

Minutes of the Overview and Scrutiny Board Meeting

Held on 3rd August 2020 via Skype at 6.00pm

Agenda Item

2.1

Members Present:

Councillor Pedersen	(Chair)
Councillor Agbley	(Vice Chair)
Councillor Petts	(Vice Chair)
Councillor Ahmed	Member
Councillor P Chapman	Member
Councillor Franks	Member
Councillor A. Hussain	Members
Councillor J. Hussain	Member
Councillor Keens	Member
Councillor Nicholls	Member
Councillor T. Saleem	Member
Councillor Wynn	Member

In Attendance/Advisors:

Laura Church	Corporate Director, Place and Infrastructure
David Gurtler	Planning Consultant
Gemma Davies	Principle Planning Officer
Neil Thompson	London Luton Airport Operations Ltd (LLAOL)
Liga Apsite	London Luton Airport Operations Ltd (LLAOL)
Nicole Morris	London Luton Airport Operations Ltd (LLAOL)
David Vazquez	London Luton Airport Operations Ltd (LLAOL)
Oliver Jaycock	London Luton Airport Operations Ltd (LLAOL)
Eunice Lewis	Democracy and Scrutiny Officer
Catherine Southern (MCIPS)	Service Manager Corporate Procurement

22. Apology for Absence (Ref: 1)

None.

23. Minutes (Refs: 2.1)

Resolved: That the minutes of the meeting held on 23rd June 2020 be agreed and taken as a correct record and the Chair be authorised to sign them at a future meeting of the Board.

24. Chair's Update (Ref: 6)

The Chair gave progress update in relation to references submitted to Executive meeting on 20th July. Details as stated below:

Corporate Performance Monitoring Quarter 4 Report EX/80/20 – the Executive noted the recommendation which requested that the Executive's attention to be drawn to the key concern that average salaries paid to individuals who employed in Luton were still significantly higher than average salaries paid to employees who lived in Luton.

Houses in Multiple Occupation EX/81/20i) – The Executive noted the recommendations from the Board and conveyed their thanks to Members of the Board. The recommendations were submitted to the Executive as stated below.

Following the Chair's update, Councillor Franks advised of further progress on the recommendation regarding the HMOs. He said that the Selective Licence Scheme would now be delayed because of a Judicial Review requested by a group of Luton Landlords. The consequences of their action meant that that the Council was now nowhere near getting the Selective Licensing Scheme in place.

In response, the Corporate Director of Place and Infrastructure said that a further update was due to be reported back to the Executive to review the position of the Council.

Resolved: That the response from the Executive to note the recommendations from the Board be noted; and that the update on the Selective License Scheme regarding the request for a Judicial Review by a group of Luton Landlords be noted.

25. Review of London Luton Airport Annual Monitoring Report for 2019 (Ref: 7)

The Corporate Director Place and Infrastructure introduced the report regarding the review of London Luton Airport Annual Monitoring Report, (Ref: 7). She said that this report had been requested by the Board at a previous meeting to address issues of concern as appropriate.

The report outlined the Airport Operator's Annual Monitoring Report (AMR) against the terms of the S106 Agreement monitoring requirements. It was the first time that this sort of report was being produced and reported to Members of the Overview and Scrutiny Board and as such comments and support of the Board was being sought to inform future reports on AMRs.

The Principle Planning Officer who recently took on the role of Airport Planning work delivered a PowerPoint presentation. She stated that the Officer report had been produced in line with the current S106 Agreement which had specific requirements in relation to the publication and submission of an AMR report. The S106 required this to be by the 30th June each year. She explained that the S106 required the Council to contribute to the production of the AMR with particular reference to transport, employment, planning and hotel permissions. She further explained that the findings and conclusions of the AMR were presented to London Luton Airport Consultative Committee (LLACC), including the quarterly monitoring reports which were also presented to the Noise and Track Sub-Committee of the LLACC and then to the Full LLACC body.

Members were informed that on 13th October 2017, permission was granted for S73 application submitted by London Luton Airport Operations Ltd, (LPA ref: 15/00950/VARCON). The application was to vary condition 11, aircraft noise violations of the formally approved 2012 application (LPA ref: 12/01400/FUL) granted permission for improvements and additions to the airport site and an increase in passenger numbers to 18 million passengers per annum (mppa). The 2012 application was subject to a S106 including a network of controls covering noise, traffic, sustainability, employment and community funds.

The Principle Planning Officer went on to explain the key monitoring indicators which she said included airport daily movements and noise. It was stated that since the report was circulated further comments had been received from the Environmental Health Officer in relation to air quality and Officers were requested to circulate those comments to Members of the Board. **ACTION**

The Principle Planning Officer further reported on the key consideration of the AMR and stated that both annual daytime and nighttime noise contours for summer 2019 exceeded limits imposed by Condition 10 and an application to vary condition was awaiting progress. She highlighted the areas where further improvements were required as stated below:

- Efforts to phase out aircraft with QC value greater than 1 on departure and arrival during night time period needed to be improved,
- More comprehensive reporting was required in relation to review of residential and non-residential noise insulation schemes, passenger and staff movements to and from the airport, traffic counting and usage of short, mid and long term car parks,

- Airport performance against the adopted Staff and Passenger Travel Plans,
- Airport's achievements against specified sustainability targets,
- Effectiveness of Employment Skills and Recruitment Plan and Local Procurement Protocol.

She further reported that the Airport had been made aware of these gaps and were happy to address these accordingly and at the appropriate time.

Responding to some of the issues expressed by Members of the Board regarding the insulation scheme, the Operations Director, London Luton Airport explained that the insulation scheme coordinated by a sub-group of the (LLACC and funded by the Airport.

The Planning Consultant advised on the process regarding the residential and non-residential noise insulation schemes and stated that the original planning permission in 2012 included S106 agreement and required the Airport to provide up to £100k funding annually. The LLACC group was chaired by independent person who was also the Chair of the Noise Insulation Scheme. The Chair and sub-group of the LLACC had the responsibility to identify eligible properties and then, each year, would approach those properties to offer the sound insulation, although not all occupiers took up the offer. He stated that this money had however, increased dramatically in 2020 and the noise insulation scheme was being rolled out to all the properties within the 63 daytime (dB) contour around the Airport. He said there was access to the map on line to find out eligibility to receive the insulation fund. He gave the name of the Chair of the Committee responsible for the selection of properties in regards to the insulation scheme fund.

A Member of the Board commented that he had been trying to get some of his constituents on the insulation scheme but were informed that they were not eligible and could not access the scheme. Another Member of the Board stated that these were some of the challenges faced by local residents and that it further reiterated his views that the Airport had not been a good neighbour to the local people. In response, Officers advised that those with concerns should be able to contact the Airport to find out their eligibility to access the scheme.

A Member commented that noise would continue to be a problem as the Airport had failed to introduce quieter aircrafts as required.

In response to a question about the night time contours and Condition 10, Officers advised that the application to vary the condition was yet to be approved. The 2015 application had been determined but was subject to the S106 Agreement. A typo in the report was noted in relation to the reference of the planning permission quoted in the report. This should be amended to 15/00950/VARCON and not 15/00990/VARCON as stated in the report.

A Member stated that the summer period daytime contour were much clearer than the night time contour. In response, Officers advised that the day time and night time could not be compared like for like in the contour areas as they measured different contours (daytime key contour were the 63dB LAeq16hr and night time were the 55dB LAeq8hr)."

Responding to the breach of Condition 10, Officers advised that LLAOL was seeking to address this breach of condition through an application to vary Condition 10 so that it would temporarily provide a less restrictive day and night contour. This

application was currently pending consideration and due to be determined by Development Management Committee at the appropriate time. A Member of the Board asked whether the applicant had agreed to the deferral and Members were advised that the process was ongoing and officers would be reviewing the application in the summer months.

A Member of the Board also enquired how far behind the DART project was in terms of the initial timeline for completion, the Corporate Director Place and Infrastructure advised that Members would receive a written response on London Luton Airport Projects and would be incorporated in the 2020 AMR report.

Responding to questions, Officers advised that the requirement of the objective as set out in the S106 and pursuant to Schedules 2 and 7 required additional information on passenger, staff catchment areas, staff and passenger journeys by time of day for submission by the Airport Operators. This deadline had not been met. Councillor Franks stated that it was not a surprise that the Airport Operator had been unable to submit the required information, due to the high number of employers located at the Airport. He said there were up to 200 employers located at the airport.

Councillor Franks made a proposal that Officers and everyone who took part in pulling this report together be commended for their hard work. He also made a proposal that the AMR annual report be submitted to the Overview and Scrutiny Board yearly after 30th June each year.

Resolved: (i) That the Report of the Corporate Director Place and Infrastructure (Ref: 7) regarding Review of London Luton Airport Annual Monitoring Report 2019, be noted;

(ii) That the efforts and hard work of Officers, Airport Operators and everyone who took part in pulling this information be commended.

(iii) That the Corporate Director of Place and Infrastructure in partnership with the Airport Operations be requested to submit London Luton Airport Annual Monitoring Report (AMR) to the Overview and Scrutiny Board yearly.

26. Social Value Policy and Toolkit (Ref: 8)

The Service Manager Corporate Procurement delivered the report (Ref: 9) regarding the review of the draft Social Value Policy and Social Value Toolkit. She informed Members that this was an opportunity to seek scrutiny's comments and views ahead of submission to Executive meeting scheduled for 14th September 2020.

She further stated that the Policy and Toolkits were a critical part of the Strategy on Prosperity through Procurement and would directly contribute to the Luton 2040 vision including the associated approach to Community Wealth Building Strategy. The Service Manager explained that the Policy and Toolkit was due to be rolled out across the council and to ensure that it was linked to council Tenders.

A Member commented that every £1.00 spent, would generate £9.00 by generating employment. He commended the report and said that he welcomed the report and strongly supported the proposals.

The Service Manager further explained that the Social Value Policy and Toolkit proposals extended beyond the national legislative requirement. She stated that the toolkit for Bidders were very practical in terms of action, relevance and appropriateness. She further stated that by taking the lead, the council would be able to achieve a wider and more positive impact.

Members unanimously commended and supported the Social Value Policy and Toolkit in terms of the way forward for Luton and especially the after impact of Covid-19.

Resolved: (i) That the Report of the Service Manager Corporate Procurement (Ref: 8) the Social Value Policy and Toolkit be noted and commended for approval by the Executive on 14th September 2019.

(ii) That the Board's thanks to Officers be noted and recorded.

27. Report on Recommendations From London Luton Airport Air Quality Impact Task and Finish Group June 2020 (Ref: 9)

The Chair of London Luton Airport Air Quality Impact Task and Finish Group, Councillor Keens, submitted the report (Ref: 9) regarding the outcome of the review which came to conclusion in June 2020.

The Chair reported on progress of the review from its commencement to its conclusion as follows:

Challenges

The Overview and Scrutiny Committee was initially granted a period of 6 months for completion of the review, however the TFG encountered some challenges in relation to reduced membership caused by the Borough election which took place on 2nd May 2019. Furthermore, the 12th December 2019 General election caused further delay as council Officers were focused on running the election successfully. The Chair expressed gratitude to the Overview and Scrutiny Committee for granting additional 6 months extension to enable its work to continue. He explained that more recently, the Covid-19 situation caused further delay in pulling the final report on recommendations as the council had to focus on the health and wellbeing of local residents in the middle of the pandemic. As such, the TFG supporting officers were unable to respond and comment promptly on the draft final report on recommendations. Despite the delay, Officers worked hard to ensure that the TFG did not exceed the extension granted and successfully completed the process in June 2020 as planned.

Involvement of Schools

The Chair acknowledged the support received from three schools located in the areas of study namely: Wigmore Primary, Someries Primary and Ashcroft, who took part in this review and robustly engaged with the TFG. He commended the active involvement of the schools and asked that this message of appreciation be conveyed to acknowledge their contributions to this process. He said the schools involvement in the process be included in their school curriculum as a significant achievement. No doubt, the involvement of the schools was very significant to the

successful completion of the TFG and more significantly led to recommendation, which had progressed and had been implemented. The Chair explained that Ashcroft primary school went an extra mile to attend one of the TFGs meetings. He said their effort should be acknowledged.

Support and Commendation

The Chair expressed thanks and commendation on behalf of the TFG for the immense support received from council Officers and including the TFG Officer Support Group for their invaluable support during the evidence gathering process and until completion of the review. This work would not have been possible without the expert views received from Officers in Public Health and Place and Infrastructure. The Chair also commended the efforts and support received from the Environmental and Air Quality Officer, who attended every meeting and supported the work of the TFG with his expert views throughout the process. It should also be noted that following evidence received from the schools, monitoring stations and tubes had now been installed in all three schools. He called on the Overview and Scrutiny Board to recognise and commend on the progress already achieved following the conclusion of the review.

Furthermore, it should be acknowledged that Covid-19 had brought new financial challenges and limitations however; the TFG would hope that this document would present itself as blue print to be considered in some ways in terms of the implementation of the recommendations. He went on to say that if the Executive approved the recommendations, he would hope that the Climate Change Executive Advisory Group chaired by the Portfolio holder Customer & Commercial (Housing and Environment) Councillor Shaw, would take on board some of the recommendations to inform the work of the Climate Change Advisory Board.

The Chair noted that the proposals to carry out the Vauxhall Way works had been postponed, however, it was his expectation that these matters were revisited at the appropriate time in the near future.

Finally, Councillor Keens commended the Democracy and Scrutiny Officer for her patience and hard work and her support throughout the process. She played a significant role in pulling the recommendations together, also bringing together the key players who contributed to the completion of this review. The Chair also commended Professor Gurch Randhawa (PhD FFPH DL), Professor of Diversity in Public Health & Director, Institute for Health Research University of Bedfordshire for his expert views and submission of the progress of the CHILL study, University of Bedfordshire. An annual progress report of the CHILL Study would be submitted to Scrutiny Children Services for the 4 years period.

Councillor Franks, a Member of the TFG also commended the work of the Task and Finish Group. He said that the TFG went far and beyond their remits to pull some good recommendations with particular reference to the Park and Ride and annual progress of the CHILL study. As already mentioned, the Scrutiny Children Services Review Group Committee would now receive an annual progress report of the CHILL study throughout its 4 years period.

Members commended and noted the 19 recommendations for onward transmission to the Executive for approval at its meeting on 14th September 2020.

Resolved: (i) That the report of the Chair of the Task and Finish Group London Luton Airport Air Quality Impact (Ref:9) be noted and that Councillor Keens, Members

of the Task and Finish Group, Officers and Partners and the Democracy and Scrutiny Officer be commended for their hard work in pulling together a very detailed report.

(ii) That the Chair of the Overview and Scrutiny Board be requested to send a letter of thanks and commendation to the three schools for their invaluable contributions to the process.

(iii) That the University of Bedfordshire (CHILL Study) be requested to submit an annual progress update of the CHILL Study throughout its 4 years period.

28. Overview and Scrutiny Annual Report 2019-2020 (Ref: 10)

The Chair of the Overview and Scrutiny Board delivered the Overview and Scrutiny Annual Report covering the period 2019-2020 for endorsement and submission to full council meeting on 29th September 2020.

A Member of the Board pointed out that a Member of the TFG, Councillor Petts had been missed off the list of membership on the Annual Report. The DSO apologised for the error and said this would be amended promptly prior to submission to Full Council.

Resolved: That the Scrutiny Annual Report 2019/20 (Ref: 10) be agreed for submission to Full Council meeting for ratification on 29th September 2020.

29. Work Programme 2020/21 And Executive Forward Plan (Ref:11)

Members considered the work programme and agreed the additional item(s) listed below:

- Outline Business Case for Workplace Parking Levy

Resolved: That the DSO be authorised to update and amend the work programme with the item (s) discussed and including additional items in consultation with the Chair of the Board

(Note: (i) The following Members of the Board namely: Councillors T. Saleem, J. Hussain, and Nichols declared pecuniary interest as Members of the Board of Directors of London Luton Airport Ltd in relation to Items 7 and 9 of the Agenda. All three Councillor left the virtual meeting room and took no part in discussions nor recommendations regarding these items.

(ii) Councillor Raja Ahmed also declared non-pecuniary interest as a Luton Landlord, in relation to the Chair's progress update Item 3, on the HMO reference to the Executive linked to the Selective Licensing Scheme progress update by Councillor Franks. He remained in the virtual meeting room thereafter.

(iii) The meeting ended at 19.30)