise this grant via a variation to the existing Adults Substance Misuse contract.

The report sought authorisation to draw down the Section 31 grant and the subsequent variation to the Adults Substance Misuse contract and to extend both contracts in accordance with their terms.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 25<sup>th</sup> May 2021 and the Committee supported the recommendations.

Councillor Kate Lymer commented that, nationally, opiate and alcohol related deaths were at a record high, and it had been widely reported in the press that substance misuse had increased during the pandemic due to stress, anxiety and boredom. The figures in Bromley were lower than the rates in London or nationally, but were increasing, so she supported the recommendation.

**RESOLVED that**

**(1) The drawdown of the total grant amount of £207k to be used as set out in Paragraphs 3.1 – 3.3 of the report be approved.**

**(2) The variation of £177k to the Adults Substance Misuse Services Contract for a period of one year commencing 1<sup>st</sup> June 2021 and expiring on 31<sup>st</sup> May 2022 be approved.**

**(3) The extension of the Adults Substance Misuse Services Contract for a period of two years from 1<sup>st</sup> December 2021 to 30<sup>th</sup> November 2023 at an annual value of £1,349k as allowed for within the Contract be approved.**

**(4) The extension of the Young People's Substance Misuse Services Contract for a period of two years from 1<sup>st</sup> December 2021 to 30 November 2023 at an annual value of £149k as allowed for within the Contract be approved.**

**232 BIGGIN HILL AIRPORT LIMITED (PART 1)**  
Report CSD21048

Biggin Hill Airport Limited (BHAL) had formally requested to modify the definition of “Permitted User” in clause 1.8 of their lease. They had requested that the Council approve the modification, but should the Council not agree this change then, pursuant to their rights under section 84 of the Law of Property Act 1925 they could apply to the Upper Tribunal (Lands Chamber) to determine such a change. Further information was set out in a part 2 report.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 25<sup>th</sup> May 2021 and the Chairman, Councillor Christopher Marlow, provided a summary of the Committee’s debate. Councillor Marlow began by commenting that there had been no consultation with ward members in the southern part of the borough whose residents were disproportionately affected by the airport. He had written to members in eight wards and members from six wards had responded to him indicating considerable local interest. He recognised that decisions about the airport also needed to be made in the interests of the whole borough, but he requested that in future the ward members in Bromley Common and Keston, Petts Wood and Knoll, Farnborough and Crofton, Chelsfield and Pratts Bottom, Darwin and Biggin Hill wards should be consulted on proposals relating to the Airport with a noise impact; the Leader stated that he had already agreed that this should happen.

Councillor Marlow summarised the issues considered by the PDS Committee, and set out the main areas of concern. The first issue was trust and the Council’s overall relationship with the airport – it was considered that the application was a breach of previous commitments and a “red line” for most members; it was also contrary to the Court of Appeal judgement in 2002. There was a feeling that the Airport was trying to achieve its aims by a salami-slicing approach. Members had received hundreds of emails about the application; all the members from Farnborough and Crofton, Petts Wood and Knoll and Darwin had written against the proposals, as had individual members from Bromley Common and Keston and Chelsfield and Pratts Bottom. It was recognised that the Airport brought employment and economic benefits to the Borough, and that the Council received rental income from the Airport. There was concern about noise from residents and ward members in the southern wards, but also more widespread concern about the broader environmental impact of increased activity at the Airport and the potential adverse impact on national and local carbon reduction targets. The Committee had also considered the legal advice in Part 2. The Committee had voted 9:2 (with 2 abstentions) against agreeing the Airport’s proposal.

Having heard Cllr Marlow’s presentation and studied their reports, the Leader asked Members of the Executive whether anybody present wished to make the case for granting BHAL’s application. No Member wished to do so at which point the Leader moved from the Chair that the request be declined, a proposal seconded by Councillor Graham Arthur, Portfolio Holder for Resources, Commissioning and Contract Management, who commented that

it was reasonable for a tenant to ask its landlord for a change to its lease, and it was not surprising that this should happen in an evolving industry such as aviation over the course of a long lease. However, he considered that the alteration requested would lead to a fundamental change in the way that the Airport operated. The legal advice was that it was reasonable for the Council to uphold the current position, and he considered that the Council should not give in to the threat of challenge. He expressed disappointment that the matter had not been raised at an earlier stage at the Airport Consultative Committee.

Before moving to the vote, the Leader invited Councillor Angela Wilkins to address the meeting as Labour Group Leader. She referred to a letter from the Airport's solicitors on the part 2 agenda, which had been discussed by the PDS Committee and perceived as threat of taking the issue to a Tribunal. She suggested that a tenant would not normally resort to such a threat lightly, and therefore questioned when the Council had become aware of the Airport's intentions. The Airport had informed her that it had been trying for two years to have a positive relationship with the Council as its landlord, and had raised the issue of fare-paying passengers with Council officers the previous autumn - they viewed their letter as a last resort. Councillor Wilkins questioned whether the Council had fulfilled its duty to have a constructive relationship with the Airport as its tenant and had acted reasonably as a landlord.

The Chief Executive responded that he did not agree with view of the Council's relationship with the Airport put forward by Cllr Wilkins. Officers had been in conversation with the airport – he was aware of six or seven meetings and about eight letters - and had been working since the previous autumn to get to a position where the proposals could be put to Members for decision with a detailed report. Other Members commented that the proposals had not been raised at the Biggin Hill Airport Consultative Committee until very recently.

Following her contribution, the Leader asked Cllr Wilkins how she would be minded to vote on the item were she in a position to do so to which she replied that she was unsure that she had all the facts to decide how to vote.

The Leader then invited Councillor Julian Benington to address the meeting on behalf of the Independent Group. He agreed with Councillor Wilkins' comments, but accepted the response made by the Chief Executive. He wanted more information on what discussions had been held with the Airport, and at what level. He was concerned that the Council should give the Airport, as a major tenant and local employer, a fair hearing and he suggested further negotiation on the proposal. He added that he had lived in Downe near the Airport for many years, and his perception was that, with occasional exceptions, aircraft noise had reduced considerably in that time. Following his contribution, the Leader then asked Cllr Benington how he would be minded to vote on the item were he in a position to do so to which he replied that the Independent Group considered that there should be further discussion with the Airport so that both sides could understand each other's positions without incurring the costs of going to court.

On being put to the vote it was unanimously **RESOLVED** that the proposal from Biggin Hill Airport Limited to modify the definition of “Permitted User” in clause 1.8 of their lease be refused and the any application to the Upper Tribunal (Lands Chamber) be contested.

**233        PROCUREMENT OF MOVING TRAFFIC CONTRAVENTIONS  
CAMERAS (PART 1)**  
Report ES20078

In September 2020, Members had agreed in principle to enforce Moving Traffic Contraventions (MTCs) and approved a report setting out the best procurement route to purchase the cameras and software required. Further details were set out in a part 2 report.

The report had been scrutinised by the Environment and Community Services PDS Committee on 11<sup>th</sup> March 2021 and the Committee supported the recommendations.

**RESOLVED** that

**(1) It is agreed that the thirteen new MTC cameras are procured via a variation to the existing Parking Enforcement and Associated Services (including CCTV) contract held with APCOA.**

**(2) The existing Bus Lane and School Keep Clear CCTV maintenance contract be extended for a further two years to align with the proposed variation to allow a full procurement exercise to be undertaken to ensure best value for money is achieved for all CCTV requirements for Bus Lane, School Keep Clear and MTC enforcement within five years.**

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

There were no additional items referred from the Executive, Resources and Contracts PDS Committee.

**235        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 referred to below as it is 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.

**The following summaries  
refer to matters involving exempt information**

**236 EXEMPT MINUTES OF THE MEETINGS HELD ON 31 MARCH  
2021 AND 28 APRIL 2021**

The exempt minutes of the meetings held on 31 March and 28 April 2021 were confirmed.

**237 PROCUREMENT OF MOVING TRAFFIC CONTRAVENTIONS  
CAMERAS (PART 2)**

The Executive considered a part 2 version of the report with additional exempt material.

**238 BIGGIN HILL AIRPORT LIMITED (PART 2)**

The Executive considered a part 2 version of the report with additional exempt material.

The Meeting ended at 7.44 pm

Chairman