

BATH AND NORTH EAST SOMERSET

CABINET

These minutes are draft until confirmed as a correct record at the next meeting.

Tuesday, 5th March, 2019

Present:

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Vic Pritchard	Cabinet Member for Adult Care, Health and Wellbeing
Councillor Paul Myers	Cabinet Member for Economic and Community Regeneration
Councillor Karen Warrington	Cabinet Member for Transformation and Customer Services
Councillor Paul May	Cabinet member for Children and Young People
Councillor Bob Goodman	Cabinet Member for Development and Neighbourhoods
Councillor Mark Shelford	Cabinet Member for Transport and Environment, Conservative Deputy Group Leader Bath

90 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

The Chair also invited all Members of the Cabinet and support officers to introduce themselves.

91 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the evacuation procedure as set out in the Agenda.

92 APOLOGIES FOR ABSENCE

There were no apologies for absence.

93 DECLARATIONS OF INTEREST

There were none.

Michael Hewitt (Deputy Monitoring Officer) granted a Dispensation of Interest Declaration for all Members of the Council on agenda item 11 Bath's Clean Air Plan (*attached as Appendix to these Minutes*).

Bath Clean Air Plan Dispensation

94 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

95 QUESTIONS FROM PUBLIC AND COUNCILLORS

There was 1 question from Councillors and no questions from members of the public.

[A copy of the question and response has been placed on the Minute book as Appendix and is available on the Council's website.]

Cabinet Q&A sheet

96 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

David Redgewell gave a statement (*attached as Appendix to these minutes and available on Council's website*) where he expressed his concerns over the proposals to charge Buses, taxis and HGV's as part of an air quality zone.

Chris Beezley (Chairman of Beech Avenue Residents' Association) gave a statement (*attached as Appendix to these minutes and available on Council's website*) where he said that recommendations in the report represented a pragmatic and balanced solution that would deliver the required air quality to Bath and in a manner that would minimise the detrimental effect on residents and businesses.

Malcolm Baldwin gave a statement where he said that 1 in 6 diseases were caused by air pollution. Air pollution in Bath was having a detrimental effect on the population, especially due to Bath's geographical position. Malcolm Baldwin suggested that air pollution would increase if no action takes place, and invited the Cabinet to consider adding some elements of the charging Class D CAZ into the final proposals.

Patrick Rotheram (Federation of Bath Residents' Associations - FOBRA) gave a statement (*attached as Appendix to these minutes and available on Council's website*) where he said that FOBRA welcomed the extensions of the CAZ boundary and traffic management of the Gay Street and Walcot parade though they expressed their concerns that traffic lights at Queen Square would increase congestion and air pollution.

Christine Harrington gave a statement where she said that Upper Sydney Place residents have been reassured with the proposal by the Cabinet to implement charging Class C CAZ. This would reduce the pollution; protect heritage buildings in the city, with less impact on business and residents than charging Class D CAZ would have. Christine Harrington suggested that appropriate signage along A36 should be considered.

Ceris Humphreys (Pulteney Estate Residents Association) gave a statement (*attached as Appendix to these minutes and available on Council's website*) where she said that association felt that Class D CAZ with an exemption period for local people should merit more serious consideration. It would mitigate the affordability effect on BANES residents whilst generating revenue from non-residents to fund the mitigation measures.

Richard Luetchford gave a statement (*attached as Appendix to these minutes and available on Council's website*) where he said that two options would be considered today, both based on the concept of a vehicle-charging CAZ, though there was evidence emerging from elsewhere in the UK which suggested that these were not the right solutions for Bath.

Catherine Mack (Chair of the Bus Users Group) gave a statement (*attached as Appendix to these minutes and available on Council's website*) where she said that proposed imposition of the congestion charge on buses but not cars was a serious error of judgement which would penalise those who cannot afford to buy a car, and invited the Council to work with our public transport providers rather than penalising them.

Steve Moss, taxi owner, gave a statement where he expressed his concerns that the proposal by the Cabinet to implement charging Class C CAZ would have negative financial impact on his business in terms of replacing vehicles which were not compliant with the proposal.

Councillor Will Sandry gave a statement where he did not object to the report as such though he felt that the recommendations/proposals should have been bold and should be in line with the charging Class D CAZ. Councillor Sandry also said that future generations would look back with dismay at these proposals.

Councillor Dine Romero gave a statement where she acknowledged the hard work that the officers put in the report, although she felt that the recommendations were not strong enough. Councillor Romero felt that the consultation has been focused on the charging Class D CAZ. Councillor Romero also added that some parts of the city have had an increase in nitrogen dioxide over the last period. Councillor Romero also said that the Council would miss an opportunity to change drivers' behaviours and tackle congestion in the city.

Councillor Dine Romero read out a statement from Councillor Richard Samuel who asked the Council to conduct an independent review of the data and modelling of the proposals, to determine whether other measures would prove to be more effective.

Councillor Anthony Clarke said that pollution levels in Bath had gone down. Councillor Clarke felt that charging Class C CAZ, as proposed to the Cabinet, would provide the same results as Class D CAZ.

Councillor Patrick Anketell-Jones congratulated the Cabinet on getting the reasonable resolution after over 8,400 people responded to the consultation. Councillor Anketell-Jones also said that car charging policy would be unfair for people to pay, especially those who would not be able to afford it. Councillor Anketell-Jones suggested that the top of Board Street had been seen as pollution hotspot and invited the Cabinet to consider a bus gate at the top of Milsom Street to tackle air pollution in that part of the city.

Councillor Rob Appleyard said if it's cheaper for a family to pay £9 a day and pay to park than for them to get on the bus, then there was something wrong with the model. Councillor Appleyard also said that the Council would need to have meaningful conversation with bus companies and school transport over these proposals.

Councillor Shaun McGall welcomed that the Cabinet would consider setting up measures to combat air pollution in the city. Councillor McGall felt that the Council should have been bold and suggest stronger recommendations/proposals for the benefit of future generations.

Councillor Eleanor Jackson said that air quality in Westfield and Radstock was also quite bad and suggested that pollution charges should be devoted to bus subsidy in the area. Councillor Jackson also suggested that buses and coaches passing through Bath should have an automatic engine switch off when in idle state.

Councillor Tim Ball said it should have been much better to address the clean air concerns across the whole of the West of England, such as Temple Cloud and Whitchurch, and not just Bath. Councillor Ball also said that Bristol has been looking into bringing in Clean Air Zone plan.

Councillor Alison Millar said that a lot of traffic has been generated in Bathampton and expressed her concerns that vehicles, such as vans, would cut through residential areas to reach their destination. Councillor Millar urged the Cabinet to tackle school run arrangements which generate a high volume of traffic.

Councillor Neil Butters said that the Council should encourage people to use Park and Ride instead of cars. Councillor Butters welcomed the extension of opening hours for the Park and Ride.

David Redgewell statement

Chris Beezley BARA Statement to Cabinet 5 March 2019

Patrick Rotheram FOBRA

Ceris Humphreys statement

Richard Luetchford

Catherine Mack statement

97 MINUTES OF PREVIOUS CABINET MEETING

RESOLVED that the minutes of the meeting held on Wednesday 6th February 2019 be confirmed as a correct record and signed by the Chair.

98 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

99 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

Councillor John Bull (Chair of the Communities, Transport and Environment Policy and Development Scrutiny Panel) addressed the Cabinet reiterating recommendations from the CTE PDS Panel:

- 1. Publish more clearly the evidence and reasoning to justify the selection of a Class D CAZ over a Class C CAZ as this currently is not well expressed in the Outline Business Case (OBC) – Councillor Bull added that the Cabinet would now propose Class C CAZ; though no traffic measures for Walcot Street were included in the report.*
- 2. Prepare detailed proposals to prevent and mitigate traffic displacement around the CAZ alongside the OBC to ensure that local communities are not adversely affected by rat-running.*
- 3. Develop in greater detail the proposed financial assistance scheme for residents and businesses owning non-compliant vehicles requiring replacement, to provide greater clarity on who will benefit from such a scheme – Councillor Bull said that there were van owners that would be affected by this scheme and asked what provisions would be put in place to assist van owners and taxi drivers.*
- 4. In respect of 3. above take steps to ensure that the funds provided by DEFRA are sufficient to fully fund the scheme beyond the bid levels currently proposed – Councillor Bull was not convinced that DEFRA would fund the scheme.*
- 5. Ensure that proposals are developed alongside the CAZ that ensure that the B&NES public bus network is able to provide a viable alternative to urban and rural residents seeking to minimise their use of private vehicles. The Panel also calls on the Cabinet to ensure that the WECA Mayor fully supports this request and allocates funds to support it – Councillor Bull felt that more work would need to be done with WECA to support this plan.*
- 6. Raise concern with DEFRA that its proposed deduction of 10% from the CAZ charges will reduce the Council's ability to fund sustainable transport initiatives to maintain the CAZ benefits long term and that this proposal should be withdrawn – Councillor Bull felt that the Council should lobby to have 10% deduction from the CAZ charges removed.*

100 BATH'S CLEAN AIR PLAN- OUTLINE BUSINESS CASE

Councillor Tim Warren thanked everyone who addressed the Cabinet on this matter. Councillor Warren also thanked businesses, residents' associations and members of the public who contacted the Cabinet outside the meeting (such as Morland and Oldfield for Clean Air association who sent their statement to the Cabinet in advance of the meeting).

Councillor Tim Warren invited Councillor Bob Goodman to introduce the item.

Councillor Bob Goodman introduced the item by saying that this was the most important decision to be taken by this Cabinet in his time. Councillor Goodman said that what he was trying to do was to form a balanced approach to this issue which administrations have ignored for many, many years – after all the health of residents was of paramount importance.

Councillor Goodman thanked the officers who have formed a formidable team that was clearly the envy of many local authorities. Councillor Goodman also thanked Councillors Shelford and Warren for their support, help and patience on this matter.

The technical modelling that Councillor Goodman had asked for had indicated that Class C was possible subject to traffic management within Queens Square. This would reduce the potential financial impact on businesses throughout the City but still would achieve compliance by 2021 at the latest.

Councillor Goodman also welcomed extension of the CAZ boundaries and mitigation measures for businesses.

Councillor Goodman added that the following just as important proposals would include:

- Free Park and Ride aimed particularly at those with polluting vehicles.
- Park and Ride with extended opening hours and with appropriate security
- Cycling lanes
- Officers to promote buses to school, the proposals would be some of the most radical in the country which would substantially reduce the car journeys to and from schools.
- Introduction of further Resident parking Permits
- Traffic signal control optimisation to prioritise public transport
- Anti-idling officers
- Improved Park and Ride signage
- 120 Electric Vehicle charging points – The Council have just secured funding £400,000 for charging points for taxis.

Councillor Goodman concluded the statement by saying that WECA has been supportive of the scheme and that his motion would allow compliance but also the start of a journey to ensure we have the Greenest Cleanest City in this country.

Councillor Bob Goodman moved the recommendations.

Councillor Mark Shelford seconded the motion by thanking the officers for their hard work and commitment on this important matter. Councillor Shelford also said that charging Class C CAZ proposal would make sure that Bath would be compliant whilst having a minimum impact on residents. Councillor Shelford welcomed that Park and Ride would have extended operational hours and that the Council would work on boosting public transport in rural networks.

Councillor Charles Gerrish commented that the Council had to consider mixed needs of the community following 8,400 responses from the consultation. Councillor Gerrish welcomed the changes to CAZ boundaries and added that charging Class C CAZ would not be a money generator for the Council – the money would be re-invested in measures to improve air quality.

Councillor Paul May commented that sometimes local politics needs to step away over issues greater than it. Councillor May thanked the residents and also to young people and children for their input in the consultation.

Councillor Karen Warrington also thanked the officers for their commitment and hard work. Councillor Warrington also said that air quality was quite emotive subject to those who opposed and those who supported the proposals.

Councillor Paul Myers commented that charging Class C CAZ was in the best interest of residents and that it would not have significant impact on businesses and labour market.

Councillor Vic Pritchard commented that the Council has to be compliant within a specific timescale. Councillor Pritchard supported the charging Class C CAZ proposal and added that WECA would need to be included in the programme.

The Chair thanked everyone who responded to consultation, everyone who came to workshops and everyone who addressed the Cabinet on one of the most important decisions made by the Council.

RESOLVED that the Cabinet made unanimous decision to:

- 2.1 Consider and accept the revised OBC as the final plan as set out within the Ministerial Direction and to support this final plan to be submitted for approval.
- 2.2 Subject to confirmation of funding implement a charging Class C CAZ charging all vehicles except cars, along with targeted traffic management in Queen Square.
- 2.3 Subject to confirmation of funding implement an enhanced package of supporting measures as set out in paragraph 3.6 of the report, including grants and interest free loans for residents and businesses, in order to achieve sufficient improvements in air quality and public health.
- 2.4 Have due regard to the Equalities Impact Assessment and the community impacts of the decision being taken in line with the requirements under the Equalities Act 2010.
- 2.5 Note the recommendations from the CTE panel and the responses provided in the report.
- 2.6 Note the Consultation Report and Consultation Response Report (as published on <http://www.bathnes.gov.uk/bath-breathes-2021>) setting out the views of the respondents to the public consultation and analysis of these views.

- 2.7 Agree the concessions and exemptions as set out within the Proposed System Design Features and Payment Exemptions report (as published on <http://www.bathnes.gov.uk/bath-breathes-2021>).
- 2.8 Agree a charge of £9 per 24 hour period for non-compliant taxis (Hackney Carriages and Private Hire Vehicles) and LGVs/vans and £100 per 24 hour period for non-compliant coaches, buses and HGVs.
- 2.9 Agree a Penalty Charge Notice rate of £120 (plus the CAZ charge), which will be reduced by 50% to £60 (plus the CAZ charge) if paid within 14 days in line with the requirements of the appropriate legislation.
- 2.10 Note the revision to the zone boundary so that it now includes the Pulteney Estate area, and agree the revisions to the zone boundary so that it also now includes the Bathwick Estate and Sydney Place areas and the Oldfield Road junction with the A367 within the zone boundary.
- 2.11 Agree the proposed monitoring arrangements for AQ and traffic flows in Bathampton as specified in section 5.9 of the report.
- 2.12 Agree an amendment to the Council's Event Policy to restrict any event which will have a detrimental impact on AQ.
- 2.13 Agree that the decision to submit the Full Business Case (FBC) and make the Charging Order is delegated to the Chief Executive in consultation with the Council's s151 Officer, Monitoring Officer, Leader and Cabinet member for Development and Neighbourhoods.

101 CONSULTATION, COMMUNICATIONS AND COMMUNITY ENGAGEMENT

Councillor Rob Appleyard made an ad-hoc statement by welcoming the report though he felt that the Council would need to set up a mechanism that captures future consultations.

Councillor Eleanor Jackson made an ad-hoc statement also welcoming the report and said that the content of the brochures, leaflets, etc. would need to be more user friendly in terms of the font size/type and colours used in the background.

Councillor Shaun McGall also welcomed the report and added that democratic deficit would need to be addressed, in particular in Bath where there were no Parish Councils.

Councillor Paul Myers introduced the report by saying that the Cabinet was asked to note the report which would be presented to the CTE PDS Panel for review. The Bath City Forum in 2018 have raised, what they felt were, a number of key learning points from some of the complex consultations that have taken place in recent years, including the East of Bath Park and Ride, Libraries and Air Quality. It was considered that there were some useful lessons to be learnt from these which were considered when developing the Air Quality consultation process which received what is believed to be a record number of responses. Following this issue being raised at the Bath City Forum, all the other Forums, Somer Valley, Chew Valley, Keynsham, Cam Valley and BathAvon North were asked for their views on how best to work together to improve the process of engagement and consultation in our area. As a result a working group was established consisting of four Members of the Bath City Forum and two from each of the others.

Councillor Myers also said that joint workshop took place on 26th of January 2019 with ten of the seventeen members of the working group present. The workshop was run by the Cabinet Member for Economic and Community Regeneration supported

by Officers from Partnerships and Corporate Services. The outcomes of the workshop have been presented in the report.

Councillor Paul Myers moved the recommendations.

Councillor Karen Warrington seconded the motion by welcoming the report and adding that the Council have improved in terms of the consultation and engagement.

RESOLVED (unanimously) that the Cabinet agreed to:

2.1 Note the work of the area's Local Area Forums in engaging with local residents, parish councils, town councils and the community and voluntary sector.

2.2 Thank the Bath City Forum and the Consultation Working Group, drawn from representatives of the Forums, ALCA and the 3SG, for their work to date on further developing our framework for Consultation, Community Engagement and Communications.

2.3 Requests the CTE PDS Panel to consider in more detail the outcomes of the groups findings, attached in Appendix 1 and detailed in the report under 5.12, and to advise the Council's Cabinet on how best to develop further this work and incorporate it into the Council's policy and practices.

The meeting ended at 12.10 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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BATH & NORTH EAST SOMERSET COUNCIL

MEMBERS' CODE OF CONDUCT

Grant of a Dispensation

Name of Member	All Council Members
Meeting and item of business for which the dispensation has been sought	Agenda Item 11 Bath's Clean Air Plan- Outline Business Case at the Cabinet Meeting on 5 th March 2019.
Reason for dispensation	For the avoidance of doubt, this dispensation was granted to enable members with potential disclosable non- pecuniary interests in relation to their ownership of vehicles to take part in the debate and vote. Failure to grant a dispensation would impede the transaction of the business of the meeting.
Period of Dispensation	To cover the period of the Cabinet Meeting on the 5 March 2019.

Having received applications from several councillors requesting this dispensation, it was granted.

Signed

M.Hewitt
Deputy Monitoring Officer – Bath & North East Somerset Council

Dated 5 March 2019

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SPECIAL CABINET MEETING 5th Mar 2019

REGISTERED SPEAKERS

Where the intention is to speak about an item on the Agenda, the speaker will be offered the option to speak near the beginning of the meeting or just before the Agenda item. All speakers will be speaking about 'Bath's Clean Air Plan – Outline Business Case' agenda item.

Public:

1. David Redgewell
2. Chris Beezley (Chairman of Beech Avenue Residents' Association)
3. Patrick Rotheram (FOBRA)
4. Christine Harrington
5. Ceris Humphreys (Pulteney Estate Residents Association)
6. Richard Luetchford
7. Catherine Mack (Chair of the Bus Users Group)
8. Steve Moss

Councillors:

1. Councillor John Bull – As a Chair of Communities, Transport and Environment PDS Panel (recommendations from the Panel on Clean Air Zone)
2. Councillor Dine Romero
3. Councillor Richard Samuel
4. Councillor Will Sandry
5. Councillor Anthony Clarke
6. Councillor Patrick Anketell-Jones

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Richard Samuel
1) What has been the total cost of preparation for the Clean Air Zone from the date of direction to date? 2) How much of this expenditure has been made by the Council?		
	Answer from:	Councillor Bob Goodman
1) <i>Excluding Officer time £1.31 million to end January.</i> 2) <i>Excluding officer time £0.00 to end January i.e. the project is being fully funded by central Government.</i>		

Air Quality – we are very concerned over the proposals to charge Buses, taxis and HGV's as part of an air quality zone. We note that public transport is being charged but it is part of the solution to improving air quality. We welcome the grants that have been discussed but want to ensure that they are available to all operators. We would like to know what has been done for smaller operators such as A Bus, Faresaver and Arlene's who might not be able to afford large investment. We also want to understand what has been agreed with Stagecoach who have a large fleet serving the region.

We also want to make sure that Taxis have been consulted and offered help to meet the new standards especially for accessible taxis.

With more air quality standards being introduced we call upon WECA and the Metro Mayor to take a lead and work with BANES and the other two councils to set a standard across the region with appropriate grants and schemes to ensure that public transport and the users, passengers, residents in the area are not disadvantaged.

David Redgewell. 1st March 2019

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Beech Avenue Residents' Association (BARA)

Statement to B&NES Special Cabinet Meeting – 5th March 2019

A Clean Air Zone for Bath

There is no question that air pollution should be kept within safe limits across Bath.

BARA commends B&NES for carefully reconsidering the facts and the exceptional level of feedback received since putting forward the initial proposal to introduce a CAZ D, which was estimated to have cost the local economy £133m.

Bath sits at lowly 27th position in the list of 28 local authorities targeted by Government in 2017 to improve nitrogen dioxide levels. It is debatable whether any form of charging CAZ is appropriate for a city the size of Bath. Nevertheless, BARA believes that the recommendation to adopt the less-punitive CAZ C option, combined with mitigating measures that will reinforce it, represents a pragmatic and balanced solution that will deliver the required air quality to Bath - and, unlike the originally proposed CAZ D, does so in a manner that minimises the detrimental effect on residents and businesses.

To put this into context, the only other authority known to be contemplating CAZ D is Birmingham which is top of the list, with the highest pollution problem outside London. Of the next four most-polluted cities, Leeds proposes CAZ B (cars and vans exempt), while Nottingham, Derby & Southampton intend to achieve compliance through non-charging measures only, such as requiring all buses, taxis and council vehicles to be low-emission.

The top-of-the-range CAZ D option is akin to central London's Ultra Low Emission Zone and would represent a highly disproportionate solution for Bath. It would also breach the following Government guidance:

- "If measures other than charging zones can be identified those should be preferred;
- Measures should be carefully targeted to minimise their impact on local residents and businesses";
- "Local authorities should consider a wide range of innovative options";
- "Delivery of obligations on air quality must be done in a way that does not unfairly penalise people who bought diesel vehicles in good faith following tax changes made by previous governments".

In Bath the arguments appear polarised. On the one hand there are those who understand the need to bring NO₂ levels within legal limits and wish it to be done by using pragmatic and proportionate measures. CAZ C plus traffic management is more likely to do so than CAZ D. On the other hand are those who appear to view any level of NO₂ as unacceptable and for whom only the most restrictive measures are acceptable. There is scant evidence that this latter group place the economic well-being of Bath very high on their list of considerations.

In the absence of a non-charging solution such as that recently approved for Nottingham, BARA wishes B&NES every success in securing Government approval and funding necessary to introduce CAZ C plus traffic management as recommended, representing a key element of the long-awaited wider Transport Strategy for Bath.

Chris Beezley - Chairman, Beech Avenue Residents' Association, Bath

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B&NES Cabinet meeting 5 March 2019 – Bath Clean Air Plan

Patrick Rotheram, Federation of Bath Residents' Associations - speaking notes

1. We commend the Council for bringing forward this Clean Air Plan, when some other authorities have put theirs on the back burner.
2. We welcome the extensions of the CAZ boundary.
3. FOBRA recommended dealing with the forecast exceedances at Gay Street and Walcot Parade by traffic management, so we are pleased the Council now proposes to do this. We note your belief that, with traffic management, compliance can be achieved with a Class C CAZ.
4. However, the selected traffic management measure is to introduce new traffic lights at Queen Square. Despite your consultants' modelling, it seems quite possible that this would result in stationary traffic backing up from the lights, leading to increased congestion and air pollution in the area.
5. We would have preferred action to reduce traffic volumes by closing some sides of Queen Square, as has been considered under the Public Realm and Movement Strategy. The main reason the consultants give for not doing this is that large vehicles, specifically coaches, could have difficulty with the turn between Queen Square and Gay Street, especially when two come face on. But exactly this problem occurs every day at the Gay Street–George Street turn. So why is that acceptable, but an almost identical turn at Queen Square is not? The right answer is surely to stop coaches and other large vehicles going through George Street and Gay Street. Even at this stage, we urge the Cabinet to reject the traffic light scheme and adopt alternative means of reducing traffic in Gay Street. And remember, Queen Square is where Georgian Bath began!
6. The Council will be required to keep air pollution levels here under review. If congestion and air pollution in Gay Street remains excessive with the traffic light scheme, we hope you will be ready to bring in alternative measures without delay.
7. Lastly, we understand that the Council wants to promote Park-and-Ride. This is good, but we urge you to employ the most direct method of achieving this, namely to reduce visitor parking in the city centre, as proposed in the Bath Transport Strategy.

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Public Speaking – B&NES Cabinet Meeting 5 March 2019 – speaking for Pulteney Estate Residents' Association (PERA)

Ceris Humphreys - PERA Lead on Air Quality and CAZ

Introductory Notes (not part of presentation):

1. Three minutes does not allow time to express our thanks to the officers for the professional and thorough way in which they dealt with our questions during the consultation process. Having been invited to speak about PERA's position in two meetings with residents in neighbouring areas that were primarily led by the officers, I have seen at first hand their dedication and commitment.

2. PERA is a Residents' Association representing around 600 members in the Pulteney Estate area and is one of the largest member Associations of FoBRA. The Pulteney Estate area extends from the Laura Place side of the river to the top of Sydney Gardens, covering a significant part of Bathwick.

Presentation

PERA is delighted that the new CAZ boundary includes a part of the Pulteney Estate, and we strongly urge you to agree to the recommendation to include also the outer parts of the Pulteney Estate (in the purple area with Sydney Gardens). We support the statement to be made today by our neighbour Chrissie Harrington from this area.

I want to talk about Class C and Class D.

BANES must achieve sufficient air quality improvements in the shortest possible time.

In arriving at a recommendation for Class C, has enough attention has been given to achieving sufficient improvements in the shortest time? The re-assessment of Class C against Class D appears to have only looked at compliance in 2021.

Has the Equality Impact Assessment given adequate weight to the health impact on vulnerable groups of deferring compliance by adopting Class C instead of Class D? The EIA says 12% of the BANES population have chronic conditions that can be made worse by air pollution.

The EIA gives precedence to affordability impacts. Has enough weight been given to the fact that economic disadvantage to vulnerable groups can be addressed by targeted support measures which could be funded if a Class D CAZ were adopted, but will be unaffordable with Class C? Can the detriment to those with long-term life-limiting or life-threatening respiratory illness be weighed up against compensatable affordability disadvantage and reasonably be found to carry less weight? Choosing Class C instead of Class D surely means that their health deficit will be unfairly locked in long-term.

The EIA says a Class C CAZ will be of some benefit to those suffering from respiratory illnesses, but not as much benefit as a Class D CAZ. This surely means Class C fails the ClientEarth test as it:

1. Doesn't meet the aim to achieve compliance as soon as possible (ClientEarth Test part 1); and
2. Isn't choosing a route to compliance which reduces human exposure as quickly as possible (ClientEarth Test part 2).

Under class C there are modelled non-compliances in 2021, supposedly to be removed by "traffic management" in Queen Square. Will this measure really "Ensure that compliance with the limit values is not just possible but likely"? (ClientEarth Test part 3)

We feel that Class D CAZ with an exemption period for local people merits more serious consideration. It would mitigate the affordability effect on BANES residents whilst generating revenue from non-residents to fund the mitigation measures. It is rejected because it would not allow compliance quickly enough – and yet now it is proposed all cars will be exempt under a Class C CAZ!

It's difficult to get drivers out of their cars. But the Cabinet will be answerable to the next generation some of whom recently demonstrated outside the Guildhall to show their frustration at an older generation which blindly refuses to address the issues of pollution and climate change in spite of ever more urgent warnings of the impact on us, our children, and the world around us.

In the words of one of the youth climate activists' leaders Greta Thunberg, Age 16, UN Climate Change Conference 2019:

"You say you love your children above all else – and yet you are stealing their future in front of their very eyes. Until you start focusing on what needs to be done rather than what is politically possible, there is no hope." [<https://www.youtube.com/watch?v=VFkQSGyeCWg>]

It's easy to declare a Climate Emergency – but it requires courage to take the difficult political decisions that will start to address the curse of air pollution. Please think about our children's future today as you make your decision.

Richard Luetchford Cabinet on 5th March 2019

The two options being considered today are both based on the concept of a vehicle-charging CAZ.

There is however a growing body of evidence emerging from elsewhere in the UK that suggests these are not the right solutions for Bath.

Nearly every other one of the 27 cities directed by DEFRA to take action experiences much higher airborne NO2 pollution levels than Bath.

Bath is a smaller and comparatively less polluted city than most, and right near the bottom of DEFRA's list of priorities.

Even here, DEFRA only directed the Council to take action on air pollution levels along a single half mile stretch of the A4.

In recent months, 3 of the 6 cities with the highest levels of NO2 air pollution in the country, Nottingham, Southampton and Derby, have all elected to implement non-CAZ solutions.

Their approach is entirely consistent with DEFRA guidelines and Nottingham's has already been approved by DEFRA.

If these three much higher priority cities can achieve compliance with NO2 limits using exclusively non-CAZ measures, it is very hard to see why similar measures can't do the same for Bath.

Compared with a charging CAZ, they would certainly be far less costly, they would cause less economic damage to this area, and less personal hardship to those directly affected by CAZ charges.

According to the Council's own figures, a vehicle-charging CAZ for Bath needs up to £43M of government funds to implement and operate.

Leeds is a much bigger city than Bath and one of the top 6 with the highest levels of NO2 air pollution in the UK.

It has requested £40M of government funds for a CAZ B scheme.

However DEFRA wants at least a £9M shaved off Leeds' request.

It also requires evidence as how the city council will support the most vulnerable businesses and drivers affected.

This even though Leeds' proposed CAZ charges are half Bath's.

Given what's happening there, it is not clear how this Council will be able to secure all the funds it needs for a charging CAZ, or what would happen if there is a serious shortfall.

Assurance from DEFRA that the funding requirements can be met would help to allay these concerns

But in any case, a CAZ installation for charging vehicles in this city is unlikely to be needed for more than 2-3 years, as I understand it.

By the end of that time, NO2 levels will have fallen to below the legally-permitted limit.

That's because they are predicted to decline naturally, by about 10% per annum.

The hugely expensive CAZ installation will then have to be switched off and dismantled, in accordance with DEFRA guidelines.

It will thus provide Bath with no lasting benefits.

Cate Le Grice-Mack MBE
Who I amTWSW director,
SoS appointee to Cotswolds conservation board
chair of First group bus users

Welcome the council's determination to get to grips with air quality

However it must at the same time get to grips with the **congestion**

And respond to the equally important challenge of **CO2 emissions**
and **climate change**

The City is a poor environment for residents and visitors alike:
but these are the people who bring the lifeblood of a cultural and
commercial City

The pavements of our World Heritage City are overcrowded and
damaged, and parked on by private cars and delivery vans

The proposed imposition of the congestion charge on buses but not
cars is a serious error of judgement that the council will live to
regret.

It penalises those who are too young, too old or just cannot afford to
buy a car, or just don't want to.

If you fail to provide better opportunities for people to use public
transport the roads into the city – already moving at a snail's pace
at rush hours – will clog up further with one or two people to every
tonne of car metal

Work **with** our public transport providers, don't penalise them

We should be learning from good examples elsewhere, and there
are plenty

From Shrewsbury to other World Heritage cities, where their centres are wide spaces free of private cars, with good facilities for disabled access

It is increasingly shown that people spend more in retail centres, and come away after a better experience when they are delivered there in quality public transport, without the worries of parking and fighting their way in and out.

Quality, attractive public transport delivers more people with less impact and is what is needed in this World Heritage City to take the pressure off the historic streets

It concerns me that you no longer have an officer liaising with bus users and the companies to develop a proper bus strategy.

If you miss this opportunity to tackle congestion you will only have to revisit it at further and more cost in the future