

**COUNCIL MEETING**

**4<sup>TH</sup> JULY 2016**

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

**1. From Julie Ireland to the Care Services Portfolio Holder**

Will Bromley Council take on the Local Authority Mental Health Challenge recently developed by Mind and other mental health groups?

**Reply:**

The Local Authority has not taken on this challenge as it does not wish to single out and support one particular campaign and not others. The Local Authority receives regular requests to support various initiatives, campaigns and challenges from different charities and community groups. It is not possible to participate in and support all of these.

However, the Council has been doing a lot of work to improve mental and emotional well-being of Bromley residents. There has been a particular emphasis recently on people with dementia as this is one of the priorities within the Health and Well-being Strategy. A lot of work has been conducted with children and young people, particularly with the development of the Community Well-being service and work with schools. Additionally, in response to a request to appoint a Mental Health Champion for the borough, the Health and Well-being Board has instead formed a sub-committee to oversee and investigate issues of mental health.

**Supplementary Question:**

Will the Council reconsider the decision to abandon the School nursing Services?

**Reply:**

The School Nursing Service will not be abandoned. It will run for at least another year and thereafter we hope very much, and negotiations are going on with the CCG and schools, as to whether a nursing service will continue in schools.

**2. From Jane Green to the Environment Portfolio Holder**

A decision was taken and carried out in April to resurface the "Unadopted" section of Elwill Way at a cost to the Council's 2016/17 revenue budget of £60,212.

There being no decision to adopt this carriageway, giving the Council responsibility for its maintenance, who took the resurfacing decision and why?

**Reply:**

I am ultimately responsible for the decision which came about as a result of a mistake in the Highways officers team whilst assessing the state of roads most needing repair across the Borough.

The Director of Environment has since been instructed to find additional in year savings over the course of 2016/17 and 2017/18 to replenish the relevant budget header and thereby ensure that no slippage occurs within the planned maintenance schedules.

An additional procedure has also been added to ensure greater attention is paid in future to the Council's lists of un-adopted roads when formulating those schedules.

**Supplementary Question:**

Why was priority given to providing a new carriageway and lighting?

**Reply:**

This was one of the worst roads in the borough; there was a failure in that it was on the wrong list but we have taken action to ensure this cannot happen again.

**3. From Sahar Awad to the Environment Portfolio Holder** (written reply sent)

Does the Council acknowledge that there is a public health problem with the daily accumulation of rubbish bags along Penge High Street?

**Reply:**

Whilst the Council would acknowledge the dumped bags are aesthetically displeasing, no it doesn't.

**4. From David Clapham to the Renewal and Recreation Portfolio Holder**

My question at the Executive of 15<sup>th</sup> June was not answered. I contend that the airport has been operating out of hours. You changed the definition from 'based aircraft' to 'account holders'. Can you now please define 'account holders' and state who defined it?

**Reply:**

The question was answered. The Council has no evidence that the Airport are operating 'out of hours' and has looked at your reports and others too in detail as you know and has reached the same conclusion. The 'out of hours' allegation is consistently about a small number of movements in the so-called shoulder period which will not be relevant going forwards. The new operating hours replace the shoulder periods, with enhanced morning and evening controls. Referring to definitions, no one has changed anything, with the current practices of the Airport reflecting historic practices.

**Supplementary Question:**

On 13<sup>th</sup> January 2016 I asked if the Council had a list of home-based aircraft and was told that it did not. The definition has now been changed, so why was I not told this then? Does the Council have a list of account holders and can this list be provided in writing?

**Reply:**

We probably do not have a list of account holders, but we can try to obtain this and when I have got it I can see that it is forwarded to Mr Clapham.

**5. From Nick Bell to the Portfolio Holder for Renewal and Recreation** (written reply sent)

With regard to the monitoring of activities at Biggin Hill, now that we have the Lease, the NAP and the MIL running alongside and often disagreeing or conflicting with each other, which one will prevail?

**Reply:**

To be clear, both the NAP and the MIL will actually be part of the lease. The proposed Deed of Variation was published as part of last month's Executive papers. I do not believe that the NAP and MIL do conflict but rather, they complement each other. The MIL therefore actually sets out details of how the NAP will be complied with.

**6. From Giuliana Voisey to the Renewal and Recreation Portfolio Holder**

With regard to the cap on movements, Mark Bowen finally admitted that "the test will come if at a future date the Council needs to "enforce" the provision", which really is the whole point. Do council members at last appreciate what residents have been saying and will you start listening?

**Reply:**

The test will always come when the Council needs to enforce the provision and the Council was successful in the Court of Appeal the last time that the lease was tested in Court. The MIL is clear about the restrictions on flight numbers, which is significantly lower than the level agreed in the lease. The Council does appreciate what residents have been saying and that is why there has been so much scrutiny of this particular decision. I would add that residents wanted to see a binding legal agreement and that is precisely what we have here, with more control than we have had previously, which is also something residents have called for.

**Supplementary Question:**

What has happened to your promise on the night of the call-in that all sixty Councillors would ensure that the conditions would be complied with? Why did those Councillors not intervene to stop the Leader from pushing through ratification of conditions, the cap being one, which have proved unenforceable?

**Reply:**

As far as I am concerned all proper procedures have been followed, the matter has been fully debated and we now have an agreement which I think will benefit all residents.

**7. From Robert Pattullo to the Renewal and Recreation Portfolio Holder**

You have admitted there is a misrepresentation concerning operating hours at BHAL in Item 3 of the MIL. Will it now be corrected forthwith but, if not, when?

**Reply:**

The operating hours are quite clear and this is the important point. I accept that item 3 could be better phrased but the wording does acknowledge that the Airport will need to apply to the Council if they want to utilise the period 2200 to 2300 on Sundays.

**Supplementary Question:**

Would you please explain the difference between the legal terms "reasonable endeavours" and "best endeavours" and why best endeavours was not incorporated in the BHAL MIL as it appears the most effective to ensure compliance?

**Reply:**

Not being a lawyer, this is somewhat difficult, but I have asked our Legal Department about this on several occasions. Best endeavours is just so rigorous that no-one would ever get this enforced in court – if it meant flying to the planet Mars to get the last bit of something to make the thing happen you would have to do it. Reasonable endeavours does have very strong legal force and it is something that the court will enforce, and I think is satisfactory in terms of getting these conditions complied with in future.

**8. From Mike Jones to the Leader of the Council (question taken by the Deputy Leader, Cllr Colin Smith)**

In view of the fact that the majority of Bromley residents voted in the referendum to remain in the EU, would the Council reconsider their vote in favour of leaving the European Union that it took - prematurely - at February's meeting, so that the Council's views properly reflect the views of the electorate they represent?

**Reply:**

I am afraid you may have been poorly advised. The Council voted on a motion which read:

“This Council agrees that the negative impacts that the European Union has upon the efficiency and costs of Bromley Council activities mean Bromley Council would be better off if Britain was out of the European Union.”

A statement of belief, not to suggest that we vote in favour of leaving the European Union – that is clearly a personal decision.

On a personal note, whilst I suspect you will find a vast dichotomy of views across this chamber which broadly reflect the mixed opinion of Bromley's population, I for one am delighted with the outcome of the referendum and will be writing to local MPs as well as the incoming Prime Minister in a personal capacity, urging them to sign the necessary 'Article 50' document to get the process started at the earliest possible opportunity.

**Supplementary Question:**

Since the referendum many EU citizens living and working in Bromley have told us that they are worried about their rights here in the UK. Will the Council fight to ensure that these European citizens already settled here can continue to live work and study here, especially considering the big contribution they make to life locally and in the UK generally.

**Reply:**

I am not really sure that making those promises are within Bromley Council's remit, but I am aware that this is a conversation being held at national level, and I am sure that the national parties between them will make any advice that is necessary available through all the organs of the national press and media.

**9. From Sahar Awad to the Environment Portfolio Holder (written reply sent)**

What steps, if any, are being taken to tackle this problem?

**Reply:**

As you are already aware, a meeting has been convened by the Council's Head of Waste Operations to discuss possible measures which might hopefully improve the situation locally.

## **10. From David Clapham to the Renewal and Recreation Portfolio Holder**

My question about the level of fines for non-complying aircraft has not been answered. A large business jet would pay more than £2000 in landing fees, yet the maximum fine foreseen (point 19) in the MIL is around £500. How is the condition that fines should be 5 times landing fees satisfied for large aircraft?

### **Reply:**

The vast majority of aircraft using the airport pay nothing like this, as you know. The level of fines of up to 5 times is an important principle which is included in the MIL and it is certainly based on this multiple.

But, but we do accept that fines should not be completely disproportionate as my previous answer to you on this subject outlined. We also accept that it should not go against the advice provided in the ICAO document 9082, Policies on Charges for Airports and Air Navigation Services.

### **Supplementary Question:**

Are you satisfied that this level of fine will dissuade people from flying out of hours?

### **Reply:**

I would have thought that the deterrent in all these cases is not so much the fine but the real and distinct threat of an outright ban from the Airport. The Airport have proposed a range of measures to encourage compliance and these have been strengthened. We will be monitoring this in person as we will have a representative present at these meetings to make sure that tough sanctions are applied and more importantly that pilots that transgress do not use Biggin Hill.

## **11. From Giuliana Voisey to the Renewal and Recreation Portfolio Holder**

Do the noise envelopes, based as they are on an imperfect average measure, only measure noise caused by aircraft at Biggin Hill or also Heathrow?

### **Reply:**

The noise envelopes apply only to operations at Biggin Hill as they are intended as the measure of control on operations at that airfield. They do not include operations to or from Heathrow, or any other UK or international airport for that matter, as clearly Biggin Hill have no control over those operations.

Any concerns regarding the 'imperfect average' nature of the LAeq contours should be directed to the Government. It is their policy that 57dB LAeq,16h is the average level of daytime noise that marks the approximate onset of significant community annoyance. It is also their wish that noise envelopes be pursued as a means of controlling noise from operations at UK airports. Direct reference to these matters can be found in the Aviation Policy Framework, sections 3.17 and 3.29. I might also add that as no noise envelope existed before from a lease perspective, anything we have which reduces the noise that the Airport can make is to be welcomed. Furthermore, it would be unreasonable for the Council to seek to draw in controls relating to other airports which are outside control of Biggin Hill Airport or ourselves..

**Supplementary Question:**

Should the Heathrow VOR beacon be moved, although at 7,000 feet that traffic does not really bother us. Would Biggin Hill movements double or treble at 700 feet because more room is created within your selected noise envelopes which are based on the wrong measure and according to Government they are normally accompanied by other measures but you have it on its own.

**Reply:**

I do not know the answer to that question but we will investigate and will write to Mrs Voisey.

**12. From Sahar Awad to the Environment Portfolio Holder** (written reply sent)

Why is an e-petition with over 600 signatures around this issue any less valid for presentation to a general council meeting than a paper petition, when e-petitions provide names and postcodes, and are as easy to cross reference and check as paper ones?

**Reply:**

Although this isn't specifically an Environmental Services question, I am advised with regard to your own petition, that whilst officers can see the city and postcodes, they cannot see full addresses, making it harder and more time consuming to check the genuine nature or otherwise of the 'signatories'.