

EXECUTIVE

Minutes of the meeting held on 10 September 2014 starting at 7.00 pm

Present

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Robert Evans, Peter Morgan,
Colin Smith, Tim Stevens and Stephen Wells

Also Present

Councillor Nicholas Bennett J.P., Councillor Eric Bosshard,
Councillor Alan Collins and Councillor Peter Fookes

55 APOLOGIES FOR ABSENCE

There were no apologies.

56 DECLARATIONS OF INTEREST

Councillor Peter Morgan declared a personal interest by virtue of his daughter being a Director of Kier Property Services.

57 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 16TH AND 22ND JULY 2014

The minutes were agreed and matters arising noted.

58 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Three questions had been received for written reply. Details of the questions and replies are at **Appendix A**.

59 BUDGET MONITORING 2014/15

Report FSD14060

Members considered the second budget monitoring position for 2014/15 based on expenditure and activity levels to July 2014. Approval was sought *inter-alia* for the release of sums from Central Contingency and to a number of carry-forward requests. Member views were also sought on the amount of monies that should be set aside as an earmarked reserve for the "Parallel Fund".

With a projected net overspend on services (of £4,351k) the Leader highlighted the importance of revenue expenditure being contained within budget and for action to be taken by Portfolio Holders and officers to ensure

this happens. The Leader emphasised that the projected overspend position needed to be addressed within the next six weeks.

Portfolio Holders provided brief commentary on the budget position for their Portfolios including details of specific challenges.

The Portfolio Holder for Resources highlighted that there were now several instances of unfunded new burdens placed on the Council and hoped that details were being passed to local MPs. He also asked for a report on progress with Invest to Save measures. Additionally, with pressure building on operational housing, the Portfolio Holder suggested that unallocated s106 receipts for housing be used towards the pressures. The Portfolio Holder for Renewal and Recreation suggested that any invest to save commentary identify how much has been paid back.

On new burdens – particularly the impact of welfare reforms - it was explained that the Department for Work and Pensions would say there is no impact on local authorities. On invest to save, there had been previous discussions at PDS Committees and a report would be brought back to the Executive. For s106 monies earmarked for housing, a more flexible use of the funding now enabled it to be used for short term housing; the Renewal and Recreation Portfolio Holder indicated that some s106 funding had already been used to purchase some properties.

Concerning monies to be set aside as an earmarked reserve for the “Parallel Fund” it was agreed that a sum of £2.7m should be set aside by way of a one-off lump sum.

RESOLVED that:

- (1) the latest financial position be noted along with a projected net overspend on services of £4,351k based on information at July 2014;**
- (2) the full year cost pressures of £5.5m as detailed at section 3.9 of Report FSD14060 be noted;**
- (3) a projected reduction to the General Fund balance of £3.8m to £16.2m be noted as detailed at paragraph 3.8 of Report FSD14060;**
- (4) comments from the Director of Transformation and Regeneration, the Director of Education, Care and Health Services and the Director of Environment and Community Services as detailed at sections 3.2 ,3.3 and 3.4 of Report FSD14060 be noted;**
- (5) funding of £66k be released from Central Contingency for Welfare Reform as detailed at paragraph 3.5.2 of Report FSD14060;**
- (6) funding of £36k be released from Central Contingency for Staying Put as detailed at paragraph 3.5.3 of Report FSD14060;**

(7) all carry forward requests at paragraphs 3.6.1 - 3.6.7 of Report FSD14060 be agreed;

(8) changes in allocation of Government Grant funding for 2014/15 as detailed at section 3.7 of Report FSD14060 be noted; and

(9) a one-off lump sum of £2.7m be set aside as an earmarked reserve for the “Parallel Fund”.

60 TREASURY MANAGEMENT - INVESTMENT STRATEGY REVIEW AND Q1 PERFORMANCE 2014/15

Report FSD14057

Report FSD14057 summarised treasury management activity during the quarter ending 30th June 2014 and recommended changes to the Council’s Treasury Management Investment Strategy.

The changes comprised an increase in the total investment limit for the two part-nationalised banks, Lloyds and Royal Bank of Scotland, to £80m each and in the maximum investment period to three years; a reduction in the minimum credit rating for corporate bond investments to A-; and the addition of Diversified Growth Funds as permitted investments, with a total investment of up to £10m.

The report also included an update on the Council’s investment with Heritable Bank.

Investments at 30th June 2014 totalled £287.2m (excluding the balance of the Heritable investment) and there was no outstanding external borrowing.

Members were advised that recommended changes to the investment strategy would significantly improve income for the Council.

RESOLVED that:

(1) actual Treasury Management performance in the quarter ended 30th June 2014 be noted; and

(2) Council be recommended to approve the following changes to the Council’s Treasury Management Investment Strategy –

- **an increase in the total investment limit for the two part-nationalised banks, Lloyds and Royal Bank of Scotland, to £80m each and in the maximum investment period to three years (paragraphs 3.27 to 3.29 of Report FSD14057);**
- **a reduction in the minimum credit rating for corporate bond investments to A- (paragraphs 3.30 to 3.34 of Report FSD14057);**

- **investment of up to £10m in Diversified Growth Funds (paragraphs 3.35 to 3.37 of Report FSD14057).**

61 GATEWAY REPORT - PROPOSALS FOR RE-TENDERING OF THE CHURCHILL THEATRE MANAGEMENT CONTRACT

Report DRR14/075

Current arrangements for management of the Churchill Theatre were due to expire on 3rd April 2016 and Report DRR14/075 outlined the process and timetable for re-tendering the lease. It was proposed that this would be based on a period of 25 years with a break clause for redevelopment at years 10, 15 and 20, exercisable with a 24 month notice period.

Concerning the proposed length of contract, it was indicated that 25 years would make the proposal more attractive to any potential contractor. The Portfolio Holder for Education sought clarification on whether the proposed break clause for redevelopment at years 10, 15 and 20 was exercisable by both parties for their benefit and it was agreed to clarify the position following the meeting.

Noting that the Executive and Resources and Renewal and Recreation PDS Committees supported the tender process and timescales and that the recommendations were intended to solely initiate the process, the recommendations were agreed.

RESOLVED that:

(1) the proposed tender process and timescales outlined within Report DRR14/075 be approved in order that officers can undertake the tendering process; and

(2) a further report be brought to the Executive in May 2015 on the results of the tender process and evaluation, along with the results of the condition survey of the building currently being undertaken.

62 LAND AT UPPER ELMERS END ROAD AND CROYDON ROAD - APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN

Report CSD14132

At its meeting on 9th July 2014 the Development Control Committee considered a report related to a third party application to register the triangle of land at Elmers End bounded by Upper Elmers End Road, Croydon Road and Elmerside Road as a new Town or Village Green. The report to the Committee, appended to Report CSD14132 (along with the relevant minute), recommended that, as the application failed to meet the legal criteria for a third party registration, it should be rejected. However, the Committee was

mindful to support the land being registered as a new Town or Village Green and was advised that this could be achieved by way of an application for voluntary registration by the Council in its capacity as owner of the land. As relevant decision maker, the Executive was asked whether or not this course of action should be followed.

The Leader acknowledged receipt of emailed representations (also provided to Executive Members) and at the Leader's invitation, Councillor Alan Collins addressed Members in support of the land becoming a new Town or Village Green.

Members sought clarification on a number of aspects including: how the land could possibly be considered unique; why further support was not expressed at consultation; what difference would town/village green registration make (compared to current use of the land); and what were the recreational uses currently taking place on the green. Clarity was also sought on why preference should be given to protecting this land (for recreational use) rather than other local parks.

Councillor Collins suggested the land was important given its history for recreational purposes. By registering as a Town or Village Green, the land would be secured for recreation. There appeared no requirement on the number of supporting representations necessary for registration; the absence of further representations did not indicate a lack of interest. For any drinking/dog fouling problem, the enforcement approach at nearby Beckenham Green could provide an example for the Elmers End land. Local residents wanted security that the land would continue to be used for recreation. Any future structures on the land would also harm the area aesthetically.

The Leader suggested that security was already available without the need for registering the land as a Town or Village Green. Concerning the setting of any precedent through voluntary registration, it was suggested that whilst no precedent could be set according to strict legal definition, it might be possible to rely on such a registration in pressing for any future decisions; this could cause difficulties should Members wish to take a different course in future with similar applications.

The Leader felt comfortable that there was no necessity to have the land registered as a Town or Village Green. The report recommendation was put to a vote and it was agreed by a majority that the current status of the land should remain.

RESOLVED that no action be taken to seek voluntary registration of the land as a new Town or Village Green.

**63 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.

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

**65 EXEMPT MINUTES OF THE MEETINGS HELD ON 16TH AND
22ND JULY 2014**

The exempt minutes were agreed.

66 ACQUISITION OF INVESTMENT PROPERTIES

Report DRR14/084

Members considered an update on the acquisition of investment properties to meet the £2m income target in the 2014/15 budget and looked at considerations for the future purchase of investment opportunities.

Approval was also sought for the purchase of a further property.

**67 OPERATIONAL PROPERTY REVIEW AND DISPOSAL
OPPORTUNITIES**

Report DRR14/085

The Council commissioned a consultant to undertake a review of all of the Council's land holdings. Report DRR14/085 advised Members of some of the properties identified as possible disposal opportunities together with properties already identified as surplus or potentially surplus to requirements.

68 CHISLEHURST LIBRARY, RED HILL, CHISLEHURST

Report DRR14/083

Members considered future possibilities in relation to the Chislehurst Library site.

69 LOCAL LAND CHARGES LITIGATION

Report CSD14094

Members were asked to agree terms for settling a further claim in connection with charges previously levied for personal searches of the Land Charges Register.

Chairman

The Meeting ended at 8.37 pm

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QUESTIONS FOR WRITTEN REPLY

Questions received from Mr Colin Willetts

1. Following ongoing vandalism to the canal bridge in Brooksway (SPC), could the Leader tell us when works will take place to rectify this damage?

Reply

Works are currently scheduled for early October.

2. Following ongoing fly-tipping along Sandy Lane (SPC), could the Leader tell us when the Lane will be closed to allow the safe removal of this assorted eyesore?

Reply

A pre-arranged road closure took place on 3rd September 2014.

3. Following continued footway parking/footway unloading by articulated trucks delivering to Alsford timber yard/Selco builders, could the Leader tell us what action the Council is taking to prevent these illegal obstructions associated with these two businesses?

Reply

The parking you describe is not illegal.

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