

Cabinet Meeting Resolution

Executive  
Forward Plan  
Reference

**E3103**

**Business Plan Update - Clean Air Zone**

<b>Date of Meeting</b>	18-Dec-18
<b>The Issue</b>	<i>This report considers the preferred option for achieving compliance with the Environment Act 1995 (Feasibility for Nitrogen Dioxide Compliance) Direction 2018.</i>
<b>The decision</b>	<p><b>RESOLVED</b> (unanimously) that the Cabinet agreed to:</p> <ol style="list-style-type: none"> <li>1) Note the unprecedented high number of consultation responses, as highlighted in section 8 of this report.</li> <li>2) Receive a further report with fully costed and modelled options, including a range of mitigation measures as soon as is reasonably possible. In any event receive an update report in March 2019.</li> <li>3) Request a full analysis of the consultation responses and any consequential statistical and financial modelling work deemed necessary to ensure comprehensive consideration of the wide range of comments received.</li> <li>4) Request Officers to continue to liaise with the Joint Air Quality Unit (JAQU) regarding the timeline and the on-going funding for the remaining Outline and Full Business cases (OBC and FBC), subject to understanding the implications of further modelling.</li> </ol>
<b>Rationale for decision</b>	<p>As set out within the report, failing to fully understand the outcomes from the public consultation when making a significant decision which could affect the travel choices of a large number of people within Bath &amp; North East Somerset and across the wider area and would leave the Authority at risk of legal challenge. The principles adopted to ensure fair consultation are detailed below:</p> <p><i>(i) consultation must take place when the proposal is still at a formative stage;</i></p> <p><i>(ii) sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;</i></p> <p><i>(iii) adequate time must be given for consideration and response; and</i></p> <p><i>(iv) the product of consultation must be conscientiously taken into account.</i></p> <p>Section 8 of this report highlights the extensive consultation undertaken and the to the Bath Breathe newsletter has provided regular updates to ensure that this issue has been well communicated public.</p>
<b>Other options considered</b>	<p>The Cabinet could make a decision at this meeting based on the feedback that has been analysed to date from the consultation exercise with a full report following in due course. The advantages of continuing on this basis are:</p> <ul style="list-style-type: none"> <li>• The council is complying with the letter of Direction</li> <li>• It maintains the current implementation timeline</li> </ul>

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	However, the risk of this approach is that the Cabinet does not have access to a complete analysis of the consultation responses, nor any additional modelling data that may be required to give due consideration to the comments received. On this basis, this option was rejected.
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**The Decision is subject to Call-In within 5 working days of publication of the decision**

# Cabinet Meeting Resolution

<b>Executive Forward Plan Reference</b>	<b>FIELD_BA CKGROUN D1</b>
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## FIELD\_TITLE

<b>Date of Meeting</b>	FIELD_DATE_MADE
<b>The Issue</b>	FIELD_ISSUE_SUMMARY
<b>The decision</b>	FIELD_DECISION_SUMMARY
<b>Rationale for decision</b>	FIELD_DECISION_REASON
<b>Other options considered</b>	FIELD_DECISION_OPTIONS

**The Decision is subject to Call-In within 5 working days of publication of the decision**