

## **EXECUTIVE**

Minutes of the meeting held on 15 June 2016 starting at 7.00 pm

### **Present**

Councillor Stephen Carr (Chairman)  
Councillors Graham Arthur, Robert Evans, Peter Fortune,  
Kate Lymer, Peter Morgan and Colin Smith

### **Also Present**

Councillor Vanessa Allen, Councillor Julian Benington,  
Councillor Nicholas Bennett J.P., Councillor William  
Huntington-Thresher and Councillor Melanie Stevens

## **20 APOLOGIES FOR ABSENCE**

There were no apologies.

## **21 DECLARATIONS OF INTEREST**

Cllr Kate Lymer declared the following interests:

- Item 10 by virtue of her son attending nursery at Havelock Recreation Ground
- item 14 as a Governor at Bickley Primary School
- items 7 and 15 as recipient of complimentary tickets to the Biggin Hill Festival of Flight event held on Saturday 11<sup>th</sup> June 2016.

Cllr Nicholas Bennett JP, Cllr Julian Benington and Cllr Melanie Stevens as visiting Members also declared an interest in items 7 and 15 by virtue of receiving complimentary tickets to the Biggin Hill Festival of Flight. Cllr Benington also declared his interest in item 15 as a Trustee of the Biggin Hill Memorial Museum Trust.

Councillor Peter Morgan declared a personal interest at item 5 in view of his daughter being a Director of Kier Property Services.

## **22 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18TH MAY 2016**

The minutes be confirmed.

## **23 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

A number of questions were received for written reply. Details of the questions and replies are at **Appendix A**.

## **24 PROVISIONAL FINAL ACCOUNTS 2015/16**

### **Report FSD16040**

Report FSD16040 provided a broad overview of the Council's provisional 2015/16 financial outturn both Council-wide and at portfolio level. Potential implications for 2016/17 were also summarised.

More detailed reports would be submitted to individual PDS Committees and the Education Budget Sub-Committee. Details of carry forward requests and a summary of the Council's capital programme were also included in the report.

The Portfolio Holder for Resources highlighted notable features including:

- development of a database to hold Contract Register and other related information as an important step forward;
- action following data matching on single person discounts contributing to a 2015/16 Council Tax surplus on the Collection Fund (along with good debt recovery levels, more new properties in the borough and the impact of the council tax support scheme being lower than budgeted);
- use of remaining underspends, including those in Central Contingency, to provide one-off funding for the Council's Growth Fund (providing investment for economic development and additional income through business rate growth, investment income and new homes bonus), the Council needing to be dependent upon its own income by 2020;
- no expected variation to the level of general reserves as at 31<sup>st</sup> March 2016 for General Fund balances;
- an increase of £1.5m against budget in the outturn for interest earnings on balances; and
- Growth Fund investment.

Carry forward of £89k from a £200k Central Contingency provision in 2015/16 for exceptional performance reward would be additional to the amount provided for 2016/17. Concerning income from s106 payments, the Leader highlighted a need to continually review how s106 monies are being used. In a housing context, the Portfolio for Renewal and Recreation suggested use of s106 monies for proposed housing at Site G.

Councillor Vanessa Allen (Clock House) highlighted the Labour Group's opposition to reduced funding levels for social services and suggested that budgets should be fully spent rather than transfer underspends to the Growth Fund. Cllr Allen suggested there were many other ways for the Council to

generate income (instead of a Growth Fund) such as more joint venture schemes in housing.

The Leader emphasised the necessity of gatekeeping and containing expenditure and there was no suggestion in transferring monies to the Growth Fund that budgets were being reduced.

**RESOLVED that:**

- (1) the provisional revenue and capital outturns for the 2015/16 financial year, and the earmarked balances on the General Fund as at 31st March 2016, be noted;**
- (2) a more detailed analysis of the 2015/16 final outturn be reported for each Portfolio to PDS committees;**
- (3) the variations in 2015/16 impacting on the Council's 2016/17 financial position be noted;**
- (4) comments from the Education, Care and Health Services Department, the Director of Transformation and Regeneration, and the Executive Director of Environment and Community Services, as detailed at Appendix 1B to Report FSD16040, be noted;**
- (5) the carry forwards of £301k related to repairs and maintenance, approved under delegated authority as detailed at Appendix 5 to Report FSD16040, be noted;**
- (6) the requests for carry forwards totalling £1,401k (net) as detailed at Appendix 5 to Report FSD16040 be approved, subject to the funding being allocated to Central Contingency to be drawn down on approval from the relevant Portfolio Holder;**
- (7) a total of £589k funding be released from Central Contingency as detailed at paragraph 3.2.1 of Report FSD16040;**
- (8) the return to Central Contingency of £45k as detailed at paragraph 3.2.2 of Report FSD16040 be noted;**
- (9) a sum of £97,400 be set aside from the 2015/16 underspends in Central Contingency as detailed at paragraphs 3.2.3 and 3.2.4 of Report FSD16040;**
- (10) the Prior Year Adjustments totalling £1,577k, as detailed at section 3.4 of Report FSD16040, be noted; and**
- (11) Council be recommended to approve the transfer of £7,024k to the Growth Fund as detailed at section 4.2 of Report FSD16040.**

## **25 CAPITAL PROGRAMME OUTTURN 2015/16**

### **Report FSD16036**

Members received the final outturn on capital expenditure and receipts for 2015/16.

Details included a breakdown of the overall capital expenditure in 2015/16 analysed between Portfolios and schemes. A breakdown was also provided of the original Capital Programme for 2015/16 and changes agreed during 2015/16 to arrive at the latest Approved Capital Programme.

#### **RESOLVED that:**

**(1) the report be noted; and**

**(2) the unspent capital budget (£8k) on the block provision for emergency works to surplus sites be carried forward as detailed at paragraphs 3.10 and 3.11 of Report FSD16036.**

## **26 BIGGIN HILL AIRPORT LTD (BHAL) - PROPOSAL TO VARY THE OPERATING HOURS**

### **Report DRR16/057**

Biggin Hill Airport Ltd (BHAL) had responded to the various conditions stipulated by the Council before its operating hours could be varied.

Following the Executive meeting on 25<sup>th</sup> November 2015 discussions with BHAL on the Council's conditions and BHAL's response focussed on:

- the Noise Action Plan (NAP) which had not altered since last referred to the Executive;
- a Management Information Letter (MIL) on how BHAL would implement and manage the NAP including, where appropriate, BHAL's response to the Council's conditions, including the six additional conditions agreed by Executive on 25<sup>th</sup> November 2015; and
- a Deed of Variation which, subject to the agreement of the Council/BHAL, would incorporate the approved changes to the operating hours into the lease.

Copies of the above documents were appended to Report DRR16/057. The NAP and MIL would be appended to the Deed of Variation and enforceable under the lease of Biggin Hill Airport.

Members were recommended to confirm that the Council's conditions had been met, to agree that the Deed of Variation be entered into, and to agree

that any sum received to reimburse the Council its costs be ring-fenced for any future costs of increased monitoring.

In response to a concern at the Executive and Resources PDS Committee meeting, 8<sup>th</sup> June 2016, on what might happen under the new arrangements should helicopters not rise to 1000ft (helicopters follow flight paths set down by NATS/CAA), it was explained that a mandatory condition to do so could be detrimental to health and safety and the safety of the airport (there was no authority to override Air Traffic Control instructions which might vary daily for any number of reasons). BHAL would, however, look to enforce helicopters rising to 1000ft where practical. It was also suggested at the PDS meeting that the Safety and Noise Review Board (SANARB) should include independent representation and it was confirmed that BHAL had agreed to the Board's membership including a resident observer.

The MIL would be incorporated in the Deed of Variation and would be enforceable as such. Should the cap of 50,000 annual movements appear likely to be breached (or was breached) in the first five years of the NAP, the NAP would be reviewed and the Council could suspend the extended hours pending completion of the review. Member endorsement would be needed to implement the outcome of any such review and to implement the outcome of a review after five years.

Monitoring would be undertaken as part of the lease agreement and the sum received from BHAL to reimburse the Council its costs related to the application (up to approximately £160k excluding officer time) would be ring-fenced to supplement existing resources and ensure robust monitoring. Leading state of the art monitoring equipment would be used and regular reports would be expected back to the Executive. A robust set of arrangements were in place and the NAP also outlined information that would be provided to the Airport Consultative Committee (ACC) each quarter including a report on the number of departures and arrivals on each runway.

Constraints in the NAP would limit noise compared to limits in the existing lease which provided ineffective control for the future. Noise contours and limits were provided and the Council's conditions were met. Real time monitoring information would also be provided. A planning application had recently been considered concerning lights for the 03 flightpath, the Civil Aviation Authority (CAA) advising that the proposal was at Stage 4 in the CAA process, the next stage being formal consultation. Employment opportunities would also be enhanced with a recent announcement of two large companies locating to BHAL.

It was confirmed that a Judicial Review had been issued but not served or pursued with diligence by the applicant.

It seemed to the Portfolio Holder for Care Services that there was an insufficient level of benefit coming back to the borough in return for the variation. However, the Leader was unable to support such a view referring to

benefits highlighted earlier in discussion by the Portfolio Holder for Renewal and Recreation and the Council's noise consultant.

Upon a vote, a majority of four Members voted in support of the recommendations, with one Member voting against and two Members abstaining.

**RESOLVED that:**

- (1) BHAL has satisfactorily met all of the Council's conditions;**
- (2) a Deed of Variation to the lease be entered into in the form appended to Report DRR16/057; and**
- (3) any sum received to reimburse the Council its reasonable costs incurred be ring-fenced for any potential future costs of increased monitoring that will be needed for the revised operating hours of the Airport.**

**27 FLOODING AND WATER MANAGEMENT ACT**

**Report ES16032**

Report ES16032 reviewed Council progress as Lead Local Flood Authority (LLFA) with responsibilities and activities for the coming year also considered.

Approval was sought to release £213k (allocated for local flood risk management) from Central Contingency to fund on-going maintenance and improvements to surface water drainage assets. Approval was also sought to release a one-off DEFRA grant of £69,482 from Central Contingency to fund technical advice on surface water drainage proposals through planning applications. Advice would be particularly provided on proposals for surface water drainage in major development - any residual funding supplementing maintenance/improvements to other drainage assets for surface water.

**RESOLVED that:**

- (1) a sum of £213k be released from 2016/17 Central Contingency to implement proposals detailed in Report ES16032, and a sum of £213k be included in future budgets;**
- (2) the DEFRA grant of £69,482 be released to meet the costs of providing technical advice on surface water drainage proposals through the planning process as well as the maintenance and improvements of surface water drainage assets; and**
- (3) the LLFA future works programme be approved.**

## **28 CHISLEHURST RECREATION GROUND - PAVILION LEASE**

### **Report ES16035**

The Football Association (FA) had previously indicated to FC Elmstead that they would support improvements to the pitches and clubhouse at Chislehurst Recreation Ground, the club currently having a Delegated Management Agreement (DMA) from the Council to use the facilities.

Following ground levelling and pitch drainage works supported by £47k grant funding from the Premier League and FA Facilities Fund (delivered by the Football Foundation), along with additional funding from the Council and Chislehurst Playing Fields Association (CPFA), the newly restored pitches were launched in 2015.

To retain and grow the club's activities (as per its Football Development Plan), a new modern clubhouse, compliant with current FA standards, was required to replace the existing poorly conditioned pavilion. In addition to changing facilities, showers, toilets, a club room, a café space with associated male and female accessible toilets, storage would also be provided which would include use by the local Friends Group. The club secured planning permission for the redevelopment (reference 14/04436/FULL1) in March 2015.

The total cost of the improvement works was estimated by the club to be in excess of £360k including contingency, professional fees, and VAT. In meeting the sum, the club had been successful in securing a number of external grants from a variety of partners, including a grant of £258,865 from the Football Foundation, as well as contributing some of its own funds.

A number of conditions were associated with accepting the grant from the Football Foundation and Report ES16035 considered two potential options available to the Council to meet these conditions. Given a number of risks associated with Option 1 (as highlighted in the report) Option 2 was recommended whereby the club would be solely responsible for the grant monies, including procurement and delivery of the project.

To take the project forward, consent was sought for (i) FC Elmstead being granted a 25 year lease on part of Chislehurst Recreation Ground and (ii) acceptance of a grant from the Football Foundation of £258,865 to be awarded to FC Elmstead to assist in constructing the new pavilion. Conditions associated with the grant award – in line with taking forward Option 2 - were also recommended for acceptance, including a legal charge upon the club's leasehold title of the pavilion and a restriction upon the Council's freehold title of the pitches during the 21 year Clawback period.

### **RESOLVED that:**

**(1) Option 2 outlined in Report ES16035 be pursued;**

**(2) a 25 year lease be granted to FC Elmstead for part of Chislehurst Recreation Ground, on terms to be agreed by Strategic Property;**

**(3) the acceptance of a grant from the Football Foundation be solely awarded to FC Elmstead to assist in funding the construction of the new pavilion at the location; and**

**(4) acceptance of the legal conditions associated with award of the grant to the club be approved, including a legal charge upon the club's leasehold title of the pavilion and a restriction upon the Council's freehold title of the pitches, during the 21 year Clawback period.**

**29 LAND AT HAVELOCK RECREATION GROUND - APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN**

**Report CSD16085**

A third party application to register land at Havelock Recreation Ground as a new Town or Village Green failed to meet the legal criteria for a third party registration. However, supporting the case to register the land as such, the Development Control Committee resolved at its meeting on 9th February 2016 to recommend that the land be voluntarily designated a Town or Village Green, this to be achieved by way of an application for voluntary registration by the Council in its capacity as owner of the land. The report to Development Control Committee and published minute of the discussion were both appended to Report CSD16085.

In discussion Members were aware of legal advice that the recreation ground failed to meet the necessary criteria for a third party registration. Members were also aware that the recreation ground is already protected as dedicated open land (designated for community use). Any decision to voluntarily register the land as a Town or Village Green could set a precedent with any future decision then subjective without a policy. It was felt necessary to maintain consistency with previous decisions.

**RESOLVED that no action be taken to voluntarily have the land at Havelock Recreation Ground registered as a new Town or Village Green.**

**30 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.

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



**32 EXEMPT MINUTES OF THE MEETING HELD ON 18TH MAY  
2016**

The minutes were agreed.

**33 GRANT OF LEASE OF THE WIDMORE CENTRE TO THE STEP  
ACADEMY TRUST**

**Report DRR16/056**

Agreement was sought for a long leasehold interest to be granted in the Widmore Centre building for the purpose of providing a further school in Planning Area 4 (Central Bromley).

**34 BIGGIN HILL MEMORIAL MUSEUM**

**Report DRR16/051**

Members were updated on progress with the Biggin Hill Memorial Museum along with funding arrangements for the scheme.

**35 THE GLADES SHOPPING CENTRE APPOINTMENT OF  
PROFESSIONAL ADVISERS**

**Report DRR16/055**

It was necessary to affirm the appointment of a professional property consultant concerning certain matters related to the Glades Shopping Centre.

The Decision Type of Report DRR16/055 was marked Urgent and with the prior agreement of the Chairman of the Executive and Resources PDS Committee, call-in would accordingly not apply for the item.

**36 "GIFTING" OF MEARS SCHEME TO PENSION FUND**

**Report FSD16041**

Report FSD16041 provided final resolutions necessary for full Council to reaffirm the "gifting" of the Mears scheme to the L B Bromley Pension Fund.

**37 PARKING CONTRACT**

**Report ES16029**

The Joint Parking Services contract was subject to a revised implementation date with a traditional local authority contract model to be used.

**38            TEMPORARY ACCOMMODATION: TRINITY C OF E PRIMARY  
SCHOOL AND CASTLECOMBE PRIMARY SCHOOL**

**Report ED16032**

Having noted the procurement process and evaluation of tenders, Members considered a recommendation for award of contract related to temporary accommodation at Castlecombe Primary School and Trinity CE Primary School.

**39            AQUISITION OF INVESTMENT PROPERTY**

**Report DRR16/060**

To increase return from the Council's Investment Fund, Members considered the recommended purchase of the freehold interest in industrial units at a location in Hampshire.

Chairman

The Meeting ended at 8.40 pm