

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the Meeting of the
Council of the Borough
held at 7.00 pm on 25 March 2015

Present

**The Worshipful the Mayor
Councillor Julian Benington**

**The Deputy Mayor
Councillor Kate Lymer**

Councillors

Graham Arthur	Thresher	Kim Botting
Douglas Auld	David Jefferys	Kevin Brooks
Nicholas Bennett J.P.	Charles Joel	Lydia Buttinger
Ruth Bennett	Russell Mellor	Alan Collins
Katy Boughey	Alexa Michael	Mary Cooke
Stephen Carr	Tony Owen	Ian Dunn
Peter Dean	Sarah Phillips	Hannah Gray
Nicky Dykes	Neil Reddin FCCA	David Livett
Judi Ellis	Richard Scoates	Terence Nathan
Robert Evans	Colin Smith	Angela Page
Simon Fawthrop	Diane Smith	Tom Philpott
Peter Fookes	Tim Stevens	Chris Pierce
Peter Fortune	Michael Tickner	Michael Rutherford
Ellie Harmer	Pauline Tunnicliffe	Melanie Stevens
Will Harmer	Michael Turner	Angela Wilkins
Samaris Huntington- Thresher	Stephen Wells	Richard Williams
William Huntington-	Vanessa Allen	
	Teresa Ball	

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Julian Benington

78 Apologies for absence

Apologies were received from Councillors Kathy Bance , Eric Bosshard, David Cartwright, Peter Morgan, Keith Onslow, Ian Payne, Catherine Rideout and Charles Rideout.

Best wishes were conveyed to Councillor Peter Morgan for a quick recovery following his recent operation.

79 Declarations of Interest

A number of declarations were made in advance of the meeting related to item 6 (Biggin Hill Airport Proposal to vary the Airport's Operating Hours), details of which were tabled as follows:

Councillor Mary Cooke: Council Deputy Representative on Biggin Hill Airport Consultative Committee;

Councillor Judi Ellis: Complementary ticket to the 2014 Air Fair (but paid for it herself);

Councillor Peter Fortune: Complementary ticket to the 2014 Air Fair;

Councillor Hannah Gray: Running a business to business exhibition at Biggin Hill Airport on 16th September 2015 along with two fellow directors of Bank (Bromley and Kent) on Business;

Councillor Kate Lymer: Four Complementary tickets to the 2014 Air Fair;

Councillor Alexa Michael: Council Representative on Biggin Hill Airport Consultative Committee;

Councillor Ian Payne: Council Deputy Representative on Biggin Hill Airport Consultative Committee and Complementary tickets to the 2014 Air Fair;

Councillor Melanie Stevens: Council Representative on Biggin Hill Airport Consultative Committee and Complementary ticket to the 2014 Air Fair;

Councillor Tim Stevens: Council Deputy Representative on Biggin Hill Airport Consultative Committee and Complementary ticket to the 2014 Air Fair;

Councillor Pauline Tunnicliffe: Two Complementary tickets to the 2014 Air Fair;

Councillor Richard Scoates: Council Representative on Biggin Hill Airport Consultative Committee.

Councillor Nicholas Bennett also declared a personal interest at the meeting as a Member of the Board of Bromley College of Further and Higher Education which hoped at some stage to open a College at Biggin Hill.

80 Questions from Members of the Public where notice has been given.

A number of questions from Members of the Public had been received for oral and written reply. Details of the questions and replies – including replies to

supplementary questions - are at **Appendices A and B**. Details of the questions were also tabled, including written replies to questions where a non-oral reply was expected.

The questions for oral reply were taken in order and answered by the Leader of the Council. Given the importance of the matter before Members, it was agreed that time for the questions would be extended beyond the 15 minutes provided in the Council's Constitution for ordinary meetings of the Council.

The Mayor explained that a questioner would have opportunity to ask a supplementary question but that such a question should not take the form of general comment or a statement.

81 Oral questions from Members of the Council where notice has been given.

Four questions had been received from Members for oral reply. Details of the Questions and Replies are at **Appendix C**.

As the questions were unrelated to the main business of the meeting, the Mayor, in using his discretion to order agenda items, advised that the questions would be taken at the end of the meeting following debate on the evening's substantive item.

82 Written questions from Members of the Council

Four questions had been received from Members for written reply. Details of the Questions and Replies are at **Appendix D**.

Again, as the questions were unrelated to the main business of the meeting, the Mayor used his discretion to take the questions at the end of the meeting.

83 Biggin Hill Airport Proposal to vary the Operating Hours

Report DRR15/035

The Special Council meeting had been called to consider a proposal from Biggin Hill Airport Limited (BHAL) to vary the operating hours at the airport. Lawyers acting on behalf of BHAL wrote to the Council on 5th November 2014 proposing that the airport's operating hours be varied pursuant to the terms of the Lease.

The Mayor explained that for legal reasons the Council's Executive would be making the final decision on the matter. The Executive would meet immediately following the Special Council meeting. Report DRR15/035 sought a decision on whether the proposals should be supported or rejected. Executive Members at the Council meeting would be able to hear views expressed and any recommendations made; Council would therefore inform the Executive in its decision making.

The Mayor indicated that Members of the Executive had been advised that they may take part in the debate but it would be advisable for them to refrain from voting during the Council meeting.

The Mayor asked the Leader of the Council and Chairman of the Executive, Councillor Stephen Carr, if he wished to speak before opening up debate.

Councillor Carr explained that the Council meeting had been called to allow Executive Members to listen to the views of Council Members. The outcome from Council was not binding and Councillor Carr acknowledged that the topic was particularly emotive. From the outset he emphasised his total respect for the views of Members and for the views of those who had responded to the Council's public consultation. It was nevertheless important for the authority as a public body to respond to BHAL's application reasonably and in a timely manner and to fulfil its duty to all borough residents.

Councillor Carr took the opportunity to comment on matters included in a number of frequently asked questions received in previous weeks.

The public had been consulted recognising the Council's commitment to residents to do so. Councillor Carr also contrasted BHAL's current application with two previous BHAL applications in advance of the 2012 Olympics. The first, in November 2010, requesting fare paying passengers, was rejected. The second in 2011, to vary operating hours over the period of the Olympics, came with no commitment to an ongoing Noise Management Package or other mitigation. With the current application was the capability, at the airport's expense, to be able to monitor flight path noise and potential infringements of the lease. There was also now every possibility of the VOR beacon being relocated to provide further mitigation and benefit to local residents.

Councillor Carr also highlighted that Members of the majority group on the Council had been given a free vote on the issue.

Following comments from Councillor Carr the matter was opened up for debate. Councillor Nicholas Bennett moved the following Motion which was seconded by Councillor Peter Fortune:

"That subject to agreement from the airport to all concessions, conditions, and obligations which can reasonably be required in consideration for agreeing a variation to the operating criteria in the third schedule to the lease, and subject to the Executive being satisfied with the concessions, conditions, and obligations negotiated, the Executive should then agree in principle to the extension of hours and consult again with Council before the final decision is made".

The debate which followed covered a number of points from those in favour of the BHAL proposals and those against, including those briefly summarised below:

Summarised points in favour of the BHAL proposals

- Aviation technology had already changed since the lease was signed - adjustments could be expected from time to time during the 125 year lease.
- The commercial reality of aviation transport had also changed - for BHAL to continue as a viable commercial concern, change to the lease should be accepted to accommodate the changing face of modern avionics. Aviation is international and fast changing and it was important for Biggin Hill to compete with competitors including business focused London airports and airports from North West Europe. A change to the operating hours would enable BHAL to operate on a level playing field with competitors and ensure its ongoing viability. In light of significant competition, the airport could deteriorate if not supported in its expansion.
- It was necessary to take a holistic approach and consider the bigger picture.
- Revenue to L B Bromley could also be expected to increase through increased rent and increased business rates at a time when the Council's finances are under unprecedented pressure. The increased income might help to reduce the level of cuts to front line services and might help lower the gap between rich and poor in the borough.
- Currently BHAL could significantly increase movements under the lease without any sanctions.
- Noise limits in the lease are out of date with no means of effectively monitoring or enforcing the limits.
- The lease currently takes no account of latest technology in monitoring and tracking aircraft and their noise, with the Council missing out on opportunities to control noise and pollution.
- The motion would enable the Council to negotiate conditions and noise limits and hold BHAL to its promises on noise reduction, with sanctions being applicable should BHAL fail.
- Movements would be cut to 50,000 (as recommended by Cole Jarman, Acoustic Consultants) so removing any concern for massive expansion feared some years previously.
- The number of aircraft above the borough could be expected to reduce and plans to have the stacking beacon moved were well advanced.
- The opportunity was provided to achieve a better outcome for residents and the environment in a controlled and balanced way whilst also

allowing the airport the flexibility to remain a successful business location for the future.

- There would be opportunities for more jobs and for engineers to be trained and employed in Bromley - skills and training could be expected from a new aviation college.
- Small businesses could also be supported and the airport heritage was of benefit to all in the borough.
- Public consultation highlighted a majority in favour of expansion.
- The airport could create up to 2,300 new jobs in a modern high tech industry which is growing.
- The number of aircraft movements had been steadily reducing over the previous 15 or so years.
- Modern aircraft are quieter and better air traffic control enables aircraft to approach at a higher level and on a more precise flight path.
- With the preservation of Biggin Hill's name and its association with successful and high quality flying operations, income could be generated for the borough in more ways than through rent and other payments by the airport. Other considerations were important such as the airport's historical associations, the planned heritage centre, and the chapel forming a major tourist attraction. It made business sense to enable the airport to function in the best possible way for the 21st century.
- It was necessary for the Council to maintain control of the asset through the lease to encourage the aviation business market and prevent others considering the airport for operations such as scheduled holiday flights.
- All residents take some amount of noise from sources such as emergency vehicle sirens and railway traffic.
- No proposal for change is ever warmly supported by those who live nearby - there would be no progress if only those affected make the decision.
- If negotiations are successful the Council would have an opportunity which would be good for training, jobs, Biggin Hill, and Bromley as a whole.

Summarised points against the BHAL proposals

- Little change from the previous refused applications - times would be extended to unacceptable levels in the current application. The operational hours suggested are unsocial and would impact resident lifestyles. Proposals would blight residents under the flight path.
- The Council owns the airport to protect the interest of all residents – the lease had been established to support the airport and residents under the flight path.
- The noise contour line is too close to the airport to provide any idea of the impact it would have further out and would only have impact around Biggin Hill.
- Noise decibels from an aircraft causing actual disturbance is of more importance than an average decibel level.
- It is questionable how many additional jobs might be taken by Bromley residents and there is no mention of specific positions amongst the additional jobs – if business aircraft manufacturers are involved, the companies could be expected to bring their own workforce.
- Affected residents expressed strong objections during public consultation – the views of affected residents are paramount.
- Community Fund grants (from fines for non-compliance with noise abatement levels) for double glazing/ sound insulation to bedroom windows might take some time to deliver.
- There is no mention that the Aviation College will be built at Biggin Hill.
- Applications for alternative flight paths and relocation of the VOR beacon could be a lengthy process. If the applications are approved, there would be nothing to prevent BHAL continuing to use the existing flight paths.
- The number of jobs to be created was understood to be linked to the number of aircraft based at Biggin Hill – however, it was understood that the number of aircraft based at the airport had reduced.
- Improvements such as higher flight level, increased angle of descent, and possible flight path changes are matters for the Civil Aviation Authority (CAA) to approve. A new flight path was needed but no formal application from BHAL to change the flight path had been received by the CAA. If an application was to be received it would take four years to process. It was not BHAL's decision and change might not take place following an application. Before negotiations can take place, it was suggested that BHAL come back to the Council with firm

proposals e.g. when a change to the flight path has been approved. The initial proposals are not “set in concrete”, and there are no signed contracts, agreements, or guarantees.

- Other than for noise abatement, there appeared to be no sanctions or financial penalties for failure to deliver.
- Potentially, anywhere in the borough could be affected by helicopter flights which do not have a specific flight path.
- Benefits outlined by BHAL had not been proven and the financial benefit was unsubstantiated. All the benefits are aspirational, not guaranteed, and separate from a change to operating hours and varying the current terms of the lease.
- There is transport and accessibility drawbacks for Biggin Hill which could lead to concerns for road congestion - expansion would be hampered by a lack of transport infrastructure.
- Average day noise levels could increase if operating hours are extended. Residents living close to the airport and/or under flight path are likely to experience increased noise. Many thousands of people would be affected and residents would suffer more noise earlier and later each day; early risers might retire early and could be disturbed just prior to 11pm. The same could apply to younger children. Those rising at 7am or 7.30am might be disturbed by aircraft just after 6.30am. Recommendations on hours from the Noise Consultant could also cause difficulties for those working different hours.
- The proposed new operating hours are a big increase on existing hours. Although there would be a cap of eight movements between 6.30am and 7am and a cap of eight movements between 10pm and 11pm, the cap would potentially allow for one take-off or landing every 3.75 minutes between 6.30am and 7am and one take-off or landing every 7.5 minutes between 10pm and 11pm. As such, the cap did not seem to offer much protection for residents living under the flight path.
- It would not be possible to reverse a decision (to extend operating hours) and would go against the principles of the Council originally purchasing the airport.
- None of the following have anything to do with the proposed variation to operational hours: new aviation businesses and workshops; a new hotel; an aviation engineering college; 2,300 new jobs; noise abatement; and a change of flight path. Why had BHAL not commenced or completed some of these measures before now? Why was a change of flight path not followed up previously?

- The decision was being rushed through without proper discussion. Why rush if there is no time limit? Best to at least clarify and resolve issues contained in initial proposals before reaching a decision. The initial proposal might be agreed without sufficient thought and could result in no benefit being obtained for the borough.
- There were no guarantees on matters to do with finance.
- Why was it not possible for aircraft manufacturing companies to be established at Biggin Hill airport under the current terms of the lease? Such companies would be manufacturing aircraft rather than flying and would not need an extension to flying hours.
- No effort was made to find out how many would be affected by the extra operating hours or how they would be affected – the consultation questionnaire did not ask this.
- For business aviation, BHAL already had better operating hours than London City, Farnborough and Northolt airports. If the competitors being considered were Luton, Southend and Stanstead airports, these airports have facilities open 24hrs per day.
- Key questions to consider were those around the hours people rise or retire - people living under the flight path were getting older. BHAL suggestions could go ahead without a change in hours as the economy comes out of recession.

The Motion from Councillor Nicholas Bennett was put to the vote and was CARRIED.

Voting on the matter was recorded as follows:

For the Motion:

The Mayor and Councillors Allen, Ball, Nicholas Bennett, Ruth Bennett, Botting, Boughey, Brooks, Buttinger, Collins, Cooke, Dean, Dunn, Dykes, Ellis, Fookes, Fortune, Gray, Ellie Harmer, Will Harmer, William Huntington-Thresher, Jefferys, Livett, Nathan, Page, Phillips, Philpott, Pierce, Reddin, Rutherford, Diane Smith, Melanie Stevens, Turner, Tunnicliffe, Wilkins, and Williams (36).

Against the Motion:

The Deputy Mayor and Councillors Auld, Fawthrop, Samaris Huntington-Thresher, Joel, Mellor, Michael, Owen, Scoates, and Tickner (10).

Council
25 March 2015

Abstaining from voting:

Councillors Arthur, Carr, Evans, Colin Smith, Tim Stevens, and Stephen Wells (6).

Mayor

The Meeting ended at 9.18 pm