

Runnymede Borough CouncilREVIEW BOARD10 July 2003 at 7.30 p.m.

Members of the Board present: Councillors P.J. Poole (Chairman), D.P. Easton (Vice-Chairman), J.R. Ashmore, Ms. D.V. Clarke, P.A. Greenwood, J.E. Haas, Mrs. V.A. Smallman and P.B. Tuley.

Members of the Board absent: Councillor J. Broadhead.

Councillors A. Alderson, J.R. Furey and R.J. Ray also attended.

178. NOTIFICATION OF CHANGES TO BOARD MEMBERSHIP

The Runnymede Independent Group had notified the Chief Executive Officer of its wish that Councillor A. Alderson be removed from membership of the Board and that Councillor J.R. Ashmore be appointed in his place for a fixed period ending on the day after the meeting. Thereafter Councillor Alderson would be reappointed.

The Chief Executive Officer had given effect to this request in accordance with Section 16(2) of the Local Government and Housing Act 1989.

179. MINUTES

The Minutes of the Board meetings held on 10 April 2003 and 15 May 2003 were confirmed and signed as correct records.

180. DECLARATIONS OF INTERESTS

In respect of the item entitled "Call-In - The Future Development of Air Transport In The UK", Councillors A. Alderson, J.R. Ashmore, R.J. Ray and Mrs. V.A. Smallman declared personal interests by reason of attending Committees which had discussed this issue. Councillor J.R. Furey, the Chairman of the Economic Development Committee, attended the meeting for the same item, for the purpose of answering questions or otherwise giving evidence relating to that Committee's decision.

181. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J. Broadhead.

182. CALL IN - THE FUTURE DEVELOPMENT OF AIR TRANSPORT IN THE UK

The Board considered a 'call-in' of a decision made by the Economic Development Committee at its meeting of 12 June 2003 concerning the above consultation paper. The call-in had been initiated by two Members of the Board, in accordance with Standing Order 27.6. (Councillors Greenwood and Alderson).

An initial consultation paper regarding the future of Air Transport in the UK (South East) had asked for comments by the end of 2002. That had been followed by a successful judicial challenge on the grounds that it was unreasonable to exclude Gatwick airport from the options for future expansion. Therefore, a second consultation paper, which included options at Gatwick airport, had been issued and the period for response had expired on 30 June 2003.

Following a motion put forward by Councillor Mrs Price, the matter had been debated at the meeting of full Council on 10 June, when a comment on the general issues had been unanimously agreed. The Government had been informed of the Council's representations.

Motion carried unanimously at Full Council - 10 June 2003

"This Council requests that, in considering the responses to "The Second Edition of the Department for Transport Consultation on the Future Development of Air Transport in the United Kingdom: South East", the Secretary of State pays particular attention to the serious impact on the quality of life of the residents of Runnymede that further expansion at Heathrow would bring, given the significant pollution, transport and housing problems these residents already suffer.

Specifically -

1. The increased pollution, indicated within the consultative document, created by aircraft and increased road usage, affecting air quality, water contamination, noise levels, health and residential amenity.
2. There already exists an urgent need to improve and provide effective transport links and infrastructure in the area and for the provision of enhanced public transport to the south and west of the airport. The Airtrack project linked with T5 has still not materialised and is needed now.
3. The consequential loss of Green Belt and social and public amenity, due to housing and employment demand should be resisted."

A detailed report on the options canvassed in the consultation paper had been considered by the Planning Committee at its meeting of 4 June, and its recommendations had been passed to the Economic Development Committee, who had considered the issue at its meeting of 12 June. A copy of the report and minute of the discussion on this item at the Economic Development Committee on 12 June were noted. As a result of the call-in, this response, (which had been settled on the second vote of the Chairman of the Economic Development Committee), had not been forwarded to the Government.

The two Members making the call-in request had set out the following views:-

- i) The Council Constitution did not empower the Economic Development Committee to alter, change, add to or dilute the resolution already made in response to the consultation paper by full Council. The additional response proposed by the Economic Development Committee should therefore be re-assessed to ensure that it was not contrary to that full Council resolution.
- ii) The report to the Economic Development Committee did not identify any factors which indicated how further expansion of Heathrow would be of economic benefit to the Borough residents or businesses, compared with the cost and practical implications of tackling environmental challenges.
- iii) Support of further development at Heathrow airport based on social and economic benefits may be challengeable under Article 8 of the Human Rights Act 1998.

The Board was advised of the constitutional position by Officers. A Committee was not empowered to negate or revoke a Council resolution. Officers had allowed the report scheduled for the consideration of the Economic Development Committee on 12 June to stand because the Council resolution did not seem to be intended as the Council's full response to the consultation. The wording of the resolution suggested that it was to be read in addition to any other comments received.

The Economic Development Committee was considering a detailed response on the questions raised in the consultation paper in exercise of its delegated power, taking into account comments earlier made by the Planning Committee. Nothing in the resolution of the Economic Development Committee contradicted the Council resolution. The Council resolution needed no adoption or endorsement by any service Committee.

The Board also assessed economic and environmental factors resulting from any further expansion of Heathrow, which was the second point referred to in the call-in letter. A key factor for Runnymede was its proximity to Heathrow which would help to attract employment and investment to the area. In terms of the economic advantages of Heathrow, the British Airports Authority (BAA) estimated that Heathrow generated over £5 billion in wages, directly and indirectly supporting over 250,000 jobs across the country. Around 108,000 of these jobs were generated by the airport in the local area, of

which 68,000 were physically on the airport. In 2000/01, the airport handled over 64 million passengers. It was used by over 90 airlines serving around 160 destinations worldwide, operating an average of 1,250 flights per day. It handled 1.3 million tonnes of air freight a year, worth around £50 billion. As well as Terminal 5 (T5), recent investment at the airport included £450 million on the Heathrow Express link to Paddington; £250 million in baggage improvements; and £960 million in airport facilities at Terminals 1-4. In its evidence to the Terminal 5 Inquiry, for direct on-airport employment, BAA predicted a reduction in employment at Heathrow without T5 from 52,272 to 44,800 in 2016. With T5, the on-airport employment would increase to 54,400, or 2,130 more jobs than in 1991. In terms of all airport related employment, from BAA's 1991 base figure of 83,300, there would be a reduction in employment of 10,300 without T5, and an increase in employment of 6,500, with T5.

The Board noted the views of the T5 Inquiry Inspector, the South East England Development Agency, Arup Economics and Planning and the Regional Air Service Co-ordination Study, all of whom emphasised the economic benefits.

Against these economic benefits had to be balanced the environmental disbenefits. At Heathrow, if growth were allowed, there would be immediate physical impact. The area of the airport would grow from 12 square kilometres to 14. Approximately 260 houses would need to be demolished. There would be a loss of 230 hectares of agricultural (Green Belt) land. In addition, there would be the loss of one Grade I Listed building, eight Grade II Listed Buildings and 25% of Harmondsworth conservation area. The number of dwellings required in the region as a result of airport development could be in the order of 30,000 by 2015 and another 10,000 by 2030.

Even with no new runways, significantly increased congestion problems were expected to occur in the vicinity of Heathrow on the M3, M4 and M25 motorways. Widening of the airport perimeter road was likely to be necessary to accommodate the traffic in the maximum use case. A new runway option presented a potential high adverse impact on surface water and groundwater. There were numerous areas of contamination around the airport that were at risk of being mobilised. There was high risk to the aquifer and all options would require engineering works, diverting or culverting, to at least one river, which would have significant impact. Extra passengers would add to the demand for water which might be difficult to meet. In terms of noise, the Government estimated that based on an average 16 hour day (0700 - 2300), at the lower end of the scale (up to 54 Leq (dBA)) some 603,000 people had been affected in 2000. With one new runway, the number affected would rise to 748,000 by 2015 but reduce to 715,000 by 2030. Regarding air quality, the population exposed to an exceedance of EU limits relating to PM10 was estimated at nil. However, in relation to NO2 there would be significant numbers exposed - 35,000 in 2015 if a new runway was built, falling to 33,000 in 2030. 14,000 people were exposed if no new runway was built.

Officers considered that the available evidence illustrated the fact that there was widespread recognition that economic advantage did derive from airports, but clearly there were also environmental impacts.

The third issue raised by the call-in letter related to the Human Rights Act 1998. Under Article 8 of the European Convention on Human Rights, a person was entitled to respect for their private and family life and home. Under Article 1 of the First Protocol, a person had the right to enjoy their property. It was possible to claim infringement of such rights where further expansion of Heathrow had adverse affects on surrounding properties and the people who worked and lived in them. The authorities could interfere with the Article 8 right provided that they acted in accordance with the law and provided that such interference was necessary, for instance, in the interests of economic well being in the country. Similarly, the right to the enjoyment of property could be interfered with, provided such interference was in accordance with the law and was in the public interest. An authority would need to balance the competing rights and interests and ensure that their actions were proportionate in achieving the desired aim.

The Board noted that the Council's position with regard to the expansion of Heathrow was gradually changing. While on balance supporting the development of Heathrow, the Council was giving greater recognition to the environmental issues associated with expansion and the need to ameliorate those difficulties. The majority of Members of the Board therefore concurred with the Economic Development Committee response on this issue. There was a view expressed that where full Council made a statement or response to a consultation, no Committee or Sub-Committee should be able to add to, amend or change the response without reference to full Council and also that where a report gave information on a perceived benefit that there should be a greater depth of investigation to enable Members to make a proper judgement. While most Members of the Board

were satisfied that there would be clear economic benefits from Heathrow expansion, some Members of the Board took the view that the economic benefits were merely perceived benefits and had not been proven.

A Member of the Board was also surprised that the Chairman of the Economic Development Committee had chosen to exercise his casting vote, to enable the response put forward at the Economic Development Committee on 12 June to be agreed, as it was his contention that as the Council on 10 June had unanimously chosen not to make those comments, it was not appropriate for the Economic Development Committee to make them. The Member who was of that view did, however, recognise that the Chairman had not acted unconstitutionally in using his casting vote, and that the Economic Development Committee was empowered to make decisions on matters within its specific delegated remit.

The Board noted that the Human Rights Act was designed to ensure that when organisations made decisions they considered all the issues before them properly, and made balanced decisions. The Board was advised that it was difficult to see how a Human Rights challenge could be mounted on the basis of what the Council had decided on the airport consultation, in view of the wide-ranging nature of the issues being discussed, and the fact that it would be the Government, not the Council, that would make any eventual decision.

The Board noted that the call-in procedure set out in the Council's constitution allowed them to either refer the matter back to the policy Committee or Sub-Committee, or report to the Council, with any comments and recommendations they wished to make. The Board agreed that it would be appropriate to report to the Council meeting on 17 July, for the matter to be determined with the chance that any comments approved may be in time to be considered by the Government, despite the passing of the deadline.

**RECOMMEND that -**

**the Council concurs with the response of the Economic Development Committee, shown at Appendix 'A'.**

A requisition having been made in accordance with Standing Order 39.2 that the votes of the Board be recorded, there voted:

For: Councillors Ms. D.V. Clarke, D.P. Easton, J.E. Haas, P.J. Poole and P.B. Tuley (5)

Against: Councillors J.R. Ashmore and P.A. Greenwood (2)

Abstention: Councillor Mrs. V.A. Smallman (1)

183. COUNCIL'S BUDGETARY OUTTURN REPORT

At its meeting on 11 February 2003 the Board had requested to receive the Council's budgetary outturn report. The report to the Corporate Management Committee meeting of 3 July on Final Accounts 2002/03 was accordingly considered.

The Board noted that annual savings of £327,000 had been achieved up to 2002/03 towards the savings target of £800,000 that had been approved in December 2000. The Council had a new target to achieve annual savings of £1 million commencing in the 2004/05 financial year. The 2003/04 budget already included reductions of £163,000 towards this target. The major variations, (except those caused by changes in capital charges), between the revised budget and the actual for 2002/03 totalled £918,300. Of this, £240,300 were planned under-spends, which were deferrals of expenditure to 2003/04 and were a useful tool in allowing managers to use public money wisely, without the constraint of meeting in year budgetary targets. The Board noted that savings in expenditure had also been achieved, which added together produced a significant sum overall. The culture of the Council had been to encourage Budget Managers to minimise costs, but always where this was consistent with the delivery of good services. The Board had previously requested details of all capital expenditure on schemes with a value in excess of £100,000. On this occasion, details of all capital expenditure incurred in the 2002/03 financial year was reported on pages 129 to 132 of the Service Committee Actuals booklet, which had been circulated to all Members. Having considered whether any changes to the financial information should be made, the Board concluded that the presentation of the accounts as currently set out, was clear and comprehensive.

184. ENFORCEMENT OF PLANNING CONTROL - PROGRESS REPORT

The Board noted the progress report on enforcement of planning control as at 30 June 2003. It was agreed that a Member should be informed whether an appeal had been lodged in respect of an enforcement notice at 130, Warwick Avenue, Egham.

A full complement of staff in the Planning Enforcement Section was now dealing with complaints. The level of resource that Runnymede provided for planning enforcement was greater than for most other local authorities of a comparable size. This led to a high level of public expectation that breaches of planning control could be quickly remedied by the Council. However, the public were not generally aware of the legal delaying tactics that could be employed by transgressors and the fact that there was no "cut off" point, at which further appeals could not be allowed. While recognising that the Council had to operate within planning regulations, the Board queried whether there was any way of prioritising offences and it was noted that in May, the Planning Committee had agreed to a priority order for enforcement cases. The Council's policy was always initially to negotiate with the persons in breach of planning control with a view to the breach ceasing without recourse to legal measures, because it was a swifter way of dealing with a problem than serving an enforcement notice, to which there was a right of appeal. The Government was enacting proposals to extend the scope of local authorities in dealing with planning enforcement.

185. BEST VALUE PERFORMANCE PLAN 2003/04

The Board received and noted the Council's Best Value Performance Plan (BVPP), agreed by Full Council on 19 June 2003 and produced to meet the requirements of the Local Government Act 1999 as well as the Council's Corporate Best Value Strategy.

186. COUNCIL'S TEN PRIORITY INDICATORS OF PERFORMANCE – 2002/03 OUTTURN SUMMARY

The Board considered the outturn position for the Municipal Year 2002/03 on the ten priority indicators of service delivery performance that were to form the basis of more detailed scrutiny from 1 April 2003. In order to begin the process, this information was presented as an outturn from the year 2002/03. The Council had set itself rigorous and challenging targets, to achieve consistent improvement in its service delivery.

The Board noted the improvements in the processing of benefit claims and that better performance would be sought on the payment of invoices and the prompt answering of telephones. While there was a view that results on some of the ten priority areas could be improved, the Board was generally content with the outturn reported and the use of bar charts to illustrate the outcomes.

The Board indicated that it would be helpful if the results could show, where it was possible, i) end of year outcomes compared to previous year results and ii) to provide a wider view, national and/or County wide comparisons. The Board also suggested that the Leader's Position Statement might include the outturn for the ten priority areas.

Outcomes on the ten priority indicators would form part of the Council's Comprehensive Performance Assessment (CPA). One of the concerns of Officers was that the CPA Inspectors would be placing as much weight on procedural actions, as they would be placing on outcome measurements. From the Council's point of view, customer satisfaction should be given greater weight, but the Council could not determine the CPA weightings. In some cases, the Board noted that Runnymede had little control over the target outcomes and suggested that all the targets should be ones that were controllable by the Council in some way. However, the targets were based on Best Value Performance Indicators, where the Council was sometimes judged on issues where it could only exercise a degree of influence and not always directly control the outcomes. The Borough's recycling target had currently reached 13%, having exceeded the first target which was 10%. The recycling target for 2004 was 18%, so the recycling results were heading in the right direction.

Chairman

(The meeting ended at 9.35 p.m.)