

## **EXECUTIVE**

Minutes of the meeting held on 19 October 2022 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, Councillor Simon Jeal and  
Councillor Robert Evans (attended virtually)

### **79 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **80 DECLARATIONS OF INTEREST**

Some Members present declared that they had attended an event at Biggin Hill Airport and had received modest hospitality, below the value threshold of £25.

### **81 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 OCTOBER 2022**

The minutes of the meeting held on 6<sup>th</sup> October 2022, were agreed and signed as a correct record.

### **82 QUESTIONS**

No questions were received.

### **83 BIGGIN HILL AIRPORT NOISE ACTION PLAN REVIEW - UPDATE**

In summer 2021, five years after the signing of the Deed of Variation on their lease with the Council, Biggin Hill Airport Ltd (BHAL) submitted a Noise Action Plan review. As the review was to be carried out "in association" with London Borough of Bromley, the Council could approve it or request alterations. At the Executive Committee meeting on 12 January 2022, the Council requested further information from Biggin Hill Airport. The Airport had submitted new information in response to this request.

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The Portfolio Holder for Resources, Commissioning and Contracts Management introduced the item and explained that the report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 18 October 2022 and the Committee had proposed the following amendment to recommendation 2.6:

To agree that in the light of the above officers should bring a further report in January 2023. ~~once CAA decision is made, when the Executive can consider the impact of the decision of the CAA on Runway 03.~~

The Portfolio Holder for Resources, Commissioning and Contracts Management underlined that the packed public gallery at the meeting of Executive Resources and Contracts PDS Committee on 18 October was a testament to the level of public interest and the importance of this issue to residents. The Portfolio Holder thanked all the residents that had engaged with their local councillors on this matter and it was noted that many residents had undertaken a great deal of research to support the representations submitted.

The Executive noted that there had been a direct view from Members of the Executive Resources and Contracts PDS Committee that key longer-term decisions were required in January 2023 and it was hoped that the CAA would have taken its decision on Runway 03 by then.

The Leader reported that he and the Chief Executive had sent a letter to the three MPs representing the wards directly affected by the Airport encouraging them to write to the relevant Minister with oversight for CAA, urging them to ensure that the promised timely decision was delivered. Recognising that the Airport affected all residents of the Borough to a greater or lesser extent, the Leader noted that should the MP for Lewisham West and Penge wish to send such a letter it would be greatly appreciated.

**RESOLVED: That**

- 1. It be noted that Biggin Hill Airport Ltd (BHAL) submitted additional documentation by the deadline of 30 June 2022 in response to the information requested by the Executive in January 2022.**
- 2. It be noted that with the additional evidence provided, BHAL has completed its review of the Noise Action Plan (NAP) though one of the ongoing commitments under the NAP for BHAL to progress the implementation of Runway 03 is yet to be achieved.**
- 3. It be noted that BHAL is dependent on Civil Aviation Authority (CAA) authorisation to progress Runway 03 and a decision is expected later this year, by December 2022.**
- 4. It be noted that the Leader and the Chief Executive have written to the Council's three directly affected Members of Parliament encouraging them to write to the relevant Minister with oversight**

for CAA, urging them to ensure that the promised timely decision is delivered.

5. **It be noted that the outcome of the CAA decision on Runway 03 will be significant in determining the next steps following the review of the NAP.**
6. **It be agreed that in the light of the above Officers should bring a further report in January 2023.**

## **84 ADULT SOCIAL CARE REFORMS Report ACH22-030**

In September 2021, in the Build Better plan, the government announced £5.4bn of investment in the adult social care system in England over 3 years to transform the sector. £3.6bn was allocated for the charging reform (including paying a Fair Cost of Care) and £1.7bn for the systems reforms.

The government continued to be committed to the introduction of charging reforms by October 2023 including a new £86,000 cap on personal care costs; changes to the means test thresholds, further bringing into effect section 18(3) and a move towards paying a fairer rate of care.

The report was for information, providing a summary of the changes embedded within the Adult Social Care Reform White Paper – People at the Heart of Care and an update on the work undertaken by the Council to prepare and implement the changes. The report also requested to drawdown the grants totalling £908k to support the work detailed.

The Executive recognised that there was now some uncertainty over the future of the reforms and further guidance was awaited. In the meantime, the intention was to draw down the grant and use the funds to plan for any reforms likely to be implemented.

Members noted that were there to be a delay in the implementation of the reforms it would be helpful if political parties across the Council could unite around the campaign for fairer funding and for additional support for boroughs with ageing populations.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 7 September and the Committee had supported the recommendations.

**RESOLVED: That the drawdown of the grants totalling £908k (as detailed in paragraph 9.1 and 9.2 of the report) from central contingency to support the work detailed in the report be agreed.**

**85 DELEGATION OF FUNCTION AMENDMENT AND CHANGE TO THE SCHEME OF DELEGATION TO OFFICERS (TRADING STANDARDS)**

The report followed a decision by the Executive on 30<sup>th</sup> June 2021 to accept Delegation of Function in certain Trading Standards investigations. The report was in part concerned with one of those investigations where delegation of function had been provided by the two local authorities detailed in Appendix 1 of the report and related to retrospective delegation of function from these two authorities in order to correct an error on the face of the approved minutes. The report also sought to explicitly delegate the Director of Environment and Public Protection to accept a delegation from and to give a delegation of function to local authorities or their Executives in respect of other current and future investigations.

The purpose was to clarify the previous decision in order to preclude the possibility of the risk of a successful challenge in related prosecutions.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 18 October 2022 and the Committee had supported the recommendations.

**RESOLVED: That**

- 1. The delegation of functions from local authorities (listed in Appendix 1 of the report) for adoption for the purpose of legal proceedings be ratified retrospectively by the Executive;**
- 2. Authority be delegated to the Director of Environment and Public Protection to accept and to give a delegation of a function from another local authority or their /Executive regarding unrelated current and future investigations by adopting the following amendment to the Scheme of Delegation to Officers in relation to section 15-2 - Functions Delegated to the Director of Environment & Public Protection by adding new (j) and consequential renumbering:**

**(j) Exercise the functions of the Council to delegate a function or to receive a function from another local authority or its Executive in relation to trading standards and consumer protection, including prohibiting the sale of dangerous goods, promoting fair trading and investigating or prosecuting offences. Note: this delegation operates in addition to Article 11.04 of the Constitution.**

**86 BROMLEY HOUSEHOLD SUPPORT FUND  
Report HPR2022/0**

The report set out details of the Government announcement regarding the Household Support Fund (HSF) and sought endorsement of the proposals for the allocation and distribution of the HSF.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 18 October 2022 and the Committee had supported the recommendations.

**RESOLVED: That**

- 1. Bromley Council's allocation for the Household Support Fund (HSF) of £1,868k be noted;**
- 2. The drawdown of £1,868k from the 2022/23 Central Contingency to the Operational Housing revenue budget be approved;**
- 3. The full utilisation of this ringfenced grant, in 2022/23, as detailed in paragraph 3.9 of the report be approved;**
- 4. Any final changes be delegated to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Resources, Commissioning & Contracts Management.**

**87 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.

**88 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**

*Executive*  
*19 October 2022*

**89 EXEMPT MINUTES OF THE MEETING HELD ON 6 OCTOBER  
2022**

The exempt (not for publication) minutes of the meeting held on 6 October 2022, were agreed and signed as a correct record.

Chairman

The Meeting ended at 7.21 pm