

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 9 <sup>th</sup> September 2003	<b>MEETING NAME</b> Executive
<b>Report title:</b>		Motion Submitted in accordance with Council Procedure Rule 3.6.11 – Aircraft Noise	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Chief Executive (Borough Solicitor & Secretary)	

## RECOMMENDATION

1. That the Executive consider the motion as set out in paragraph 2 below.

## BACKGROUND INFORMATION

2. At the Council Assembly meeting on 23rd July 2003 a motion was submitted in accordance with Council Procedure Rule 3.6 (11) by Councillor Toby Eckersley and seconded by Councillor David Bradbury. In accordance with Council Assembly Procedure Rules the motion was voted upon, and was agreed without debate:-

“That the issue of protecting the Borough’s residents from excessive aircraft noise be referred to the Executive for further consideration and report.”

3. The motion was in response to the following public question submitted by Mr Jeremy Gilliard of Dulwich

“What steps are the Council taking in the light of the disappointing verdict of the European Court on Night Flights, and the perceived inadequate action of the UK Government to protect Southwark Residents from the menace of aircraft noise particularly in the early morning ie 5.00am ?”

## KEY ISSUES FOR CONSIDERATION

4. In accordance with Council Procedure Rule 3.6 (11), the above motion was referred to the Executive, which shall report upon the outcome of their deliberations upon the motion to the next meeting of Council Assembly.
5. The constitution allocates particular responsibility for functions to Council Assembly, for approving the budget and policy framework, and to the Executive, for developing and implementing the budget and policy framework and overseeing the running of Council services on a day-to-day basis
6. Any key issues, policy or funding implications are included in the advice from the relevant Chief Officer.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director Of Environment & Leisure**

The Strategic Director of Environment & Leisure has no additional comments to that set out in the response of the Executive Member for Environment & Transport (below).

### **Response Of The Executive Member For Environment & Transport**

Local authorities have no direct control over aircraft movements. The Civil Aviation Act prevents any action in nuisance for noise caused by aircraft in normal flight. Thus any action taken by Southwark must be indirect. The Council seeks to get the relevant authorities (Department for Transport, CAA, etc) to take action to deal with the problems affecting Southwark residents.

Southwark was not directly involved in the recent case in the European Court of Human Rights. The eight claimants in whose names the case was taken all lived within close range of the airport and suffered extremely high noise levels as a result of aircraft over-flights. These effects are detailed in the Court's judgment. Southwark is about 20 km from the end of the runways and residents of Southwark suffer lesser effects. The view was taken that although the noise of aircraft at night in Southwark is unacceptable, it is not sufficiently severe that a legal case for an infringement of Article 8 of the Convention could be made.

The Council provided £1,500 to HACAN for assistance with their legal fees.

Southwark's view is that night flights into Heathrow should not be permitted. To that end The Mayor of London has also included a policy to that effect in his draft Ambient Noise Strategy. Southwark has supported this policy.

The Department for Transport has proposed that current night flight regime at Heathrow should continue for a further year until 31 October 2005 to allow consideration of this judgment. Southwark has not objected to this continuation, but when the new consultation process commences Southwark will be making representations that night flights should be discontinued.

Southwark is a member of the Air Noise Working Group and of the Strategic Aviation Special Interest Group. We will be discussing the ECHR judgment with other members of these groups and will be seeking to work with them and provide a united response to the Government on these matters. We expect that these groups will receive reports showing whether and to what extent further legal challenges are possible and we will consider the extent to which it may be appropriate for Southwark to be involved in this action.

We will be liaising with other local authorities through these groups in an attempt to ensure a united response to the forthcoming consultation on the night flight regime that is to start in 2005.

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Motions submitted in accordance with Standing Order 3.9 (1).	Town Hall, Peckham Road, London. SE5 8UB	Kevin Flaherty Constitutional Team 020 7525 7236

## **APPENDIX A**

### **Audit Trail**

<b>Lead Officer</b>	Ian Millichap, Constitutional Team Manager	
<b>Report Author</b>	Kevin Flaherty, Constitutional Support Unit	
<b>Version</b>	Final	
<b>Dated</b>	29 <sup>th</sup> August 2003	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Environment & Leisure	Yes	Yes
<b>Executive Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Support Services</b>		