

Communities, Transport and Environment Policy Development and Scrutiny Panel

Date: Monday, 29th October, 2018

Time: 4.30 pm

Venue: Council Chamber - Guildhall, Bath

Councillors: John Bull (Chair), Brian Simmons (Vice-Chair), Neil Butters, Alan Hale, Richard Samuel, Peter Turner, Ian Gilchrist, Michael Evans and Patrick Anketell-Jones

Councillor Mark Shelford (Cabinet Member for Transport and Highways), Councillor Bob Goodman (Bath and North East Somerset Council) and Councillor Karen Warrington (Bath and North East Somerset Council)

Chief Executive and other appropriate officers
Press and Public

Michaela Gay

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

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<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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**Communities, Transport and Environment Policy Development and Scrutiny Panel -
Monday, 29th October, 2018**

at 4.30 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES - 27TH SEPTEMBER 2018 (Pages 5 - 14)

8. CABINET MEMBER UPDATE

The Cabinet Members will update the Panel on any relevant issues. Panel members may ask questions on the update provided.

9. PROPOSALS FOR A CLEAN AIR ZONE IN BATH (Pages 15 - 48)

A report and presentation slides are attached.

10. PANEL WORKPLAN (Pages 49 - 52)

This report presents the latest workplan for the Panel. Any suggestions for further items or amendments to the current programme will be logged and scheduled in consultation with the Panel's Chair and supporting senior officers.

The Committee Administrator for this meeting is Michaela Gay who can be contacted on 01225 394411.

BATH AND NORTH EAST SOMERSET

**MINUTES OF COMMUNITIES, TRANSPORT AND ENVIRONMENT POLICY
DEVELOPMENT AND SCRUTINY PANEL MEETING**

Thursday, 27th September, 2018

Present:- **Councillors** John Bull, Brian Simmons, Neil Butters, Alan Hale, Sally Davis (in place of Peter Turner), Ian Gilchrist, Michael Evans, Patrick Anketell-Jones and Dine Romero (in place of Richard Samuel)

Apologies for absence: Councillors:

36 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

37 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the emergency evacuation procedure.

38 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Peter Turner and Richard Samuel had sent their apologies to the Panel. Councillors Sally Davis and Dine Romero were their substitutes respectively.

39 DECLARATIONS OF INTEREST

There were none.

40 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

The Chairman read out the following statement:

‘The purpose of this meeting is for this panel to decide whether Cabinet should be requested to reconsider its decision of 5th September 2018 with regard to ‘Pilot Scheme to increase enforcement activity for environmental crime’ (E3088)

As such, today’s meeting will be limited to considering the Cabinet decision and the reasons for it; plus the issues set out in the Call in request. These are contained in appendices to the report. Speakers and participants must confine their remarks to those issues and I will not allow the introduction of new issues.

This panel has three options available to it:

- The first option is that we could dismiss the Call in. This would mean that Cabinet’s decision would take effect immediately.
- The second option is that we could uphold all or part of the Call in. This would mean that Cabinet would have to re-consider its decision in light of our comments.

- The third option is that we could decide that the Call in request should be considered by the full Council instead of by this panel, who would be fulfilling the role of the Scrutiny Panel in upholding or dismissing the Call in. If Council upheld all or part of the Call in, this would also mean that Cabinet would have to reconsider its decision in the light of this.

Whatever the outcome of today's meeting (or the Council undertaking this role), it is important to remember that the final decision will rest with the Council's Cabinet.

We are not here to decide upon the merits of the proposals. Our job is to decide if Cabinet should re-consider its decision. Therefore, I wish to make it clear that I am entirely open minded about the outcome of this Call in application and I will be basing my decision upon the evidence and representations before me.

If any member of the panel feels that they are unable to make a decision on the Call in with an open mind, please would they say so now.

(None declared)

Members of the panel should also be aware that, under the Council's constitution, members have a duty to declare that they are subject to a party whip and the nature of it. I can confirm that I am not subject to a party whip in this meeting. If any members of the panel are subject to a party whip, please would they declare it now.

(None declared)

Finally, can I make it clear that nobody can pass notes to members of the panel during the meeting.

Thank you.'

41 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

John Chapman made a statement to the Panel expressing his concerns on the Pilot Scheme to increase enforcement activity for environmental crime.

(A copy of the statement is attached as Appendix to these minutes and available on the Minute Book.)

The Panel asked factual questions related to comments in the statement to which John Chapman responded.

42 PILOT SCHEME TO INCREASE ENFORCEMENT ACTIVITY FOR ENVIRONMENTAL CRIME

The Chairman informed the meeting that he would not allow officers to give a presentation to the Panel as it would be against the usual practice of the Call In arrangements; and because the Lead Call In Councillor (Councillor Richard Samuel) had felt that the presentation would introduce new evidence.

The Chairman invited Councillor Richard Samuel to present reasons for the Call In.

Councillor Samuel said that he and 9 other Councillors had signed the Call In of this decision for a number of reasons. Councillor Samuel went through the each reason with the following comments:

1. *The Cabinet decision report did not demonstrate how the environmental enforcement pilot scheme can be delivered at zero cost to the Council* – Councillor Samuel suggested that the Council would have to issue around 1,400 fines per year in order for the scheme to be delivered at zero cost. Councillor Samuel expressed his concerns that the Council would do anything to increase enforcement activity in order to justify this programme.
2. *The proposed “informal procurement process” is opaque and not in line with usual Council procurement procedures* – Councillor Samuel felt that informal procurement process was not in line with the Council’s usual procurement procedures.
3. *Contract management arrangements were not set out in the Cabinet decision report* – Councillor Samuel felt that contract arrangements should have more clarity in the Cabinet report.
4. *No operational details were included in the Cabinet decision report* – Councillor Samuel questioned how the Cabinet made its decision without information about operational details.
5. *There is probable equalities impact, which has not been considered, as increased enforcement action is likely to disproportionately affect certain groups. The decision report does not state whether an equalities impact assessment has been carried out* – Councillor Samuel pointed out that 98.3% of litter enforcement in Bristol pilot scheme was for cigarette butts. Therefore, Councillor Samuel felt that people from disadvantaged communities would be targeted with this pilot as majority of smokers come from those communities. Councillor Samuel also asked for the Equality Impact Assessment on this matter.
6. *There is a risk of reputational damage to the Council* – Councillor Samuel felt that tourists and visitors would be affected by this decision, which would be covered by media and damage the Council’s reputation.
7. *The proposed approach is not consistent with the Council’s “Public Protection and Health Improvement Service Enforcement Policy”* – Councillor Samuel felt that there was not consistency between the Council’s Policy and legal actions against those who litter.
8. *The Cabinet decision report does not demonstrate how the pilot scheme will improve cleanliness standards* – Councillor Samuel felt that the target was not set to show how cleanliness would be measured.
9. *No consultation has been carried out with Councillors, stakeholders or residents. This is not in line with the Local Code of Corporate Governance* – Councillor Samuel said that there was not a proper discussion with the public.

Councillor Samuel concluded his statement by saying that this decision was made in a rush and asked the Panel to uphold the Call In and refer the decision back to the Cabinet.

Questions for Councillor Samuel:

Councillor Romero asked if there should be signs informing the residents and visitors about litter fines.

Councillor Samuel responded that it would be reasonable to inform people about litter fines. Councillor Samuel also said that the UK residents should understand that littering was not acceptable and for that reason more targeted approach would be more practical. The visitors from outside the UK would need to know in advance what was not acceptable to do in terms of littering.

Councillor Romero asked if there was any indication in the Cabinet report that these issues were considered.

Councillor Samuel responded that there was a lack of information in the Cabinet report on any of the aspects above.

Councillor Gilchrist asked if the Cabinet should wait for an outcome of Bristol pilot scheme and then make the decision.

Councillor Samuel responded that it would be a good idea to wait for an end of Bristol's pilot scheme and then for the Cabinet to consider its next step.

Councillor Anketell-Jones asked if people should have had information about litter enforcement in advance.

Councillor Samuel responded that any information would be beneficial to raise awareness amongst residents and visitors.

The Chairman asked about dealing with people who accidentally, or with no intention drop the litter.

Councillor Samuel responded that there would need to be intent for the Fixed Penalty Notice (FPN) to be served, and casual dropping of litter would not be seen as intent.

The Chairman thanked Councillor Richard for his statement.

The Chairman invited Councillor Bob Goodman (Cabinet Member for Development and Neighbourhoods) to address the Panel.

Councillor Goodman started his statement by saying that one of the reasons why he became a Councillor was to keep the city clean and tidy.

Councillor Goodman highlighted the following issues for the Panel to consider when making their decision on the Call In:

- Keep Britain Tidy action has found out that cigarette butts were one of the biggest polluters.
- The Council have introduced dash cams on their vehicles to catch perpetrators when they drop litter out of their vehicles whilst driving.
- The pilot scheme would send a clear message to the residents and visitors that littering would not be acceptable.

- The scheme would apply to business and domestic waste, and also to fly-tipping. Many of the residents had welcomed the bi-weekly waste collection which had been introduced last year and they have made it clear that they wanted their city to be clean. None of the FPN had been issued so far for domestic waste.
- Councillor Goodman had had consultations with the BID and with Julian House on this matter, and both had welcomed the pilot scheme.
- The pilot scheme would not target disadvantaged communities only; it would be carried across the whole area.
- There were discussions with the Bristol City Council who have supported the scheme.
- The Equality Impact Assessment for the scheme has been completed; the Council's reputation would be damaged if we do nothing.

Questions for Councillor Goodman:

Councillor Gilchrist asked if it would be better to wait for an outcome of the Bristol trial.

Councillor Goodman responded that he had discussions with the Bristol City Council on their trial so far though he would not want to wait for their trial to end and then start with the scheme in Bath and North East Somerset.

Councillor Romero asked if the issue of FPN for dropping cigarette butts would be the main target.

Councillor Goodman responded that any litter dropping would be penalised; although the cigarette butts littering was the most common littering it was not the main target.

Councillor Romero asked if dog fouling would require extra resources from the scheme.

Councillor Goodman responded that dog fouling had been seen as littering and it was included in the scheme.

Councillor Evans asked if the fines would shift the culture towards less litter dropping.

Councillor Goodman responded that he would not be able to say exactly if the culture towards litter dropping would change. It would certainly provide education and change attitude towards litter dropping.

Councillor Anketell-Jones asked if the 'street community' would be informed about the scheme and if there would be a 6 months review as a measurable result.

Councillor Goodman responded that he had positive discussions with Julian House on this issue and that there would be a 6 months review.

On a query from the Chairman the officers explained that the Council would follow national standards on this matter, something that wasn't included in the Cabinet report.

Councillor Butters asked the following: would the chewing gum littering be included in the scheme; would the litter enforcement save on street cleaning; and, what other areas would be covered under litter enforcement apart from cigarette butts dropping.

Councillor Goodman responded that the chewing gum littering would be in the scheme; there were no savings on street cleaning; and, roadside fly-tipping would be also included.

Councillor Hale asked if any educational element about litter dropping would be provided to the community, in the same way as it applied to speeding.

Councillor Goodman responded that he welcomed that idea, which he would discuss with the officers. Councillor Goodman suggested that people would litter again if they don't get penalised by enforcement officers.

Councillor Romero felt that Councillor Goodman had provided different information in his statement and answers to the Panel and asked why all of this information was not included in the original report to the Cabinet, including who had been consulted.

Councillor Goodman responded that he had consulted with the BID, Julian House and residents. He also said that he has received a number of emails from the residents in support of the scheme. Despite the fact that the scheme would evolve, as it was in its pilot stage, all of the information have been included in the Cabinet report.

Councillor Anketell-Jones asked about appeals process.

The officers responded that the official appeal process was not set in the legislation, though people who wanted to challenge FPN could take it to the Court. The appeal process would be part of the informal procurement process and, subject to discussion with the enforcement company, it would be a part of the contract. The officers also informed the Panel that if person refuses to provide their details then the enforcement officer could exercise powers under Section 108 of Environment Act 1995.

On a query from the Panel on zero-cost issue and who would handle Court cases - the officers responded that zero-cost analysis were based on the revenue from FPNs, and it would be the Council who would handle Court cases.

The Chairman felt that the revenue would seem to depend on incentives from fines, and those enforcement officers might use draconian line when issuing fines.

Councillor Goodman commented that officers would penalise people who drop any kind of litter, and not just cigarette butts. The enforcement officers would have suitable approach when issuing fines.

Councillor Butters asked if there would be consultation with bus and rail companies on graffiti crime and whether that crime would be included in the scheme.

Councillor Goodman responded that he had huge concerns on graffiti at bust and rail station, and also on damaged bus shelters. The scheme would be discussed with bus and rail companies.

Councillor Romero asked about the areas not owned by the Council.

The officers responded that the Council had spoken to Curo who were keen on working together. The Council have also spoken to a number of other companies/organisations on this matter.

The Chairman thanked Councillor Goodman for his statement.

The Chairman informed the meeting that the Panel would debate the matter before closing statements from the Cabinet Member and Lead Call In Councillor.

The Panel agreed to go through each point of the Call In request.

1. *The Cabinet decision report did not demonstrate how the environmental enforcement pilot scheme can be delivered at zero cost to the Council –*
Councillor Evans felt that he could not see any justification in the Call In request. Councillor Evans felt that the Cabinet had the relevant information before them when they had made the decision.
Councillor Romero said that the decision and information about additional costs to the scheme were not implicit.
2. *The proposed “informal procurement process” is opaque and not in line with usual Council procurement procedures –*
Councillor Evans commented that this was a regular process so he could not see any issues with it.
Councillor Davis said that it was clear in the report what the Cabinet was asked to do.
3. *Contract management arrangements were not set out in the Cabinet decision report –*
Councillor Romero felt that the Cabinet report lacked information about contract management arrangements.
Councillor Evans felt that there was no substance in this Call In point.
4. *No operational details were included in the Cabinet decision report –*
Councillor Evans felt that operational details would be with officers who would execute the decision, and that details would not necessarily needed to be available in the report.
Councillor Romero felt that the Cabinet should had all information in front of them before making the decision.
5. *There is probable equalities impact, which has not been considered, as increased enforcement action is likely to disproportionately affect certain groups. The decision report does not state whether an equalities impact assessment has been carried out –*

Councillor Hale commented that if someone had broken the law then they would be penalised, no matter who those perpetrators were.

Councillor Evans commented that even tourists should be penalised as every country had their laws against littering.

Councillor Romero commented that recent planning decision had been successfully challenged due to a lack of the Equality Impact Assessment.

6. *There is a risk of reputational damage to the Council –*

Councillor Evans felt that reputation of the Council would be in danger if nothing is done against litter dropping.

Councillor Romero expressed her concerns how the Council would look in the media and news if someone had been treated unfairly.

Councillor Anketell-Jones commented that this is a pilot scheme which would be reviewed after 6 months.

Councillor Hale commented that this pilot should be treated like any other pilot scheme (i.e 20mph enforcement) and that there would be no reputation damage to the Council.

Councillor Butters commented that all Councillors would support this scheme in principle though he would want for decision to delay once the Bristol City Council reveals outcome of their trial.

7. *The proposed approach is not consistent with the Council's "Public Protection and Health Improvement Service Enforcement Policy" –*

Councillor Romero commented that Councillor Goodman did not answer how the scheme would be consistent with above policy and how this scheme would achieve its goals.

Councillor Evans commented that fines were used as standard process to influence people's behaviour.

8. *The Cabinet decision report does not demonstrate how the pilot scheme will improve cleanliness standards –*

Councillor Hale commented that more people get penalised for dropping the litter, less litter would be found.

Councillor Romero commented that there was no conclusion in the paper how this would improve cleanliness standards.

9. *No consultation has been carried out with Councillors, stakeholders or residents. This is not in line with the Local Code of Corporate Governance –*

Councillor Evans commented that consultation was not required for pilot scheme. Councillor Romero commented that consultation had been carried out for some other pilot schemes.

Councillor Hale commented that it would be unlikely for people to say that they would prefer to see the streets full of litter.

The Chairman invited Councillor Goodman to give his closing statement.

Councillor Goodman said that he wanted to see area clean of litter. Councillor Goodman also said that he was privileged to be elected Member and that he would be committed to keep the city clean. The education and raising awareness of the consequences of environmental crime would be prioritised; the appeal procedure would be set with the providers in accordance with the legislation; and, the scheme would be reviewed after 6 months.

If successful, proposals for a more permanent arrangement would be developed towards the end of the trial.

The Chairman invited Councillor Samuel to give his closing statement.

Councillor Samuel said that additional information had been presented at this meeting. Councillor Samuel also said that he had confidence in Council officers to carry out FPNs, but not with private companies. Councillor Samuel asked the Panel to uphold the Call in and send the decision back to the Cabinet for reconsideration.

The Chairman concluded that the Panel have heard pros and cons of the decision and invited the Panel to make their decision.

Councillor Gilchrist moved that the Panel refer the decision back to the Cabinet for reconsideration and wait for the outcome of the trial from Bristol City Council.

Councillor Butters seconded the motion by saying that everyone wanted to have clean street but the decision had to be right.

Councillor Evans commented that this was a pilot scheme with a review after 6 months. The report presented to the Cabinet had information that was sufficient when the decision was made. Councillor Evans felt that the decision made by the Cabinet to enter into a 12 month pilot scheme was the right decision and that he would see no reason why this decision should be referred back to the Cabinet.

Councillor Romero supported the motion by saying that the Cabinet had not considered some elements of the scheme before making this decision. Councillor Romero also said that she would welcome any measures to make the city cleaner, though they would have to be done in the right way.

Councillor Davis opposed the motion by saying that aspects such as education, flexibility of the scheme and zero-cost had been considered.

Voting: 3 in favour and 5 against with 1 abstention.

Motion lost.

Councillor Evans moved for Call In to be dismissed.

Councillor Davis seconded the motion.

Voting: 5 in favour and 3 against with 1 abstention.

Decision:

It was **RESOLVED** to dismiss the Call In of decision E3088 Pilot Scheme to increase enforcement activity for environmental crime.

The meeting ended at 12.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council		
MEETING:	Communities, Transport and Environment Policy Development & Scrutiny Panel	
MEETING DATE:	29 October 2018	
TITLE:	Proposals for a Clean Air Zone in Bath	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 This report invites the Panel to receive updated information about the proposals for a Clean Air Plan in Bath following the publication of the Outline Business Case required by the Government Direction served on the Council in July 2017.

2 RECOMMENDATION

- 2.1 The Panel receives a presentation summarising the main points of the Outline Business Case which is accessible in full or in a summarised document from the Council's website <http://www.bathnes.gov.uk/bath-breathes-2021-overview>. The presentation will also provide an update on the engagement response from the public since the launch of the consultation on 16 October 2018.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The project to deliver the Clean Air Plan is funded from central government. Should the decision be made to implement a Clean Air Zone, the Council will bid for further funding from central government to fund this next phase of the project.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is one of a number of local authorities served with a Direction, as part of the National Air Quality Plan, to deliver compliance with the national air quality objective for nitrogen dioxide in the shortest time possible and by 2021 at the latest.
- 4.2 Technical assessment and modelling carried out to date, confirms that in order to achieve the required reduction in nitrogen dioxide concentrations, a Class D Clean Air Zone is required where drivers of higher emission vehicles (including buses, coaches, hackney carriage and private hire vehicles, heavy goods vehicles, light goods vehicles and cars) will be charged for entering a defined geographical zone in the city. In addition to this charging measure, a suite of non-charging measures are being proposed to support the necessary behaviour change from the public and businesses. The Council is also considering

possible exemptions and concessions to mitigate any negative impacts for particular groups which maybe created by the introduction of this Clean Air Zone.

5 THE REPORT

5.1 The presentation to the Panel will cover the following topics:

- The key health messages
- The need for a Class D Clean Air Zone
- How the proposed charges were devised
- The proposed operation of the Clean Air Zone
- The proposed boundary and the steps which have been taken to avoid diversionary routes
- Other proposed non-charging measures
- Proposed exemptions and concessions from charging
- The scheme finances
- The public engagement which has been done to date and an update on the public's response since the launch of the consultation
- Key dates for decision-making

6 OTHER OPTIONS CONSIDERED

6.1 None.

7 CONSULTATION

7.1 The Group Manager for Parking Services has had an opportunity to review and confirm this report.

8 RISK MANAGEMENT

8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Cathryn Brown, Team Manager for Licensing and Environmental Protection 01225 477645</i>
Background papers	<i>None.</i>
Please contact the report author if you need to access this report in an alternative format	

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Tackling air pollution in Bath and North East Somerset

Bath Clean Air Plan

CTE Scrutiny Panel- 29.10.18

Bath & North East
Somerset Council



Health Messages

- There are a number of roadsides in Bath where NO₂ exceeds the EU and national legal limit of 40 µg/m³, mainly caused by diesel and older petrol vehicles.
- This seriously affects health. It can worsen existing heart and lung conditions, such as asthma, and reduce lung development in babies and young children. 12,000 people in the area suffer from asthma and high levels of NO₂ can trigger attacks.
- Research also links high levels of NO₂ to increased possibility of heart attacks and dementia.
- Other adverse health effects including diabetes, cognitive decline and dementia, and effects on the unborn child are also linked to air pollution exposure.
- Exposure can exacerbate lung and heart disease in older people
- Approximately 40,000 deaths can be attributed to NO₂ and fine particulate matter pollution in England every year



Background - Direction from Defra

Due to ongoing exceedances on London Road in Defra forecasts, B&NES were directed (in July 2017) to:

Produce a Clean Air Plan to achieve compliance with European Limit Values in the shortest possible time, or by 2021 at the latest



Project Objectives

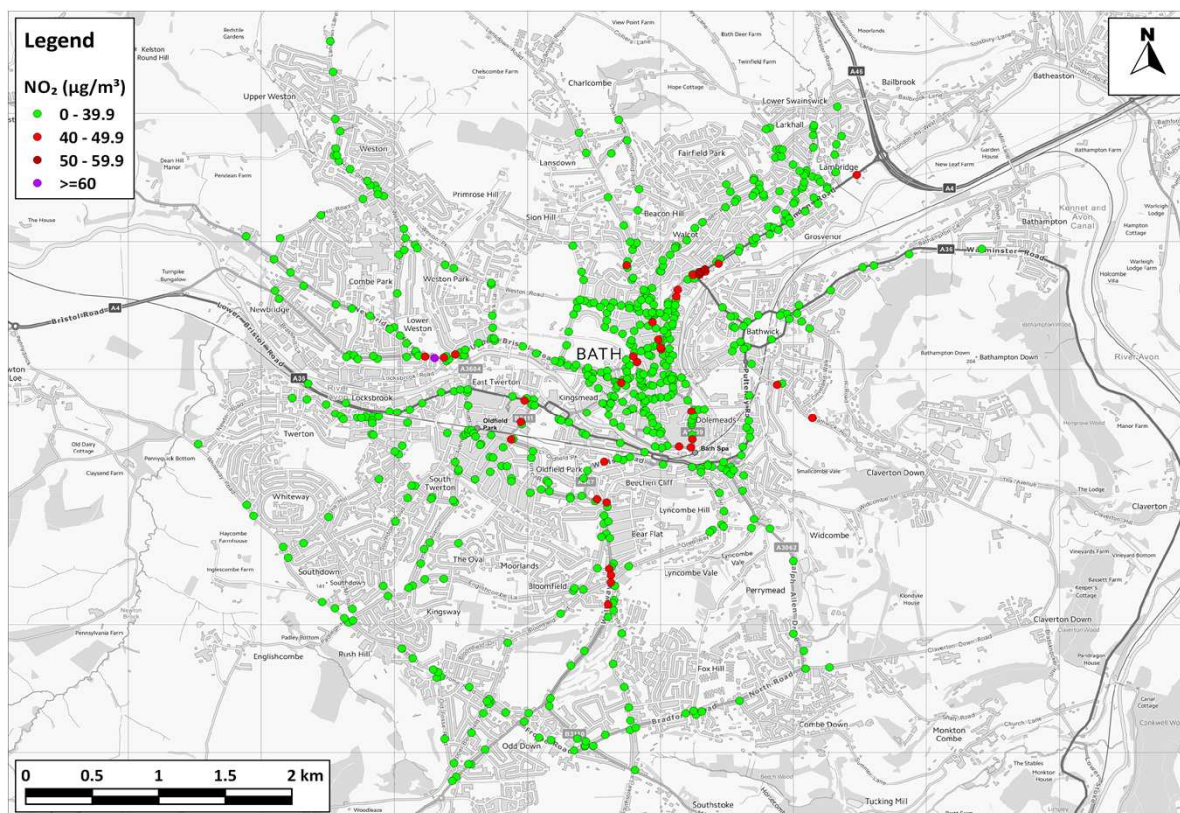
1. To deliver a scheme that leads to compliance with NO₂ concentration EU Limit Values in the shortest possible time

2. To deliver a scheme which leads to wider compliance with the UK Air Quality Objectives





Background – air quality exceedances in 2021 (if nothing was done)



Bath & North East
Somerset Council



Background - Shortlist of Schemes

1. Small Zone **Class B** plus complementary non-charging measures
2. Small Zone **Class C** plus complementary non-charging measures
3. Small Zone **Class D** plus complementary non-charging measures





Preferred option- following technical assessment

CAZ Class D

- £9.00 charge for Cars/LGVs/Taxis and;
- £100.00 for HGVs/Coaches/Buses.

Bath & North East
Somerset Council



Options Assessed

- 2020 CAZ Class D, with a £7.50 charge for Cars/LGVs/Taxis and £100 for HGVs/Coaches/Buses; **NON-COMPLIANT**
- 2021 CAZ Class C, with a £9.00 charge for LGVs/Taxis and £100 for HGVs/Coaches/Buses; **NON-COMPLIANT (2 exceedances)**
- 2021 CAZ Class D, with a £7.50 charge for Cars/LGVs/Taxis and £100 for HGVs/Coaches/Buses; **NON-COMPLIANT (2 exceedances)**
- 2021 CAZ Class D, with a £9.00 charge for Cars/LGVs/Taxis and £100 for HGVs/Coaches/Buses. **COMPLIANT**



Options Assessed

For more detail see:

OBC-08 Option Assessment Report

OBC-11 Air Quality Modelling Report



Proposed Charges

Drivers of the following vehicles will have to pay to drive in the city centre:

- Diesel vehicles older than c.2015 (pre Euro 6)
- Petrol vehicles older than c.2006 (pre Euro 4)

Charges are:

- **£9.00** for higher-emission cars, taxis and vans
- **£100.00** for higher-emission buses, coaches and HGVs

Charges will apply once in every 24-hour period (midnight-midnight) when driving in the zone, 7 days a week, 365 days a year.

If a vehicle is parked within the zone and does not move all day then a charge will not be levied.

**Bath & North East
Somerset Council**



How were the proposed charges set?

For cars and LGVs, a Stated Preference Survey was used:

- Over 1,000 local drivers of higher emission vehicles surveyed
- Residents of B&NES, Bristol, South Glos, Wiltshire, North Somerset, Somerset (based on Census journey to work data)
- Tested a range of charges and vehicle replacement costs to understand relationship

For other vehicles:

- Comparison of annual charges and annual average vehicle replacement costs



Proposed Charges

For more detail see:

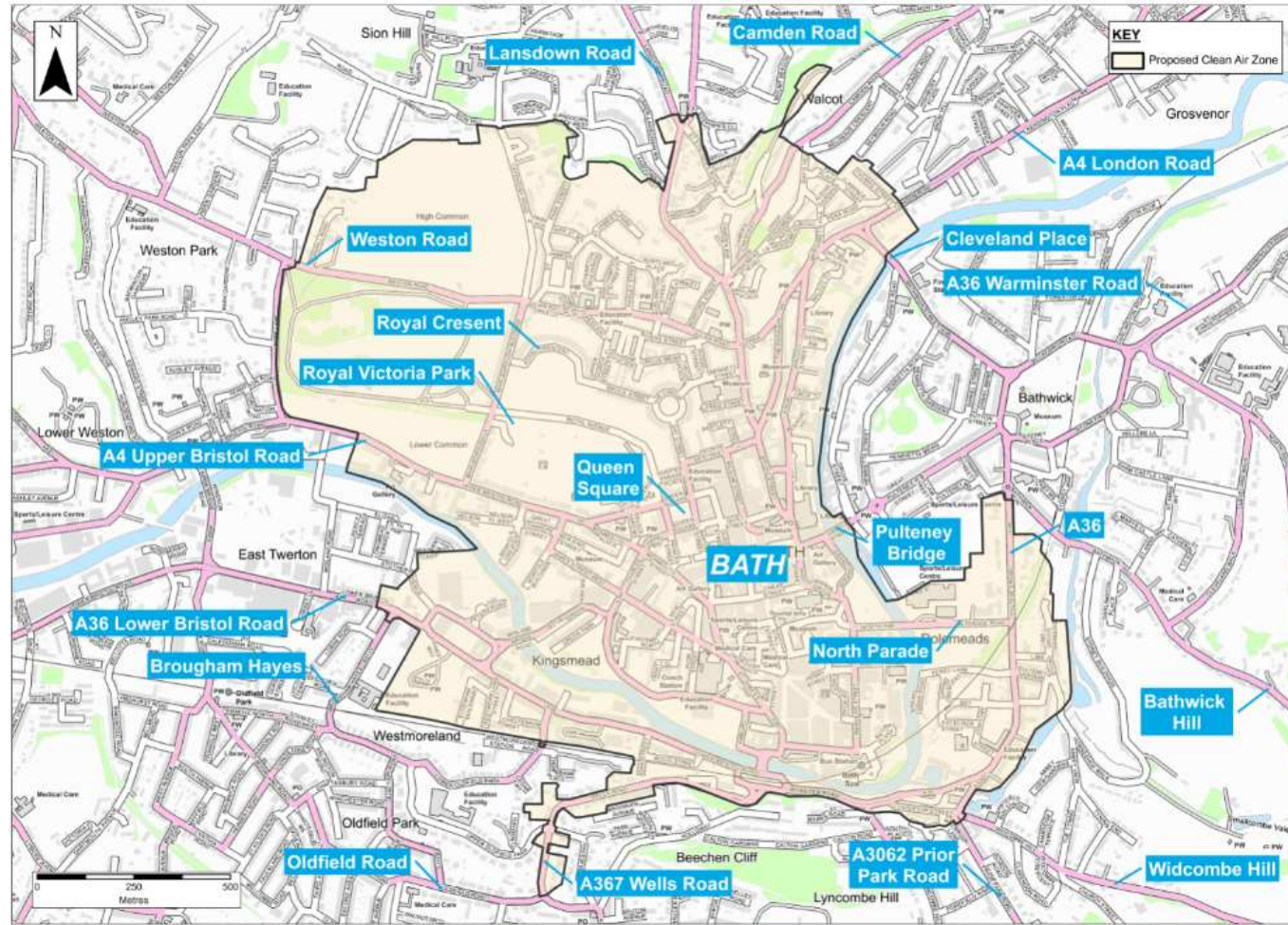
OBC-30 Stated Preference Survey Report

OBC-16 Response Rates Technical Note





Proposed Clean Air Zone boundary



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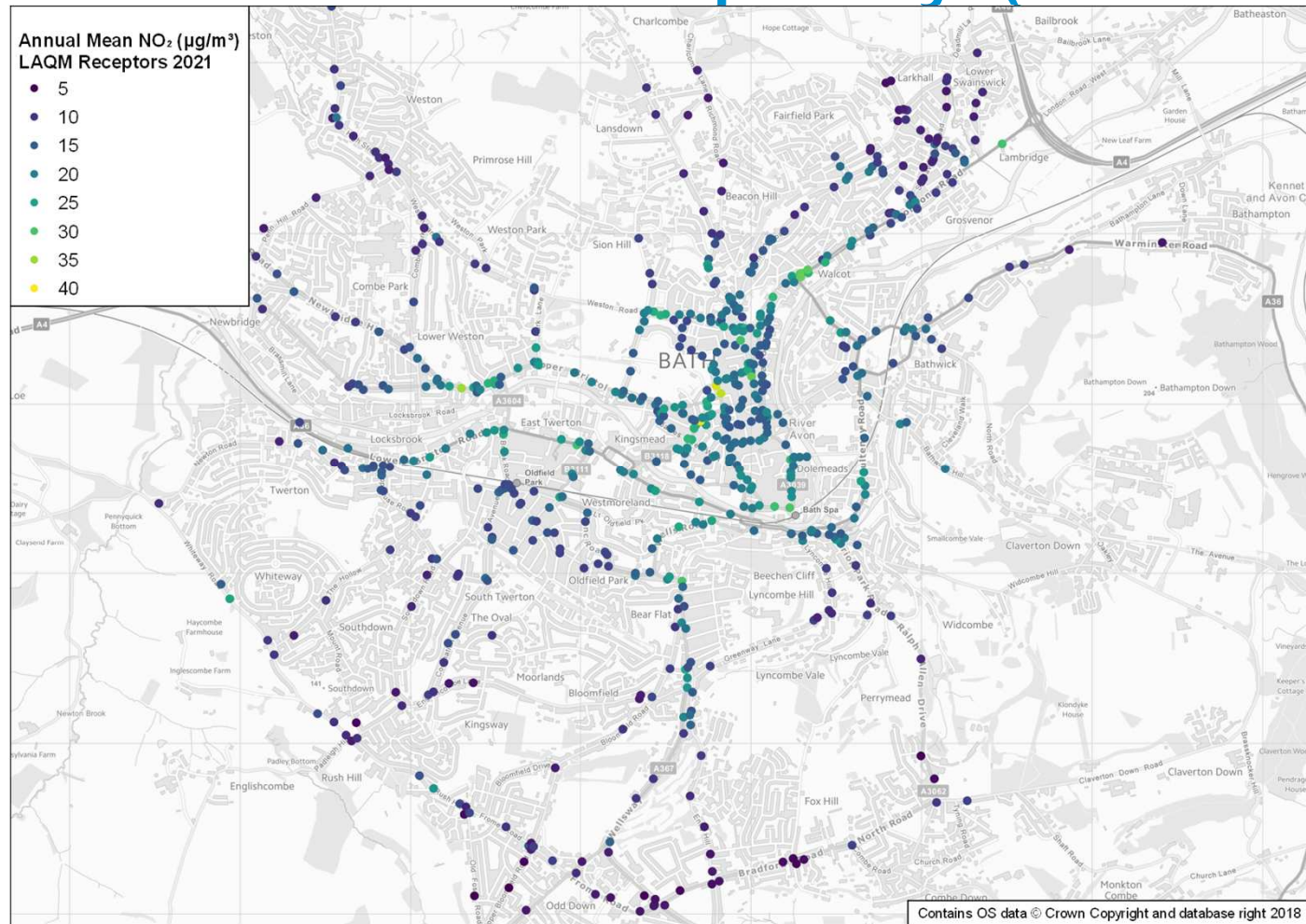
Scheme Design for a small Class D CAZ

- **Boundary changes from Strategic Outline Case:**
 - To reduce the potential impact of rat-running traffic
 - To provide safe opportunities for vehicles to turn-around before they enter the CAZ
 - To minimise the impact of additional street clutter
- **Further requests for inclusion received to date and to be considered:**
 - Pulteney Estates Residents Association
- **Operation**
 - Enforced with ANPR cameras
 - Within 24 hours, drivers of non-compliant vehicles will need to voluntarily pay the charge
 - A letter and eventually a fine will be issued to those that fail to pay

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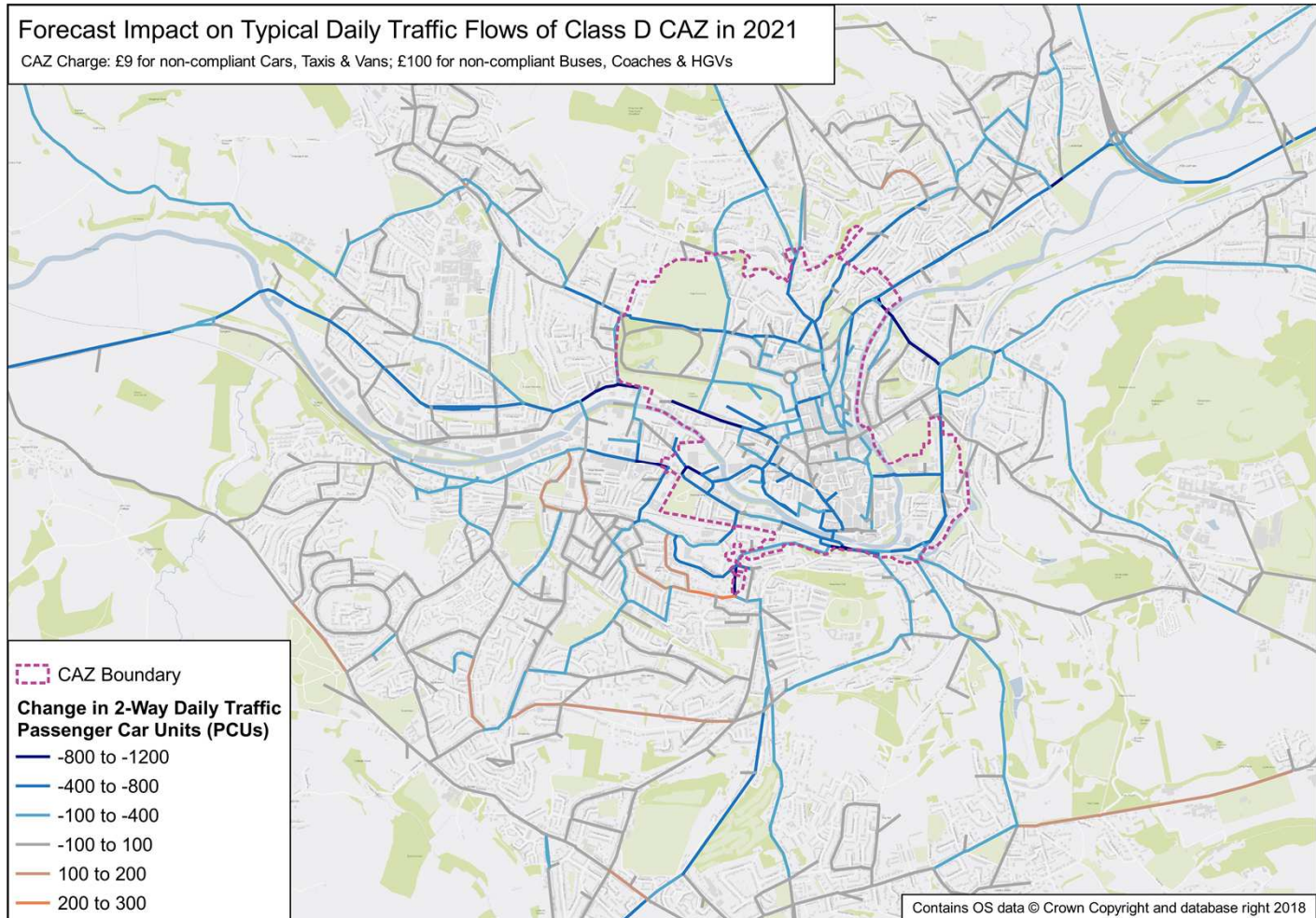
Impact of Scheme – air quality (LAQM)



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Impact of Scheme – traffic volumes



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Impact of the Scheme

Compliant vehicles (no scheme)	2017	2021
All Vehicles	47%	75%
Cars	55%	79%

Many of the remaining uncompliant cars can be replaced with compliant cars at little/no extra cost:

- All Euro 4/5 diesel can be replaced by equivalent petrol vehicles
- Only pre-Euro 4 vehicles must be replaced by a newer car



Impact of the scheme - Economic

- Economic impact of CAZ in isolation is slightly negative overall **BUT**
 - Central government guidance **constrains** the value applied to public health and air quality benefits: this process **does not specifically prioritise** the economic impact of public health
 - The modelling is constrained to a **10 year assessment period** whereas 60 years is a typical assessment period – the scheme may create a legacy that is not accounted for
 - Positive impact of **non-charging measures is not included**
- In 10 years the impact as proportion of GVA in B&NES is -0.3%
- Growth in GVA in the same period in B&NES is predicted to be 22.5%



Exemptions

National Exemptions offered for the following:

- Diesel vehicles made from c.2015 (Euro standard 6)
- Petrol vehicles made from c.2006 (Euro standard 4, 5 or 6)
- Fully electric and hydrogen fuel cell vehicles
- Vehicles within the disabled passenger tax class
- Vehicles within the historic vehicle tax class

Proposed local exemptions offered for the following:

- Motorcycles
- Emergency Services
- Vehicles driven by disabled drivers



Concessions

The following concessions are being proposed, subject to further modelling:

Until 01/01/2022

- Euro 4/5 diesel for registered blue badge holders
- Euro 4/5 diesel for registered healthcare providers
- Euro 4/5 diesel for registered community transport providers
- Euro 4/5 diesel for accessible taxi and private hire vehicles
- Euro 5 diesel for all other taxi and private hire vehicles

Until 01/01/2025

- Euro 4/5 diesel for coaches with valid educational trip permits



Other Measures – proposed shortlist

In addition to retrofitting buses (to achieve a fully compliant fleet), B&NES are bidding for money to provide the following non-charging measures – with option to consider further ideas as they come out of the consultation:

- Walk/cycle/scoot to school initiatives
- Additional cycle parking in the city centre
- Additional electric charging points
- Extended P&R site opening hours and secure parking areas
- A discounted ULEV parking permit scheme
- Targeted financial assistance schemes for vehicle replacements for pre Euro 4 cars and pre Euro 6 commercial vehicles for those residents and businesses who need it most
- Financial assistance scheme for private electric charge points
- Enforcement of anti-idling



Proposed financial assistance packages

- We need to help those who are most in need
- Proposed grant scheme for owners of pre-Euro 4 petrol or diesel cars who live or work in the proposed CAZ so that they can upgrade to a compliant vehicle
- Interest free loan scheme for businesses to upgrade pre-Euro 6 commercial vehicles
- These are still being finalised as we need to understand individuals needs from the consultation feedback

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Scheme Finances

Capital Costs

Cost for Implementing CAZ = £6.5m

Cost for Mitigation Measures = £6.4m

Central Government funding will cover these costs

Operating Costs

Average annual cost for Operating CAZ = £2.8m

Revenue – NOT GUARANTEED!

Average annual revenue estimate (over 10 years) = £5.6m per annum

Any excess revenue that may arise from charges above the costs of operation are to be re-invested to facilitate the achievement of local transport policies

Revenue estimates are subject to significant uncertainty, but extensive sensitivity testing suggests that a surplus is possible



BreATHe Engagement Feedback so far

- Bath:Hacked meeting held on 20th October 2018
- 3 drop-ins and 4 surgeries held in Bath and Keynsham- about 300 people have attended these
- As of this morning approx. 3,000 responses to questionnaire (approx. 250 from local businesses and organisations)
- In general, people are supportive of the need to improve air quality; some think we could go further whilst others have some concerns

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Engagement Feedback so far (cont)

People are currently prioritising the following concessions:

- Emergency service vehicles (Delaying the introduction of charges until 1 Jan 2025)
- Euro 4/5 diesel vehicles being used by registered healthcare providers (Delaying the introduction of charges until 1 Jan 2022)
- Euro 4/5 diesel vehicles being used by blue badge holders (Delaying the introduction of charges until 1 Jan 2022)





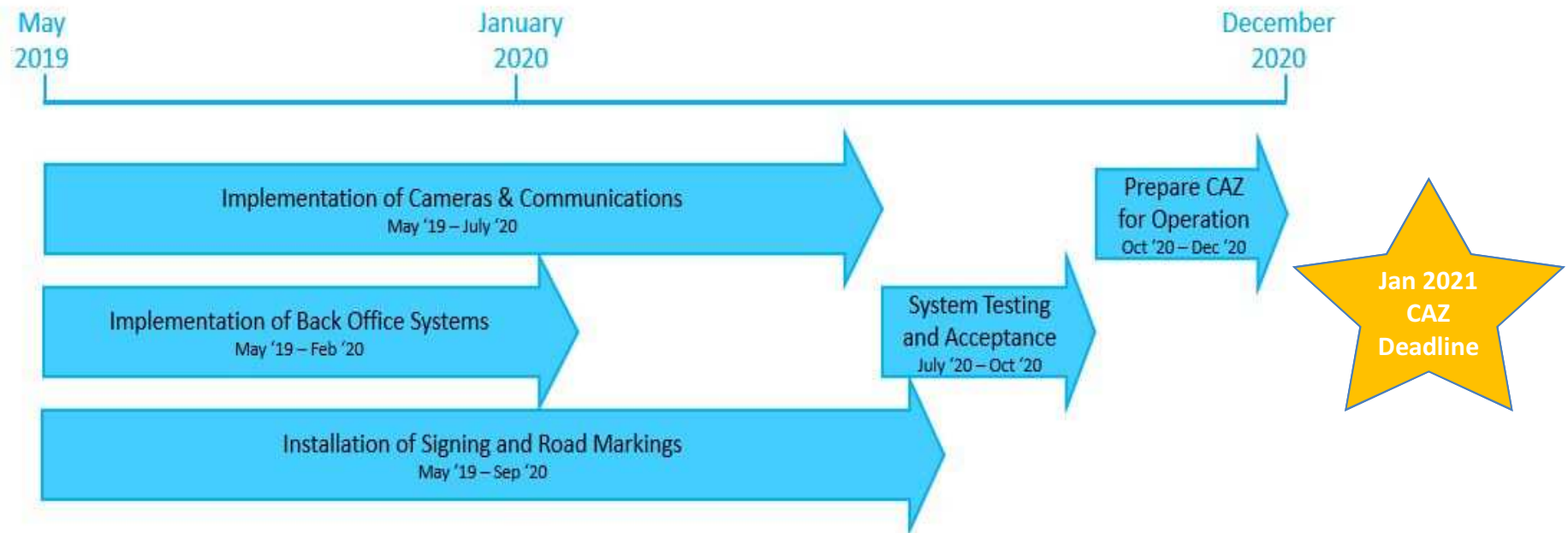
Engagement Feedback so far (cont)

People are currently prioritising the following supporting measures:

- Retrofitting high-emission buses with cleaner engines
- Extended operational hours at the park and ride
- Financial support for residents and local businesses that need it most to upgrade from non-compliant cars



Programme:



BreATHe

Monitoring & Evaluation

Measure	Rationale for Inclusion
Air quality data	To understand changes in air quality data, particularly NO ₂ concentrations.
Vehicular fleet information	To understand changes in the type of vehicles travelling in Bath.
Traffic Flows	Understand changes in traffic flow along key corridors and links on highway network.
Job seekers allowance (JSA) information	To understand any changes in the number of applicants for job seekers allowance within B&NES in order to assess economic and labour market impacts.
UK Business count data	To understand changes in the number and type of businesses operating in Bath in order to assess economic impacts.
Retail/business/office space vacancy figures	To understand changes to the number of businesses operating in Bath in order to assess economic impacts.
Retail footfall surveys	To understand changes to the number of people entering shops in Bath as well as the time they spend in each shop.
Park and Ride passengers data	To understand changes in the number of people using the P&R into Bath.
Walking and cycling counts	To understand changes in the number of people walking and cycling on key routes within Bath.
Bus usage data	To understand changes in the number of people using the bus on each route into Bath.
Stakeholder Feedback from Council User Group Forums	Understand the views of stakeholders to scheme delivery and impacts, and to understand some of the less quantified effects, including package effects.

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What are other local authorities doing?

Birmingham- Class D CAZ; HGVs, Buses, Coaches (£100 per day); Taxis, LGVs, Cars (£12.50 per day); submitted preferred Option Business Case in September 2018

Derby- Class D CAZ or traffic management measures- just finished consultation in September 2018

Bristol- in the SOC identified options of a Class C or a Class D CAZ; will be consulting on the preferred option in 2019

Leeds- Class B CAZ; HGVs, Buses, Coaches (£50 per day); Taxis (Licensed by Leeds £12.50 per day, otherwise £50 per day); Full Business case submitted in September 2018



Key dates:

- 16 October 2018-Launch of public consultation
- 29 October 2018- CTE Scrutiny Panel meeting
- 26 November- End of public consultation
- 18 December 2018- Cabinet meeting when decision will be taken
- Early 2019- development of Full Business Case for a Cabinet decision around February 2019



Sources of information:

- Leaflet sent to all homes and businesses in w/b 22 October 2018
- Full draft Outline Business Case will be made available on Council's website
- Summary document available online and in hard copy
- Dedicated webpages with online survey for feedback
- Programme of engagement events which is available on website





But remember, the reason we are doing this is to improve health

- There are a number of roadsides in Bath where NO_2 exceeds the EU and national legal limit of $40 \mu\text{g}/\text{m}^3$, mainly caused by diesel and older petrol vehicles.
- This seriously affects health. It can worsen existing heart and lung conditions, such as asthma, and reduce lung development in babies and young children. 12,000 people in the area suffer from asthma and high levels of NO_2 can trigger attacks.
- Research also links high levels of NO_2 to increased possibility of heart attacks and dementia.
- Other adverse health effects including diabetes, cognitive decline and dementia, and effects on the unborn child are also linked to air pollution exposure.
- Approximately 40,000 deaths can be attributed to NO_2 and fine particulate matter pollution in England every year



COMMUNITIES, TRANSPORT AND ENVIRONMENT PDS FORWARD PANEL

This Forward Plan lists all the items coming to the Panel over the next few months.

Inevitably, some of the published information may change; Government guidance recognises that the plan is a best assessment, at the time of publication, of anticipated decision making. The online Forward Plan is updated regularly and can be seen on the Council's website at:

<http://democracy.bathnes.gov.uk/mgPlansHome.aspx?bcr=1>

The Forward Plan demonstrates the Council's commitment to openness and participation in decision making. It assists the Panel in planning their input to policy formulation and development, and in reviewing the work of the Cabinet.

Should you wish to make representations, please contact the report author or, Democratic Services (01225 394411). A formal agenda will be issued 5 clear working days before the meeting.

Agenda papers can be inspected on the Council's website and at the Guildhall (Bath), Hollies (Midsomer Norton), Civic Centre (Keynsham) and at Bath Central, and Midsomer Norton public libraries.

Ref Date	Decision Maker/s	Title	Report Author Contact	Director Lead
29TH OCTOBER 2018				
29 Oct 2018	CTE PDS	Bath Clean Air Plan	Cathryn Brown Tel: 01225 477645	Director Environment
19TH NOVEMBER 2018				
21ST JANUARY 2019				
	CTE PDS	Service/Financial Plans	Donna Parham Tel: 0122539	Director Finance - Section 151 Officer
11TH MARCH 2019				
20 May 2019	CTE PDS	Transport Strategy	Chris Major Tel: 01225 39 4231	Director Environment
ITEMS TO BE SCHEDULED				
	CTE PDS	Bath Library Integration Plan	Tracey Long	Director Partnership & Corporate Services
	CTE PDS	Rural Transport	Chris Major Tel: 01225 39 4231	Director Environment
	CTE PDS	Gulls Nest Programme	Cathryn Brown Tel: 01225 477645	Director Environment

The Forward Plan is administered by **DEMOCRATIC SERVICES**: Micheala Gay 01225 394411 Democratic_Services@bathnes.gov.uk

Ref Date	Decision Maker/s	Title	Report Author Contact	Director Lead
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