

## **EXECUTIVE**

Minutes of the meeting held on 8 February 2023 starting at 7.00 pm

### **Present:**

Councillor Colin Smith (Chairman)  
Councillors Kate Lymer (Vice-Chairman), Yvonne Bear,  
Nicholas Bennett J.P., Aisha Cuthbert,  
Christopher Marlow, Angela Page and Diane Smith

### **Also Present:**

Councillor Simon Fawthrop and Councillor Simon Jeal

### **138 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **139 DECLARATIONS OF INTEREST**

Councillor Bennett declared that he was a member of the Lee Valley Regional Park Authority.

Councillor Fawthrop declared that his wife was an employee of the Council.

### **140 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 JANUARY 2023 (TO FOLLOW)**

The minutes of the meeting held on 18 January 2023 would be confirmed at the next meeting.

### **141 QUESTIONS**

Six questions for oral reply were received. These are attached at Appendix A.

### **142 BIGGIN HILL AIRPORT NOISE ACTION PLAN REVIEW Report CSD23024**

At the meeting of the Executive Committee on 19 October 2022, an update was brought to the Executive on the Biggin Hill Airport Noise Action Plan review. At the time of the report, one of the key commitments of the Noise Action Plan, the new approach to Runway 03, was yet to be approved by the Civil Aviation Authority (CAA). As this commitment was deemed to be one of the most important for residents, the committee asked for a further report to be brought to the Executive Committee in January 2023, once the CAA had made its decision on this issue.

The CAA had now issued its decision refusing the new approach to R03. The report recommended moving forwards with the revision of the NAP with a view to making improvements without the benefit of the new approach to R03 for the next five years.

The Executive noted that the report had been considered by the Executive, Resources and Contracts PDS Committee. The Chairman of that Committee reported that at the meeting there had been consensus that a revision to the NAP was required and any revised NAP needed to work for both Biggin Hill Airport Ltd (BHAL) and residents. Many of the points raised at the PDS Committee had concerned resident engagement and the recommendations proposed by Members were aimed at balancing protecting residents and delivering a suitable commercial deal for BHAL.

The Portfolio Holder for Resources, Commissioning and Contracts Management then made a detailed statement which can be reviewed at Appendix B to these minutes.

The Leader emphasised that any revised NAP would be subject to scrutiny by the Executive, Resources and Contracts PDS Committee. The Leader also expressed confidence that the interests of the residents directly affected by Biggin Hill Airport would be well represented by local ward councillors.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 2 February 2023 and the Committee had requested that the Executive note the comments made.

**RESOLVED: That**

- 1. It be noted that the CAA has made a decision not to approve the new Instrument Approach Procedure for Runway 03.**
- 2. It be agreed that BHAL in association with the Council need to work on the revision of the NAP and produce a new NAP for the following five years.**
- 3. Officers be authorised to work with BHAL to produce a revised NAP, in consultation with the Portfolio Holder for Resources, Commissioning and Contract Management taking into account the fact that the new Instrument Approach Procedure for Runway 03 will not be delivered in the short to medium term future.**
- 4. It be noted the officers' suggestions of possible improvements set out in this report to be discussed with BHAL along with other suggestions from residents and other parties in the next few months.**
- 5. It be noted that sufficient time will need to be allowed to discuss and agree feasible improvements and codify them in a clear and agreed legal document.**

- 6. It be noted that an update on progress of the commercial aspects of the NAP revision will be reported in six months, with a long stop date of end of the year to complete the legal agreement.**

**143        2023/24 COUNCIL TAX  
             Report FSD23012**

A key part of the financial strategy was to highlight the budget issues that would need to be addressed by the Council over the coming financial years, by forecasting the level of available resources from all sources and budget pressures relating to revenue spending. Details of the capital programme and the funding strategy were reported to the previous meeting of the Executive.

The Provisional Local Government Finance Settlement 2023/24, which covered 2023/24 only with limited indication of funding for 2025/26, provided the fourth year (following 10 years of austerity) of real increases in funding. The settlement included continuation of the ASC precept, repurposed social care funding, additional adult social care funding and other changes.

Although the settlement was to be welcomed there remained uncertainty around the level of Government funding for 2024/25 and beyond, particularly as the Government would need to address the significant increase in public debt due to the pandemic. The longer-term Spending Review together with the awaited Fair Funding Review and Devolution of Business Rates (or any revised funding proposals) was not expected until 2026/27.

The report identified the final issues affecting the 2023/24 revenue budget and sought recommendations to the Council on the level of the Bromley element of the 2023/24 Council Tax and Adult Social Care precept. Confirmation of the final GLA precept would be reported to the Council meeting on 27<sup>th</sup> February 2023. The report also sought final approval of the 'schools budget'. The approach reflected in this report was for the Council to not only achieve a legal and financially balanced budget in 2023/24 but to have measures in place to deal with the medium-term financial position (2024/25 to 2026/27).

With the Government reductions in funding since austerity measures began, although there have been some recent improvements in funding, the burden of financing increasing service demands falls primarily on the level of council tax and share of business rate income. The financial forecast assumed that the level of core grant funding would remain unchanged, in real terms, from 2025/26.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 2 February 2023 and the Committee had supported the recommendations.

**RESOLVED: That**

**2.1 Council be recommended to:**

- a) **Note the Final Local Government Settlement 2023/24, announced by DLUHC on 6<sup>th</sup> February, which included additional Services Grant funding of £61.5k and that these monies be set aside within the 2023/24 Central Contingency.**
- b) **Approve the schools budget of £98.674m which matches the estimated level of Dedicated Schools Grant (DSG) after academy recoupment;**
- c) **Approve the draft revenue budgets (as detailed in the revised Appendix 2) for 2023/24**
- d) **Agree that Chief Officers identify alternative savings/mitigation within their departmental budgets where it is not possible to realise any savings/mitigation reported to the previous meeting of the Executive held on 18<sup>th</sup> January 2023;**
- e) **Approve a revised Central Contingency sum to reflect the allocation of the pay award, movement of levies and final local government settlement, resulting in a sum of £17,536k (see Section 6 and the revised Appendix 3);**
- f) **Approve the following provisions for levies for inclusion in the budget for 2023/24:**

	£'000
London Pensions Fund Authority *	460
London Boroughs Grant Committee	246
Environment Agency (flood defense etc.)	266
Lee Valley Regional Park	353
Total	1,325

\* This amount is provisional and subject to revision.

The increase of £23k in the 2023/24 levy amounts is offset by a £23k decrease in the 2023/24 Central Contingency as a provision towards meeting inflation cost pressures.

- g) **Note the latest position on the GLA precept, as above, which will be finalised in the overall Council Tax figure to be reported to full Council (see section 12);**
- h) **Sets a 2% increase in Adult Social Care Precept with a 2.99% increase in Bromley's General Council Tax, compared with 2022/23 (1% Adult Social Care Precept) and notes that, based upon their consultation exercise, the GLA are currently assuming a 9.7% increase in the GLA precept;**
- i) **Approve the revised draft 2023/24 revenue budgets to reflect the changes detailed above;**

- j) Approve the approach to reserves outlined by the Director of Finance (see Appendix 4);
- k) Note that the Executive agrees that the Director of Finance be authorised to report any further changes directly to Council on 27<sup>th</sup> February 2023.

**2.2 Council Tax 2023/24 – Statutory Calculations and Resolutions (as amended by the Localism Act 2011).**

Subject to 2.1 (a) to (k) above, if the formal Council Tax Resolution as detailed below is approved, the total Band D Council Tax will be as follows:

	2022/23 £	2023/24 £	Increase £	Increase % (note #)
Bromley (general)	1,178.15	1,218.25	40.10	2.99
Bromley (ASC precept)	162.98	189.80	26.82	2.00
Bromley (total)	1,341.13	1,408.05	66.92	4.99
GLA *	395.59	434.14	38.55	9.7
Total	1,736.72	1,842.19	105.47	6.07

\* The GLA Precept may need to be amended once the actual GLA budget is set.

(#) in line with the 2023/24 Council Tax Referendum Principles, the % increase applied is based on an authority's "relevant basic amount of Council Tax" (£1,408.05 for Bromley) – see paragraph 6 below. Any further changes arising from these Principles will be reported directly to Council on 27<sup>th</sup> February 2023.

**2.3 Council be recommended to formally resolve as follows:**

1. It be noted that the Council Tax Base for 2023/24 is 134,093 'Band D' equivalent properties.
2. Calculate that the Council Tax requirement for the Council's own purposes for 2023/2024 is £188,810k.
3. That the following amounts be calculated for the year 2023/24 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):
  - (a) £617,863k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
  - (b) £429,053k being the aggregate of the amounts which the Council estimates or the items set out in Section 31A(3) of the Act.

- (c) £188,810k being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- (d) £1,408.05 being the amount at 3(c) above, divided by (1) above, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.
4. To note that the Greater London Authority (GLA) has issued a precept to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below (NB. the GLA precept figure may need to be amended once the actual GLA budget is set).
5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2023/24 for each part of its area and for each of the categories of dwellings.

Valuation Bands	London Borough of Bromley £	Greater London Authority £	Aggregate of Council Tax Requirements £
A	938.70	289.43	1,228.13
B	1,095.15	337.66	1,432.81
C	1,251.60	385.90	1,637.50
D	1,408.05	434.14	1,842.19
E	1,720.95	530.62	2,251.57
F	2,033.85	627.09	2,660.94
G	2,346.75	723.57	3,070.32
H	2,816.10	868.28	3,684.38

6. That the Council hereby determines that its relevant basic amount of council tax for the financial year 2023/24, which reflects a 4.99% increase (Adult Social Care Precept increase of 2%), is not excessive. The Referendums Relating to Council Tax Increases (Principles) (England) Report 2023/24 sets out the principles which the Secretary of State has determined will apply to local authorities in England from 2023/24. Any further changes arising from these Principles will be reported directly to Council on 27<sup>th</sup> February 2023. The Council is required to determine whether its relevant basic amount of Council Tax is excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

**144        EMPTY HOMES PREMIUM  
Report FSD23015**

The report set out a proposal that the Empty Homes Premium be increased from April 2023 to the maximum permitted under the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 2 February 2023 and the Committee had supported the recommendations.

**RESOLVED: That**

- 1. The responses to the public consultation exercise at Appendix 1 be considered.**
- 2. The Equality Impact Assessment at Appendix 2 be considered.**
- 3. The Empty Homes Premium from 1 April 2023 be increased to 100% for properties empty longer than 2 years, increasing to 200% where the property has been empty for 5 years and 300% when the property has been empty for over 10 years.**

**145        PROCUREMENT OF CONSULTANCY SERVICES FOR THE  
CRYSTAL PALACE PARK REGENERATION PLAN  
Report HPR2023/007**

The report provided Members with an update on the delivery of the Crystal Palace Park Regeneration Plan, including the recommendation to procure consultancy services for the capital schemes. The report was marked as Urgent as the project would be utilising grant funding which had timescales attached for delivery. Call in would therefore not apply.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 23 January 2023 and the Committee had supported the recommendations.

**RESOLVED: That**

- 1. The contents of the report be noted, namely information regarding the procurement of the multi-disciplinary consultancy services for the next stages of the Regeneration Plan at Crystal Palace Park.**
- 2. The procurement of the multi-disciplinary consultancy services to replace AECOM be approved noting that the Regeneration Plan is**

**already on the Capital Programme, with funding secured for the works required under the shadow s106 agreement.**

**146        WEST WICKHAM LIBRARY AND HOUSING PROJECT AWARD  
REPORT  
Report HPR2023/009**

The report recommended Executive and Full Council approval for the award of the main construction contract for the West Wickham Library and Housing Project. The details of the compliant, open tender process had been outlined within the Part 2 report. The report was also requesting approval of a supplementary capital estimate. The report was marked as Urgent to ensure the validity of the tenders received, as the tender closed on the 6<sup>th</sup> December 2022.

**RESOLVED: That**

- 1. A supplementary capital estimate for this scheme of £3,959k be approved, to cover construction price inflation since November 2021, when the project was originally added to the Capital Programme, and an increased contingency allowance;**
- 2. The revised financing of the scheme be approved as set out in paragraph 8.7 of the report;**
- 3. The further recommendations in the Part 2 report in relation to the award of the works contract be noted;**
- 4. The rent levels of the affordable housing at Social (Formula) Rent levels to utilise the GLA Building Homes for Londoners Grant be approved; and**
- 5. Approve that any increased GLA Grant be added to this scheme, as agreed under contract with the GLA.**

**147        CHANGING PLACES FUND  
Report HPR32023/011**

In March 2022, the Council was awarded £220k grant funding from the Department of Levelling Up, Housing and Communities to deliver four Changing Places facilities at agreed locations across the borough. The use of funds and associated procurement approach was agreed, with pre-decision scrutiny, by the Portfolio Holder for Renewal, Recreation and Housing in October 2022.

Officers were seeking formal approval to accept and spend the grant monies in line with parameters of the funding application, together with approval for contract award for the associated works.



The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 23 January 2023 and the Committee had supported the recommendations.

**RESOLVED: That**

- 1. The allocation and spend of the Changing Places Fund grant monies which total £220k be approved, in line with the interventions set out in the funding application and within this report, to enable the delivery of four Changing Places facilities across the borough before 31 March 2024.**
- 2. The award of contract, via exemption to competitive tender, to Rise Adapt for the delivery of two modular Changing Places units (situated at Crystal Palace Park and High Elms Country Park) be approved at an estimated value of £145,500. Award of contract will be subject to confirmation of management and maintenance agreements as set out in 3.19 – 3.20.**
- 3. The distribution of funds to Princess Royal University Hospital (PRUH) and MyTime Active to deliver Changing Places Toilets at the PRUH and The Pavilion Leisure Centre be approved.**
- 4. Authority be delegated to the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to agree any changes to the delivery of Changing Places programme within the boundaries of the grant funding available and legal contract with DLUHC.**

**148 FUTURE OF COMMUNITY RESOURCE CENTRES**  
**Report HPR2023/010**

Due to a number of factors, mainly problems with the current buildings, the future of the outreach service currently provided by two community resource centre facilities at Cotmandene (CCRC) and Mottingham (MCLS) had been under review. A number of alternative locations had been explored for relocation with the views of users and non-users captured.

The report asked the Executive to agree to the relocation of the service into two Libraries within the borough under the expected management of Greenwich Leisure Limited.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 23 January 2023 and the Committee had supported the recommendations and made an additional recommendation:

- 2.2 (ii) To note the need for the Mottingham Resource Centre to be situated in close proximity to the existing location on the Mottingham estate (an*

*area of social and economic deprivation) and continue to search for an alternative site during the 6/12 months trial in case the library site does not prove suitable. Furthermore, that Officers consider the implications and feasibility of extending the time available at St. Edward's Church, during the trial period, from one day to two days per week, if required, to provide increased local availability of facilities and resources to the elderly, disabled and vulnerable who reside on the Mottingham estate.*

**RESOLVED: That**

- 1. The permanent relocation of the outreach services at Cotmandene Resource Centre to St Paul's Cray Library, including the transfer of management services to GLL by way of a Change Control Note to GLL's overarching contract and the secondment and/or TUPE of staff depending on the consultation outcome be agreed.**
- 2. The temporary relocation of the outreach services at Mottingham Learning Shop to Mottingham Library, with one day a week session at St Edward's Church, be agreed subject to a twelve month trial, to be reviewed after 6 months. These services are to be transferred to the management of GLL rather than the Council by way of a Change Control Note to GLL's overarching contract and will include the secondment and/or TUPE of staff.**
- 3. The need for the Mottingham Resource Centre to be situated in close proximity to the existing location on the Mottingham estate (an area of social and economic deprivation) and continue to search for an alternative site during the 6/12 months trial in case the library site does not prove suitable be noted. Furthermore, that Officers consider the implications and feasibility of extending the time available at St. Edward's Church, during the trial period, from one day to two days per week, if required, to provide increased local availability of facilities and resources to the elderly, disabled and vulnerable who reside on the Mottingham estate.**
- 4. Any further decisions on the transfer to GLL be delegated to the Director of Corporate Services and Governance in consultation with the Portfolio Holder for Renewal, Recreation and Housing.**
- 5. The disposal of the Cotmandene building for sale or rent be agreed subject to a further report from Property.**
- 6. It be noted that the expected capital cost of the move is £594k, which is within the OPR allowances for the two library sites, and that the budget is approved as part of the OPR process with a requirement for this project to report to the OPR board until completion.**

**149        REPLACEMENT OF PLANNING AND BUILDING CONTROL  
CASE MANAGEMENT IT SYSTEMS  
Report HPR2023/012**

The report sought approval to draw down funds from the Council's Technology Fund for one off costs associated with the IT software replacement project for Planning & Building Control.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 23 January 2023 and the Committee had supported the recommendations.

**RESOLVED: That funds totalling £402,307 be drawn down from the Council's Technology Fund.**

**150        LOCAL LONDON SUBREGIONAL PARTNERSHIP  
Report HPR2023/008**

The report sought authority to join the London sub-regional partnership.

In response to a question, the Leader received assurances that London Borough of Bromley could leave the Partnership with 12 months' notice with any liabilities around issues such as redundancy being limited as these liabilities would only be in respect to core staff. It was highlighted that most staff were from externally funded programmes.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 23 January 2023 and the Committee had supported the recommendations.

**RESOLVED: That**

- 1. Approval be given to joining Local London and signing the Inter Authority Agreement (IAA) for the Local London Sub-Regional Partnership (appendix 1) so as to establish joint arrangements with the Local London Authorities including the formation of a Joint Committee with its terms of reference as set out in the IAA;**
- 2. Approval be given to the annual membership fee, currently £50K per annum, for the duration of Bromley's membership, noting interdependencies with UK Shared Prosperity 3-year period (3.7) and Local London's current strategy period 2022-2025 (3.5);**
- 3. Authority be delegated to the Portfolio Holder for Renewal and Recreation to determine continuing membership annually, on review of value added;**
- 4. Authority be delegated to the Portfolio Holder for Renewal and Recreation to be the Council's Member at the Local London Joint**

**Committee and make decisions where there are no direct implications for LBB finances (3.14) and to appoint the Leader to be the Reserve Member; and,**

- 5. The benefits of joining Local London, as set out in paragraphs 3.8-3.13 of the report be noted.**

**151 PERMISSION TO CALL-OFF NEW CONTRACT FOR THE INTEGRATED COMMUNITY EQUIPMENT SERVICE IN BROMLEY, VIA THE LONDON CONSORTIUM MEMBERSHIP  
Report ACH23-005**

The Part 1 Contract Award report outlined the current arrangements for the provision of Bromley's Integrated Community Equipment Service (ICES), commissioned through the London Community Equipment Consortium (London Consortium), and set out the results of the tender exercise for the provision of the new service.

The current contract for ICES was due to end on 31<sup>st</sup> March 2023 and both 1+1 extension options had been utilised. Executive previously approved (ECHS19049) re-procuring the service through continued membership of the London Consortium and for Bromley Council to participate in the joint re-tendering exercise, which was activated in April 2022.

Approval to call-off the new contract was being sought to support the conclusion of the Consortium-led Tender Exercise and the new Framework Agreement, in order for the new service to commence on 1<sup>st</sup> April 2023, and for Bromley to continue to support and meet the needs of Bromley residents.

The Contract Award Part 1 made recommendations for the new ICES provision in Bromley and should be read in conjunction with the Contract Part 2 Award Report.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 24 January 2023 and the Committee had supported the recommendations.

**RESOLVED: That**

- 1. The London Consortium award of the Framework Agreement to the successful bidder for the new ICES be supported. The new provider will operate as the single supplier to a framework agreement to provide an Integrated Community Equipment Service on behalf of the London Community Equipment Consortium. The new contract is scheduled to commence on 1<sup>st</sup> April 2023;**
- 2. Call-off the new contract for the provision of ICES, with an initial period of 5 years, with one plus one-year extension periods be approved;**

3. **Recommendation 3, as detailed in Part 2 be approved;**
4. **Authorisation to extend the contract for up to two years be delegated to the Director of Adult Services, in consultation with the Portfolio Holder for Adult Care & Health Services, the Assistant Director of Governance & Contracts, the Director of Finance and the Director of Corporate Services and Governance.**
5. **The annual Consortium membership fee (value detailed in Part 2) be approved.**

## **152 JCDECAUX CONTRACT EXTENSION**

The report set out the details of the Council's current contract with JCDecaux to install digital information screens in the borough, subject to Planning Approval.

A proposal was presented to activate the contract's clause to extend the contract with JCDecaux by a further five years and seek a Variation Change Control to reflect the location and volume of digital information screens being proposed by JCDecaux, which the Executive was then asked to approve.

Financially sensitive information relating to the existing contract and proposed contract extension was set out in the corresponding Part 2 Report.

The report had been scrutinised by the Environment and Community Services PDS Committee at its meeting on 25 January 2023 and the Committee had supported the recommendations.

### **RESOLVED: That**

1. **An extension to the existing concession contract with JCDecaux by five years to 2032 through the extension clause set out in the original contract, with revised contract values set out in the corresponding Part 2 report be agreed in principle.**
2. **A Variation Change Control for a Change Notice to the existing concession reflect the location and volume of digital information screen locations being proposed in the borough, subject to each location receiving Planning Approval be agreed in principle.**

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

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

**154        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**

**155        PROCUREMENT OF CONSULTANCY SERVICES FOR THE  
              CRYSTAL PALACE PARK REGENERATION PLAN PART 2  
              APPENDICES**

The Executive noted the Part 2 appendices.

**156        INTEGRATED COMMUNITY EQUIPMENT STORE - AWARD  
              REPORT (PART 2)**

The Executive considered the report and approved the recommendations.

**157        JCDECAUX CONTRACT EXTENSION-PART 2**

The Executive considered the report and supported the recommendations.

**158        WEST WICKHAM LIBRARY AND HOUSING PROJECT AWARD  
              REPORT-PART 2**

The Executive noted the information outlined in the Part 2 appendices.

Chairman

The Meeting ended at 8.10 pm

### EXECUTIVE

8 February 2023

### QUESTIONS FOR ORAL REPLY

**1. From Mr Tony Trinick to the Portfolio Holder for Resources,  
Commissioning and Contracts Management**

Does the Executive agree that the FPW findings in their 72-page Document on the BHAL NAP Review issued on the 4 January 2023, highlight at least 20 BHA NAP defaults which substantially increase noise and pollution for residents under the flightpaths from the pre-2016 levels?

**Reply:** Thank you to Flightpath Watch for supplying the Council with this comprehensive document, which effectively highlights many areas in which residents have expressed dissatisfaction and annoyance. It has already proved useful and I am sure will continue to do so.

Supplementary Question:

Will the Council agree with the opinion received by FPW that the increased operating hours can be immediately suspended pending the revised NAP?

**Reply:** The Council has instructed external Counsel opinion and the Leader will respond to this in his response to question 3.

**2. From Mr Tony Trinick to the Portfolio Holder for Resources,  
Commissioning and Contracts Management**

Will the Executive now support a Revised NAP being put in place that brings BHA noise and pollution back to pre-2016 levels, and involve the residents in this task?

**Reply:** That is what we are here tonight to decide. It would not be appropriate to answer the question before the Executive has had the opportunity to discuss the matter.

Supplementary Question:

Following the CAA decision on Runway R03 will the Council consider mitigating residents for the 30% increase by reducing the annual cap in flights by 30%?

**Reply:** The Portfolio Holder confirmed that he would address the issue of R03 in the statement that he intended to make later in the meeting. The Portfolio Holder also emphasised that the Council could not unilaterally alter the NAP, any revisions to the NAP had to be agreed in consultation with BHAL.

### **3. From Ms Giuliana Voisey to the Leader of the Council**

As this administration is committed to upholding integrity, as I believe it is, how can its tenant be allowed to maintain the longer hours, having signed a legal document misrepresenting the deliverability of the new Approach to Runway 03, as clearly expressed by both the CAA and Cyrrus?

**Reply:** The Council's legal advice is that we cannot rescind the extended hours.

#### Supplementary Question:

BHAL were told by NATS, in April 2015, that R03 was untenable, so, in November, why did they not come clean with the council when the hours were approved? Also, BHAL were told by their consultants in April 2016 that R03 was not presentable, so why did they state in May that the route had been presented to the CAA? Don't you think the courts would take a dim view of this tenant if the council dared take it on?

**Reply:** The Leader said that he could not second guess the view of the Courts, however he had not seen any evidence that BHAL had deliberately misled the Council. At this stage the advice received by the Council was that it was not possible to suspend what had been agreed in 2016.

### **4. From Ms Giuliana Voisey to the Portfolio Holder for Resources, Commissioning and Contracts Management**

Gatwick has miles and miles of countryside at both ends of the runway, while there are only 2 miles between Biggin Hill and the residential areas at the North of the runway. Do you think it is acceptable that we now have such large aeroplanes with no real space for them to stay higher for landings and departures?

**Reply:** The comparison with Gatwick is not entirely helpful as both arriving and departing aircraft do overfly residents, while there are also other airports that are situated in less rural environments. Aircraft of differing sizes are permitted to use Biggin Hill Airport under the terms of the lease; it is the noise which the lease, NAP and MIL seek to control, and will continue to seek to control to reduce noise disruption wherever possible.

#### Supplementary Question:

Last week, the councillor for Biggin Hill raised the issue of safety. If the new fleet operating at the airport cannot respect the Noise Preferential Routes, the Noises



Abatement Procedure for Circuits and the Noise Sensitive Areas, should the revised NAP not include a clause to reduce the size of aircraft?

**Reply:** The Portfolio Holder explained that in his opinion the issues of noise and safety were slightly different. Safety was solely a matter for the CAA. The issue of noise was an important matter for the Council and would be addressed through the revised NAP

**5. From Mr David Clapham to the Portfolio Holder for Resources, Commissioning and Contracts Management**

The Officers report (CSD2304) recommends to note suggestions to be incorporated within a REVISED NAP which could take 6 – 12 months to finalise. Residents will continue to suffer large jet movements low overhead. Why does the Council not suspend the additional operating hours until the REVISED NAP is in place?

**Reply:** The Council's legal advice is that we cannot suspend the extended hours.

Supplementary Question:

The visual approach procedure over Keston results in large aircraft overhead including helicopters. How will the rights of residents under the flightpath be respected?

**Reply:** The report sets out many of the proposed measures, but this is not an exhaustive list. The issue of helicopters will be raised during negotiations.

**6. From Mr David Clapham to the Portfolio Holder for Resources, Commissioning and Contracts Management**

On the 15<sup>th</sup> June 2016, the Executive debated Report DRR16/057 and resolved that; **“(1) BHAL has satisfactorily met all of the Council's conditions”**.

Do you now accept there were insufficient sanctions built into the terms to account for non-achievement of the Council's conditions.

**Reply:** The Council received advice that it was not in a position to apply sanctions to the airport. A revised NAP, if that is what the Executive decides, gives us the opportunity to look into measurable targets with appropriate sanctions if they are not achieved.

Supplementary Question:

Councillor Jeal's comments at the PDS Committee refer to public consultation. Can you confirm this will involve only those wards affected by BHAL?

**Reply:** I will refer to the recommendations proposed at the PDS Committee in my update later in the meeting. When I was Chairman of the Executive, Resources and Contracts PDS Committee I did instruct that BHAL related matters should be directed to ward councillors in the southern parts of the Borough.

Supplementary Question from Councillor Jeal:

What are the alternatives if the Executive does not want to accept the revised NAP?

**Reply:** If the revised NAP is not accepted a renegotiation would be required.

## **Executive Minutes – 8 February 2023 – Appendix B: Statement of the Portfolio Holder for Resources, Commissioning and Contracts Management**

Thank you, Leader. The rules and regulations governing the operations of Biggin Hill Airport are one of the most important political issues for the residents of this borough, as shown by the packed public gallery last week at the ERC PDS Committee [and again tonight]. I would like to thank members of the public who have written to me, members of the Executive, the Chairman of the ERC PDS Committee and their ward councillors to share their views on the matter before us.

The Leader and I, along with thousands of other residents of the borough, were extremely disappointed to learn of the CAA's refusal of the proposed new Instrument Approach Procedure for Runway 03 just before Christmas, as it had been forecast that this would lead to a reduction of 30% in the noise impact of flights arriving from the north to Biggin Hill Airport for Bromley residents. We were further disappointed to hear at the January Biggin Hill Airport Consultative Committee, which I attended on behalf of the Executive, that Biggin Hill Airport Ltd intend to proceed to legal action at the Upper Tribunal regarding the permitted user clause of the lease, the amendment of which the Executive rejected late last year. As previously announced, the London Borough of Bromley will contest this application using all legal means at our disposal.

That said, we are not here this evening to focus on these disappointments. The proposal before us is for the Executive to formally authorise the start of negotiations with Biggin Hill Airport Ltd regarding a revised NAP. The report before us, which I would to thank Mr Amer and Ms Shawkat for producing, sets out suggested changes in areas including the impact of circling approaches and circuits, amending the noise contours to consider 51db and 54db in line with the latest national guidance, variable tariffs for aircraft depending on their noise impact and also the hours in which they use the airport, clarifying the nature of and rules regarding noise sensitive areas and similar matters, the introduction of air quality monitoring, reviewing the sanctions system, reduction of ground noise, introducing an annual survey of residents, reviewing helicopter flight procedures and maintaining a cap on the total number of movements per year. This is not an exhaustive list; I would like to emphasise as noted in paragraph 3.10 of the report that the Council will seek "every opportunity to reduce noise disruption for residents".

Now I will turn to the proposed amendments introduced by Cllr Jeal at ERC PDS Committee last week. I will only consider those that are substantive. While I can see the appeal for the Leader of the largest Opposition party on the Council and for all political groups to be given a formal role in the negotiations, in legal terms that are only two parties to the NAP: Biggin Hill Airport Limited, and the Executive on behalf of the London Borough of Bromley. Granting formal roles to any other bodies, such as residents' associations or campaigning groups, is not envisaged in landlord tenant law. Recommendation 2.3 sets out that I as Portfolio Holder with responsibility for the Biggin Hill Airport lease will be fully involved in the negotiation process and agreeing the commercial terms that are ultimately proposed to Executive for approval. This matter is also a priority for the Leader of the Council, and we will work closely on this

topic in the coming months. Turning to the proposal for a public consultation and periodic updates, I must emphasise that negotiation of the revised NAP is a commercial process. The agreement ultimately reached between Biggin Hill Airport Limited and the Council will have implications for the future profitability of the airport and hence its value. Considering this fact, the Council would not be acting reasonably if details of negotiations that had commercial ramifications for the airport entered the public domain or were subject to public consultation; it must therefore be considered as a Part 2 matter. Once the negotiations have been concluded, the key points of the revised NAP will be presented for scrutiny to the ERC PDS Committee and then for approval or rejection by the Executive. Officers of the Council, the Leader and I will read and consider any materials shared with us by residents or organisations on the revised NAP in the coming months, as we have done so in the lead-up to tonight's meeting. I would like to personally thank the Chairman of the ERC PDS Committee for his own comments on aspects of the NAP revision, which will be considered as part of the negotiations. If sufficient progress is not being made or there are unanticipated issues, then I will update the ERC PDS. This Committee includes in its work programme regularly the scrutiny of the Resources, Commissioning & Contract Management Portfolio Holder, in any event.

To conclude, this administration is very aware of the significant anger and disappointment of many residents since the airport's lease was amended in 2016. We are very aware that by their own numbers, complaints to the airport have quadrupled in that time. We can all agree that revision of the NAP offers us an opportunity to achieve reductions in the environmental impact for Bromley residents of the airport's operations, while allowing it to operate successfully within the bounds of its governing documents. We will do everything in our power to agree a revised NAP acceptable to the Executive and residents that will drive improvements over the next five years, and thus conclude the review of the 2016-2021 NAP.