



RUNNYMEDE BOROUGH COUNCIL

REVIEW BOARD

Thursday, 10 July 2003, at 7.30 p.m.

in the Council Chamber,
at the Civic Offices, Addlestone

A G E N D A

Members of the Review Board

Councillors P.J. Poole (Chairman), D.P. Easton (Vice-Chairman), A. Alderson, J. Broadhead, Ms D.V. Clarke, P.A. Greenwood, J.E. Haas, Mrs V.A. Smallman and P.B. Tuley

and all other Members for information

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Review Board so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. J. Gurmin, Committee Section, Administration & Leisure Department, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425624). (E-mail: john.gurmin@runnymede.gov.uk)**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

COMMITTEE SECTION



LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

| | <u>Page</u> |
|--|--------------------|
| 1. NOTIFICATION OF CHANGES TO REVIEW BOARD MEMBERSHIP | 3 |
| 2. MINUTES | 3 |
| 3. APOLOGIES FOR ABSENCE | 3 |
| 4. DECLARATIONS OF INTEREST | 3 |
| 5. CALL IN - THE FUTURE DEVELOPMENT OF AIR TRANSPORT IN THE UK | 3 |
| 6. COUNCIL'S BUDGETARY OUTTURN REPORT | 7 |
| 7. ENFORCEMENT OF PLANNING CONTROL - PROGRESS REPORT | 8 |
| 8. BEST VALUE PERFORMANCE PLAN 2003/04 | 8 |
| 9. COUNCIL'S TEN PRIORITY INDICATORS OF PERFORMANCE 2002/03 OUTTURN SUMMARY | 9 |
| 10. EXCLUSION OF PRESS AND PUBLIC | 9 |

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO REVIEW BOARD MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the Review Board meetings held on 10 April 2003 and 15 May 2003. (The latter will be in the Minute Book to be circulated on 9 July 2003).

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

Members may wish to note Paragraph 11 of the Code of Conduct which reads as follows:-

Overview and Scrutiny

"11.(1) For the purposes of this Part, a Member must if he is involved in the consideration of a matter at a meeting of an Overview and Scrutiny Committee (Review Board) of the authority or a sub-committee of such a committee, regard himself as having a personal interest if that consideration relates to a decision made, or action taken, by another of the authority's -

- (a) committees or sub-committees; or
- (b) joint committees or joint sub-committees,

of which he may also be a Member.

(2) Such a Member must, if so advised by the Chairman of the Review Board, also regard the interest as prejudicial. If the Member involved is the Chairman, he or she must take and follow the advice of the Monitoring Officer.

(3) But sub-paragraph (1) above shall not apply if that Member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action."

5. CALL IN - THE FUTURE DEVELOPMENT OF AIR TRANSPORT IN THE UK (DTS/DAL)

1. Purpose of Report

1.1 **To consider a request under Standing Order 27.6 of the Constitution of the Council to 'call-in' a decision made by the Economic Development Committee at its meeting of 12 June 2003 concerning the above consultation paper.**

2. Background Information

2.1 An initial consultation paper regarding the future of Air Transport in the UK (South East) asked for comments by the end of last year. That was followed by a successful judicial challenge on the grounds that it was unreasonable to exclude Gatwick airport from the options for future expansion.

2.2 This was therefore followed by a second consultation paper, which included options at Gatwick airport. The period for response expired on 30 June 2003.

- 2.3 Following a motion put forward by Councillor Mrs Price, the matter was debated at the meeting of Full Council on 10 June, when a response was unanimously agreed. A copy of that motion is set out below, which has been passed to the Government as a response to the consultation.

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 Greenbelt and social and public amenity, due to housing and employment demand should be resisted."
- 2.4 A detailed report describing the options in the consultation paper was considered by the Planning Committee at their meeting of 4 June, and their recommendations passed to the Economic Development Committee who considered the issue at their meeting of 12 June. A copy of the report to the Economic Development Committee on 12 June is at Appendix 'A' and a copy of the Minute of their discussion is at Appendix 'B' (to follow). Following the request for this decision to be examined by the Review Board, those comments have not been forwarded to the Government.
- 2.5 The request to 'call-in' the decision of the Economic Development Committee has been made by Councillors Greenwood and Alderson, and a copy of their letter is attached as Appendix 'C'.
- 2.6 Essentially, the letter makes three points, as follows:
- i) The Council Constitution does not empower the Economic Development Committee to alter, change, add 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 is not contrary to that Full Council resolution.
 - ii) The report to the Economic Development Committee did not identify any factors which indicate 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.

3. Report

Constitutional Issues

- 3.1 Regarding the first point, referred to in paragraph 2.6 above, a Committee is not empowered to negate or revoke a Council resolution. Officers 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.

- 3.2 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.
- 3.3 The Council resolution needs no adoption or endorsement by any service Committee, and the letter forwarding comments to the Government would have drawn a clear distinction between the general representation made unanimously by the full Council, and the detailed consultation response formulated on the Council's behalf by the Economic Development Committee. As indicated above, following this call-in, the Council comments have been submitted but the detailed consultation response has been held back.

Consideration of Economic and Environmental Factors

- 3.4 This section of the report assess economic and environmental factors which are referred to in the call-in letter.
- 3.5 In terms of the economic advantages of Heathrow, BAA estimates that Heathrow generates over £5 billion in wages, directly and indirectly supporting over 250,000 jobs across the country. Around 108,000 of these jobs are generated by the airport in the local area, of which 68,000 are physically on the airport.
- 3.6 In 2000/01, the airport handled over 64 million passengers. It is used by over 90 airlines serving around 160 destinations worldwide, operating an average of 1,250 flights per day. It handles 1.3 million tonnes of air freight a year worth around £50 billion.
- 3.7 As well as Terminal 5, recent investment at the airport includes £450 million on the Heathrow Express link to Paddington; £250 million in baggage improvements; and £960 million in airport facilities at Terminals 1-4.
- 3.8 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.
- 3.9 In the Inspector's report on T5, the following were the overall conclusions on economic benefits.

"In my judgement, when the final balance is struck between the economic advantages of Heathrow and the environmental and other adverse effects, considerable weight needs to be given to the economic benefits to which I have referred. It would be most unwise to place in jeopardy the future of any enterprise which makes such a significant contribution to the national economy particularly when, as here, that enterprise is likely to grow faster than the economy as a whole....."

"All of the evidence demonstrates that Heathrow will not be able to compete with its European rivals unless it continues to provide the highest standards of service and that it will not do this unless it has additional terminal capacity in the form of Terminal 5".

- 3.10 In responding to the first consultation paper, the South East England Development Agency (SEEDA) commented:

"Heathrow is able to offer a wide range of destinations and frequencies and it is a key tool in attracting inward investment. It is a national asset, and maintaining this role is as important for the successful economic development of other regions and their airports, as it is for maintaining the role of London as a world city, and the economic success of the south east region, especially the Thames Valley."

"Airports are essential for the UK economy and the continued prosperity of the airport regions."

"The most advantageous employment benefits for the region would be a third runway at Heathrow together with a second, preferably wide spaced parallel runway at Gatwick, post 2019. This would enable the creation of a further 34,000 jobs for the west and centre of the region and would enable the continuation of the hub role at Heathrow."

3.11 In the 'Economic Profile of the South East' published by SEEDA in 2002, it indicates:

"The wider impacts of airports on economic development of the region should not be underestimated; for example, access to international airports features strongly in many inward investment decisions, in particular, head offices and European offices of multinationals. The growth of the M4 corridor and the Thames Valley sub-region owes much to the prosperity of Heathrow."

3.12 In their report on 'The Western Wedge' for SEEDA, Arup Economics + Planning (2002) commented:

"Heathrow airport is an economic driver of national significance and a major contributor to the success of the London and south-east economies. It is one of the prime determinants of the economic strength of west London and Thames Valley."

3.13 The Regional Air Services Co-ordination Study (RASCO) for the Department for Transport (July 2002) considered the economic impact of airports and concluded that around 3.2% of people in the south east were employed in aviation related activities and that on average 1.3 indirect jobs are created for every direct job in the aviation sector in the UK.

3.14 The study drew on surveys of a wide variety of businesses, which indicated that air services are regarded as important to firms of all sizes and sectors, with general agreement that any reduction in provision would negatively impact on business development. The study concluded that potential economic benefits include:

- consumer benefits to passengers and non-user benefits from implied surface access links;
- direct, indirect and induced jobs;
- wider regeneration benefits;
- increased accessibility to markets and suppliers for existing firms; and
- the attraction of inward investment both from inside and outside of the UK.

3.15 Against these economic benefits must be balanced the environmental dis-benefits. At Heathrow, if growth was 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.

3.16 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.

3.17 Even with no new runways, significantly increased congestion problems are expected to occur in the vicinity of Heathrow on the M3, M4 and M25 motorways. Widening of the airport perimeter road is likely to be necessary to accommodate the traffic in the maximum use case.

3.18 A new runway option presents a potential high adverse impact on surface water and groundwater. There are numerous areas of contamination around the airport that are at risk of being mobilised. There is 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.

3.19 In terms of noise, the Government estimates 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 were affected in 2000. With one new runway, the number affected would rise to 748,000 by 2015 but reduce to 715,000 by 2030.

- 3.20 Regarding air quality, the population exposed to an exceedance of EU limits relating to PM10 is estimated at nil. However, in relation to NO2 there would be significant numbers exposed - some 35,000 in 2015 if a new runway is built, falling to 33,000 in 2030. 14,000 people are exposed if no new runway is built.
- 3.21 It is considered that the above comments illustrate the fact that there is widespread recognition that economic advantage does derive from airports, but clearly there are also environmental impacts. As SEEDA indicates in the 'Regional Economic Strategy for South East England 2002-2012':

"The region needs to balance the economic advantages of airport development with the environmental disadvantages, and in any event ensure that surface access is properly provided".

Consideration of Human Rights Issues

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

4. Legal/Procedural Implications

- 4.1 The call-in procedure set out in the Council's constitution provides that the Review Board may either refer the matter back to the policy Committee or Sub-committee, or report to the Council, with any comments and recommendations it wishes to make. In this instance, although it is for the Review Board to say, it may be appropriate to report to the Council meeting on 17 July. This will enable the entire Council to determine the matter with the chance that any comments approved may be in time to be considered by the Government despite the passage of the deadline.

OFFICERS' RECOMMENDATION that -

the Review Board consider whether it wishes to concur with the response of the Economic Development Committee, as attached at Appendix 'B' (to follow).

(TO RECOMMEND)

Background Papers

The Future Development of Air Transport in the UK: South East, February 2003 Economic Profile of the South East 2002, SEEDA Regional Economic Strategy for South East England 2002-2012, SEEDA The Western Wedge, Arup Economic + Planning (for SEEDA), 2002

6. COUNCIL'S BUDGETARY OUTTURN REPORT (DF)

At its meeting on 11 February 2003, the Board agreed that it should receive the Council's budgetary outturn report. A copy of the report to the Corporate Management Committee meeting of 3 July 2003 on Final Accounts 2002/03 is accordingly attached at Appendix 'D'. The comments of the Committee will be reported to the Board's meeting.

Members of the Board have also requested details of all capital expenditure on schemes in excess of £100,000. On this occasion details of all the capital expenditure incurred in the 2002/03 financial year is reported on pages 129 to 132 of the Service Committee Actuals booklet which has been circulated to all Members.

(FOR CONSIDERATION)

Background Papers

None.

7. ENFORCEMENT OF PLANNING CONTROL - PROGRESS REPORT (DTS/DAL)

Attached at Appendix 'E' is the progress report on enforcement of Planning Control as at 30 June 2003.

(FOR INFORMATION)

Background Papers

None

8. BEST VALUE PERFORMANCE PLAN 2003/04 (CEO)

1. Purpose of Report

1.1 **The purpose of this report is to seek the Board's comments on the Council's annual Best Value Performance Plan (BVPP) for 2003/04.**

2. Background Information

2.1 The Council's Best Value Performance Plan (BVPP), agreed by full Council on 10 June 2003, has been produced in accordance with the requirements of the Local Government Act 1999 and the Council's Corporate Best Value Strategy, approved by the former Policy and Resources Committee on 13 January 2000. The final version of the Plan will be circulated to all Members in hard copy form during the week beginning 30 June. It has also been e-mailed to all Members and is available on the Council's Intranet. Members are requested to bring their copy of the Plan to the meeting.

3. Plan Content

3.1 The Council's fourth Plan has been put together with the emphasis on Runnymede's own set of Corporate and Service based targets for the coming year. These are based on current policies, the Leader's Position Statement and the Aims and Targets derived from it. They form a clear set of targets against which residents can measure the Council's performance. A financial statement as to how the services and initiatives will be delivered and Runnymede's general service improvements over the last three years are also included.

3.2 Full year outturn figures for 2002/03 against the national Best Value Performance Indicators have to be set alongside the local targets. Targets for the coming year are also outlined.

3.3 Performance against the indicators will continue to be monitored quarterly as agreed in the Council's response to the District Auditor's Action Plan following the audit of the 2000/01 BVPP.

3.4 The 'five year rule' where authorities were required to review all functions within a 5-year cycle has been revoked under the statutory instrument 2002/305. The timetable for the Best Value review process is, however, still included in the plan and now includes joint reviews where appropriate.

(FOR CONSIDERATION)

Background Papers

None stated

9. COUNCIL'S TEN PRIORITY INDICATORS OF PERFORMANCE 2002/03 OUTTURN SUMMARY (CEO)

A copy of the report to the Corporate Management Committee on 3 July 2003 is attached at Appendix 'F' (to follow). The comments of the Committee will be reported to the Board's meeting.

(FOR CONSIDERATION)

Background Papers

None.

10. EXCLUSION OF PRESS AND PUBLIC

OFFICERS' RECOMMENDATION that -

where appropriate, the press and public be excluded from the meeting during the discussion of the reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)