

EXECUTIVE

Minutes of the meeting held on 18 October 2023 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors Kate Lymer (Vice-Chairman), Yvonne Bear,
Nicholas Bennett J.P., Christopher Marlow, Angela Page
and Diane Smith

Also Present:

Councillor Robert Evans, Councillor Alisa Igoe, Councillor
Sam Webber and Councillor Simon Jeal

78 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Cuthbert.

79 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

80 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2023

RESOLVED: That the minutes of the meeting held on 20 September 2023, be agreed and signed as a correct record.

81 QUESTIONS

No questions were received.

82 CHURCHILL THEATRE & CENTRAL LIBRARY BUILDING, HIGH STREET, BROMLEY BR1 1HA

The site known as Churchill Theatre formed part of a larger property which also comprised Central Library and a number of ground floor retail units. The building was constructed as one in the 1970s, formally opening in 1977. The site was owned freehold by the Council, with Churchill Theatre being occupied by Trafalgar Group on a lease dated 5th September 2017 which expired on 3rd April 2041. Central Library was occupied and operated by the Council's library provider Greenwich Leisure, and the retail units were held on a long leasehold interest by a private third party.

Buildings of this nature were typically intended to have a lifespan of c. 50 years and as such, the building was now in poor condition, and many elements of the building and building fabric were considered end of life and beyond economic repair. Therefore, continuing with the existing lease arrangement with Trafalgar Group for

the theatre element until its natural expiry in 2041 was not considered a viable option, as the extent of the works required to ensure a sustainable future for the building would not be possible whilst the building was occupied and operational.

The report primarily related to the Churchill Theatre element of the building, due to the lease arrangements that were in place and the commercial (i.e. non-operational / non-statutory) function of this element of the building, and the need to find a solution to the challenge of an end of life building, a limited pool of resources from which the Council must prioritise its statutory and operational needs, and the wider economic and cultural benefits that come with the presence of a theatre in the town centre.

The report set out the Council's intention for seeking a mutual agreement between the Council and Trafalgar Group to ensure a sustainable future for the theatre at the site, whilst simultaneously removing the Council's ongoing liabilities for repairs and maintenance at the site.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 17 October 2023 and the Committee had supported the recommendations.

RESOLVED: That the report be noted and the following recommendations be approved:

- 1. To delegate authority to the Director of Housing Planning and Regeneration to agree terms with the existing tenant of Churchill Theatre, Trafalgar Group, to gift the Council's freehold interest in the whole site alongside negotiating a reverse premium to be paid to Trafalgar Group on completion of the freehold transfer to enable the tenant to invest in the building to ensure a sustainable future for the building and to protect its future use as a theatre. With terms, once agreed in principle, to be subject to further approval by the Executive Committee.**
- 2. As detailed within this report, the existing arrangement is not sustainable as there are significant works required to the building if it is to have a future, and therefore the existing lease arrangement with Trafalgar Group needs to be terminated to enable the works required on the building to be undertaken which cannot be facilitated whilst the building is occupied and operational. It is therefore recommended that the Landlord's Break Clause in relation to the lease held by Trafalgar Group is triggered which must be served on or before 1st April 2024 in accordance with the terms of the existing lease providing a minimum of 24 months' notice thereby terminating the existing lease arrangement as of 2nd April 2026.**
- 3. Should Trafalgar Group confirm they are unwilling or unable to take gifted ownership (and a reverse premium) of the site, then it is recommended that the Executive Committee delegate authority to the Director of Housing Planning and Regeneration to openly market a 999-year leasehold interest in the site to secure a private**

developer to undertake the required redevelopment under a Development Agreement, with the 999 year lease only being granted, with vacant possession, on completion of the agreed scheme as agreed and stipulated within the Development Agreement. All offers received would be reported back to the Executive Committee for a Member decision to enable Member selection of a preferred bidder.

**83 RELOCATION OF CENTRAL LIBRARY
Report HPR2023/056**

Due to the Churchill Theatre tower building being at end of life, with a requirement for redevelopment, officers have considered options for the relocation of Central Library.

The report set out the recommended option to move the service to the old Topshop site and sought budget approval to proceed to RIBA stage 3.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 17 October 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. The works carried out for RIBA 1 that identify that the Topshop site is a suitable location for the Central Library and that the indicative budget for relocation of the Central Library has an estimated cost of circa £15.5m, subject to further works being carried out for RIBA 2-4 be noted. Detailed costings will be provided in a future report to the Executive.**
- 2. As set out in paragraphs 3.10 – 3.13, proceeding to procurement for a multi-disciplinary design team to RIBA Stage 7 be approved in principle with a break clause after RIBA Stage 3 and 4. The estimated whole life value of the contract up to RIBA Stage 7 is £1m with an estimated value up to RIBA Stage 3-4 of £400k as per paragraph 3.10 of the report. Approval is given that an additional £500k for these works be added to the Capital Programme in preparation of a further detailed costing report.**
- 3. Authority be delegated to the Director of Housing, Planning, Property and Regeneration, in agreement with the Assistant Director Governance & Contracts, the Director of Corporate Services and Governance, the Director of Finance and the Portfolio Holder for Renewal, Recreation & Housing, to approve the detailed procurement strategy for the procurement of multi-disciplinary consultancy services to RIBA 7, including ensuring suitable break clauses are applied to the contract.**

4. **Any legal matters arising from these recommendations be delegated to the Director of Corporate Services and Governance.**

84 LEISURE CENTRE MAJOR WORKS PROGRAMME
Report HPR2023/054

Following Executive's approval of the Procurement Strategy for the Leisure Centre Major Work Programme (report no: HPR2023/044) in August 2023, which was subject to this report, Executive are now asked to consider the options and recommendations contained within this report in order to bring forward the major works required at the Walnuts and West Wickham Leisure Centres.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 17 October 2023 and the Committee had supported the recommendations.

RESOLVED: That

General:

1. **Authority be delegated to the Director for Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation & Housing, to put in place arrangements for the future tenant of the facilities pending Members' decision on this matter in the Part 2 report.**
2. **The capital budget as set in the Part 2 report be approved.**
3. **Option 3 of the Programme Options, outlined in 3.24, which, pending final approval of budgets in Spring 2024, will allow for all works to be complete by Spring 2026, be approved.**
4. **Authority be delegated to the Director for Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation & Housing, to approve the submission of grant funding applications and to accept any subsequent awards of funding in relation to both Leisure Centres.**
5. **Authority be delegated to the Director for Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation & Housing, to approve any reasonable changes to the works needed after Executive approval in order to keep the works within budget.**
6. **It be noted that additional funding may be needed for the construction works, as per paragraph 3.6.1 of the Part 2 report, above the OPR's indicative budget of £27.1m, to deliver the core requirements identified in paragraphs 3.14 and 3.16 of this report and indicatively costed in paragraphs 3.8 and 3.12 of the Part 2 report.**
7. **£1.867m from the OPR's budget for Leisure Centre Works be approved to fund RIBA 3/4 works for both leisure centres (as set out in 2.10 and 2.14) .**

8. **£150k from the OPR's budget for Leisure Centre Works, be approved to fund any ancillary legal matters arising from the developments up to RIBA 4.**

West Wickham:

9. **The core requirements for West Wickham Leisure Centre as set out in 3.14 of this report be approved so that officers can progress these plans through RIBA 3 and 4.**
10. **The award of contract to Alliance Leisure Services for £1.047m, funded by the OPR's indicative budget for leisure centres, be approved to progress the West Wickham Leisure Centre Major Works Programme to RIBA 4 based on the core requirements laid out in this report.**
11. **It be noted that the current estimate for the works contract for West Wickham Leisure Centre, beyond RIBA stage 4, is contained in the Part 2 report. Following conclusion of RIBA stage 3, a subsequent report will be brought forward detailing more accurate costs for the works.**
12. **Authority be delegated to the Director for Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation & Housing, to resolve any ancillary legal matters at West Wickham arising from the developments up to RIBA stage 4.**

The Walnuts:

13. **The core requirements for the Walnuts Leisure Centre be approved as set out in 3.16 of this report so that officers can progress these plans through RIBA 3 and 4.**
14. **The award of contract to Alliance Leisure Services for £820k, funded by the OPR's indicative budget for leisure centres, be approved to progress the Walnuts Leisure Centre Major Works Programme to RIBA 4 based on the core requirements laid out in this report.**
15. **It be noted that the current estimate for the works contract for the Walnuts Leisure Centre, beyond RIBA stage 4, is contained in the Part 2 report. Following conclusion of RIBA stage 3, a subsequent report will be brought forward detailing more accurate costs for the works.**
16. **Authority be delegated to the Director for Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation & Housing, to resolve any ancillary legal matters at the Walnuts arising from the developments up to RIBA stage 4.**

**85 ADOPTION OF THE BROMLEY TOWN CENTRE
 SUPPLEMENTARY PLANNING DOCUMENT
 Report HPR2023/053**

The report recommended the adoption of the Bromley Town Centre Supplementary Planning Document (SPD). The SPD provided guidance to assist with the determination of planning applications in the Bromley Town Centre area, including guidance on design requirements.

A draft SPD underwent public consultation from 28 October 2022 to 27 January 2023. A significant number of responses were received covering a number of issues. The final SPD included a number of amendments in response to comments received.

Upon adoption of the SPD, it was recommended that the Council writes to the Secretary of State for Levelling Up, Housing and Communities to request that the Bromley Town Centre Area Action Plan is revoked.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 6 September 2023 and the Development Control Committee on 5 October and the Committees had supported the recommendations.

RESOLVED: That

- 1. The Bromley Town Centre Supplementary Planning Document (shown at Appendix 1) be adopted as a local development document, subject to any further minor changes (e.g. related to formatting or mapping) prior to adoption.**
- 2. Officers be authorised to write to the Secretary of State for Levelling Up, Housing and Communities to request that the Bromley Town Centre Area Action Plan is revoked, as per the provisions of section 25 of the Planning and Compulsory Purchase Act 2004.**

**86 OUR BROMLEY MAGAZINE
 Report CSD23129**

The report sets out the background behind the launch of the Council's resident magazine – 'Our Bromley'. It outlined the rationale behind the magazine and why it was necessary to launch such a publication, to ensure that all residents, including the most vulnerable, were better able to access the Council's services. It also outlined proposals for a permanent magazine going forward.

The demise of printed local media in Bromley in favour of digital media had left a challenging landscape in which to deliver information to everyone in the Borough including those not digitally enabled.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 17 October 2023 and the Committee had supported the recommendations.

RESOLVED: That

- 1. It be agreed that the Council produces a regular paper magazine called 'Our Bromley' three times a year to be distributed to all residents. There is flexibility to move to four editions a year, but for the moment, three is recommended as a more viable option.**
- 2. It be noted that the financial implications are envisaged to be cost neutral, with the total expected spend of £180k over three issues, at current prices, being anticipated to be covered by advertising revenue.**
- 3. It be noted that after a period of a year, there will be a review on the impact of the publication before continuing in future years.**
- 4. The change of name of the Council's e-mailed newsletter for residents from 'Update' to 'Our Bromley' be noted.**

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**

89 EXEMPT MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2023

The exempt (not for publication) minutes of the meeting held on 20 September 2023, were confirmed as a correct record.

90 PART 2: CHURCHILL THEATRE & CENTRAL LIBRARY BUILDING, HIGH STREET, BROMLEY BR1 1HA

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The Executive considered the report and agreed the recommendations.

91 PART 2: RELOCATION OF CENTRAL LIBRARY

The Executive considered the report and agreed the recommendations.

92 PART 2: LEISURE CENTRE MAJOR WORKS

The Executive considered the report, noted the additional information provided in Part 2 and agreed the recommendations.

Chairman

The Meeting ended at 7.42 pm