

# Cabinet

**Date: Thursday, 9th September, 2021**

**Time: 6.30 pm**

**Venue: Council Chamber - Guildhall, Bath**

## **Agenda**

**To: All Members of the Cabinet**

Councillor Kevin Guy (Leader of the Council, Liberal Democrat Group Leader), Councillor Dine Romero (Cabinet Member for Children and Young People, Communities and Culture), Councillor Tim Ball (Cabinet Member for Planning and Licensing), Councillor Richard Samuel (Deputy Council Leader (statutory) and Cabinet Member for Economic Development and Resources), Councillor Sarah Warren (Deputy Council Leader and Cabinet Member for Climate and Sustainable Travel), Councillor David Wood (Cabinet Member for Neighbourhood Services), Councillor Tom Davies (Cabinet Member for Adults and Council House Building), Councillor Alison Born (Cabinet Member for Adults and Council House Building) and Councillor Manda Rigby (Cabinet Member for Transport)

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



**Jack Latkovic**

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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>

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

## 4. Public Speaking at Meetings

This meeting will be subject to health & safety considerations and social distancing measures. This means that room capacities are significantly reduced, and the visiting public may be prevented from entering a meeting room if it is at capacity. In this period, we encourage people to view the meeting online if possible.

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

**Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

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

## 5. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

## 6. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Cabinet - Thursday, 9th September, 2021**

**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 in the Notes*

3. APOLOGIES FOR ABSENCE

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 CHAIR

6. QUESTIONS FROM PUBLIC AND COUNCILLORS

*Questions submitted before the deadline will receive a reply from an appropriate Cabinet member or a promise to respond within 5 days of the meeting. Councillors may ask one supplementary question for each question they submitted, up to a maximum of two per Councillor.*

7. STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

*Councillors and members of the public may register their intention to make a statement if they notify the subject matter of their statement before the deadline. Statements are limited to 3 minutes each. The speaker may then be asked by Cabinet members to answer factual questions arising out of their statement.*

8. MINUTES OF PREVIOUS CABINET MEETING (Pages 7 - 26)

*To be confirmed as a correct record and signed by the Chair*

9. CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

*This is a standard agenda item, to cover any reports originally placed on the Weekly list for single Member decision making, which have subsequently been the subject of a Cabinet Member requisition to the full Cabinet, under the Council's procedural rules*

10. MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

*This is a standing agenda item (Constitution rule 14, part 4D – Executive Procedure Rules) for matters referred by Policy Development and Scrutiny bodies. The Chair of the relevant PDS Panel will have the right to attend and to introduce the Panel's recommendations to Cabinet.*

11. SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING (Pages 27 - 32)

*A list of Cabinet Single Member decisions taken and published since the last Cabinet meeting to note (no debate).*

12. CLEVELAND BRIDGE UPDATE AND OPTIONS REPORT (Pages 33 - 84)

Heavy Goods Vehicles (HGVs) travelling through Bath have been a concern for many years, particularly along A4 London Road, over Cleveland Bridge and A36 Bathwick Street. Local residents are concerned about the contribution made by HGVs to poor air quality, road safety issues, intimidation experienced by vulnerable road users and damage to the Bath World Heritage Site.

Cleveland Bridge is currently being repaired and a temporary Traffic Regulation Order restricting HGVs over 18 tonnes from using the bridge is in place. Once the refurbishment works are completed the temporary weight restriction will no longer apply and the route will continue to form part of Primary Route Network with unrestricted use. This report examines the options available to the Council to improve the traffic situation at Cleveland Bridge as well as improving air quality and safety throughout the city.

13. BATH CLEAN AIR PLAN- UPDATE (Pages 85 - 178)

This report provides an early, indicative view of the first 3 month's performance of the Clean Air Zone (CAZ) in Bath and sets out a required variation to the Charging Order following the scheme's launch on 15 March 2021.

14. CLIMATE EMERGENCY PROCUREMENT & COMMISSIONING STRATEGY (Pages 179 - 220)

The Council's previous Procurement "Think Local" Strategy was very successful in terms of modernising the procurement approach within B&NES and delivery innovation as well as implementing the Public Contract Regulations 2015.

The Council needs to update its strategy to consider legislative changes following the United Kingdom's departure from the European Union (The Public Procurement (Amendment etc.) (EU Exit) Regulations 2019)

The Government has published the Green Paper "Transforming Public Procurement" and will implement new regulations in early 2022. Tackling the climate emergency will form an important part of the new regulations and our proposed Strategy takes account of these requirements and will also align with the Council's Corporate



Strategy.

15. QTR 1 CORPORATE PERFORMANCE UPDATE 2020/21 (Pages 221 - 234)

This report is the first strategic performance report developed using the Council's new Integrated Reporting Framework (IRF). It updates Cabinet on the progress made against a key set of strategic performance measures which assess our progress on delivering the Corporate Strategy and key aspects of service delivery.

16. PROPOSED PUBLIC SPACE PROTECTION ORDERS TO RESTRICT ALCOHOL CONSUMPTION IN PUBLIC SPACES IN BATH AND MIDSOMER NORTON (Pages 235 - 272)

The Public Spaces Protection Orders which restrict street drinking operating in Bath and Midsomer Norton expired in October 2020. Public Space Protection Orders (PSPOs) are implemented under the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act"). This report invites the Council to determine whether to continue restrictions on street drinking in these areas as PSPOs, following a consultation as required by the legislation.

17. 2022/23 MEDIUM TERM FINANCIAL STRATEGY (Pages 273 - 302)

The Medium-Term Financial Strategy (MTFS) sets out the strategic direction and priorities for the Council as well outlining the financial context and challenges the Council faces over the next five years and the strategy that will be used to inform its annual budget process.

The Committee Administrator for this meeting is Jack Latkovic who can be contacted on 01225 394452.

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**BATH AND NORTH EAST SOMERSET**

**CABINET**

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

Tuesday, 20th July, 2021

**Present:**

Councillor Kevin Guy	Leader of the Council, Liberal Democrat Group Leader
Councillor Dine Romero	Cabinet Member for Children and Young People, Communities and Culture
Councillor Richard Samuel	Deputy Council Leader (statutory) and Cabinet Member for Economic Development and Resources
Councillor Sarah Warren	Deputy Council Leader and Cabinet Member for Climate and Sustainable Travel
Councillor David Wood	Cabinet Member for Neighbourhood Services
Councillor Tom Davies	Cabinet Member for Adults and Council House Building
Councillor Alison Born	Cabinet Member for Adults and Council House Building
Councillor Manda Rigby	Cabinet Member for Transport

**29 WELCOME AND INTRODUCTIONS**

The Chair (Councillor Kevin Guy) welcomed everyone to the meeting.

The Chair invited all Cabinet Members to introduce themselves.

The Chair also informed the meeting that speakers will have their opportunity to address the Cabinet before questions from public and Councillors.

**30 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer drew attention to the evacuation procedure with health and safety notice.

**31 APOLOGIES FOR ABSENCE**

Councillor Tim Ball had sent his apologies for this meeting.

**32 DECLARATIONS OF INTEREST**

The Interim Monitoring Officer issued a dispensation for the duration of the Cabinet meeting in respect of agenda item 14. The formal dispensation is attached to the minutes.

**33 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

The Chair used this opportunity to read out the following statement:

*'Good evening. I would like to make a statement about the impact of the Coronavirus pandemic on our community and our Council, and on the Council's approach to it.*

*Cllr Richard Samuel will provide further detail shortly, but at a time when Central Government's messaging is all about freedom and an end to the dark days, I have to warn you that we are far from through the worst of the effects of this crisis, and, indeed, I expect things to get significantly worse before we can expect to see any real signs of improvement.*

*As you know, the level of infections within the Bath & North East Somerset area is continuing to rise and is now higher than the general rate in England or within the South West Region. The impacts of this, and the associated strain from the number of local people receiving messages from the NHS App to self-isolate are adding intense pressure to the essential services provided by the Council and by our partners. All of our key services are now under unprecedented strain, and some – I must be honest – are close to breaking point.*

*And I want to pay tribute here to our wonderful staff, who are facing immense challenges every day, who are going about their jobs with calm professionalism and incredible dedication, and who continue to deliver awesome levels of service in our communities. Will Godfrey and his team are doing a magnificent job, and we all owe them a huge debt of gratitude. I couldn't be prouder to be Leader of this council at this time. Thank you all for what you do.*

*I can't promise that we will be able to maintain all our services at regular levels through the months to come. Some of our neighbouring councils are already suspending some refuse and other services in the face of the difficulties we are all encountering. But I can promise you this: the commitment of this council to deliver for its residents – whatever the challenges – remains undimmed. Our team remains determined to continue to deliver to the very best of its ability.*

*Yesterday, as you know, the Government dropped the final rules and controls it had imposed to keep people safe in the face of the dangers of the Covid 19 pandemic. We, as a council, have reviewed the situation carefully – driven by the Public Health advice, by the wishes of our staff and by sound common sense.*

*We have decided that it is both prudent and proper to keep some measures in place on Council properties, such as the Guildhall, our offices and our visitor attractions. We ask people coming to these premises to continue to wear masks or other face coverings – unless for medical reasons they are unable to do so – and to continue to wear them when moving around within the buildings.*

*We want people – whether colleagues or visitors - to feel both safe and confident in our places of work, and to show each other the respect and consideration which the last sixteen months have shown us is both effective and wise.*

*So I ask everyone, please, to continue to make these small sacrifices for the common good of us all. I will wear a mask to keep you safe, and I ask that you extend that same courtesy and care to others, so that we, as a community, can come through these dark days together, and look forward with confidence to better times and to soundly and scientifically-based freedoms in the future.*

*Thank you. '*

Councillor Dine Romero – Cabinet member for Children and Young People, Communities and Culture, read out the following statement:

*'Like it or not COVID restrictions have been lifted by Government.*

*This Lib Dem administration and our residents are very worried that the end of most restrictions has come in now, while case rates are rising, and the RUH is receiving more serious cases.*

*Remember that we are not allowed by law to hold these meetings in any other way than as a physical meeting.*

*Government guidance is not being driven by the science. Data has been thrown to the wind and our residents are now more at risk than ever before with the onus now resting on us to use our personal judgement to protect ourselves but with no directive to protect others.*

*Infection rates are now over 1000 in Bath & North East Somerset which is above both the SW and English average.*

*We in this council will be encouraging our staff to remain cautious and to look out for each other. We will be encouraging all to wear masks when entering and moving about council buildings and maintaining a metres distance wherever possible. We will continue with our regime of cleaning, of wiping down surfaces after use, washing hands and following one-way systems.*

*These expectations are for our staff and for everyone who accesses our buildings. These measures are being followed for all those attending this meeting.*

*We will continue to encourage everyone to get vaccinated, and to take lateral flow tests twice a week, 3-5 days apart. And to self-isolate if the test is positive, or if they are asked to do so due to close contact with a positive case.*

*The key messages we are giving, are for all to remain responsible, COVID has not gone away, we are still in a global pandemic.*

*I wanted also to take this opportunity to speak of the challenges that our schools and early years settings have faced. And would like to express my thanks, and the thanks of the DPH, and Director of education, and indeed of the whole council, to leaders and staff for their continued hard work support, and dedication to our CYP. We recognise that the past 18 months have been extremely difficult, and many have had to make sacrifices.*

*Staff have risen to every challenge that has come their way, including responding to the continuous and rapidly changing guidance and national policy. And indeed, to the many times when there hasn't been adequate guidance.*

*Schools have had to change how they operate, to running combinations of on-line and physical classrooms, to never knowing whether there will enough staff or how many children would be in any one setting from day to day.*

*We are acutely aware this has had, and still has, an unbearable toll on school leaders, teachers, support staff, and on our CYP themselves.*

*The guidance for schools came to a muddled stop at the end of last week. Our PH and schools teams have worked amazingly hard to ensure that all schools have some clarity on how to work in this last week of term, and what to expect from September onwards.*

*I would like to end by thanking again but no less sincerely our schools and early years staff, and all those in the council who supports our education settings and wish everyone a much needed and well-earned break over the summer holidays.'*

Councillor Alison Born – Cabinet Member for Adult Services, read out the following statement:

*'The health and social care system have been experiencing significant pressures for several months as demand increases and all areas suffer staff shortages.*

*Mental health services have been particularly badly affected with a significant increase in demand and people experiencing greater complexity in their conditions. This includes an increase in the number of young people experiencing mental health problems, particularly eating disorders.*

*There has been a rise in s136 detentions (Police detention in a public place) for young people and adults, with delays to admission due to a shortage of in-patient beds for these very vulnerable people.*

*In addition, there are significant delays in discharging people from the RUH into reablement services. People being discharged have increasingly complex needs and staffing shortages in reablement are resulting in long delays. There is also a shortage of capacity within the home care market which is compounding the issue.*

*Adult Social Care have seen an increase in those waiting for an assessment, with 50 people waiting more than 28 days for an urgent assessment.*

*Demand continues to increase and the rise in Covid rates over the last three weeks has exacerbated the staffing crisis. Our Community Resource Centres have been impacted by staff needing to self-isolate and we have struggled to secure agency staff. We are seeing a small but rising rate of Covid infections amongst staff in the independent care home sector which if it continues to rise will impact on their ability to care for their residents.*

*Staff continue to work hard to mitigate the risks across the system, including risk assessing those waiting and prioritising those most at risk. They are also focusing on recruitment and retention of staff and working to increase home care capacity.*

*Adult social care provision has been precarious for a number of years and successive governments have promised to fix it, but action has not been taken. Those long-standing problems have been exacerbated by the twin challenges of Covid which has increased demand and Brexit which has significantly reduced the availability of staff in the sector.*

*Speculation that the government is planning to raise additional funds for adult social care through national insurance payments provides some hope but it appears that this funding may be used to bring down hospital waiting lists in the short term (how long will that be for) and will then be targeted on capping individual liability to social care costs rather than on developing robust, resilient services that can be relied on to meet need in a timely manner. The pressures faced in BANES are being experienced across the Country and we are in contact with colleagues to support and learn from other systems but these services cannot be fixed without significant investment across the system and a recognition that urgent action is needed to address staff shortages.'*

## 34 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Lily Hughes in a statement [*a copy of which is attached to the Minutes as Appendix 1 and on the Council's website*] asked the Cabinet to vote on stopping the use of glyphosate for the treatment of street weeds, and focus on manual and mechanical methods of removal. Lily Hughes also presented Council Leader with a petition called 'Stop spraying Bath & North East Somerset streets with toxic weed killer glyphosate'

<https://www.change.org/p/kevin-guy-leader-b-n-es-council-stop-spraying-bath-north-east-somerset-streets-with-toxic-weed-killer-glyphosate?redirect=false>

Kari Erickson in a statement [*a copy of which is attached to the Minutes as Appendix 2 and on the Council's website*] invited the Cabinet to reflect on some of their goals as a Liberal Democrat Administration, and how these intersect with their relationship with the private sector.

Simon Marshall in a statement [*a copy of which is attached to the Minutes as Appendix 3 and on the Council's website*] expressed his concerns about future of parking spaces in Bath for Blue Badge holders.

Ian Perkins in a statement [*a copy of which is attached to the Minutes as Appendix 4 and on the Council's website*] expressed his concerns about future of parking spaces in Bath for Blue Badge holders and called for a consultation with all affected residents.

Susan Charles in a statement [*a copy of which is attached to the Minutes as Appendix 5 and on the Council's website*] expressed her concerns about future of parking spaces in Bath for Blue Badge holders and medical personnel.

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Julie Gregory in a statement [*a copy of which is attached to the Minutes as Appendix 6 and on the Council's website*] described her personal experience as a Blue Badge holder. Julie Gregory felt that the consultation on this matter had not been done correctly.

Lindsay Holdoway in a statement [*a copy of which is attached to the Minutes as Appendix 7 and on the Council's website*] expressed his support for the City Centre Security and High Street Renewal with the hope that the existing scheme would become permanent and possibly lead to full pedestrianisation in due course.

Lynda Lloyd in a statement [*a copy of which is attached to the Minutes as Appendix 8 and on the Council's website*] expressed her concerns about future of parking spaces for Blue Badge holders.

Harry Tedstone in a statement [*a copy of which is attached to the Minutes as Appendix 9 and on the Council's website*] asked the Cabinet to defer the decision on 'On Street Parking Permits And Charges' in order that it be properly looked into and with an urgent economic impact assessment undertaken.

Sylvia Sinclair in a statement [*a copy of which is attached to the Minutes as Appendix 10 and on the Council's website*] supported the Cabinet's proposal to require "Inner Zone" hotel guests to park their cars in Council owned carparks, rather than on residential streets.

Councillor Jess David in a statement [*a copy of which is attached to the Minutes as Appendix 11 and on the Council's website*] expressed her support for the paper on investment in neighbourhood services, and in particular, the decision to move away from the use of weedkiller containing glyphosate in the treatment of street weeds.

Councillor Eleanor Jackson in a statement [*a copy of which is attached to the Minutes as Appendix 12 and on the Council's website*] expressed his concerns about future of parking spaces in Bath for Blue Badge holders and a need for long term parking permits for professions such as medics, carers and traders.

Councillor Vic Pritchard addressed the Cabinet about the Bath City Centre Security agenda item and questioned the rationale for the report, the allocated budget for this project, and that the Cabinet had not fulfilled their duty under the Equalities Act of proper consultation with disabled people.

## **35 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 23 questions from Councillors and no questions from members of the public.

*[Copies of the questions and responses, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 13 and are available on the Council's website.]*

## **36 MINUTES OF PREVIOUS CABINET MEETING**

**RESOLVED** that the minutes of the meeting held on Wednesday 23<sup>rd</sup> June 2021 be confirmed as a correct record and signed by the Chair.

## **37 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

## **38 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

There were none.



## **39 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Cabinet agreed to note the report.

## **40 BATH CITY CENTRE SECURITY**

Councillor Manda Rigby introduce the report by saying that in 2016 the police contacted the Council and said that although there was no specific evidence of an imminently planned attack, as an area with a high footfall, and specifically the Abbey, the Council would need to look at what would be needed in terms of protection against a terrorist attack, including an hostile vehicle attack. Terrorist acts could come in a variety of ways, and there were measures in place to protect from non-vehicular attack, which were included in our risk assessments. Temporary hostile vehicle mitigations had also been brought in for large events, including remembrance services, the Bath Half and the Tour of Britain.

Some concrete moveable bollards were installed to support the Christmas Market on the advice of Police. These have been retained where appropriate and would be replaced with permanent measures.

A consultation went out at the start of the year, and the report was a result of amendments of proposals in it having listened to consultation input, and commissioning a report about accessibility, more specifically for disabled residents and visitors.

The report contains the details of which streets would be closed

There was also an operating schedule which would allow Blue Badge holders disabled access via a video link to the operating centre, with access for emergencies whether city wide or for a resident needing a trade person in a hurry.

The Council took on board obligations under the Public Sector Equalities Duty Act and there would be further phases of work subject to monitoring the results of these measures to amend and adapt based on evidence and data.

Councillor Manda Rigby moved the recommendations.

Councillor Richard Samuel seconded the motion by saying that he was pleased to second recommendations in this report. Bath streets referred to in this report were very crowded and densely populated, and the police have commented and have advised on security and protection of citizens, and it would be totally untenable for the Council to ignore their advice. The difficulty the Council had was in the balancing off the needs of residents, visitors, and the security. Councillor Samuel believed that the report had outlined an appropriate balance, it will undoubtedly not please everybody.

In terms of the financing of this project – there would be a few stages to the project and those stages would involve the firming up of the estimates of the cost of implementing this scheme as set out in the report. The report has highlighted that there were risks with possibilities that the cost may drift upwards. In agreement with Council Rigby and the director of finance, Councillor Samuel would run one more check on top of the ones that already exist in the Council's control processes, and those processes normally permit officers to exercise delegation in developing schemes for the good governance of the Council which require all schemes to go through a business planning process. Therefore, paragraph 2.13 of the report has been introduced as an extra check that would sit on top of the normal processes the

Council uses in order to provide a scheme that would work for residents and visitors, and also the one that was affordable to the taxpayer.

Councillor Dine Romero supported the motion by saying that this scheme has been in the pipeline during at least 2 different political administrations. The anti-terrorist police team had told the Council that areas with high footfall were key targets for terrorists. This scheme was absolutely not designed to provide protection from every form of attack, but it was part of a range of protective measures.

It was clear that the needs of people with disabilities would need to be considered at every step. Councillor Sarah Moore became the Council's advocate for Access and has used her knowledge and passion to help this particular group of people.

Councillor Moore had been able to ensure that the needs of people with disabilities had been accommodated in this scheme.

Nevertheless, the Council had to balance the needs of a wide variety of groups, and issues.

The scheme before the Cabinet would give an appropriate level of protection based on the current known level of threat. And it would allow adequate access for residents, and for Blue Badge holders.

Councillor Romero thanked the Police, Council officers and Councillors (in particular Councillor Moore) for working together to find the solutions.

Councillor David Wood welcomed the report by thanking Councillor Rigby, and officers for turning this issue around. The first duty of the Council was to protect its citizens, with a duty to listen. Councillor Wood also said that he believed that, in the last few months, the Council took an intelligent and a considered approach to demonstrate that this was a listening Council and one that takes its duty seriously.

**RESOLVED** (unanimously) that the Cabinet agreed to:

1. To approve the TRO (for anti-terrorism purposes) for advertisement such that it would operate between 1000 hours and 1800 hours on the following streets:

- (1) Lower Borough Walls, Stall Street, including Abbeygate Street, Abbey Green, Swallow Street (South), Bath Street and Hot Bath Street
- (2) York Street

2. To approve the TRO (for anti-terrorism purposes) for advertisement such that it would operate between 1000 hours and 1800 hours on the following streets:

- (1) Cheap Street, Westgate Street, Saw Close and Upper Borough Walls with access to the restricted streets also being provided to Blue Badge Holders, carers transporting Blue Badge Holders, and taxi's transporting Blue Badge Holders. Access would be provided via Controlled Authorised Access by the Council's CCTV team.

3. To advertise the TRO between 1800 hours and 2200 hours on York Street, to reflect its proximity to the Roman Baths and to support the increased footfall from Terrace Walk through York Street to the new Clore Learning Centre and World Heritage Centre. The Roman Baths, Clore Learning Centre and World Heritage Centre will, at times, be open late into the evening.

4. To note that we will not advertise the TRO between 2200 hours and 1000 hours on York Street.

5. To note that we will not advertise the TRO between 1800 hours and 1000 hours for the following streets:

(1) Lower Borough Walls, Stall Street, including Abbeygate Street, Abbey Green, Swallow Street (South), Bath Street and Hot Bath Street

(2) Cheap Street, Westgate Street, Saw Close and Upper Borough Walls when the streets are not deemed as crowded, based on footfall data and the security risk is not considered to be proportionate to the terrorist threat.

ATTRO - 1000 to 1800 hours with no blue badge access	ATTRO – 1000 to 1800 hours with blue badge access	TRO - 1800 to 2200 hours	No TRO 2200 to 1000 hours	No TRO 1800 to 1000 hours
York Street Lower Borough Walls Stall Street Abbeygate Street Abbey Green Swallow Street (south) Bath Street Hot Bath Street	Cheap Street Westgate Street Saw Close Upper Borough Walls	York Street	York Street	Lower Borough Walls Stall Street Abbeygate Street Abbey Green Swallow Street (south) Bath Street Hot Bath Street Cheap Street Westgate Street Saw Close Upper Borough Walls

6. Delegate to the Director of Place Management in consultation with the Cabinet Member for Transport the operational management procedures for access to the restricted streets.

7. To note that subject to investigations which are currently taking place on vault survey works, to determine exact locations, based on engineering design options, a series of suitable Hostile Vehicle Mitigation (HVM) measures to be installed at the entrance/exit to the following streets within the city centre. Exact locations to be delegated to Director of Place Management in consultation with Cabinet Member for Transport, with access provided via Controlled Authorised Access by the Council's CCTV team:

- (1) York Street
- (2) Cheap Street
- (3) Upper Borough Walls
- (4) Lower Borough Walls
- (5) Hot Bath Street

8. To note that subject to investigations, enhance existing street furniture with a series of public realm HVM measures to the following streets:

- (1) Old Bond St (North)

- (2) Burton St (North) (incl occasional access)
- (3) New Bond St Place (North)
- (4) New Bond St Place (South)
- (5) Northumberland Place
- (6) The Corridor
- (7) Barton St/ Saw Close (incl occasional access)
- (8) Seven Dials (incl occasional access)
- (9) Chandos Buildings (West)
- (10) Hetling Court (West)
- (11) Beau St (East) (incl occasional access)
- (12) New Orchard St (East) (incl occasional access)
- (13) Southgate St (south)
- (14) Kingston Buildings (Orange Grove)

9. To note the recommended series of mitigation measures, to support the City Centre Security programme, as highlighted in the Accessibility Study, namely:

- (1) Additional seating to be installed on Cheap Street and Westgate Street
- (2) Dropped kerbs and footway surface improvements to allow improved accessibility from existing city centre car parks and proposed additional blue badge bays.
- (3) Provide additional blue badge and loading bays (as detailed in 3.20 below)
- (4) Clear and accessible Communications Plan

10. To note that recommended additional measures, in a phased approach, from both the Consultation Report and Accessibility Study will be considered as part of wider Bath City Centre public realm and transport improvement programmes, with an holistic approach, working with Accessibility Groups, businesses and residents. This request is subject to approval of the revenue and capital budget provisions by Cabinet and Council as part of the council's budget setting process.

11. Advertise TRO's as necessary for all the restricted streets to prevent all waiting, except for the provision of parking for Blue Badge Holders and loading/ unloading for specific time periods

12. Enable the TRO (for anti-terrorism purposes) restrictions to prevent access by Blue Badge Holders, and identified delivery vehicles, should the National or local security risk increase to severe or critical, and as advised by the Police, either for an unplanned incident or planned event, ie Bath Christmas Market/Remembrance Services, as per the Operational Management Procedures.

13. To note the resource implications set out in section 5 of the report, final scheme design and financial implications will require the approval of the Chief Financial Officer and Deputy Leader and Cabinet Member for Resources and Economic Development.

## **41 BATH CITY CENTRE HIGH STREET RENEWAL**

Councillor Richard Samuel introduced the report by saying that our high streets have been struggling over the last 18 months, and help was needed to try and encourage footfall back into the city centre. The Cabinet were asked to agree that the funds that the Council had applied for, from the West of England Combined Authority, both for the 'love of our high streets' fund and for the recovery fund, now be drawn down so that the Council could begin the projects that were set out in the report. Councillor

Samuel thanked WECA for enabling these funds which would be used wisely. The Council would work with the business community for the benefit of successful intervention.

Councillor Samuel thanked the team who have been working on this project and also partners who brought their own interesting ideas to the table.

Councillor Richard Samuel moved the recommendations.

Councillor Dine Romero seconded the motion by saying that it was clear pre-pandemic that high streets, including Bath city centre, were in need of help. Changes to shopping habits had sped up during the last year, due to lock downs and the fear many now have on spending time in potentially unsafe indoor spaces. More people than ever were buying their goods and groceries on-line, yet many shops now stood empty.

The funding from WECA from the Love our High Streets has been welcomed as well as the £500k from the recovery fund.

The use of vacant shops and spaces was part of the regional culture and was a reminder of how important culture and arts were to the Council, to local businesses and individuals, particularly in terms of increasing jobs and opportunities locally. Councillor Romero concluded by saying that she did recognise that there was not a great deal of detail yet on the equalities impact but that she would look carefully at the proposals coming forward, to make sure that in a drive for improvements to the local economy, and for more vibrancy in the city, the Council would not inadvertently disadvantage groups of residents or visitors.

**RESOLVED** (unanimously) that the Cabinet agreed to:

- 1 Delegate approval to the Director of Place Management, in consultation with the s151 officer, to accept the £1,235K Love our High Streets grant from WECA to be spent over a five year period in line with the Full Business Case and concept design approved. This will allow full approval of confirmed capital of £1,102k for Bath City Centre High Street Renewal and provides £240K for revenue budget support as outlined in section 5 of this report.
- 2 Delegate approval to the Director of Place Management, in consultation with the s151 officer, to accept £255k from the WECA Recovery grant offered to deliver phase 2 capital works to bring vacant shops back into active use for cultural and commercial and arts initiatives as part of the 'vacant unit action project'. The split between this programme and Commercial Estate Refurbishment and revenue budget support to be confirmed.

## **42 ON STREET PARKING PERMITS AND CHARGES**

Councillor Manda Rigby introduced the report by reading out the following statement:

*'I am very pleased to be proposing this motion to you today. My first task is to thank the officers for their very diligent work on this, especially Andy Dunn and Chris Major. This is the first time in 8 years we have addressed on street parking permit charges. I'd like to take a bit of time saying what the drivers, see what I did there, for this change were.'*

*Looking at residents parking permits, the cost has not increased for 8 years. In that time, cars have grown in size, the number of journeys has increased massively, people have become far more aware of the health and wellbeing impacts of a sedentary lifestyle and poor air quality...and we have declared a climate emergency. Owning and running a car is a very expensive endeavour, and we want to ensure when people are coming to the point that they need to replace their car, they are very aware of the other options which exist, so decide if they need the car or not....some absolutely will need a car, others may not. Part of the expense is the purchase of a parking permit, but in the scheme of overall costs, it is in some cases not as high as a full tank of petrol. We want people to look at not owning the most polluting vehicles as part of our overall Clean air programme, and so we are proposing an emission-based parking permit system.*

*The poorest in our society predominantly don't own a car, or indeed have access to one, but they suffer the results of poor air quality caused by those who do. Those on lower incomes who do have a car are more likely to have an older one, with higher emissions, and we know how much many are suffering financially, so we have introduced a monthly and quarterly way of paying for our permits to spread the cost. As is common with most payment plans, we will pass on the 62p bank charge per transaction to those using the monthly option.*

*I'll also look at hotel permits. We know, and have heard from speakers earlier, that our hospitality industry has really suffered this year. That's why we as a council are trying to help by extending the Christmas market, and promoting the high street and Bath as a destination for people, whilst being as safe as we can be. However, we have to address the long-standing anomalies in hotel permit allocations.*

*It makes no sense for visitors to drive round and round our local streets looking for somewhere to park and for residents to do the same because they are in competition for scarce on road parking spaces. We are rebalancing this, so that locals can park closer to their homes, and visitors in the central area will need to park in a council car park. This brings us very much in line with many tourist destinations where there is no expectation a visitor can park on the streets in the centre, and, as a World Heritage site, it is even more important we protect our built as well as natural environment. If you go to the vast majority of the cities in the UK with a compelling tourist offer, you don't expect to park in the centre, you do expect to pay extra if you bring your car, and we want to encourage visitors to use public transport to access Bath as well.*

*Some, though by no means not all, hotels have also been abusing the system. They have purchased an annual hotel permit for £160 per stated bedroom, and have been selling them on to their guests, or others, on a daily basis at a significant uplift, up to £30 per day.*

*We are introducing an automated system, which will lessen the admin burden on the accommodation providers and get rid of the paper permits. If an overnight visitor stays in Bath, they will be charged what a day visitor would be charged for a full day parking.*

*We don't anticipate this will put people off coming to wonderful Bath, and as all the accommodation providers in central Bath without their own car parks will be in the same position, it will not be a commercial disadvantage to individual establishments. As an example, we have listened and changed the original plans so that there is an inner and outer circle zones, to avoid many trips across the City from further out establishments*

*I appreciate these changes are very very welcomed by our local residents, and despite the compromises made, less so by our hotel and guest house community. I think history will show were we to go forward with these changes, that it is the status*

*quo which is wrong, and that this rebalance will not adversely impact the local economy.*

*I am very pleased to move this motion, and hope that you can all support it.'*

Councillor Manda Rigby moved the recommendations.

Councillor Tom Davies seconded the motion by thanking members of the public who responded to the consultation on these changes and to the officers who had been involved in designing this proposal. Councillor Davies added that these changes were part of Administration's delivery of its promises to tackle the climate and ecological emergency and to address the damage caused by air pollution. It would be the Administration's role to ensure that where changes such as these were required, would be balanced especially against those for whom such change would come at a cost.

Councillor Tom Davies concluded by commending the new monthly payment option for the residents parking charge and the revisions made to the hotel permit scheme following the public consultation.

Councillor Sarah Warren welcomed the report by the proven impacts on public health of air pollution arising from vehicles were the reason behind the implementation of Bath's Clean Air Zone (CAZ) earlier this year, which charges those vehicles with the highest emissions, entering the city centre, in order to encourage an upgrade to lesser polluting models.

In the first quarter of this year, even during lockdown, there had remained at least 4 spots in Bath where air pollution lingered above legal limits. There was no safe level of nitrogen dioxide pollution, so the Council must continue with efforts to reduce both the presence of, and the mileage driven by, the highest emitting vehicles in our historic city.

Councillor Warren added that the Council has acknowledged that there were individuals living on low incomes within the residents' parking zone area, who have a real need for a vehicle, and who would struggle to upgrade a vehicle attracting a high charge. The Council would be exploring all avenues and intend to find a means of providing support for these people.

However, the young, the unborn, the elderly, and those with pre-existing lung conditions would suffer the most from poor air quality in our city, and for those reasons Councillor Warren supported this measure.

Councillor Richard Samuel also welcomed the report by saying that encouraging people to buy smaller and environmentally friendly vehicles rather than SUVs was not a new initiative as it has been standard practice in London for many years.

**RESOLVED** (unanimously) that the Cabinet agreed to:

1. Consider the feedback to the consultation on proposals for on street parking permits, including terms and conditions.
2. Support and agree to the progression of proposals outlined in section 3 of this report to statutory consultation and notification progression, namely Emissions based residents permits; Hotel permits; Medical permits; Visitor and Trade parking permits.
3. Support and agree to the adoption of the On-street Parking Permit Terms and Conditions (Appendix 2).
4. Support and agree to delegate future operational changes to the On-street Parking Permit Terms and Conditions, including the withdrawal of permits, to

be agreed between the Cabinet Member for Transport and the relevant Director.

5. To note the approvals previously provided by Single Member Decision (E3253) to take proposals to statutory consultation, namely on street parking charges; Sunday on street charges; Prioritise transport hierarchy; and the use of any surplus raised from the proposals.
6. To support and agree to the recommendation that only existing properties with a Hotel; Holiday Let; or Guest House permit will be able to have Hotel permits from the date the Traffic Regulation Order is sealed.

#### **43 INVESTMENT IN NEIGHBOURHOOD SERVICES FROM 2022**

Councillor David Wood introduced the report by saying that for ten years Council Tax bills have been going up and service levels had been going down due to severe cuts from central government.

One of the first actions from the current Administration was to reverse cuts to city centre cleaning and to leaf clearing in the autumn. Last year more cuts were reversed to keep our streets cleaner and to litter pick A and B roads in North East Somerset. This year the Council would spend an extra £100k on keeping our streets cleaner.

In April next year the Council would trial £950k of investment in frontline services from street cleaning to graffiti, from repairing roads to banning glyphosate for street weeds with immediate effect.

Councillor Wood concluded his statement by saying that the Administration would be looking to reverse even more cuts, balance the books and give residents the services they deserved.

Councillor David Wood moved the recommendations.

Councillor Alison Born seconded the motion by saying that Neighbourhood services were cut significantly during years of austerity budgets, leaving gaps in service that impacted on the day to day experience of all residents and visitors to the area. This Administration have taken measures to mitigate these cuts over the past two years with positive effects. This targeted investment would build on those improvements and would extend them.

**RESOLVED** (unanimously) that the Cabinet agreed to:

1. Agree that the Council will no longer use glyphosate to control street weeds and will prioritise funding to mechanical and manual weed removal for street weeds in 22/23 whilst continuing to research viable alternatives.
2. Agree the areas to be considered within the Neighbourhood Services portfolio for further investment as a 12-month pilot, making a commitment against the council's £2m Covid contingency budget that has been earmarked to manage council priorities and backlogs on operational services. This money to be released from 2022/23. At the completion of the pilot, the outcomes will be reviewed to ensure they deliver the necessary service improvement and considered as part of the council's financial planning processes for long term service investment in the 23/24 budget.
3. The Cabinet is asked to take into account issues raised by the Scrutiny Panel when they report back on their findings.



4. Delegate authority to the Director of Place Management, in consultation with the Cabinet Member for Neighbourhoods, to develop the most operationally effective and value for money delivery arrangements.

#### **44 WASTE INFRASTRUCTURE & MODERNISATION PROGRAMME**

Councillor David Wood introduced the report by saying he was pleased with the report that would bring the Council closer to a brand-new state-of-the-art recycling centre in Keynsham. The Council was one of the best performing areas of the country with record breaking recycling rates this year. Councillor Wood thanked the staff and residents for this achievement and added that he was proud that the Council were investing even more to ensure even higher recycling rates in the future. Councillor Wood used this opportunity to reaffirm to residents that there would be no gap in recycling centres in the city of Bath.

Councillor Wood informed everyone that Cabinet Members have been sent a supplementary paper about plans for Bath recycling centres (attached to these minutes as E3306 Supplementary Paper) in advance of the meeting. Councillor Wood also informed the meeting that recommendation 2.2 would read as follows:

‘Cabinet notes the progress towards securing a new permanent waste and recycling site for Bath at Odd Down as set out in the supplementary paper and affirms its intention to provide a new interim facility at Bath Western Riverside in advance of the final closure of the Midland Road site.’

Councillor David Wood moved the recommendations (as amended above).

Councillor Sarah Warren seconded the motion by saying that besides the modernisation of the Council waste facilities, she was particularly pleased that the design for the new facility in Pixash Lane would incorporate a solar PV installation rainwater collection and recycling, and high standards of energy efficiency, as well as tree planting. Councillor Warren was also pleased with the commitment to ensure an alternative facility at Bath would be operational before Midland road is shut, to minimise the car mileage driven to the waste facility.

**RESOLVED** (unanimously) that the Cabinet agreed to:

1. Fully approve the total capital of £29.9m needed to deliver the construction phase, in order to complete and relocate according to programme in early 2023. This requires an uplift of £13.6m on the current provisional programme item of £16.3m, with the additional borrowing costs implied of £522k to be funded from the revenue budget contingency.
2. Note the progress towards securing a new permanent waste and recycling site for Bath at Odd Down as set out in the supplementary paper and affirms its intention to provide a new interim facility at Bath Western Riverside in advance of the final closure of the Midland Road site.

**E3306 Supplementary Paper**

#### **45 COMMERCIAL ESTATE REVIEW UPDATE**

Councillor Richard Samuel introduced the report by saying that the Council's commercial estate was one of the jewels of the Council's assets, and in good times it would deliver around £18m of gross income to the Council. That income would be used to support all sorts of Council services as a key part of Council's funding. Councillor Samuel said that the impact of COVID had hit that service badly, and for those reasons he had worked with the senior management team to propose some major change to the service. In determining to improve the situation, the Council had decided to bring in an external advisor to examine the Council's estate from a completely impartial perspective, and that was what the Montague Evans report did. The report had highlighted a whole range of pointers on what could be done better. Ultimately, the Council and its residents would see the benefits with a high functioning, good returning property estate that benefits the area and its citizens. Councillor Samuel concluded by saying that the Council was the premier landlord in most parts of the city of Bath, and if its properties were neglected or not run properly then the Council would contribute to a downturn in that area.

Councillor Richard Samuel moved the recommendations.

Councillor Manda Rigby seconded the motion by saying that she was pleased with the ongoing work in this area in order to prevent the commercial estate becoming a deteriorating asset, and avoid any financial, social, commercial and economical impact.

**RESOLVED** (unanimously) that the Cabinet agreed to:

1. Note the findings and the executive summary from the Commercial Estate review.
2. Approve the Commercial Estate review plan, workstreams and governance arrangements and delegate to the Property Review Board / S151 Officer, responsibility for implementing the governance arrangements and required restructuring, respectively.
3. Approve the Capital budget of £2.337m for Commercial Estate Refurbishment Programme, utilising funding as described in section 5.2.
4. Approve the creation of a capital reserve to be funded from dilapidation and insurance income relating to capital refurbishments.
5. Approve the approach to Commercial Estate repurposing to residential accommodation using the Council's housing company Aequus, with delegation for transfer arrangements given to the Chief Financial Officer (S151) in consultation with the Cabinet Member for Resources and Economic Development.

## **46 REVENUE & CAPITAL OUTTURN 2020/21**

Councillor Richard Samuel introduced the report which detailed what had happened in the last year, with an incredibly good achievement in balancing the books in the most difficult year for the Council's finances. It was not easy managing last minute funds from the government with around twenty different grant schemes that came to the Council, some for the business community and some for specific purposes. Councillor Samuel thanked everyone who contributed to that achievement.

Councillor Richard Samuel moved the recommendations.

Councillor Kevin Guy seconded the motion by thanking all Councillors and Council staff who contributed to achieving a positive balance for 2020/21 in probably the most financially difficult time in the nation's history.

**RESOLVED** that the Cabinet agreed to:

1. Note the revenue budget outturn on budget position for 2020/21, after allowing for carry forwards and transfers to reserves.
2. Approve the revenue carry forward proposals listed in the tables in paragraph 3.8.
3. Approve that all over budgets are written-off as an exception to the Budget Management Rules for 2020/21.
4. Approve the transfer of £5.42m to corporate earmarked reserves, the breakdown of which is detailed in paragraph 3.9;
5. Note the revenue virements for 2020/21 reported for information in Appendix 2(i)
6. Note the reserve positions and the use of flexible capital receipts shown in paragraphs 3.18-3.20;
7. Note the outturn position of the 2020/21 capital programme in paragraph 3.35, and the funding outlined in paragraph 3.37;
8. Approve the capital rephasing and write-off of net underspends as listed in Appendix 3. This reflects the outturn spend position on projects against final budgets as detailed in Appendix 4(ii).

#### **47 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO JUNE 2021**

Councillor Richard Samuel introduced the report by saying that this was the first quarterly monitoring report of the current financial year. Councillor Samuel expressed his concerns that, following an announcement from central government to ease COVID restrictions from 19<sup>th</sup> July, there would be further waves of COVID with a possibility that further variants would occur. Therefore, the Council may encounter further lockdowns which may affect businesses in the area which would also affect the Council's financial position. Tourist attractions in Bath, such as Roman Baths and the Pump Rooms may be also be affected due to higher COVID case numbers, which were currently higher than they have been since the pandemic started. This would coincide with the total removal of government assistance, and financial assistance to local authorities, which came to an end on 30th of June. Any support for businesses and employees would also disappear.

Councillor Samuel added that this was a warning to all of us, and that the Council may need to take further action to stabilise its finances and may need to call for further government funds in order to get through this.

Nevertheless, Council Samuel hoped that these measures would not be necessary, yet he hoped that residents of Bath and North East Somerset would understand that the months ahead could be very precarious ones for the Council.

Councillor Richard Samuel moved the recommendations.

Councillor Dine Romero seconded the motion by saying that the Council could expect further lockdowns which could have a devastating impact on Council's finances, particularly if heritage services had to close again. Councillor Romero did

believe government would help even in the limited way it did previously with 75% paid on expected income.

The Council could be £6million short for funding children with higher needs.

Councillor Romero said that she had written to the Secretary of State highlighting these concerns and asked the government to urgently find additional funding for provision of the right services for children with special educational needs.

Councillor Romero also said Mental Health services as well as Public Health would be severely impacted with further lockdowns, as well as Library Services and Free School Meals during summer holidays.

Councillor Romero concluded her statement by saying that the government must fund local councils better; they must fund this Council better.

**RESOLVED** (unanimously) that the Cabinet agreed to:

1. To note the 2021/22 revenue budget position (as at the end of June 2021).
2. To note the revenue virements listed for information only in Appendix 3(i).
3. To note the capital year-end forecast detailed in paragraph 3.21 of this report;
4. To note the changes in the capital programme including capital schemes that have been agreed for full approval under delegation listed in Appendix 4(i).

#### **48 TREASURY MANAGEMENT OUTTURN REPORT 2020/21**

Councillor Richard Samuel introduced this agenda item by saying that this report, prepared in accordance with the CIPFA Treasury Code of Practice, gave details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2020/21. Councillor Samuel also said that the Council had been doing work on moving its funds to more socially and environmentally acceptable investments.

Councillor Richard Samuel moved the recommendations.

Councillor Tom Davies seconded the motion by praising the Council's intention to move its funds to more socially and environmentally acceptable investments.

Councillor Davies also said that the report described key aspects of the Council's balance sheets and thanked Councillor Samuel and Andy Rothery (Section 151 Officer) for highly effective management of the Council's treasury.

**RESOLVED** (unanimously) that the Cabinet agreed that:

1. The Treasury Management Report to 31<sup>st</sup> March 2021, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.
2. The Treasury Management Indicators to 31st March 2021 are noted.

#### **49 TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2021**

Councillor Richard Samuel introduced the report by saying that this was the first quarterly report on revenue and capital spending for this year. The environmental investment has been referenced and it would come forward for an internal discussion with Councillors in the next few weeks.

Councillor Richard Samuel moved the recommendations.

Councillor Tom Davies seconded the motion by welcoming the report.

**RESOLVED** (unanimously) that the Cabinet agreed that:

1. The Treasury Management Report to 30<sup>th</sup> June 2021, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.
2. The Treasury Management Indicators to 30<sup>th</sup> June 2021 are noted.

The meeting ended at 8.55 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**

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Bath & North East Somerset Council

## **Cabinet Single-Member Decisions and Responses to Recommendations from PDS Panels**

published from 9-Jul-2021 until 31-Aug-2021

Further details of each decision can be seen on the Council's Single-member Decision Register at <http://democracy.bathnes.gov.uk/mgDelegatedDecisions.aspx?&dm=3>

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### **Shared Ownership Affordable Housing**

Aequus, the Council's wholly owned development company, is delivering a range of market housing, for both rent and sale. It is proposed that some of these homes are converted in shared ownership affordable housing units, targeted to local residents.

**Decision Maker:** Cabinet Member for Economic Development and Resources

**Decision published:** 17/08/2021

**Effective from:** 25/08/2021

**Decision:**

The Cabinet Members agree:

1 The development of the shared ownership housing programme detailed within the original report and the attached business case;

2 To establish a fully approved shared ownership housing programme for 2021/22 of £1,218k, recognising an allocation from provisional affordable housing programme of £278k along with new sources of funding;

3 Future shared-ownership schemes are authorised through the established corporate process for affordable housing budget approvals.

**Wards affected:** (All Wards);

**Lead officer:** Graham Sabourn

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### **Neighbourhood CIL for Bath – Approval of tenth round of recommendations**

The Council Leader is asked to agree the recommendations from the CIL for Bath Panel relating to the tenth allocation of funding. This comprises of eight projects from Bath's "neighbourhood portion" of the Community Infrastructure Levy.

**Decision Maker:** Council Leader

**Decision published:** 11/08/2021

**Effective from:** 19/08/2021

**Decision:**

The Cabinet Member agrees that:

An allocation of £9,000 for a Multi-Use Games Area (MUGA) at Roseworn Park in Whiteway, Bath. (Capital External)

An allocation of £9,612 for The Jewish Burial Ground for restoration on the cemetery boundary walls (Capital External)

An allocation £9,950 that was made by Bath City Football Club for drainage works on the football pitch at Twerton Park.

An allocation £6,800 that was made by Bathscape for work on landscaping, planting, and a memorial plaque at The Workhouse Burial Ground

An allocation £39,249.87 that was made by All Saints Weston for refurbishment of the Weston Hub Ball Court and improvements to Community Garden

An allocation £4,476 that was made by Weston Free Church (Moravian) for improvements to Community Garden at Moravian Church

An allocation £5,000 that was made by The Bear Flat Association for restoration of the historic water fountain and landscaping

Amend the provisional Capital Programme for Bath Area Forum to £84k to reflect balance of funding available prior to these allocations. These allocations, if approved, will reduce it to £40k.

**Wards affected:** (All Wards);

**Lead officer:** Mark Hayward

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### **RULE 15 Bath Riverside Land and Infrastructure Investment**

Bath Western Riverside will provide a new housing quarter on former industrial land in the heart of the city. The scheme was committed in 2010 and has now built out 854 new homes including 25% affordable homes. The remaining land comprises former gas works and live operational gas infrastructure which risks the delivery of the remaining approx. 1,000 homes. The Council has a continuing role using external grant funding to secure delivery of this strategically important project in the heart of the Bath City Riverside Enterprise Zone.

**Decision Maker:** Cabinet Member for Economic Development and Resources

**Decision published:** 11/08/2021

**Effective from:** 03/08/2021

#### **Decision:**

The Cabinet Member for Resources and Economic Development in consultation with the Leader, Chief Executive and S151 Finance Officer agrees to:



Delegate the decision to the Chief Executive in consultation with the S151 Finance Officer and Cabinet Member for Resources and Economic Development to:

I. Enter the Stage 1 Agreement with National Grid Property and St. William Homes.

II. Negotiate and agree the final terms of the Conditional Land Agreement (or similar Collaboration Agreement as the case may be), and then enter it with St. William Homes (and National Grid Property, if required).

**Lead officer:** Jack Fennell

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### **Supplementary Planning Document - Transport**

As part of the Local Plan Partial Update transport have been producing a suite of guidance on Walking & Cycling, Parking, Ultra Low Emission Vehicles and Travel Plans which form a Transport & Developments Supplementary Planning Document to guide future developments to be consulted at the same time as the LPPU.

Request approval of SPD for public consultation alongside the LPPU.

**Decision Maker:** Cabinet Member for Planning

**Decision published:** 02/08/2021

**Effective from:** 10/08/2021

#### **Decision:**

The Cabinet Member agrees to:

- 1) The Transport and Development Draft Supplementary Planning Document (Appendix A) is agreed and issued for statutory consultation under Regulation 12 (b) of the Town and Country Planning (Local Planning) (England) 2012 regulations; and
- 2) Delegated authority is granted to the Head of Planning to make minor amendments and correct any errors to the Transport and Development Draft Supplementary Planning Document in consultation with the Cabinet Member for Planning, and then undertake the public consultation.

**Wards affected:** (All Wards);

**Lead officer:** Claire Cornelius

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### **Review of Sustainable Construction & Retrofitting Supplementary Planning Document and Energy Efficiency and Renewable Energy Guidance For Listed Buildings and Undesignated Historic Buildings Supplementary Planning Document**

In order to help better address the climate emergency the adopted Sustainable Construction & Retrofitting Supplementary Planning Document (SPD) and Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings SPD are being reviewed and updated. The revised SPD will set out improved guidance for property owners and occupiers on energy efficiency

measures for their properties. This report seeks approval of the Draft SPD for public consultation.

**Decision Maker:** Cabinet Member for Planning

**Decision published:** 30/07/2021

**Effective from:** 07/08/2021

**Decision:**

The Cabinet Member agrees to:

- 1) Issue the Draft EER&SC SPD (incorporating changes set out in the schedule of changes dated 22nd July 2021) for statutory consultation under Regulation 12 (b) of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- 2) Delegate any necessary editorial changes to the Head of Planning, in consultation with the Cabinet Member for Planning and Licensing, prior to consultation.

**Wards affected:** (All Wards);

**Lead officer:** Richard Daone

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### **Preparing for the Future Programme**

Redesign of internal space of the Keynsham Civic Centre will allow us to improve utilisation and capacity and contribute to delivering existing budget savings in the Estates Service from a reduction in our number of office buildings.

This report seeks approval of the capital budget for Keynsham Civic Centre redesign.

**Decision Maker:** Cabinet Member for Economic Development and Resources

**Decision published:** 28/07/2021

**Effective from:** 05/08/2021

**Decision:**

The Cabinet Member agrees that they:

1. Fully approve £1.655m from the provisional capital budget for Keynsham Civic Centre redesign for the Preparing for the Future Programme.
2. Delegate authority for future approval of provisional capital budget to the Director of Business Change and Customer Services in liaison with the Cabinet Member for Economic Development and Resources

**Lead officer:** Amanda George

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### **Houses in Multiple Occupation Supplementary Planning Document Review**

Alongside preparation of the Local Plan partial Update the Council's Houses in Multiple Occupation Supplementary Planning Document (SPD) is being reviewed in order to help better manage the impacts on communities of the concentration of Houses in Multiple Occupation. This report seeks approval of the draft SPD for public consultation.

**Decision Maker:** Cabinet Member for Planning

**Decision published:** 26/07/2021

**Effective from:** 03/08/2021

**Decision:**

The Cabinet Member agrees to:

- Issue the Draft HMO SPD for statutory consultation under Regulation 12 (b) of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- Delegate any necessary editorial changes to the Head of Planning, in consultation with the Cabinet Member for Planning and Licensing, prior to consultation.

**Wards affected:** (All Wards);

**Lead officer:** Richard Daone

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### **Approval of Aequus Business Plan – 2020/21 to 2022/23**

In accordance with the Shareholder Agreement for the Council's wholly owned property and development company, Aequus Developments Limited (ADL) and its subsidiary, Aequus Construction Limited (ACL) – this report presents the Aequus Business Plan for 2020/21 to 2022/23 for Shareholder approval.

**Decision Maker:** Council Leader

**Decision published:** 21/07/2021

**Effective from:** 21/07/2021

**Decision:**

The Leader (as Shareholder) agrees the Aequus Business Plan for 2020/21 to 2022/23 as contained in the associated report.

**Wards affected:** (All Wards);

**Lead officer:** Graham Sabourn

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### **Mead Lane Moorings**

The report provides details on the ongoing action the council proposes to take concerning the 14 day moorings at Mead Lane, specifically the on-going concerns about Winter safety issues, the impacts of Covid on our ability to monitor the situation over the period 1 November 2020 and 28 February 2021 and our mooring strategy and broader policy work along the river. The council proposes to open the 14 day moorings for the period 1 November 2021 to 28 February 2022 to enable the council to undertake further work on Winter safety, to monitor and obtain data over this period and to progress the Mooring Strategy, for consultation with all stakeholders.

**Decision Maker:** Cabinet Member for Neighbourhood Services

**Decision published:** 15/07/2021

**Effective from:** 23/07/2021

**Decision:**

The Cabinet Member agrees to defer the decision to close the 14-day moorings for the following time period 1 November 2021 until 28 February 2022.

**Wards affected:** Saltford;

**Lead officer:** Mandy Bishop

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**RULE 15 Bath Christmas Market 2021 Change of Dates**

The Bath Christmas Market provides an economic lift not just to the stall holders but also to retail, accommodation, hospitality and tourism sectors across Bath and North East Somerset. For 2021 the Council wishes to trial an extension for 7 days and deliver the event closer to the run up to Christmas.

**Decision Maker:** Council Leader

**Decision published:** 12/07/2021

**Effective from:** 12/07/2021

**Decision:**

The Leader agrees to approve a 7-day extension to Bath Christmas Market, to run from 25 November to 19 December 2021, launching with a Residents Evening on 24 November.

**Lead officer:** Lynda Deane

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**Grant for Batheaston New Village Hall**

This report is for approval of £100k grant contribution to the build of Batheaston New Village Hall which will be used for community activities.

**Decision Maker:** Cabinet Member for Economic Development and Resources

**Decision published:** 12/07/2021

**Effective from:** 20/07/2021

**Decision:**

The Cabinet Member agrees to fully approve £100k from the provisional programme item Batheaston Village Hall being funded by Strategic CIL.

**Wards affected:** Bathavon North;

**Lead officer:** Maria Newton

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	9 <sup>th</sup> September 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3303
TITLE:	Cleveland Bridge – Update and Options	
WARD:	All	
AN OPEN PUBLIC ITEM/		
<p><b>List of attachments to this report:</b></p> <p>Appendix 1: Decision letter from the Department for Transport dated 29<sup>th</sup> October 2012</p> <p>Appendix 2: Statutory Guidance on road classification and the primary route network - Published 13 March 2012</p> <p>Appendix 3: Extract from the Road Investment Strategy 2: 2020-2025</p>		

## **1 THE ISSUE**

- 1.1 Heavy Goods Vehicles (HGVs) travelling through Bath have been a concern for many years, particularly along A4 London Road, over Cleveland Bridge and A36 Bathwick Street. Local residents are concerned about the contribution made by HGVs to poor air quality, road safety issues, intimidation experienced by vulnerable road users and damage to the Bath World Heritage Site.
- 1.2 Cleveland Bridge is currently being repaired and a temporary Traffic Regulation Order restricting HGVs over 18 tonnes from using the bridge is in place. Once the refurbishment works are completed the temporary weight restriction will no longer apply and the route will continue to form part of Primary Route Network with unrestricted use. This report examines the options available to the Council to improve the traffic situation at Cleveland Bridge as well as improving air quality and safety throughout the city.

## **2 RECOMMENDATION**

**The Cabinet is asked to agree that the Council should continue to:**

- 2.1 Work with Wiltshire and Dorset Councils and the Sub-Regional Transport Board (STB) Western Gateway to complete a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route and limiting HGV use of Cleveland Bridge as part of the Governments Road Investment Strategy 2 (2020-25).
- 2.2 Assess and review the position after completion of the study, recognising that any investment that would resolve the core issue would be considered, at the earliest, as part of the Road Investment Strategy 3 which covers the period 2025-30. The study would also inform discussions between BANES and the other stakeholders. It is considered that this approach is the one most likely to result in a positive outcome for both B&NES and the other stakeholders involved.
- 2.3 Continue to make representations to Government about the need to improve the traffic situation at Cleveland Bridge, highlighting the changes to road conditions within Bath and the wider area since 2012 such as the changes to the A350 as part of the planned improvement and upgrade and the introduction of the Clean Air Zone in Bath.
- 2.4 Progress work on any of the other mechanisms which might also result in HGVs not using Cleveland Bridge.

### **3 THE REPORT**

#### **OTHER OPTIONS THAT COULD BE CONSIDERED**

- 3.1 It is recognised that changes to the use of Cleveland Bridge is a complex issue which, if it is to be tackled effectively, needs to be approached from a regional and even national perspective. This involves working with the various stakeholders to find a solution which works for all. The primary alternative options would appear to be as follows:
  - a) The Council, as the local traffic authority, has the power to pursue a weight restriction traffic regulation order (TRO) to effectively prevent HGVs from using Cleveland Bridge. However, that would mean that those HGVs would have to use alternative routes and it would result in a significant diversion of the PRN. BANES does not currently have the agreement of other neighbouring local authorities or the Highways Agency for an alternative PRN route.
  - b) In light of the 2012 DfT appeal decision and the very clear position in the Statutory Guidance, it is considered highly likely that, were BANES to make a TRO now, it would be appealed and the Secretary of State would be likely to allow the appeal for the same reasons as set out in 2012. For the same reasons, there is also a risk that any decision by BANES to make a TRO now could be the subject of a legal challenge.
  - c) It is therefore considered that, in light of the lack of an agreed alternative route, the 2012 appeal decision, the Statutory Guidance and

the complex matrix of environmental impacts, that making a TRO to remove HGVs from Cleveland Bridge is not recommended at this time.

## SUMMARY

3.2 Further work has been undertaken in the background to consider the issues and try to identify options to address this issue. The table below identifies work undertaken to date.

Action	Date
Appeal against a trial 18 tonne weight restriction upheld by DfT. Council informed they would be in breach of legislation if the progressed.	Oct 2012
Council has worked with Department for Transport, Highways England, Wiltshire Council and the Sub-Regional Transport Board (STB) Western Gateway to promote a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route <ul style="list-style-type: none"> <li>- Option is included within Governments Road Investment Strategy 2020-25</li> <li>- Work has commenced on developing the options with B&amp;NES Officers</li> </ul>	2012-2021
Temporary 18tonne weight restriction put into place until bridge is repaired. Working with the Place community group identified HGV who breached the weight limit.	Feb 2020
Review of options including seeking specialist opinion on implementing a toll <ul style="list-style-type: none"> <li>- Bridge originally had a toll before acquisition by the City of Bath Corporation in the 1920s, the Council's predecessor authority.</li> <li>- Under the Bath Corporation Act 1925 tolls were allowed to be charged for up to 7 years from when the Act was passed (i.e. up to 1932).</li> <li>- On top of that the Act included a power under S.54 to remove the tolls by resolution prior to that date. This is the power the exercise of which is recorded on a plaque on the Bridge. Once a resolution is made, the Bridge is to be treated as repairable by the public at large under the public health acts with free passage which is the case today.</li> <li>- A Toll Road need a new private act so is not an option that can be progressed</li> <li>- In terms of current legislation to levy a toll for vehicular traffic the Transport Act 2000 is too limited to apply a toll in this case</li> <li>- The New Roads and Street Works Act 1991 is for private schemes and cannot be applied</li> </ul>	December 2020
Review of options including seeking specialist opinion on implementing a TRO for different reasons <ul style="list-style-type: none"> <li>- In 2012 the DfT ruled that the Council's proposal was a breach of legislation as the Council had failed to secure the agreement of affected authorities.</li> </ul>	Dec 2020

<ul style="list-style-type: none"> <li>- This would apply regardless of the statutory reason for making the TRO including for;</li> <li>- Weight limits;</li> <li>- Air quality; or</li> <li>- Heritage reasons</li> </ul>	
<p>Council wrote to Department for Transport to gather further clarity regarding the 2012 decision</p> <ul style="list-style-type: none"> <li>- No response has been forthcoming to date</li> </ul>	January 2021
<p>Implementation of CAZ that charge the most polluting HGVs</p> <ul style="list-style-type: none"> <li>-</li> </ul>	March 2021
<p>Local Member of Parliament continues to raise the problems of HGV,s using the historic structure including:</p> <ul style="list-style-type: none"> <li>- Speaking in the House of Parliament</li> <li>- public webinar</li> <li>- meeting neighbouring MPs and the Metro Major on the bridge</li> </ul>	2021
<p>Structural repairs</p> <ul style="list-style-type: none"> <li>- Work commenced in May 2021</li> <li>- Works scheduled to be completed by November 2021</li> </ul>	May 2021
<p>HGV Maximum Weight Limit Consultation</p> <ul style="list-style-type: none"> <li>- The outcome to the consultation on an increased HGV 48 tonne weight limit was released on 23<sup>rd</sup> August 2021.</li> <li>- The existing limit is 44tonnes with vehicle over 40 tonnes having to meet additional requirements in terms of suspension and axel loads.</li> <li>- The Government have agreed a 4-year trial, with restrictions to a maximum of 50 mile journey distance. Further consideration is to be given to infrastructure costs.</li> <li>- Any route requiring costly adaptations would be excluded unless a trunk road or Local Authority specifically wants to be included.</li> </ul> <p><a href="https://www.gov.uk/government/consultations/heavier-intermodal-freight-trial">https://www.gov.uk/government/consultations/heavier-intermodal-freight-trial</a></p>	August 2021
<p>Alternative options</p> <ul style="list-style-type: none"> <li>- Work continues to review and identify additional options to resolve concerns</li> </ul>	Ongoing

## BACKGROUND

3.3 Cleveland Bridge was built in 1826, it spans the river Avon and is a Grade II\* listed building. Situated within a congested area on the edge of the city centre, the bridge has two-way traffic movements and footpaths on each side of the carriageway.



- 3.4 Bath and North East Somerset Council (BANES) are the local Highway Authority responsible for the maintenance of the bridge. The bridge is designated as part of the Primary Route Network (PRN) as it forms part of a long distance north-south strategic route between the south coast and the M4, with the predominant flow being between the A36 and A46. The PRN designates roads between places of traffic importance across the UK, with the aim of providing easily identifiable routes to access the whole of the country<sup>1</sup>. The A4/A46 is also part of the Strategic Route Network (SRN). The SRN consists of roads owned by the Secretary of State for Transport, and operated on their behalf by the Highways Agency (HA), now known as Highways England (HE). HE acts as the highway authority<sup>2</sup>. The A4/A36 through Bath fills a three mile gap in the SRN between the junction of the A4 and A46 north of the Avon and the A36 to the south. It is the only north/south trunk route below the M4 for 80 miles. The SRN is meant to include routes of particular importance to national travel.<sup>3</sup>
- 3.5 The bridge was in need of repair and as such there is currently a temporary Traffic Regulation Order restricting HGVs over 18 tonnes from using the bridge. This temporary traffic order was made in February 2020, due to the deterioration of the bridge.
- 3.6 £3.56m was secured from the Department for Transport for the refurbishment works which commenced on 4<sup>th</sup> May 2021. Once the refurbishment works are completed the temporary weight restriction will no longer apply and the route will continue to form part of the PRN and the SRN.
- 3.7 Previously in 2012, the Council put in place an experimental 18-tonne weight restriction on movements between Bathwick Street (on which Cleveland Bridge is located) and the A36 Beckford Road. Following an appeal to DfT by Wiltshire Council, Somerset County Council and Highways England, the DfT ruled that the Council's proposal was a breach of legislation as the Council had failed to secure the agreement of affected authorities. DfT concluded the appeal was valid and should be upheld. See Appendix 1.
- 3.8 The Department for Transport Statutory Guidance sets out the Local Authorities' responsibilities for the PRN and confirms that, although there has been a move towards giving local authorities more power to manage PRNs, the Secretary of State retains ultimate power. Any bodies that are required to manage the PRN, must do this in a managed way and must consult neighbouring authorities. The guidance is contained in full in Appendix 2, however the following passages are of particular relevance:

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<sup>1</sup> Statutory Guidance on road classification and the primary route network - Published 13 March 2012

<sup>2</sup> Extract from 2012 Statutory Guidance as above

<sup>3</sup> Letter from the Department For Transport to Bath and North East Somerset Council, 29 October 2012,

2.13 A primary route must work as a single entity, even though it will often cross a number of jurisdictions in the process. The aim of a primary route is to ensure that traffic has a clear path between two primary destinations. Significant changes should be agreed between all of the authorities responsible for managing the primary route, to ensure consistency. In some cases, this will include the Highways Agency.

2.15 Where an authority wishes to make a significant change to a primary route, they must consult the other highway authorities along the route about changes that may affect them. Where changes will have an impact on the SRN (directly or in terms of signing), or the network for the movement of abnormal loads, the authority should first consult the HA.

2.16 Unless the agreement of all affected authorities can be obtained, including the Highways Agency where appropriate, then changes to the primary route should not be made.

2.27 The Secretary of State retains ultimate power over the PRN. In the case of disputes over the location of a primary route, affected parties may appeal to the Department for Transport for a ruling. This applies both to 12 *[sic]* local authorities concerned with the actions of their neighbours, and to members of the public who are concerned about an authority's decisions.

2.28 Where there is a dispute, the department will expect interested parties to attempt to reconcile the matter through discussion at a local level [.....]

2.32 The Secretary of State retains ultimate legal responsibility for the PRN. They may exercise these powers if an authority has managed or developed the PRN in its area to the significant detriment of road users or neighbouring authorities, or for other reasons of policy.

[edits and emphasis added]

3.9 It is clear from the above that the Secretary of State is ultimately responsible for the PRN and that any significant changes to the PRN must be agreed with affected neighbouring authorities.

3.10 Following the DfT 2012 decision, and in line with the Statutory Guidance, the Council has worked with Wiltshire Council and the Sub-Regional Transport Board (STB) Western Gateway to promote a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route. The Joint Local Transport Plan includes the need for a study. The strategic study has been included in the Highways England Road Investment Strategy. The study commenced in early 2021 and Highways England are aiming to report the recommendations from the work to the Department of Transport and

stakeholders in late summer 2022. An extract is contained in Appendix 3. Of particular importance is the following passage:

- (1) “M4 to Dorset Coast – There are few north-south connections across the South West of England. The present strategic road for this area is a mixture of the A36 and A46, via Bath, Warminster and Salisbury. Local authorities in the area have suggested that there is a strategic case for adopting an alternative corridor – the A350 – as the main strategic route for the area; and then beginning a coordinated programme of upgrades to provide a high-quality route linking the M4 to the Dorset Coast including Bournemouth and Poole, with its economically-important port facilities. This raises a number of related questions, which are best considered together as part of a strategic study. We expect that this study will identify which corridor provides the main strategic route for the area; may recommend the trunking and detrunking of key routes; and may identify priority investments in the area that can be taken forward after the dualling of the A303/A358 is complete.”

## **ENVIRONMENTAL CONSIDERATIONS**

3.11 Impacts upon environmental assets have been considered for both the existing route through Bath and the possible routes through Wiltshire.

- (1) There are a number of environmental designations along the existing HGV route, in particular at Cleveland Bridge itself, which is located in Bath’s Clean Air Zone and Air Quality Management Area (AQMA), as well as running directly through the central Bath World Heritage Site (WHS), and within a B&NES allocated Conservation Area. The existing route also runs in close proximity to a number of SSSIs, at locations along both the A36 and A46.
- (2) There are also several environmental designations present along the potentially alternative A363 route, which, notably, passes through Bradford-on-Avon AQMA, as well as over Bathford Bridge, a Scheduled Monument.
- (3) The A350 route runs in close proximity to several designations, such as Picket and Clanger Wood SSSI, which lies directly adjacent to the A350 and Green Lane Wood LNR, of which the A350 runs through. Notably, this route runs through the Westbury AQMA. Conversely, this route avoids conflicting with a number of designations that surround Bath, including the UNESCO World Heritage Site and the Cotswolds AONB. However, some investments and improvements, including the duelling of the section at Chippenham have been completed since 2012, improving the route overall.

- (4) In addition to the environmental designations mentioned, both existing and alternative routes pass directly through several residential areas, with sensitive noise and air quality receptors (residential receptors) in close proximity to the road network.
- (5) It is considered that the re-routing of HGVs could lead to potentially significant impacts on air quality, noise and ecological receptors along both alternative routes.

3.12 Wiltshire Council officers have been liaising with BANES officers since 2019 regarding the diversion route along the A350 for the bridge closure when repair work is being undertaken. This included signage for the temporary 18 tonne limit and signage for the diversion. Following the implementation of the Clean Air Zone, Wiltshire Council requested monitoring which Government has not approved. The local media has reported complaints from residents in Wiltshire of increased traffic and impact on their AQMA. In April 2021 Wiltshire Council notified B&NES Council that they would no longer support the diversion route and would not give consent for their network to be used. Following the May elections this stance has not changed.

3.13 South Gloucestershire Council have raised concerns about increased traffic and the impact on their AQMA. They have given consent for the use of the M4 and ring road for the temporary diversion route. They have previously indicated that they would be concerned about traffic impact if BANES promoted a permanent 18 tonne weight restriction on Cleveland Bridge.

3.14 There are many sensitive environmental receptors both in Bath and in neighbouring authorities which would potentially be affected by the removal of HGVs from Cleveland Bridge. Therefore, it is important that the issue is addressed by taking a strategic and holistic approach.

## **UPDATE ON REPAIRS**

3.15 WSP, the consultant appointed by the Council continue to undertake the work needed to repair the bridge. As part of the work programme, they have completed further detailed inspections of the structure of the bridge and this confirmed the extent of the defectives were worse than identified when engineers, using ropes to access the trusses, carried out a survey last year.

3.16 Accordingly, WSP have needed to continually update the repair information and have re-analysed each repair to establish which require full closure of the bridge. Dyer and Buttlar continue with the concrete repairs and are assessing repairs options with an aim of reopening the bridge while the repairs continue.

3.17 As part of the next stage of the works and in line with the programme, on 13th September 2021 the water proofing of the deck will take place. This will be followed by the resurfacing works necessary to continue to return the bridge to an operational state.

## **4 STATUTORY CONSIDERATIONS**

4.1 The relevant law and Statutory Guidance has been set out above.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The current forward programme does not include a scheme for the implementation of a permanent weight restriction for Cleveland Bridge. If, contrary to the recommendation in this report, a permanent TRO were to be progressed then resources and funding would need to be allocated. The existing forward plan would also need to be adjusted to accommodate the additional works resulting in some existing planned works being delayed.

5.2 The Council's Medium Term Financial outlook currently forecasts a further revenue savings requirement of £13.1m for 2022/23 in order to set a balanced budget. Any costs associated with progressing a permanent weight limit or other mechanism would need to be developed on a cost neutral basis with additional revenue or capital costs being funded from within the approved budget for the Transport portfolio. Any unbudgeted costs will need to be considered as part of the budget process for 2022/23 and future years.

## **6 RISK MANAGEMENT**

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

## **7 EQUALITIES**

7.1 It is considered that continuing to progress the strategic study and discussions with central and local government is the most effective way of addressing the environmental effects of HGVs using Cleveland Bridge. It is considered that this option does not give rise to any adverse equalities impacts, or result in a breach of the Human Rights Act 1998.

## **8 CLIMATE CHANGE**

8.1 Progressing the strategic study and regional discussions also presents an opportunity to examine how the sustainability of the local road network might be improved, in line with the Council's declaration of a Climate Emergency.

## **9 OTHER OPTIONS CONSIDERED**

9.1 The only other option identified is to take no further action. However, this option has been discounted because it is clear that the current traffic

situation on Cleveland Bridge is a significant environmental issue which must be tackled in the most effective way possible.

## 10 CONSULTATION

- 10.1 This report has been agreed by the S151 Officer and Monitoring Officer.

<b>Contact person</b>	<i>Chris Major 01225 394231</i>
<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	



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Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: PRN001

29<sup>th</sup> October 2012

Jo Farrar  
Bath & North East Somerset Council,  
The Guildhall,  
High Street,  
Bath, BA1 5AW

Dear Jo Farrar,

### **A36 Lorry Turning Ban – PRN Appeal**

In May 2012, following earlier discussions, Bath and North East Somerset council (BANES) announced proposals for an experimental turning restriction on 18 tonne vehicles using the A36 in Bath. The restriction would apply at the corner of Bathwick Street and Beckford Road. The stated justification is the impact that it would have on air quality on the A4 London Road. However as a consequence of the scheme it would not be possible for lorries to follow the A4/A36 from the north of Bath to the southeast and south nor the corresponding south to north route.

On 6<sup>th</sup> June 2012 Wiltshire and Somerset councils, together with the Highways Agency, lodged an appeal against the proposed restriction with the Department, citing five main points to their objection – that the ban would:

- a) compromise the Primary Route Network (PRN);
- b) shift traffic onto local roads;
- c) impose costs on freight;
- d) impede the management of the SRN; and
- e) the proposal had not followed the required process by securing agreement from other affected local authorities, as laid out in DfT guidance on the primary route network.

The Department has now considered the evidence presented, and has reached a conclusion. A detailed explanation of the reasoning behind the decision is attached at Annex A, but in summary:

- The proposed lorry turning ban is a significant change, as defined by guidance, because of the extent of diversion that it causes. This means that BANES must secure the agreement of affected authorities before implementing the measure – and such an agreement has not been reached.

- Lorry drivers who are unaware of the turning ban have the potential to be seriously inconvenienced by the restriction. In the worst cases, they would have to divert by over 45 miles to complete their journey using the PRN. Alternatively, they could continue their journey through less suitable local roads. Either way, the PRN in Bath will be failing in its purpose.
- The issue is exacerbated by the fact that the A46 and A36 are mostly major trunk roads, linking Wiltshire and Dorset with the M4. There is only one short section under local authority control – which is the A36/A4 in Bath. The turning restriction will prevent HGVs from using the SRN in this area.
- No attempt has been made to find an alternative route for freight traffic. The PRN and SRN are therefore both compromised through the introduction of this banned turn.

Overall we must conclude the appeal is valid and should be upheld. Should the scheme be implemented as proposed, without agreeing a suitable alternative route with the affected authorities, this would be in breach of the legislation.

We are conscious of BANES's important concerns about local air quality. The Department is not, in line with the PRN guidance, commenting on the air quality aims of this proposed scheme. We would note that BANES is welcome to use newly-acquired powers to adjust the PRN in its area to remove traffic from the London Road – provided that the proper procedures are followed and all types of traffic continue to have a viable route through or around Bath.

We would urge BANES to work with Wiltshire and Somerset councils to identify an alternative scheme that will be acceptable to all parties. We believe there are a number of ways to achieve BANES's aim of reducing lorry traffic through Bath without the need to disrupt the PRN. For example, we understand that the Highways Agency, Wiltshire and Somerset are willing to form a working group to discuss signing in the area around Bath.

The Department is also happy to work with the key parties to see whether alternative approaches can be developed that achieve BANES's aims without while meeting legal obligations and maintaining an effective and coherent PRN.

I am sending copies of this letter to all councils involved in this appeal and other affected parties.

Yours Sincerely,



**Paul O'Sullivan**  
Divisional Manager  
Roads Strategy & Charging



## **ANNEX A – Decision in Detail**

### **Grounds for Appeal**

The Primary Route Network (PRN) designates roads between places of traffic importance across the UK, with the aim of providing easily identifiable routes to access the whole of the country. The A36 is a Primary Route and has been identified as suitable for medium- or long-distance travel.

DfT will only consider a PRN appeal when there has either been a procedural irregularity, or where an authority has made a decision that is clearly unreasonable. Authorities are required to secure the agreement of affected neighbours before making a significant change to the PRN in their area.

BANES has argued that HGV traffic at this turning is small, only 335 HGV per day. As such, they have argued that the introduction of the restriction does not constitute a 'significant change' as laid out in the guidance and hence there is no need to secure agreement from neighbours. Freight associations consulted during the appeal agreed that the volume of HGV traffic on this route is relatively low for the PRN, as freight traffic already aims to avoid Bath where possible. However even given this, it amounts to over 10,000 freight movements per year.

In guidance, the example given of a clearly significant change is the changing of a primary route from one interurban road to another, while a change to junction layout is given as an insignificant change. The standard is set, not in terms of vehicle flow, but of user experience. Given the likely impact of diversion (see below), we have concluded that this is clearly a significant change. This means that BANES should secure the agreement of its neighbours before implementing the turning ban.

Before considering any appeal we also wish to be sure that any appellant has tried to resolve the issue with the defending council, and that dialogue has been exhausted. It is clear from the correspondence that this is the case.

### **Guidance and Policy on the Primary Route Network**

The Department's guidance on road classification, which covers the management of the PRN, sets out the principles which local authorities are expected to follow when managing the network in their area.

**2.9** The PRN is designed to fit together as a network, and primary routes must link up to one another. If changes are made to a route, it must still form part of a coherent and sensible network. Primary routes must remain reasonably direct and viable for medium- and long-distance travel including, wherever possible, for freight traffic.

The guidance goes on to clarify that this may mean that the PRN goes through areas where there are environmental concerns, but where no viable alternative routes exist. In these circumstances, environmental factors on their own are not expected to be sufficient grounds to warrant the exclusion of particular types of traffic.

This does not preclude an authority rerouting traffic for environmental reasons where they have provided a reasonable alternative route. However the PRN extends to all corners of

England, and there are a number of places where the local road network provides traffic with only one reasonable route to follow between two significant destinations. In such circumstances, traffic must still be given a route to follow – or else it is likely to divert in an unsuitable way.

### **Situation in Bath**

There is only one Primary Route through Bath – the A4/A36. All through-traffic looking to get from the west of the city to the east or from the north to the south is directed along the A36. The council has worked over recent years to move heavy traffic out of the centre, meaning that an increasing proportion of vehicles are making use of the A36.

Bathwick Street and Beckford Road form a junction between three main routes – the route from the north and the M4, the route east and south into Wiltshire and the route west towards Bristol. The introduction of a HGV right turning ban means that HGVs on the northern route can no longer access the east/south route (and vice versa).

In its proposals, BANES has suggested that affected traffic coming from the south will be able to divert along the A4 towards Bristol and join the M4 at junction 19. No alternative route through Bath has been offered, and there has been no suggestion of how traffic heading south through the city could be expected to divert.

### **Network Integrity**

The PRN is meant to function as a network for navigation, ensuring that a driver can travel reasonable distances without needing to have a detailed knowledge of the area. In this respect, the BANES proposal poses tricky issues for some drivers.

The worst example would be that of a lorry driver seeking to get from junction 18 of the M4 to Warminster. Driving along the A46, at the outskirts of Bath they would be directed by signs to join the A4 heading into the city. When they reach the junction of the A4 and the A36, they will be required by an HGV restriction to turn onto the A36 and cross Cleveland Bridge. It is only when they have crossed the bridge and actually reached the turning between Bathwick Street and Beckford Road that they will encounter the turning restriction. At this point, if they want to follow the PRN to their destination, they will have to make a 46 mile diversion via Bristol and Shepton Mallet.

At this point, they are likely to either a) leave the PRN and try to reach their destination through the local road network or b) try to circumvent the traffic restriction with a U-turn further down the road. In all of these cases, the PRN will have failed in the function it is meant to deliver.

### **Interaction with the Strategic Road Network**

The A4/A36 in Bath also performs an unusual function, in that it fills a three mile gap in the Strategic Road Network (SRN) between the junction of the A4 and A46 north of the Avon and the A36 to the south. This is the only north/south trunk route below the M4 for 80 miles. The SRN is meant to include routes of particular importance to national travel, and this measure will prohibit HGVs from following this route.

There are currently no plans to detrunk this route, so problems of network disruption need to be taken more seriously than they would in a standard case of this type.

### **The provision of an alternative**

Crucial to both these points is the fact that BANES do not appear to be making any provision for lorries that are impeded by the new restriction. If an alternative route had been identified, of reasonable convenience and quality, network integrity would have been maintained. Guidance states that the fine-tuning of the classification system should properly be a matter for the local authority.

### **Other issues**

Taken together, the likely impact of the restrictions on network integrity creates a clear case against the proposed turning ban. The Department's remit as set out in the guidance is focused on maintaining the rationality and functionality of the network, and the proposed restriction works against this. As such, there is a strong case to uphold the appeal.

Participants in the appeal have raised other issues, which we have also considered:

- **The proposed restriction, and any associated disruption to traffic, is justified by its impact on air quality on the A4 London Road.**

The rationale for the turning ban, as articulated in BANES' original proposal, is to reduce HGV traffic on the A4 London Road and thereby improve local air quality.

Air quality, along with other types of environmental impact, are recognised as a matter for the local council when considering road classification decisions. The Department has no wish to instruct councils to adopt a particular approach to the management of a specific road.

The new guidance on the PRN and classification gives councils new flexibility in routing traffic, meaning that it is easier to move traffic away from environmentally sensitive locations. The only requirement on a council in this context is that they ensure that the classification of the road network remains coherent.

If there are concerns about the environmental impact of traffic along the London Road, B&NES are welcome to find an alternative route for traffic. It is only when required procedures are ignored or proposals prevent the PRN from functioning that DfT is concerned.

- **The proposed restriction may have a serious negative effect on freight traffic, transferring traffic to the more congested A4**

We recognise that the management of congestion on local roads is foremost a matter for local councils. Should a council wish to prioritise non-traffic issues above the free movement of general traffic, this is something for which they are ultimately accountable to the local electorate. The selection of a congested versus an uncongested route is something that we would normally expect to be a matter for

the council to consider. Where the impacts are felt across several authorities we would require any changes to be approved collectively – although this has not happened in this case.

However given the fact that this restriction specifically targets through-traffic, only affects HGVs and does not offer a viable alternative route, there is potentially a discrimination angle to this case. While this has not had a material impact on the decision beyond the issues raised around network integrity, the Department may consider intervening on these grounds in future cases.

## Summary

- The proposed lorry turning ban is a significant change, as set out in guidance, because of the extent of diversion that it causes. This means that BANES should secure the agreement of affected authorities before implementing the measure – and such an agreement has not been reached.
- Lorry drivers who are unaware of the turning ban have the potential to be seriously inconvenienced by the turning ban. If they were to follow the PRN they would have to divert by over 45 miles; and if they decide not to follow it they will divert through less suitable local roads. Either way, the PRN in Bath will be failing in its purpose.
- The issue is exacerbated by the fact that the A46 and A36 is mostly a major trunk road, linking Wiltshire and Dorset with the M4. There is only one short section under local authority control – which is the A36/A4 in Bath. The turning restriction will prevent HGVs from using the SRN in this area.
- No attempt has been made to find an alternative route for freight traffic. The PRN and SRN are therefore both compromised through the introduction of this banned turn.

As such, overall we must therefore conclude the appeal is valid and should be upheld. Should the scheme be implemented as proposed, without agreeing a suitable alternative route with the affected authorities, this would be in breach of the legislation.



1. Home (<https://www.gov.uk/>)
  2. Regional and local government (<https://www.gov.uk/regional-and-local-government>)
  3. Local government (<https://www.gov.uk/regional-and-local-government/local-government>)
  4. Classifying roads and organising the primary route network  
(<https://www.gov.uk/government/publications/guidance-on-road-classification-and-the-primary-route-network>)
- Department  
for Transport (<https://www.gov.uk/government/organisations/department-for-transport>)

Statutory guidance

# Guidance on road classification and the primary route network

Published 13 March 2012

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## Introduction

1. The classification of Britain's roads dates back to the 1920s, when it had become clear that it was necessary to have a system to help motorists identify good routes for driving. In the 1960s, the existing system was overhauled to help deal with an age of mass-motoring.
2. From April 2012, central government will be handing over greater responsibility to local highway authorities for the management of the roads classification system. While authorities had previously done the majority of the work involved in reclassifying a road, they always needed to secure the agreement of the Department for Transport. Under the new approach, authorities are allowed to exercise this power without the need for central approval.
3. Coupled with this, central government is also giving local highway authorities greater responsibility in the management of the primary route network (PRN). Again, all changes to this network previously needed to be approved by the department. Under the new approach, authorities will have greater freedom to reorganise the PRN.
4. Management of the strategic road network (SRN) remains the responsibility of the Highways Agency.
5. The government consulted on these proposals in February 2011 and issued a consultation response in December of the same year.
6. This guidance sets out how local highway authorities should approach the classification of roads and the organisation of the PRN in their own area.

## 1. Definitions and principles

1.1 To the user, the road network is a single entity. In order to help motorists navigate from one place to another, and to help with effective management of the network, there are three systems through which roads are organised and classified nationwide - the strategic road network, the primary route network and roads classification. Of these, the primary route network and roads classification are the focus of this guidance.

### Primary route network

1.2 The primary route network (PRN) designates roads between places of traffic importance across the UK, with the aim of providing easily identifiable routes to access the whole of the country. Primary routes are marked green on most road maps, as opposed to the more common red of an ordinary A road; and road signs are green with white and yellow text.

1.3 The PRN is constructed from a series of locations (primary destinations) selected by the Department for Transport, which are then linked by roads (primary routes) selected by the local highway authority.

1.4 The PRN links together the whole of England, including areas that do not contain significant population. Outside of national parks, few places in England are more than ten miles from a primary route. A motorist making a regional or national journey should therefore be able to make all but the start and finish of their journey using the PRN should they wish.

1.5 The PRN is a devolved matter. Several primary routes run between England and Scotland or England and Wales, meaning cooperation between highways bodies across borders is required.

### Primary destinations

1.6 The criteria for defining a primary destination are purposefully flexible, in order to allow the PRN to serve the whole of the country. Strict criteria based on population size or traffic levels would prevent the PRN reaching more rural corners of the country. The inclusion or exclusion of individual locations is therefore a matter of DfT discretion, taking the following factors into account:

- population – the size of the settlement
  - example Cheltenham
- attraction – the amount of traffic that will come to this location
  - example Stansted Airport
- nodes – locations that motorists are very likely to pass through in order to get to a final destination
  - example Scotch Corner
- density – the number of primary destinations in the area
  - example – as Stevenage is a primary destination, neither Letchworth Garden City nor Hitchin need to be

1.7 A primary destination does not refer to a specific point on the ground. The end-point of a primary route is likely to depend on the layout of the road network. In some cases, it may also reflect a decision about what is the most important location nearby - for example, Grimsby could refer to the town or the major port. It is for the local highway authority to decide where the primary route should end, consulting with nearby authorities and the Highways Agency where they are affected. Onward signing should be provided where appropriate.

1.8 The list of primary destinations in England can be found in Annex A. The Department for Transport is responsible for maintaining and updating the list.

## Definition of a primary route

1.9 All primary routes (other than those included on the PRN because they are trunk roads<sup>[footnote 1]</sup>) consist of an A road or sequence of A roads, forming a continuous route between two primary destinations.

1.10 The route does not need to have the same numbering between its 2 destinations, but it should be signed in a way that assists motorists in finding the way to the relevant primary destination.

1.11 A primary route will often pass through the jurisdiction of several highways authorities. In these cases, it is recognised that all authorities along the route have a stake in its successful operation. Authorities making changes to a route affecting other authorities should follow the principles laid out.

## Roads classification

1.12 The system of roads classification is intended to direct motorists towards the most suitable routes for reaching their destination. It does this by identifying roads that are best suited for traffic.

1.13 All UK roads (excluding motorways) fall into the following 4 categories<sup>[footnote 2]</sup>:

- A roads – major roads intended to provide large-scale transport links within or between areas
- B roads – roads intended to connect different areas, and to feed traffic between A roads and smaller roads on the network



- classified unnumbered – smaller roads intended to connect together unclassified roads with A and B roads, and often linking a housing estate or a village to the rest of the network. Similar to ‘minor roads’ on an Ordnance Survey map and sometimes known unofficially as C roads
- unclassified – local roads intended for local traffic. The vast majority (60%) of roads in the UK fall within this category

1.14 As originally conceived, these four classes form a hierarchy. Large volumes of traffic and traffic travelling long distances should be using higher classes of road; smaller amounts of traffic travelling at lower speeds over shorter distances should be using lower classes of road. Guidance for classifying a road is available.

1.15 Road classification uses a common system of route numbering, which is centrally administered for England and Wales by the Department for Transport. In all other respects roads classification is a devolved matter outside of England.

## Strategic road network

1.16 The strategic road network (SRN) is owned by the Secretary of State for Transport, and operated on their behalf by the Highways Agency (HA). It is therefore the only road system that is defined by legal ownership, rather than policy decisions by officials. The HA acts as the highway authority.

1.17 This guidance does not cover the management of the SRN. However it should be noted that all roads on the SRN form part of the PRN.

1.18 The SRN is connected to the local road network, and the Highways Agency plays an important role in aiding navigation by signing destinations from its roads. Where a classification or PRN decision is likely to affect the SRN, the relevant authority should inform the Highways Agency.

## Local highway authority responsibilities

1.19 Under the new approach, highway authorities have four responsibilities, the authority:

- will manage all local classification and PRN decisions, ensuring that the network is adequately signed
- must consult with neighbouring highway authorities (including the Highways Agency) where relevant
- must keep records and inform the National Street Gazetteer, Ordnance Survey and the department of any changes
- should be prepared to explain its decisions if challenged, in case of appeal

1.20 Within the context of these four points, authorities are free to set their own policies. Responsibility for classification decisions within an authority is generally expected to rest with the traffic manager.

1.21 The Secretary of State retains ultimate legal responsibility for roads classification and the PRN, and retains the right to intervene.

1.22 Where appropriate, authorities may organise centralised arrangements for classification or the PRN, whereby a central body or lead authority manages part or all of the classification/PRN system across a number of authorities. In such cases, the individual authorities should still ensure the responsibilities listed above are being fulfilled.

## 2. Primary route network

2.1 The primary route network (PRN) designates routes between major settlements and port/airports across Great Britain. Outside the national parks, few points in England are more than 10 miles from a primary route. A motorist making a regional or national journey should therefore be able to make all but the start and finish of their journey using the PRN.

2.2 The entirety of the strategic road network forms part of the PRN. For these roads, the highway authority is the Highways Agency.

2.3 Today the organisation of the PRN in Scotland and Wales is a devolved matter. It is nevertheless important that the PRN connects together to form a unified network, so cooperation remains important.

2.4 The following guidance is provided to aid local highway authorities in their decision-making, and in developing policies for managing the PRN in their area.

### Responsibility

2.5 Responsibility for the PRN will be divided between central government and the local highway authority.

The:

- Department for Transport is responsible for producing and maintaining the list of primary destinations
- local highway authorities are responsible for linking primary destinations together with primary routes

2.6 It is generally expected that a primary destination should be linked to all other nearby primary destinations. In some cases, an authority may decide that there is no need for a primary route to link two destinations. In this case, the authority should be able to demonstrate either:

a) that direct traffic between the 2 locations is too low to justify a primary route

or

b) that a journey of broadly similar convenience is possible through the other sections of the PRN

2.7 Usually, there should be only one identified primary route between 2 primary destinations. The nature of the SRN may lead to situations where more than one primary route exists between two destinations, but authorities should not duplicate existing routes.

### Selecting a primary route

2.8 Frequently, there is an obvious link from one primary destination to the next. Where there is a choice, the authority may consider the:

- directness of the potential routes
- standard and capacity of the potential routes
- environmental surroundings of each road

2.9 The PRN is designed to fit together as a network, and primary routes must link up to one another. If changes are made to a route, it must still form part of a coherent and sensible network. Primary routes must remain reasonably direct and viable for medium - and long - distance travel including, wherever possible, for freight traffic.

2.10 The department recognises that this will, in places, mean that primary routes will necessarily go through populated areas or sites with environmental issues. In situations where no suitable alternative route exists, we cannot envisage environmental issues in themselves being sufficient to justify changes to a primary route.

2.11 A primary route does not need to go to the heart of the primary destination, although the authority may continue the route into a town or city centre if they wish. If the primary route does not continue to the heart of the destination, an authority may wish to provide further signing to assist those for whom the destination represents the end of their journey.

As noted in chapter 1, there may be some locations where the town centre does not represent the primary destination, and signs will need to be arranged accordingly to avoid confusion for road users.

2.12 A local highway authority is responsible for any costs incurred in the creation of a new primary route, including the replacement of signs and the strengthening of bridges and other highway structures where necessary.

### **Consultation with affected authorities**

2.13 A primary route must work as a single entity, even though it will often cross a number of jurisdictions in the process. The aim of a primary route is to ensure that traffic has a clear path between two primary destinations. Significant changes should be agreed between all of the authorities responsible for managing the primary route, to ensure consistency. In some cases, this will include the Highways Agency.

2.14 A significant change means a change that has a material impact on the route of a journey from one primary destination to another. Moving the 10 primary route to a different inter-urban road would count as a significant change, but updating the route to take account of, for example, a new junction layout would not. In some situations, the introduction of traffic restrictions (e.g. banned turns) may also constitute a significant change. Changes to a route within the primary destination itself would usually not be a significant change, unless they have a material impact on through-traffic.

2.15 Where an authority wishes to make a significant change to a primary route, they must consult the other highway authorities along the route about changes that may affect them. Where changes will have an impact on the SRN (directly or in terms of signing), or the network for the movement of abnormal loads, the authority should first consult the HA.

2.16 Unless the agreement of all affected authorities can be obtained, including the Highways Agency where appropriate, then changes to the primary route should not be made.

2.17 Where a primary route runs between England and Wales or England and Scotland, the authority should also discuss changes with the relevant local or devolved authority.

2.18 Where several authorities vest power in a single central body, the authorities may choose to allow the body to make decisions on their behalf for matters relating to primary routes. In such cases, neighbouring authorities should deal with the central body, rather than the individual authorities.

### **Consultation with the general public**

2.19 Changes to the PRN do not require public consultation or advertisement, and local authorities do not traditionally do so. An authority is free to use such measures should they wish.

## Recording primary routes

2.20 The department provides a standardised form for communicating any changes to interested parties (<https://www.gov.uk/government/publications/guidance-on-road-classification-and-the-primary-route-network>). Geoplace maintain an email account for forwarding completed forms to all interested parties, including Ordnance Survey and the department. All completed forms should be sent to [roads.classification@geoplace.co.uk](mailto:roads.classification@geoplace.co.uk)

Any updates to the procedure for recording routes will be found on the department's website.

2.21 The local highway authority is responsible for recording primary routes in their area which do not form part of the SRN. Any changes must be recorded in the authority's monthly update to the National Street Gazetteer in order to be valid.

2.22 For roads on the strategic road network, all changes are logged on the Trunk Road Street Gazetteer by the Highways Agency. A full picture of changes to the PRN from April 2012 would need to be combined from these 2 sources.

2.23 Elements of the PRN date back to the 1960s, and have been the responsibility of several national and regional bodies. The department recognises that neither local authorities nor central government will have comprehensive records of PRN decisions taken before 2012. Where an authority identifies a discrepancy in the treatment of a road, it may be advisable to complete a classification form to clarify the status of the road.

## Maintaining primary routes

2.24 Under EU Directive 89/460/EC, the PRN must provide unrestricted access to 40 tonne vehicles. Since 1989, the Department for Transport has paid for the strengthening of all bridges and other structures on the PRN to meet this standard – a programme that is now complete. Should a local highway authority wish to alter a primary route, it should bear the obligations of this directive in mind. It is the responsibility of the authority to ensure that all infrastructure on the new primary route is of an appropriate standard.

2.25 Aside from this, there is no official maintenance standard for primary routes. However, these roads are intended to perform an important role in regional and national travel, and the department expects that these roads will be maintained in good order for all classes of vehicle traffic.

## Signing the PRN

2.26 All signing of the PRN should be carried out in accordance with the DfT's traffic signs manual (<https://www.gov.uk/government/publications/traffic-signs-manual>) and successor documents.

## Appeals

2.27 The Secretary of State retains ultimate power over the PRN. In the case of disputes over the location of a primary route, affected parties may appeal to the Department for Transport for a ruling. This applies both to 12 local authorities concerned with the actions of their neighbours, and to members of the public who are concerned about an authority's decisions.

2.28 Where there is a dispute, the department will expect interested parties to attempt to reconcile the matter through discussion at a local level. The highway authority can be expected to provide justification for its changes where:

- residents or road users are appealing against a decision of their local (highway) authority, the department would expect them to contact the authority and discuss the matter before taking forward any appeal to the department
- a neighbouring authority is appealing against a change, they should already have discussed the matter with the local authority responsible for the change (paragraphs 2.13 - 2.18). Even where the local authority has not secured the agreement of its neighbour, the neighbouring authority should still attempt to solve the matter through dialogue before involving the department

2.29 The appeals process is intended to focus primarily on procedural matters, such as where an authority has failed to properly consult neighbouring authorities before making a significant change.

2.30 If the principles outlined in paragraphs 2.8 to 2.10 of this guidance have not been followed, there may also be grounds for an appeal. However, the department recognises that it is unlikely to have a better understanding of the local road network than the local highway authority, and generally expects only to intervene in cases where the local decision is clearly unreasonable.

2.31 The appeals procedure is not intended to challenge the status of existing primary routes, and will only apply to changes after April 2012. Nor, is it intended to challenge primary routes that have been in force for more than 12 months, other than in exceptional circumstances.

2.32 The Secretary of State retains ultimate legal responsibility for the PRN. They may exercise these powers if an authority has managed or developed the PRN in its area to the significant detriment of road users or neighbouring authorities, or for other reasons of policy.

## **Applicability**

2.33 This system will come into force on 1 April 2012. Until this point, local authorities should apply for changes directly to the department.

## **3. Road Classification**

3.1 Road classifications primarily affect local people; particularly where a road has a moderate amount of traffic and travels through an urban area. It is also impractical for centrally-placed officials to take a view on the status of every road in England. Road classification is a responsibility that sits best with the local highway authority.

3.2 We expect that authorities will design their own policies to reflect local conditions. However, a degree of consistency is still important, and we expect authorities to consider the guidance that follows when designing that policy. It is also important that information is promptly distributed to mapping providers and to the Department for Transport.

## **Setting road classifications**

3.3 Roads classification exists to ensure that there is a feasible, logical road network throughout the country. Roads classifications should be set to reflect the ways in which a community links to the wider world. It can also take into account the traffic management goals and road categorisation approach of the local highway authority.

3.4 There are wide disparities in the road networks in different parts of England. It is not helpful to adopt a single standard for selecting different classes of road in every part of the country. Classifications must be set in a way that reflects the road network in their local area.

3.5 Any standards must therefore be relative: Page 57

- an A road will generally be among the widest, most direct roads in an area, and will be of the greatest significance to through traffic
- A B road will still be of significance to traffic (including through traffic), but less so than an A road
- a classified unnumbered road will be of lower significance and be of primarily local importance, but will perform a more important function than an unclassified road
- an unclassified road will generally have very low significance to traffic, and be of only very local importance.

3.6 This may not appear to provide much certainty in the abstract, but when applied to an actual road network it should be reasonably clear how these principles will relate to local traffic movement.

3.7 Reasons for granting a road a higher classification can include the:

- role the road plays in letting people travel from one location to others
- volume or character of traffic that road should take
- traffic management objectives of the authority
- the standard of the road relative to other nearby roads

In the absence of clear reasons otherwise, the default state of a road is to be unclassified.

3.8 The department recognises that the pressures of connectivity will, in places, mean that A and B roads will necessarily go through populated areas or sites with environmental issues. In some cases it may be necessary to select one road from several broadly similar roads for a particular classification, in order to ensure that the overall network retains coherence.

3.9 There is no minimum capacity associated with any particular class of road, nor is there any requirement for a particular traffic management measure to be applied to a particular class of road.

3.10 Roads running through 2 or more local highway authorities should be treated in a consistent manner, and should not change classification at the boundary without a clear reason (paragraphs 3.13-3.18). Any changes to the classification of such roads must be agreed between the authorities involved, including those which cross into Wales or Scotland.

3.11 Any proposed changes that affect the SRN should be discussed with the Highways Agency.

3.12 The local highway authority will continue to be responsible for any costs incurred in changing the classification of a road, notably the replacement of signs along the road.

### **Consultation with affected authorities**

3.13 It is important that roads classification is consistent from one authority to another. A road should not change its classification solely because of a change of jurisdiction.

3.14 When reclassifying a road across a local authority boundary, any changes will need to be agreed by both authorities. Although the formal administration can be carried out by one authority, the change should be implemented by both parties simultaneously. If agreement cannot be reached, the change should not go ahead. Where necessary, measures to avoid any confusion among motorists (e.g. recommended alternative routes for heavy vehicles) should also be put in place.

3.15 Authorities should take care not to unreasonably frustrate traffic from a neighbouring area. Before making changes to the classification of an A or B road carrying a substantial amount of traffic from one local authority area to another, the proposing authority should discuss their proposals with

the affected authority. Likewise, where there is a significant effect on flows of traffic from the strategic road network onto the local road network, the proposing authority should ensure traffic continues to flow effectively or contact the Highways Agency.

3.16 Where several authorities vest power in a single central body, the authorities may choose to pre-authorise changes within the affected area, without the need for consultation between authorities. They may also choose to give the central body responsibility for consulting with neighbouring areas.

3.17 By granting more power to local highway authorities, the department does not expect a radical change in the proportion of classified roads in a local authority area. If a local authority is considering a substantial revision to road classifications that will sharply increase the length of A roads or B roads under their control, we recommend that they contact the department beforehand.

3.18 The department will continue to monitor the length of different road categories in each local authority area for statistical reasons, and to identify significant changes that could trigger intervention on behalf of the Secretary of State.

### **Consultation with the general public**

3.19 Changes to roads classification do not require public consultation or advertisement, and local authorities do not traditionally do so. An authority is free to use such measures should they wish.

### **Classification and future development**

3.20 Some elements of the planning regime rely on the classification of new roads before they are built, such as for side roads orders.

3.21 These classifications, together with any attendant numberings, should exist on a provisional basis only. Changes should not be made to the National Street Gazetteer, and surrounding roads should not change their classification until the provisional road is complete. The standard form for classification changes contains an option for provisional classifications - and a copy should be kept for the authority's internal records. There is no need to inform the Ordnance Survey or any other organisation.

3.22 When a classification is brought into active use, an updated copy of the form should be prepared. The details of the change should be recorded in the National Street Gazetteer and a completed copy of the standard form should be sent to the relevant organisations as set out below.

3.23 The department is able to allocate new road numbers on a provisional basis, but will expect to be contacted again before the number enters real world use.

### **Signing classified roads**

3.24 All signing of road classifications and numbering should be carried out in accordance with the DfT's Traffic Signs Manual and successor documents.

### **Road numbering**

3.25 Numbers are allocated to A and B roads to aid road users when navigating the network. To avoid confusion, it is important that numbers are used in a consistent fashion. To ensure this, the Department for Transport will maintain a central register of all road numbers in England and Wales<sup>[footnote 3]</sup>. This will avoid duplications and ensure that road numbers are not reused so quickly as to cause confusion.

3.26 A road number should apply to a single route. This route can be composed of a number of different physical roads, and can change direction at junctions. Where two roads temporarily merge together (for example the A11 and the A14 in Cambridgeshire), a number can reemerge at a later point. Authorities should avoid situations where a number 'forks' onto two distinct roads, other than at junctions, slip roads or one way systems. In all cases, the overriding aim must be to avoid confusion for the motorist.

3.27 If an authority wishes to create a newly numbered A or B road, they will need to contact the department for Transport to obtain an unused number. Before doing so, we recommend that the authority first considers whether a particular number would fit with existing numbers in the surrounding area. If an authority applies for a specific number, which they know to be available, it is likely that official approval will be a formality (provided that it fits with the traditional sectoral system of road numbering). Authorities are welcome to reserve specific numbers with the department for future use. Where a number ceases to be used, the authority should inform the department, to allow its re-use.

3.28 Some authorities choose to number their classified unnumbered roads, and can refer to them as C roads. This has no national standing, but we recognise that an authority may put in place measures to help identify a road. In the absence of a standardised national system of numbering, we advise that any local numbering is not displayed on signs.

## Recording classification

3.29 The department provides a standardised form for communicating any changes in classification to interested parties (<https://www.gov.uk/government/publications/guidance-on-road-classification-and-the-primary-route-network>). Geoplace maintain an email account for forwarding completed forms to all interested parties, including Ordnance Survey and the department. All completed forms should be sent to [roads.classification@geoplace.co.uk](mailto:roads.classification@geoplace.co.uk).

Any updates to the procedure for recording routes will be found on the department's website.

3.30 The local highway authority is responsible for recording classification in their area. Any changes must be included in the authority's monthly update to the National Street Gazetteer in order to be valid.

3.31 Given that road classification is an ongoing process, and classifications may date back to the 1920s, the department recognises that neither local authorities nor central government will have comprehensive records of classification decisions taken before 2012. Where an authority identifies a discrepancy in the treatment of a road, it may be advisable to complete a classification form to clarify the status of the road.

## Operational questions

3.32 Authorities may want to consider whether a road's classification should be associated with a particular standard of maintenance, or any other operational consideration. This is entirely a matter for the individual authority.

3.33 Classification (as anything other than an unclassified road) may also have implications for development control, streetworks, pipelines and side roads orders. In all cases, classifying a road imparts a degree of protection, and usually means that approval for alterations must be granted either by the local authority, or by the Secretary of State.

## Appeals



3.34 The Secretary of State retains ultimate power over roads classification. In the case of disputes over the classification of a road, affected parties may appeal to the Department for Transport for a ruling. This applies both to local authorities concerned with the actions of their neighbours, and to members of the public who are concerned about an authority's decisions.

3.35 Where there is a dispute, the department will expect interested parties to attempt to reconcile the matter through discussion at a local level. The highway authority can be expected to provide justification for its changes:

- where residents or road users are appealing against a decision of their local authority, the department would expect them to contact the authority and discuss the matter before taking forward any appeal to the department
- any changes to roads at the boundary of a neighbouring local authority should already have been discussed, and the support of the neighbouring authority agreed (paragraphs 3.13 - 3.18). Where a local authority is concerned that the actions of its neighbours will have a significant impact on their own situation, prior discussions should have taken place.

3.36 The appeals process is intended to focus primarily on procedural matters, such as where an authority has failed to properly consult neighbouring authorities before making a significant change.

3.37 If the principles outlined in paragraphs 3.3 to 3.12 of this guidance have not been followed, there may also be grounds for an appeal. However, the department recognises that it is unlikely to have a better understanding of the local road network than the local highway authority, and generally expects only to intervene in cases where the local decision is clearly unreasonable.

3.38 The appeals procedure is not intended to challenge the status of existing classification, and will only apply to changes after April 2012. Nor, is it intended to challenge classifications that have been in force for more than 12 months, other than in exceptional circumstances.

3.39 The Secretary of State retains ultimate legal responsibility for roads classification. They may exercise these powers if an authority has managed or developed the roads classification system in its area to the detriment of road users or neighbouring authorities; or for other reasons of policy.

## Applicability

3.40 This system will come into force on 1 April 2012. Until this point, local authorities should apply for changes directly to the department.

## Appendix A – terminology

### Road types - official

Strategic road network (SRN) – nationally significant roads used for the distribution of goods and services, and a network for the travelling public. In legal terms, it can be defined as those roads which are the responsibility of the Secretary of State for Transport. It is managed by the Highways Agency. Any road on the SRN is known as a trunk road.

For analytical purposes, the department has identified a framework of strategic national corridors (SNCs). Individual roads in the SNCs are known as routes of strategic national importance (RSNI).

Primary road network (PRN) – roads used for transport on a regional or county level, or for feeding in to the SRN for longer journeys. Defined as roads that provide the most satisfactory route between places of traffic importance. The PRN includes the entirety of the strategic road network. No roads

classified lower than an A road should be included in the PRN. A roads on the PRN are coloured green on most maps, as opposed to the red of ordinary A roads.

The PRN is constructed around a series of primary destinations – significant locations that are likely to attract traffic. A road on the PRN is known as a primary route.

A road – highest class of classified road, and top tier of the roads classification system. They are identified by the local highway authority (where they are not in the SRN) and approved by the Secretary of State. Each A road is given a unique identifying number from a list maintained by the Department for Transport.

All sections of the strategic road network and primary route network which are not classified as motorways are classified as A roads.

B road – second tier in the classified road system. Identified by the local highway authority and approved by the Secretary of State. Each B road is given a unique identifying number from a list maintained by central government.

Classified unnumbered road – third class of classified road, and a tier in the roads classification system. Identified by the local highway authority and approved by the Secretary of State. No number is officially associated with a classified unnumbered road, although the local highway authority is entitled to develop its own methods to identify it.

Unclassified road – fourth and lowest class of classified road in the classification system. If not stated otherwise, roads are assumed to be unclassified. No number is officially associated with an unclassified road, although the local highway authority is entitled to develop its own methods to identify it.

Special road – a road on which certain types of traffic are prohibited, under the Highways Act 1980. All motorways are Special Roads, together with some high-grade dual carriageways.

Principal road – a category of road identified in the Highways Act 1980, consisting of all A roads and motorways. This term is now largely unused except in legislation.

Secondary road – roads that are not principal roads – ie B roads, classified unnumbered roads and unclassified roads.

## Road types - unofficial

C road – another term for a classified unnumbered road. Any numbering system around C roads is peculiar to the authority and is not coordinated on a national basis; as a result, we advise that it is not displayed.

D road – another term for an unclassified road. Any numbering system around.

D roads is peculiar to the authority and is not coordinated on a national basis, as a result, we advise that it is not displayed.

Major roads – generally defined as consisting of all A roads and motorways, although no consistent definition exists.

Minor roads – no consistent term exists, but can describe:

a) all roads that are not major roads b) roads on an Ordnance Survey map that perform a function similar to classified unnumbered roads

or

c) the sum total of all classified unnumbered and unclassified roads – i.e. all roads which do not have a national number associated with them

## Other terms

Detrunking - the process of transferring a road from the control of the Secretary of State to a local authority.

Highways Agency (HA) – an executive agency of the Department for Transport, responsible for managing the SRN in England on behalf of the Secretary of State.

Local Highway Authority (LHA) – the owner of adopted roads in a given area, with legal obligations with regard to maintenance and management. In England, depending on the roads in question, this will be either the county council, the unitary authority, the metropolitan district council, the London borough or Transport for London. The LHA is not responsible for the SRN, as this is owned by the Secretary of State for Transport and operated by the Highways Agency (known in this context as the National Authority), which performs the functions that would elsewhere be carried out by the LHA.

Ordnance Survey – UK's national mapping agency.

National Street Gazetteer – a database of all streets in England and Wales compiled from the responsible local highway authorities.

## Annex A – Primary Destinations

Arranged by ceremonial county

### Bedfordshire

Bedford

Dunstable

Luton

Luton Airport

### Berkshire

Bracknell

Maidenhead

Newbury

Reading

Slough

### Bristol

Bristol

### Buckinghamshire

Amersham

Aylesbury

Beaconsfield

High Wycombe

Milton Keynes

## **Cambridgeshire**

Cambridge

Ely

Huntingdon

Peterborough

Wisbech

## **Cheshire**

Chester

Congleton

Crewe

Ellesmere Port

Macclesfield

Nantwich

Northwich

Runcorn

Warrington

Widnes

## **Cornwall**

Bodmin

Bude

Falmouth

Helston

Launceston

Liskeard

Newquay

Penzance

Redruth

St Austell

Tavistock

Truro

Wadebridge

## **County Durham**

Bishop Auckland

Consett

Darlington

Durham

Hartlepool

Stockton

Teesside

## **Cumbria**

Barrow-in-Furness

Carlisle

Kendal

Keswick

Kirkby Lonsdale

Penrith

Whitehaven

Windermere

## **Derbyshire**

Ashbourne

Buxton

Chesterfield

Derby

Matlock

## **Devon**

Barnstaple

Bideford

Exeter

Exmouth

Honiton

Okehampton

Paignton

Plymouth

Torquay

## **Dorset**

Blandford

Bournemouth

Dorchester

Poole

Weymouth

## **East Riding of Yorkshire**

Bridlington

Brough

Hull

Humber Bridge

## **East Sussex**

Brighton

Eastbourne

Hastings

Lewes

Newhaven

Uckfield

## **Essex**

Basildon

Chelmsford

Clacton

Colchester

Dartford Crossing

Harlow

Harwich

Port of Tilbury

Southend

Stansted Airport

## **Gloucestershire**

Cheltenham

Cirencester

Gloucester

## **Greater London**

(NB. Primary destinations in Greater London, other than Heathrow Airport, are usually only signed within the boundary of the M25)

Barking

Bexleyheath

Brent Cross

Brixton

Bromley

Central London

Clapham Junction

Croydon

Dalston

Docklands

Ealing

Enfield

Hammersmith

Harrow

Heathrow Airport

Holloway

Hounslow

Ilford

Kilburn

Kingston

Lewisham

London

Peckham

Richmond

Romford

Stratford

Sutton

The City

Uxbridge

Walthamstow

Wembley

West End

Westminster

Wimbledon

Wood Green

Woolwich

## **Greater Manchester**

Altrincham

Ashton-under-Lyne

Bolton

Bury

Leigh



**Manchester**

Manchester Airport

Oldham

Rochdale

Salford

Stockport

Trafford Park

**Hampshire**

Andover

Basingstoke

Fareham

Petersfield

Portsmouth

Ringwood

Southampton

Winchester

**Herefordshire**

Hereford

Leominster

Ross-on-Wye

**Hertfordshire**

Hemel Hempstead

Hertford

St Albans

Stevenage

Watford

**Kent**

Ashford

Canterbury

Channel Tunnel

Dartford Crossing

Dover

Folkestone

Maidstone

Margate

Ramsgate

Sevenoaks

Sheerness

Thamesport

Tunbridge Wells

## **Lancashire**

Blackburn

Blackpool

Burnley

Clitheroe

Colne

Fleetwood

Heysham

Lancaster

Morecambe

Preston

Skelmersdale

Wigan

## **Leicestershire**

East Midlands Airport

Hinckley

Leicester

Loughborough

Market Harborough

Melton Mowbray

## **Lincolnshire**

Boston

Gainsborough

Goole

Grantham

Grimsby

Humber Bridge

Immingham

Lincoln

Scunthorpe

Skegness

Sleaford

Spalding

Stamford

## **Merseyside**

Birkenhead

Bootle

Garston

Huyton

Liverpool

Southport

Speke

St Helens

Wallasey

## **Norfolk**

Cromer

Diss

Downham Market

Great Yarmouth

King's Lynn

Norwich

Swaffham

Thetford

## **North Yorkshire**

Harrogate

Middlesbrough

Ripon

Scarborough

Scotch Corner

Selby

Stockton

Skipton

Thirsk

Whitby

York

## **Northamptonshire**

Corby

Kettering

Northampton

Wellingborough

## **Northumberland**

Alnwick

Ashington

Berwick-upon-Tweed

Corbridge

Hexham

Morpeth

## **Nottinghamshire**

Mansfield

Newark

Nottingham

Worksop

## **Oxfordshire**

Banbury

Oxford

## **Rutland**

Oakham

## **Shropshire**

Bridgnorth

Oswestry

Shrewsbury

Telford

Whitchurch

## **Somerset**

Bath

Bridgwater

Frome

Glastonbury

Minehead

Shepton Mallet

Taunton

Weston-super-Mare

Yeovil

## **South Yorkshire**

Barnsley

Doncaster

Rotherham

Sheffield

## **Staffordshire**

Burton-upon-Trent

Cannock

Leek

Lichfield

Newcastle-under-Lyme

Rugeley

Stafford

Stoke-on-Trent

Stone

Tamworth

Uttoxeter

## **Suffolk**

Beccles

Bury St Edmunds

Felixstowe

Ipswich

Lowestoft

Newmarket

Sudbury

## **Surrey**

Dorking

Farnham

Guildford

Reigate

Staines

## **Tyne & Wear**

Gateshead

Newcastle

South Shields

Sunderland

Tyne Tunnel

Tynemouth

## **Warwickshire**

Leamington Spa

Nuneaton

Rugby

Stratford-upon-Avon

Warwick

## **West Midlands**

Birmingham

Birmingham International Airport

Brownhills

Coventry

Dudley

Solihull

Stourbridge

Walsall

West Bromwich

Wolverhampton

## **West Sussex**

Bognor Regis

Chichester

Crawley

East Grinstead

Gatwick Airport

Horsham

Worthing

## **West Yorkshire**

Bradford

Dewsbury

Halifax

Huddersfield

Keighley

Leeds

Pontefract

Wakefield

Wetherby

## **Wiltshire**

Chippenham

Marlborough

Salisbury

Swindon

Trowbridge

Warminster

## **Worcestershire**

Bromsgrove

Evesham

Kidderminster

Redditch

Worcester

## **Footnotes**



1. A trunk road is a road owned and operated by the Secretary of State for Transport. Trunks roads form part of the Strategic Road Network (paragraphs 1.16-1.18)
2. Motorways are classified as Special Roads – roads where certain types of traffic are prohibited. This arrangement is determined by statute, and is not covered in this consultation. Historically, there has been a distinction between principal and non-principal/secondary roads, with principal roads assumed to be A-roads or better. Although this term can be found in legislation, we aim to avoid using it when describing current policy.
3. While roads policy is a devolved matter, the English and Welsh road numbering systems are intrinsically linked. We request that Welsh LAs inform the department of any numbering changes, to help avoid confusion. Likewise, the department is able to clarify the status of any particular number for any Welsh LA, and to reserve any numbers for their use (individually or en bloc).

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Department  
for Transport

# Road Investment Strategy 2: 2020–2025



## The South and West

Severn Resilience Package

A404 Bisham Junction

A2 Brenley Corner

A303 Phase 2 upgrade

A3/A247 Ripley South

A21 safety package

A2 Dover Access

A27 Lewes to Polegate

A27 Chichester improvements

M27 Southampton Access

A38 Trerulefoot-Carkeel safety package

\* The A120 Braintree to A12 proposal is currently affected by outstanding funding contributions related to the development of the Colchester/ Braintree Border Garden Community and contributions from local authorities. Subject to decisions in these areas, the scheme may become committed for delivery.

\*\* In cooperation with work funded by the Ministry of Housing, Communities and Local Government on the A5 Transport Corridor.

## Strategic studies

Strategic studies are a method to tackle problems that are too large to be resolved through one single project; or where the impacts of action are more complex or conditional, and must be considered in ways that are not standard. The development of RIS2 has used this tool to consider what can be done at some of the most difficult points on the network, and the findings have led to RIS2 committing to complex projects. In particular, the study into Northern Trans-Pennine links has been endorsed by the Government, and RIS2 commits to delivering the coordinated dualling of the A66.

Strategic studies also serve as a useful mechanism to find opportunities to link new infrastructure with substantial development. This is particularly relevant for the Government's ambitions for growth and housing. In some cases, strategic studies can be expected not to create a proposal for infrastructure, but to identify opportunities where wide-ranging local development can cohere around plans for a single piece of infrastructure.

The first generation of strategic studies have already created an ambitious programme of forward work, which will affect Highways England's forward plans into RIS3 and RIS4. The scale of this work, coupled with the potential for further proposals to evolve from other strategic studies, limits the extent to which we are commissioning new strategic studies at present. However, we have identified some areas where new studies can serve a useful purpose.

### Existing strategic studies

- **M60 Manchester North West Quadrant** – The North West Quadrant of the M60 is one of the busiest roads in the North, providing for both local and

strategic traffic. The current constraints on the route have negative impacts on both users and local residents. Working closely with Transport for the North and Transport for Great Manchester, our study has so far supported the importance of the Simister Island Interchange in mitigating some impacts and there is now a committed scheme in RIS2. However, the transformational options identified by the study would have significant adverse impacts on local people and communities, and overall would not provide value for money. The study will therefore continue to identify packages of smaller schemes that can be developed through RP2. Working closely with Transport for Greater Manchester, we will complete a parallel local study which has sought to identify if meaningful relief can be delivered through improvements to public transport or to the local road network.

- **Trans-Pennine Tunnel** – Manchester and Sheffield are not connected directly by a high-quality road. Work during RIS1 has shown that traffic between the two cities is one fifth of that between Manchester and Leeds. However, the presence of the Peak District National Park means that any action to correct this must take full account of potential environmental consequences. We will work in partnership with Transport for the North, local highways and national park authorities to finalise whether high-quality but cost effective connections can provide an appropriate balance between the levelling up of the economy and the environmental impacts on a valued and protected landscape.
- **A1 East of England** – The A1 in Bedfordshire is some of the oldest dual carriageway on the SRN, and has

profound impacts on the people who live on or near to it. It also creates a limit on how much growth the area can absorb without placing existing infrastructure under visible strain. Our existing study shows that congestion and safety issues on the route are not substantial enough in their own right to justify the full costs of moving the road to a new, more appropriate location. Substantial plans for local development (as proposed by the National Infrastructure Commission) has the potential to change this, and further work on the project will be considered if development becomes likely.

- **Oxford to Cambridge Expressway –** Oxford to Cambridge Expressway – the Oxford-Cambridge Arc is already home to some of the most productive towns and cities in the country. The Government's ambition is for further growth within the Arc that will help make it a world class economic hub, and delivering the right infrastructure is vital to support this. The Government has investigated the potential for a new high-quality link road between the M1 and M40 which could support this growth and examined the costs and benefits of a range of options, taking account of the views of local authorities and residents in the Arc. We are now pausing further development of the scheme while we undertake further work on other potential road projects that could support the Government's ambition for the Oxford-Cambridge Arc, and benefit people who live and work there, including exploring opportunities to alleviate congestion around the Arc's major economic centres such as Milton Keynes. We will work with the Ministry of Housing, Communities and Local Government and local partners on the

proposed Spatial Framework to identify the role transport can play alongside the proposed economic and housing growth ambitions for the Oxford-Cambridge Arc.

- **M25 South West Quadrant –** The M25 between Junctions 10 and 16 is the busiest section of road in the UK and our study has considered how congestion can be relieved on this route. The study recommends against conventional widening of the existing road and has sought to find other ways of reducing pressure on the motorway. It assessed whether wider transport measures could have a role to play in easing congestion on this section, but has indicated that these are insufficient to meaningfully improve the road's performance. We have identified options for getting more capacity out of the existing M25, but in the long-term it may be that to reduce congestion significantly new infrastructure off the existing line of route would prove necessary. We will now look to review and consider these options further taking full account of any effects on surrounding communities.

### New studies

- **Central Pennines –** This new study was announced in March 2019 to consider how road connections from the eastern end of the M65 in Colne could be improved. The study is considering if there maybe potential to better connect communities in east Lancashire and West Yorkshire, provide more resilient links to Leeds Bradford Airport and between the M6 and the A1(M), relieving the M62. The study is looking at what the issues are before assessing if there are plausible, cost effective options.



- M4 to Dorset Coast** – There are few north-south connections across the South West of England. The present strategic road for this area is a mixture of the A36 and A46, via Bath, Warminster and Salisbury. Local authorities in the area have suggested that there is a strategic case for adopting an alternative corridor – the A350 – as the main strategic route for the area; and then beginning a coordinated programme of upgrades to provide a high-quality route linking the M4 to the Dorset Coast including Bournemouth and Poole, with its economically-important port facilities. This raises a number of related questions, which are best considered together as part of a strategic study. We expect that this study will identify which corridor provides the main strategic route for the area; may recommend the trunking and detrunking of key routes; and may identify priority investments in the area that can be taken forward after the dualling of the A303/A358 is complete.
- Role of the Urban SRN** – As mayoral and combined authorities develop strategies and working arrangements for

their transport and environmental activities in many of our urban centres, an important question emerges about how the SRN and Highways England can play their part most effectively in those places. In RP2, Highways England will undertake a study into the role of the urban SRN, balancing the desire to better integrate these roads with local planning and transport operations while not adversely impacting on their national strategic role. This study will consider options such as improved collaboration on operations and changes in road ownership.

In considering where to locate new strategic studies, we have taken into account the developing role of STBs. These organisations, each at a different stage of maturity, are increasingly carrying out work similar to the strategic studies commissioned by RIS1, and in some cases have requested that they take the lead in carrying out work of this kind. For this reason, RIS2 looks to the existing studies on key corridors carried out by Transport for the North and Midlands Connect when planning for their respective areas, instead of commissioning studies to re-examine the same questions.



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Bath & North East Somerset Council			
MEETING:	Cabinet		
MEETING DATE:	9 <sup>th</sup> September 2021	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	3294
TITLE:	Bath Clean Air Plan- update September 2021		
WARD:	All		
AN OPEN PUBLIC ITEM			
List of attachments to this report: Appendix a- Bath’s Clean Air Zone Quarterly Monitoring Report, April- June 2021 Appendix b- Proposed Bath Clean Air Zone Charging (Variation) Order 2021 and plan			

## 1 THE ISSUE

1.1 Poor air quality is the largest known environmental risk to public health in the UK. Investing in cleaner air and doing more to tackle air pollution are priorities for the UK government, as well as for Bath and North East Somerset Council (B&NES). B&NES has monitored and endeavoured to address air quality in Bath, and the wider B&NES area, since 2002. Despite this, Bath has ongoing exceedances of the legal limits for Nitrogen Dioxide (NO<sub>2</sub>) and these were predicted to continue until 2025 without intervention.

To achieve compliance with Ministerial Directions, in March 2021 a Clean Air Zone (CAZ) was launched in Bath, the first charging CAZ outside of London.

1.2 Whilst many of the monitoring measures, including air quality, are ordinarily reported on an annual basis, this report provides an early, indicative view of the first 3 month's performance of the Clean Air Zone (CAZ) in Bath and sets out a required variation to the Charging Order following the scheme's launch on 15 March 2021.

## **2 RECOMMENDATIONS**

The Cabinet is asked to:

- 2.1 Note the successful launch and implementation of the CAZ during a global pandemic, the success in upgrading the local scheduled bus fleet and the successful response to the Financial Assistance Scheme to bring forward the replacement of non-compliant vehicles.
- 2.2 Note the positive progress which has been made towards improving air quality and associated public health outcomes, together with increasing the proportion of compliant vehicles entering the CAZ and discharging the Ministerial Directions.
- 2.3 Delegate authority to the Director of Place Management to make any non-material changes to, and authorise the adoption of, the Bath Clean Air Zone Charging (Variation) Order, and for it to have effect from the date of sealing.
- 2.4 Note the performance of the scheme against the scheme financial model, ensuring it covers its costs of operation and avoids placing an additional burden on the Council and local taxpayers.

## **3 THE REPORT**

- 3.1 The Bath Clean Air Zone, the first chargeable CAZ outside of London, was successfully launched on 15 March 2021. This has been a huge infrastructure project to implement during a global pandemic and the first three months of the scheme have gone well, given the complexity and significance of the project.
- 3.2 Following launch, there was a two month 'soft enforcement' phase where only the zone entry charge was recovered from owners of chargeable vehicles receiving penalty charge notices (PCNs), rather than the zone entry charge together with the penalty charge. This approach was strongly supported by the Traffic Penalty Tribunal (TPT) as being proportionate, and was beneficial in helping to embed the necessary significant behaviour change needed from owners/drivers of chargeable vehicles.
- 3.3 Inevitably with the size and complexity of such a project and being the first to launch, there have been some initial issues relating to third party software integration and government rule changes, the impact of which has been managed in a fair and effective manner. For example, shortly before launch a government rule change resulted in a cohort of LGVs/vans becoming non-compliant/chargeable where previously they were deemed compliant. These issues have been managed through the suppression of any incorrectly issued fines, extending exemptions in certain circumstances, and by providing tailored support and time-limited exemptions to owners of chargeable vehicles. These and other initial issues have now been addressed with the owners of the vehicles affected and where possible, resolved.

3.4 In the Full Business Case for the scheme, a monitoring and evaluation plan was developed and this was used as the basis to develop a performance reporting structure that was appropriate in light of the impact of the pandemic, and is comprised of indicative quarterly management reports and annual audited reports.

3.5 The first quarterly management report is attached at Appendix a and provides an indicative summary of the performance of the CAZ between April-June 2021. This reporting process is evolving and undergoing refinement; inevitably, at such an early stage it is difficult to draw any binding conclusions. However, the Council is committed to sharing data for transparency, and we are keen for the public to see the data so that they can understand the impact their contributions and compliance are making to vehicle emissions, air quality and public health outcomes.

The charging scheme for a CAZ is unique, in that the personal benefit to the owner/driver is not immediately apparent, especially because the dangers of nitrogen dioxide cannot be seen or smelt and the scientific process involved in gathering, analysing and reporting on air quality data results in significant latency between paying the charge (or a change in behaviour encouraged by the charge) and the resulting environmental and social benefit.

3.6 This quarterly report principally covers air quality data and trends in traffic movements and composition. Annual reports will also seek to measure other parameters such as any changes in retail footfall, with the understanding that there will be pandemic impacts affecting this data. Key findings from the report include the following, however please note that 2020 has been discounted as a baseline for comparative data because of the severe impact of the pandemic on traffic and travel behaviour last year:

- Provisional air quality, traffic and vehicle compliance data indicates that Bath's Clean Air Zone is having the intended effect of improving fleet compliance, changing behaviours, and improving the city's air quality in general.
- Average nitrogen dioxide (NO<sub>2</sub>) concentrations within the CAZ are 12.6 per cent lower than the same period in 2019 (Q2), representing a reduction of 4 µg/m<sup>3</sup>. This is the average reading from a total of 64 monitoring sites within the CAZ, over the first three months of operation.
- Similar levels of NO<sub>2</sub> reduction were found in the Bath urban areas outside the zone's boundary, including Batheaston and Bathampton. Average NO<sub>2</sub> concentrations are also lower across the B&NES district.
- Despite this general improvement, quarterly average concentrations of NO<sub>2</sub> at eight monitoring sites are greater than 40 µg/m<sup>3</sup> which

indicates a potential exceedance of the annual average level<sup>1</sup>. Whilst at one of these sites (Wells Road) there was an increase in NO<sub>2</sub> concentrations, at four of these sites (Dorchester Street, Victoria Buildings, Anglo Terrace, Walcot Parade) there was a decrease in NO<sub>2</sub> concentrations between 2019 Q2 and 2021 Q2. Three sites (Anglo Terrace Façade, Walcot Parade 2, Wells Road 4) only started recording in 2019 Q3 and so we do not have a baseline for comparison.

- Across the five sites that were recording in 2019 Q2 (Dorchester Street, Victoria Buildings, Anglo Terrace, Wells Road, Walcot Parade), the average NO<sub>2</sub> concentration reduced from 50 µg/m<sup>3</sup> to an average of 44.3 µg/m<sup>3</sup> (a decrease of 13%).
- Of these eight sites, the only site which showed an increase in NO<sub>2</sub> concentration (Wells Road) rose by 2.7 µg/m<sup>3</sup> to 46.7 µg/m<sup>3</sup> (an increase of 6%).
- There is still time for air quality improvements to be made, and the following four areas continue to be closely monitored: Cleveland Place East junction, Dorchester Street, Wells Road (close to the Churchill Bridge gyratory) and Victoria Buildings.
- However, compared with the same quarter in 2019, three fewer locations in Bath now exceed quarterly annual average levels of NO<sub>2</sub> concentrations over 40 µg/m<sup>3</sup> and two fewer locations exceed 36 µg/m<sup>3</sup>
- This report refers to the period of April- June and is before the full closure of Cleveland Bridge in Bath. The impact of this closure on air quality and traffic flows will be reported in the second quarterly report which will follow later in the year.
- 90% (equating to approximately 400 vehicles) of all taxis travelling in the zone at the end of June are now compliant, whereas only 67% (equating to approximately 180 vehicles) of taxis travelling in the zone during the week of launch, were compliant. By the end of June 2021, 71 higher polluting taxis have been replaced with cleaner, compliant ones with support from the Financial Assistance Scheme and approximately 50 remain to be upgraded.

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<sup>1</sup> (Diffusion tube data is reported as measured at the site with no adjustments for local bias, or to the point of nearest exposure. All air quality data is provisional until accepted by DEFRA at the end of the calendar year)

- Out of a total fleet of 226 scheduled buses, 87 were non-compliant when the bus retrofit programme started, and to the end of June 2021, 73 have been successfully retrofitted to meet CAZ emission standards with financial support from the government. It's anticipated that by the end of August 2021, all but three scheduled buses will be compliant.
- The percentage of chargeable non-compliant vehicles (as a percentage of all traffic) entering the zone each week reduced from 5.7% in the launch week, to 2.1% in the last full week of June 2021.
- Of the chargeable vehicle categories, the percentage of compliant unique vehicles seen in the zone and meeting emission standards (as a 7-day daily average) rose from 33% in the week of launch to 82% in the last week in June- **an improvement of 49%**. This is despite the overall number of vehicles travelling into the zone increasing each day as pandemic restrictions eased.
- Traffic flows are 9% lower in the CAZ compared with the same period (April to June) in 2018 (the last year for which the Council has relevant representative data). Average local and national traffic flows remain below pre-pandemic levels.
- Average traffic flows in the urban areas outside of the zone's boundary, including Batheaston and Bathampton, are 12% lower than the same period (April to June) in 2018.
- Average traffic flows across the B&NES district are 9% lower when compared with the same period (April to June) in 2018.
- Whilst many residents and businesses are upgrading using their own resources or as part of planned replacement programmes, the Council has received over 2,000 enquiries about its Financial Assistance Scheme (FAS) which offers local businesses individual grants and loans to replace or upgrade non-compliant vehicles regularly driving in the zone.
- To the end of June 2021, owners of 1,003 vehicles have so far passed the Council's eligibility checks to apply for funding to upgrade or retrofit their non-compliant vehicles via the Council's approved finance partners. 344 vehicles have already been replaced with cleaner, compliant ones, and hundreds more are due to be replaced in the coming months

3.7 As the traffic and air quality modelling carried out as part of the Full Business Case could not have anticipated the effects of the global pandemic (or the need to temporarily close Cleveland Bridge), a

validation exercise is being undertaken to ensure that compliance will still be achieved in the shortest possible time and by the end of 2021 at the latest. The outcome of this exercise is still to be determined, along with the need for any further intervention.

- 3.8 During the development of the Full Business Case, traffic modelling did suggest that there could be both increases and decreases in traffic flows as a result of the CAZ being introduced. However, it did not anticipate the changes in national and local traffic patterns as a result of the pandemic. The report provides information on how concerns about the potential displacement of traffic and pollution have been investigated since the launch of the scheme and provides an update on the progress of these investigations. The public have so far alerted us to 15 locations of concern all of which are being investigated, with a view to determining whether any interventions could be required.
- 3.9 Around 40,000 unique vehicles are now travelling in the zone each day. Since launch, the percentage of chargeable, non-compliant vehicles entering the zone has decreased as a result of vehicle upgrades, local and national fleet redistribution, modal shift and avoidance. All of which has resulted in the associated reduction in air pollution as shown the report and the consequent improvement in public health outcomes.
- 3.10 It is these chargeable vehicles which are having a disproportionate impact on nitrogen dioxide levels and our focus has been to help the owners/drivers of these vehicles upgrade to compliant vehicles with the support of our FAS using £9.4M of central government funding. This innovative scheme provides residents and businesses with a grant depending upon the vehicle type and access to an interest-free loan.
- 3.11 The aim of the FAS is to replace around 1,500 non-compliant vehicles and by the end of June 2021 over 1,000 have been deemed eligible to apply for funding and have already been replaced, or should be replaced shortly. This has been achieved with funding from the government and a framework of specialist vehicle asset finance providers to ensure that this ground-breaking scheme is robust and fully auditable. A programme of bus retrofitting has also been completed which is a key deliverable of the scheme as it is these vehicles which are amongst those travelling most frequently in and out of the zone. The scheduled buses working in the zone are now largely compliant.
- 3.12 The FAS and the bus retrofit scheme have supported an increasing trend of compliant vehicles entering the zone.
- 3.13 Buses/coaches are often now 100% compliant. The percentage of compliant taxis entering the zone has increased from around 70% in March 2021 to above 90%. And despite the impact of the pandemic and the shortages of vehicle components, the compliance rates of Light Goods Vehicles (LGV's) is now increased to around 80%. Our data also reveals that the compliance rates of all types of Heavy Goods Vehicles (HGV's) is above 90%.

- 3.14 The FAS has been created using a framework agreement, so that other local authorities can use the same panel of financial providers without the need for a tendering exercise and therefore, saving time and cost. Several authorities which are also introducing CAZ's have expressed an interest in using this framework. A webinar has been hosted with representatives from all UK nations, sharing the learnings from introducing this innovative scheme.
- 3.15 Whilst the emerging trends from this first report are encouraging, it must be acknowledged that general traffic levels are increasing and can be impacted by roadworks, compliance rates are likely to plateau over time, and meteorological effects will impact pollution levels. The second performance report covering July-September 2021 will provide more information and data on the progress towards compliance.
- 3.16 Following launch, additional supporting projects to mitigate any impacts of the scheme, improve the monitoring and provide further support to businesses, are being progressed. These include better enforcement of any existing weight restrictions, anti-idling enforcement, and consideration of additional live air quality monitoring.
- 3.17 To avoid the need to charge private cars, the Full Business Case required a temporary traffic management solution at Queen Square to moderate the flow of traffic through Gay Street and reduce a monitored exceedance of nitrogen dioxide pollution. This has been achieved through the installation of traffic signals, pedestrian crossings with advance cycle priority and widening of pavements. This was phase one of a package of wider public realm improvements, that will be subject to public engagement to further improve this iconic heritage location. In addition, an innovative system has been introduced to link traffic signal sequencing with local air quality monitoring so that the traffic flow can be dynamically controlled according to the nitrogen dioxide levels being measured. Further information about air quality monitoring following launch of the scheme can be found in Appendix 1 to this report.
- 3.18 The Charging Order which provides the legal framework for the scheme requires that in the first place any surplus revenue should be used to cover the cost of operation of the scheme, including the maintenance of infrastructure and operational staff. Overall, it is not anticipated that the scheme will generate substantial net revenues, however, larger amounts will inevitably be received in the early months of the scheme as it embeds. Indeed, the more vehicles that are compliant with the scheme's standards the less revenue will be generated. However, if net revenues are generated from the scheme, these will be focused on delivering local transport and air quality initiatives.
- 3.19 The Council is aware of its responsibility as a national leader in introducing this scheme and has remained in close contact with other local authorities who are also launching schemes in 21/22, to share learnings and experience through regular meetings and webinars and with a view to ensuring as much consistency as possible amongst the CAZs being introduced across the country. For example, taking the lead

from Bath, other cities are also intending to employ a soft enforcement phase immediately after launch following the success of our approach to embed behaviour change. A scheme has been implemented in Birmingham and schemes in Bristol, Portsmouth, Bradford, and Greater Manchester are due to be introduced over the next 12 months.

## **4 STATUTORY CONSIDERATIONS**

- 4.1 The Council has received a total of three separate Ministerial Directions throughout the development of the scheme, the effect of which is that the Council must fulfil its statutory duty to achieve compliance with air quality standards by 2021 at the latest and in any case, in the shortest time possible. Following launch of the scheme on 15 March 2021 and despite the challenges posed by the pandemic, officers have continued to work hard to achieve this legal requirement.
- 4.2 It is widely recognised by Client Earth and others that support for people and businesses to move to cleaner forms of travel and transport remains crucial and 'building back greener' should be an integral part of the pandemic recovery.
- 4.3 Achieving compliance with air quality standards across Bath and the wider North East Somerset area will result in widespread public health improvements and moving people and businesses to cleaner forms of travel and transport should be part of the package of economic recovery measures following the COVID-19 restrictions. Specific health impacts for NO<sub>2</sub> include:
- Long-term exposure to air pollution is linked to increases in premature death, associated with lung, heart and circulatory conditions.
  - Short-term exposure can contribute to adverse health effects including exacerbation of asthma, effects on lung function and increases in hospital admissions. There is also emerging evidence to suggest that improving air quality helps to reduce the effects of respiratory illnesses and therefore lowers the risk of people being more severely affected by COVID-19; and
  - Other adverse health effects including diabetes, cognitive decline and dementia, and effects on the unborn child are also linked to air pollution exposure.
- 4.4 The Charging Order, made under the Transport Act 2000, provides the legal framework for the scheme, and was advertised and subsequently sealed on 28 January 2021 in accordance with this Act.
- 4.5 Since this date and launch of the scheme there is a requirement to make a Variation Order under section 168 of the Act (Appendix b) to make minor amendments to the following details to ensure the Charging Order better aligns with the outcome of the public consultations:



- make explicit the exemption for motorcaravans with vehicle category M1 specified on a V5 certificate
- clarify the definition of ‘ambulances’ to ensure that this only includes vehicles with a blue warning beacon and siren
- clarify the boundary of the zone at Bathwick Hill to ensure that the building and curtilage lines of properties in Bathwick Terrace match the vehicular access, thereby including these properties within the zone. This minor change will also correspond with the on-street infrastructure (signage and cameras) which already clearly identifies the access to these 4 properties within the CAZ (see Appendix b)

4.6 Consideration has been given as to whether there should be public consultation about the proposed variation. However, the changes proposed are clarificatory and do not result in any new burden on anyone. The changes relating to ambulances reflect the original public consultation and Full Business Case. Therefore, it is considered that further public consultation is not necessary.

4.7 The Council has a public sector equality duty to have due regard to the need to (in summary) eliminate discrimination, advance equality of opportunity, and foster good relations between people who share a relevant protected characteristic and those who do not. An Equalities Impact Assessment (EqIA) was drafted in September 2018 so that the Council could fulfil this duty and has been subsequently reviewed on several occasions, including around the launch of the scheme. The latest review did not identify any adverse impacts and the latest version (recently updated) can be found here: <https://beta.bathnes.gov.uk/policy-and-documents-library/clean-air-zone-equality-impact-assessment>

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The aim first and foremost of this charging scheme is to reduce dangerous levels of nitrogen dioxide in the shortest time possible through encouraging and embedding behaviour change. Any income is secondary to this aim, as the ongoing payment of zone entry charges and penalty charge notices is indicative that the necessary behaviour change is still required and support is available to enable non-compliant vehicle owners to upgrade and avoid charges.

5.2 The scheme has been set up using grant funding from government so there is no additional burden on the Council and local taxpayers.

5.3 Revenue grant funding to implement the scheme in advance of the receipt of any surplus income (the Implementation Fund monies) or as part of mitigating the impact of the scheme (the Clean Air Fund monies), has been allocated in the following way up until 31 July 2021:

	Original grant allocation (£)	Amount spent to date (£)	Amount remaining (£)	Stretch-funding (£)
Implementation Fund	2,067,938	1,209,130	858,808	-
Clean Air Fund	1,226,548	537,967	688,581	250,000 (relating to Only Mile Delivery)

Should these funds be spent and there is a shortfall in income, such that it does not cover the operating costs, then this risk is considered in para 6.6 in this report.

- 5.4 Capital funding received from central government to implement the scheme (the Implementation Fund monies) or as part of mitigating the impact of the scheme (the Clean Air Fund monies) has been allocated in the following way up until 31 July 2021:

	Original grant allocation (£)	Amount spent to date (£)	Amount remaining (£)
Implementation Fund	6,250,000	4,708,255	1,541,745
Clean Air fund-Bus Retrofit Scheme	1,743,000	1,444,438	298,562
Clean Air fund-Financial Assistance Scheme	5,470,870	2,290,210	3,180,660
Clean Air fund-E-Cargo Bike Delivery Scheme	250,000	0	250,000
Total	13,713,870	8,442,903	5,270,967

- 5.5 The values in the table above do not include additional 'stretch-funding' i.e., where we are likely to exceed the initial allocated budget and we have further stretch funding that we are able to apply for from central government. This amounts to £3.880M for the Financial Assistance Scheme and £0.150M for the E-Cargo Bike Delivery Scheme.

- 5.6 Once capital grant funding is fully spent all further Clean Air Zone capital spend must be covered from surplus income received.

- 5.7 Overall, it is not anticipated that the scheme will generate substantial net revenues, however, larger amounts will inevitably be received in the early stages as people adapt to the scheme. As explained, in the initial stages of implementation, grant funding was received to support the setting up of the scheme and the initial phase of operation, with subsequent scheme costs being covered by income. Any surplus income at the end of each financial year will be set aside to cover future scheme costs across three reserves; a smoothing reserve (to ensure that the ongoing operating costs are covered), a decommissioning reserve, and a reinvestment reserve. Any surplus once the smoothing reserve and decommissioning reserve are covered, will be transferred to the reinvestment reserve to fund local transport schemes.
- 5.8 From 15 March 2021 until 31 July 2021, the scheme has received £1.845M of income, £1.035M from the payment of zone entry charges and £0.810M from the settlement of Penalty Charge Notices (PCNs). Operational costs for this period have amounted to £0.244M and during the early stages of the scheme continue to be covered by grant funding as explained in para 5.7 above.
- 5.9 The budgets for both zone entry charge income and penalty charge income were modelled on a worst-case scenario basis and assumed that any income from the scheme would not be received before July 2021 for zone entry charge income and September 2021 for penalty charge income, to accommodate the risk of potential legal challenges and other factors.
- 5.10 Being the first scheme to launch nationally outside of London, these budgets were also created without the benefit of experience of payment behaviour from other live CAZ schemes and so targets were set based on other road user charging schemes, such as the Dart Charge.
- 5.11 In hindsight, these schemes are not comparable with a Clean Air Zone as the benefit (i.e. crossing the Thames in the case of the Dart Charge) is immediately received, whereas for a Clean Air Zone, the benefit of improved air quality is realised over time. Therefore, PCN income may remain elevated for longer than modelled. However, zone entry charge payment rates are improving together with vehicle compliance levels and it is anticipated that both these factors will continue as the scheme embeds and people adapt to the CAZ.
- 5.12 At present all the revenue income received is being allocated to the smoothing reserve and decommissioning reserve to cover future committed costs. Operational costs are currently being covered by the revenue grant funding which has been received from central government.
- 5.13 Until the smoothing reserve and decommissioning reserves are sufficiently funded, and the operational costs covered, there can be no allocation of surplus income to the Revenue Reinvestment Reserve.

- 5.14 The operating costs over the 10 yr life of scheme are forecasted to be £15.2M. So far, grants received and income raised total £5.1M, leaving £10.1M to be funded from future income and the smoothing and decommissioning reserves.

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment for the project has been undertaken, in compliance with the Council's decision-making risk management guidance. Specific information can be found in the Quantifiable Risk Assessment as part of the Full Business Case at [https://beta.bathnes.gov.uk/sites/default/files/2020-10/appendix\\_m\\_674726.br\\_.042.fbc-23\\_risk\\_management\\_strategy.pdf](https://beta.bathnes.gov.uk/sites/default/files/2020-10/appendix_m_674726.br_.042.fbc-23_risk_management_strategy.pdf)
- 6.2 The remaining key risk relates to uncertainty about delivering compliance in the shortest time possible due to global pandemic impacts and other factors. To mitigate this risk, officers are undertaking a model validation exercise to understand if any further intervention is required.
- 6.3 The delivery and success of the CAZ has a range of interdependencies with national, sub-regional and local stakeholders and statutory bodies, whose activities, programmes and policies could have significant implications on the delivery of air quality compliance in the shortest possible time in Bath and North East Somerset. This is especially in light of the global pandemic. All relationships with these bodies continue to be monitored by the Project Team and reported to the Project Board.
- 6.4 The implementation works for mobilising the scheme is capital expenditure, in line with the grant funding award. As the project has now been launched the risk that these costs, or an element of these costs, would need to revert to revenue has been eliminated.
- 6.5 If at any point revenue enforcement income and associated government grant income did not cover costs, any shortfall would ultimately need to be underwritten by the government's Joint Air Quality Unit (JAQU). Eventually, if income fell in the medium term, this would mean compliance has been gained and running costs would correspondingly be reduced to mitigate any adverse impact. It has been recognised that Government will honour the burden created following new burdens principle (subject to the test of the burden being reasonable).
- 6.6 The costs of the scheme continue to be monitored, reviewed and managed within available income and reports will be made to the Project Board on a regular basis.
- 6.7 The s.151 Officer and the Monitoring Officer continue to be involved in the monitoring of the scheme and have signed this report off for publication.

## **7 CLIMATE CHANGE**

- 7.1 The Council declared a Climate Emergency in March 2019, committing it to providing the leadership necessary to enable Bath and North East

Somerset to achieve carbon neutrality by 2030. Research undertaken since March 2019 has recommended three immediate priority areas for action which includes the need for a major shift to mass transport, walking and cycling to reduce transport emissions i.e. implementing policies to enable a 25% reduction in car and van mileage per person per year by 2030, coupled with a 76% switch to fully electric cars and 14% to petrol/electric hybrid, leaving just 10% petrol/diesel cars on the road by 2030. Full electrification of passenger rail is also proposed by 2030.

7.2 As set out in the July 2020 Cabinet report, it is proposed that any surplus revenue generated by the enforcement of the scheme will be held in a Revenue Reinvestment Reserve. Allocation of this revenue will be managed by an internal Steering Group and there is opportunity for reinvestment to directly or indirectly facilitate the achievement of Bath and North East Somerset Council's transport policies. These policies include schemes to reduce the use of private vehicles, which will further contribute to a reduction in carbon dioxide generated by transport and travel.

7.3 In response to feedback about owners of private cars not being charged within the scheme, further initiatives are being brought forward to engender behaviour change with private car owners. This will link in with a number of key projects that will enable the shift to more sustainable transport modes and reduce transport related emissions, such as the Liveable Neighbourhood development; Residents' Parking Zones; the Wiltshire Whippet; electric vehicle charging infrastructure development and a West of England Combined Authority (WECA) project to improve mass transit between Bath and Bristol.

## 8 OTHER OPTIONS CONSIDERED

8.1 The changes required to the Charging Order are necessary to provide clarification on what was originally consulted upon in the various public consultations. The alternative option of not making the changes could give rise to ongoing misunderstanding of the scheme.

## 9 CONSULTATION

9.1 Consultation has been carried out with the Council's senior responsible officers, S151 and Monitoring Officers, Director of Place Management, as well as the Cabinet Member for Climate Emergency and Sustainability.

<b>Contact person</b>	<i>Chris Major, Director of Place Management 01225 394231</i>
<b>Background papers</b>	<i>Bath Clean Air Zone Grant Settlement- July 2020</i> <a href="https://democracy.bathnes.gov.uk/documents/s61938/E3212%20Bath%20Clean%20Air%20Plan%20-%20Grant%20Settlement%20-">https://democracy.bathnes.gov.uk/documents/s61938/E3212%20Bath%20Clean%20Air%20Plan%20-%20Grant%20Settlement%20-</a>

	<p><a href="#"><u>%20July%202020%20FINAL%20FOR%20PUBLICATION.pdf</u></a></p> <p><i>Bath Clean Air Plan- Full Business Case</i></p> <p><a href="#"><u>https://democracy.bathnes.gov.uk/documents/s59779/E3175%20Bath%20Clean%20Air%20Plan%20FBC%20Submission%20January%202020.pdf</u></a></p> <p><i>Documents published on the Council's website, including the Full Business Case and Equalities Impact Assessment</i></p> <p><a href="#"><u>https://beta.bathnes.gov.uk/policy-and-documents-library/baths-clean-air-zone</u></a></p> <p><a href="#"><u>https://beta.bathnes.gov.uk/policy-and-documents-library/clean-air-zone-equality-impact-assessment</u></a></p>
<p><b>Please contact the report author if you need to access this report in an alternative format</b></p>	

## Appendix 1: Measuring the impact of the CAZ – Reporting timeline

Table 13 below is taken from the Monitoring and Evaluation Plan in the Full Business Case for Bath's Clean Air Plan and identifies the data that's required to measure the impact of Bath's Clean Air Zone on specific areas, the rationale for including it, how the data is collected and at what frequency.

Table 1 - Data collection and collation as planned from the Monitoring and Evaluation Plan.

Measure	Data to be Used	Rationale for Inclusion	Data Collection Methods	Frequency of Data Collection
<b>M1: Air quality data</b>	NO <sub>2</sub> concentrations data collected at existing monitoring locations in Bath and wider B&NES	To understand changes in air quality data, particularly NO <sub>2</sub> concentrations.	Diffusion tubes and real time monitoring	Baseline (pre-scheme) then continuous monitoring.
<b>M2: Traffic Flows</b>	Traffic Flows in and around the CAZ areas will be collected to understand the changes in traffic flows as a result of the scheme.	To understand changes in traffic flows along key corridors and links on the highway network. This will include possible 'rat-run' routes which may have been created by the CAZ, so responding to consultation concerns by residents in specific areas.	ANPR cordon and ancillary Manual Classified Counts (MTC) or Automated Traffic Counts (ATC) on key roads or perceived 'rat-runs'	Baseline (pre-scheme) then continuous monitoring.

Measure	Data to be Used	Rationale for Inclusion	Data Collection Methods	Frequency of Data Collection
<b>M3: Vehicular fleet information</b>	Number of compliant/non-compliant vehicles travelling within Bath	To understand changes in the type of vehicles travelling in Bath.	ANPR cordon, cross-referencing with DVLA vehicle database	Baseline (pre-scheme) then continuous Monitoring.
<b>M4: Retail/business/office space vacancy figures</b>	Vacancy statistics from internal council data (B&NES economy and growth team). Market data from property consultants. Purchasing Managers Index.	To understand changes to the number of businesses operating in Bath in order to assess economic impacts.	Internal data collection as part of ongoing process. Regular property market reports published by property consultants in the public domain could also be utilised.	Baseline (pre-scheme) then annually.
<b>M5: Retail footfall surveys</b>	Footfall data from Bath Business Improvement District data and internal council data.	To understand changes to the number of people entering shops in Bath as well as the time they spend in each shop.	Bath BID and B&NES collect this data as part of ongoing processes.	Baseline (pre-scheme) then annually.
<b>M6: Park and Ride passengers data</b>	Occupancy statistics (Cloud Amber) and bus ticket data (First). Monitor fleet mix	To understand changes in the number of people and the type of vehicle using the P&R into Bath.	Collected as part of ongoing monitoring activities by operators. ANPR at entrance to Park and Rides	Baseline (pre-scheme) then biannually.
<b>M7: Walking and cycling counts</b>	Pedestrian and cycle counts on key	To understand changes in the number of	Commissioning of new surveys	Baseline (pre-scheme) then annually.



Measure	Data to be Used	Rationale for Inclusion	Data Collection Methods	Frequency of Data Collection
	arterial routes	people walking and cycling on key routes within Bath.		
<b>M8: Bus usage and fare data</b>	Occupancy statistics (Cloud Amber) and bus ticket data (First).	To understand changes in the number of people using the bus on each route into Bath.	Collected as part of ongoing monitoring activities by operators.	Baseline (pre-scheme) then annually.
<b>M9: Stakeholder Feedback from Council User Group Forums</b>	Stakeholder Feedback covering relevant elected members, stakeholder groups, the LEP. Voice Box survey. Protected groups survey.	Understand the views of stakeholders to scheme delivery and impacts, and to understand some of the less quantified effects, including package effects.	Part of the on-going consultation process for transport strategies in the City.	1, 3, 5 years after scheme opening.
<b>M10: Taxi fares and unmet demand</b>	Taxi fare data and unmet demand surveys	To understand changes to fares and demand on taxis in order to assess the economic impacts	Collected as part of ongoing monitoring activities by operators.	Baseline (pre-scheme) then annually.
<b>M11: Early Measures Fund - ULEV Parking Permits</b>	Statistics on ULEV scheme uptake	To understand the popularity	Collected as part of the parking permit scheme operation	Baseline (pre-scheme) then biannually.
<b>M12: Bus retrofit uptake/compliance data</b>	Statistics on bus retrofit scheme uptake and	To understand changes to bus fleet operating in	Collected by ANPR cameras, as part of ongoing	Baseline (pre-scheme) then biannually.

Measure	Data to be Used	Rationale for Inclusion	Data Collection Methods	Frequency of Data Collection
	bus compliance	Bath.	monitoring activities by operators and from the retrofit scheme	
<b>M13: Financial support scheme uptake</b>	Statistics on financial support scheme uptake	To understand the success and popularity of the financial support schemes in changing to compliant vehicles	Collected as part of the financial support scheme operation	Biannually after scheme roll-out.
<b>M14: Travel advisor session uptake</b>	Statistics on meetings with travel advisors	To understand the overall success of travel advisors and	Collected as part of the travel advisor scheme operation	Biannually after scheme roll-out.
<b>M15: Anti-idling enforcement</b>	Data from enforcement action for anti-idling	To understand the success of the measure in reducing idling	Collected as part of the anti-idling enforcement scheme operation	Biannually after scheme roll-out.
<b>M16: Weight restriction enforcement</b>	Data from enforcement action for anti-idling	To understand the success of the measure in enforcing weight restrictions	Collected as part of the weight restriction enforcement scheme operation (from Trading Standards)	Biannually after scheme roll-out.
<b>M17: Delivery and servicing plans uptake</b>	Statistics on delivery and servicing plans uptake	To understand the success of the delivery and servicing plans measure with businesses	Collected as part of the delivery and servicing plans operation	Biannually after scheme roll-out.



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## Appendix 2: Investigating concerns of traffic displacement

The purpose of the clean air zone is to improve vehicle compliance in line with minimum emission standards, while minimising the impact of the CAZ on normal traffic flows in and around Bath.

Traffic flows have been substantially impacted by the Covid-19 lockdowns in 2020 and are still to return to pre-pandemic levels. Data gathered from permanent automatic traffic counts in and around the zone tell us that in the second quarter of the year (April to June 2021), general traffic flows across an average 7-day week were down by 8.9% in the CAZ, 11.5% in the urban area outside of the CAZ, and 8.3% in the wider B&NES area, compared with the same quarter in 2018 (our baseline year). This is an average decrease in traffic of 9.9% across all site groupings for the quarter compared with 2018.\*

Despite this general reduction in traffic levels, a key commitment for the council is to monitor any concerns arising from the introduction of the CAZ, so we are investigating 15 discrete locations where the public have expressed concern over a perceived increase in traffic in their communities since the launch of the clean air zone. In addition, we have provided extra ANPR cameras to monitor traffic flows and fleet composition through Bathampton where the community expressed concerns about displacement during the development of the Full Business Case.

The areas of concern, and what we're doing to log, investigate and monitor these are listed in the figure and table below. The work is ongoing and will be updated in subsequent reports. In parallel to these investigations, data is being retrieved and analysed from ANPR cameras located in Bathampton and this information will be shared with the local community in due course.

In terms of air quality, the legal limit for annual average NO<sub>2</sub> pollution is 40 µg/m<sup>3</sup>. We are generally concerned with any site where NO<sub>2</sub> concentrations are currently over 36 µg/m<sup>3</sup>, to ensure that they don't breach the 40 µg/m<sup>3</sup> limit as an annual mean.

\*Traffic flow data is published in the CAZ Quarterly Monitoring Report, April to June 2021 accompanying this appendix. Due to unprecedented changes in travel behaviour during the Covid-19 lockdowns, we are discounting data from 2020 for comparison purposes. In 2019, there was insufficient data collected for comparison purposes.

How we're investigating possible traffic displacement

Since the launch of the CAZ in March 2021, we have logged and investigated comments from residents about potential CAZ-related impacts. Figure 1 shows the process for following up and investigating these queries.

Figure 1: Process for following up and investigating traffic displacement concerns

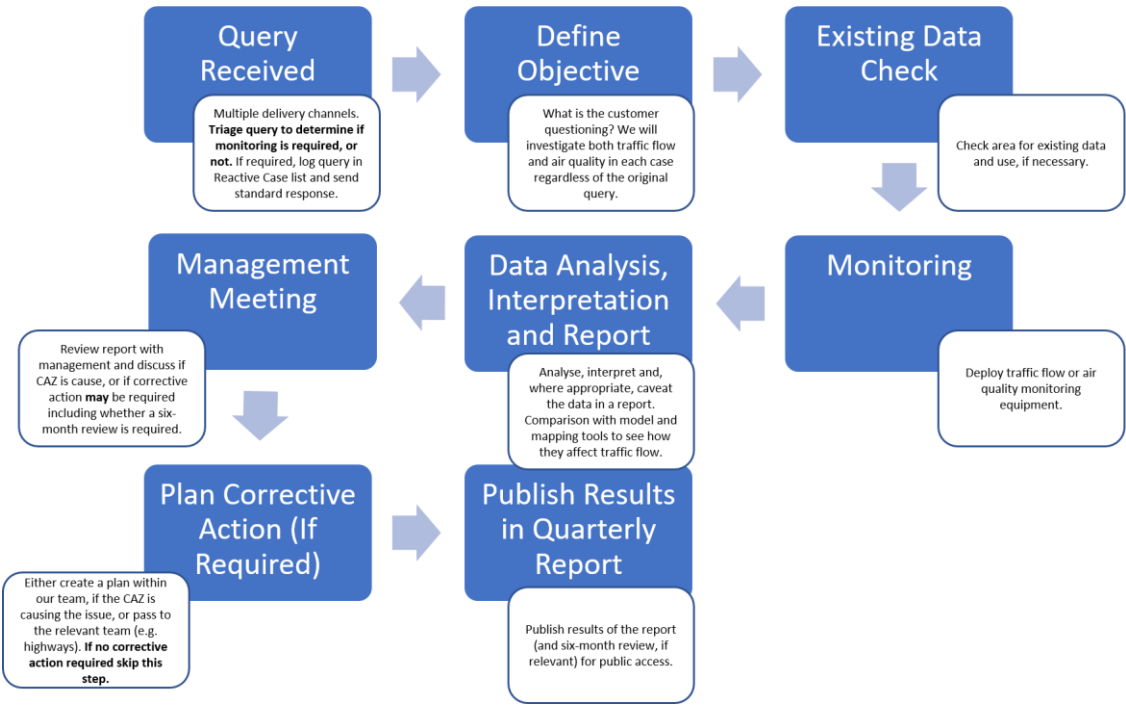


Table 1: Actions taken to investigate areas of concern, with available results and next steps

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Colliers Lane	Initial monitoring complete.	One temporary automatic traffic counter during a 7-day period in April 2021.  Singular diffusion tube air quality monitoring.	During April 2021, data collected shows a 20% increase in traffic volumes compared to January 2021.  However, general traffic levels in January 2021 were 40% lower than pre-pandemic levels.	The nearest available monitoring site from Colliers Lane is at Granville Road and the NO <sub>2</sub> level in June 2021 was 16 µg/m <sup>3</sup> .	No further monitoring required at this stage, due to no discernible increase in traffic volumes.  This will be reviewed in 6 months.
Charlcombe Lane	Initial monitoring complete.	Three temporary radar automatic traffic counters for a 7-day period in July 2021.  Singular diffusion tube air quality monitoring.	The 5-day average shows that the morning and afternoon peak flows are significantly lower in 2021 than compared with 2019. Interpeak traffic flows are slightly higher than in 2019, however this is replicated on other roads since the pandemic, with lower morning peak flows and higher interpeak flows.	The post-CAZ NO <sub>2</sub> concentration at Charlcombe Lane measured at 9 µg/m <sup>3</sup> in June 2021 compared to 13 µg/m <sup>3</sup> in June 2019.  For context, the 2019 annual average at this location was 11 µg/m <sup>3</sup> .	No further monitoring required at this stage, due to no discernible increase in traffic volumes.  This will be reviewed in 6 months.

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Upper Camden Place	Initial monitoring complete.	<p>One temporary radar automatic traffic counter deployed in July 2021 for a period of 7-days.</p> <p>Singular diffusion tube air quality monitoring.</p>	<p>The volume of traffic on Camden Road is down 25% in July 2021 compared to June 2021.</p> <p>On average 2021 daily total volumes on Camden Road are 12% lower compared to 2017.</p> <p>However, traffic in general was still 8% down on pre-pandemic levels in B&amp;NES when monitoring was carried out.</p>	<p>The post-CAZ NO<sub>2</sub> concentration at Upper Camden Place measured at 17 µg/m<sup>3</sup> in June 2021 compared to 21 µg/m<sup>3</sup> in June 2019.</p> <p>For context, the 2019 annual average at this location was 26 µg/m<sup>3</sup>.</p>	<p>No further monitoring required at this stage, due to no discernible increase in traffic volumes.</p> <p>This will be reviewed in 6 months.</p>
Southdown Road	Initial monitoring complete.	<p>One temporary radar automatic traffic counter deployed in July 2021 for a period of 7-days.</p> <p>Singular diffusion tube air quality monitoring.</p>	<p>Comparing 2021 data to 2019 the traffic levels on Southdown Road have dropped 13.4% (5-day average) and 11.4% (7-day average).</p> <p>The AM peak has significantly reduced whilst the PM peak has reduced slightly.</p>	<p>The nearest available monitoring site from Southdown Road was Coronation Avenue. The NO<sub>2</sub> concentration at this location in June 2021 was 13 µg/m<sup>3</sup>.</p>	<p>No further monitoring required at this stage, due to no discernible increase in traffic volumes.</p> <p>This will be reviewed in 6 months.</p>



Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Old Newbridge Hill	Initial monitoring complete.	<p>Neo Traffic Data using one automatic tube counter plus one Miovision camera for turning count analysis for a 7-day period during July 2021.</p> <p>Singular diffusion tube air quality monitoring.</p>	Overall traffic volume is lower in 2021 compared to 2019; further analysis is required to understand whether the proportion of HGVs, out of the total traffic using the road, has changed.	<p>The post-CAZ NO<sub>2</sub> concentration at Old Newbridge Hill measured at 26 µg/m<sup>3</sup> in June 2021 compared to 22 µg/m<sup>3</sup> in June 2019.</p> <p>For context, the annual average NO<sub>2</sub> level in 2019 at this location was 23 µg/m<sup>3</sup>.</p>	New weight limit restriction being explored for this location together with further monitoring, if necessary.
Twerton High Street	Initial monitoring in progress.	Singular diffusion tube installed in August 2021 for a period of at least 3-months.	N/A	Being undertaken.	Awaiting results of monitoring and analysis.

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Brook Road/West Avenue/Lyndhurst Road/Bellotts Road	Initial monitoring complete.	<p>Five pneumatic traffic counters were deployed at the following locations during a 7-day period in July 2021: Millmead Road, West Avenue, South Avenue, Brook Road and Triangle North.</p> <p>Singular diffusion tube air quality monitoring.</p>	Monitoring along Moorland Road during July 2021 showed a potential increase in average weekday larger vehicle (HGVs and buses/coaches) volume when compared to 2019.	The nearest available monitoring site from Brook Road is at Moorland Road. The NO <sub>2</sub> concentration at this location in June 2021 was 14 µg/m <sup>3</sup> .	<p>Further monitoring with temporary ANPR cameras to be carried out to understand the compliance split between vehicle types (i.e. are these non-compliant larger vehicles seeking to avoid CAZ charges).</p> <p>Further observations to be carried out in the vicinity of the area to observe the potential sources and routing of vehicles.</p>

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Whiteway Road	Initial monitoring complete.	<p>One permanent ATC and two temporary volume and speed counters for a 7-day period in June 2021.</p> <p>Singular diffusion tube air quality monitoring at two locations along Whiteway Road.</p>	<p>Monitoring after the CAZ launch showed a 4.7% increase in rigid HGVs and an 8.3% increase in articulated trucks compared to September 2020. However overall traffic volumes in September 2020 were lower than since the launch of the CAZ.</p> <p>However, a percentage of overall traffic volume, HGVs accounted for 4.5% of all traffic in both September 2020 and for the period since the launch of the CAZ.</p> <p>Comparing 2021 to 2018, results show a slight decrease in mean speed to 28 mph.</p>	<p>Diffusion tubes along Whiteway Road were not deployed until August 2019.</p> <p>However, in June 2021 NO<sub>2</sub> concentrations at Whiteway measured at 19 µg/m<sup>3</sup> and 20 µg/m<sup>3</sup> at Whiteway 2.</p>	<p>Whilst modelling predicted a slight increase in traffic volumes in this location, monitoring will be continued with a temporary ANPR camera to understand the percentage of non-compliant HGVs and trucks using this route, to establish whether these vehicles are seeking to avoid zone charges.</p>

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Shophouse Road	Initial monitoring complete.	<p>Neo Traffic Data using one tube counter (speed and classification) for a 7-day period in July 2021.</p> <p>Singular diffusion tube air quality monitoring.</p>	<p>Vehicle numbers are higher than in 2019.</p> <p>Larger vehicle numbers are also higher when compared with 2019 data however, in 2019 larger vehicles accounted for 8% of all vehicles on Shophouse Road and in 2021 they accounted for 7%.</p> <p>Average speed is 19 mph.</p>	The nearest available monitoring site from Shophouse Road was The Hollow. The NO <sub>2</sub> concentration at this location in June 2021 was 20 µg/m <sup>3</sup> .	Whilst modelling predicted a slight increase in traffic volumes in this location, monitoring will be continued with a temporary ANPR camera to understand the percentage of non-compliant HGVs and trucks using this routes, to establish whether these vehicles are seeking to avoid zone charges.

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Lansdown Lane	Initial monitoring complete	<p>Two weeks of camera monitoring post-CAZ launch with comparison made to pre-existing data collected in 2018-2019.</p> <p>A manual traffic count occurred in May 2020.</p> <p>Singular diffusion tube air quality monitoring.</p>	<p>During March 2021, data collected shows reduced traffic levels between 12% to 16% over a 7-day period.</p> <p>However, this was in March 2021 when traffic levels were generally around 30% lower than pre-pandemic levels.</p> <p>Post-CAZ HGV numbers were found to be low whereas LGV numbers were higher in March 2021 than in 2018-2019.</p>	<p>The post-CAZ NO<sub>2</sub> concentration at Lansdown Lane was 17 µg/m<sup>3</sup> in May 2021 compared to 16 µg/m<sup>3</sup> in June 2019.</p> <p>For context, the annual average NO<sub>2</sub> level in 2019 at this location was 22 µg/m<sup>3</sup>.</p>	<p>Temporary Automatic Number Plate Recognition (ANPR) cameras to be installed to monitor compliance split of vehicle types to further investigate the reason for the increase in LGV numbers and whether these are non-compliant LGVs seeking to avoid CAZ charges.</p>
Rosemount Lane	Initial monitoring complete.	<p>One temporary radar automatic traffic counter deployed for a 7-day period in July 2021.</p> <p>Singular diffusion tube air quality monitoring.</p>	Awaiting analysis.	<p>The nearest available monitoring site is at Greenway Lane. The NO<sub>2</sub> concentration at this location in June 2021 was 8 µg/m<sup>3</sup>.</p>	Awaiting the results of analysis.

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Sham Castle Lane	Initial monitoring complete.	One temporary radar automatic traffic counter deployed for a 7-day period in July 2021.  Singular diffusion tube air quality monitoring.	Awaiting analysis.	The nearest available monitoring site from Sham Castle Lane was North Road. The NO <sub>2</sub> concentration at this location in June 2021 was 13 µg/m <sup>3</sup> .	Awaiting results of analysis.
Prior Park Road	Initial monitoring complete.	Neo Traffic Data using one automatic tube counter for a 7-day period in July 2021.  Singular diffusion tube air quality monitoring.	Awaiting analysis.	The post-CAZ NO <sub>2</sub> concentration at Prior Park Road measured at 23 µg/m <sup>3</sup> in June 2021 compared to 30 µg/m <sup>3</sup> in 2019.  For context, the annual average NO <sub>2</sub> level in 2019 at this location was 35 µg/m <sup>3</sup> .	Awaiting results of analysis.

Area for investigation	Status	Monitoring undertaken	Traffic monitoring results	Air quality monitoring results	Next steps
Penn Hill Road	Initial monitoring in progress.	One temporary radar automatic traffic counter deployed in August 2021 for a 7-day period.  Singular diffusion tube air quality monitoring.	Awaiting analysis.	The nearest available monitoring site from Penn Hill Road was Weston High Street. The NO <sub>2</sub> concentration at this location in June 2021 was 19 µg/m <sup>3</sup> .	Awaiting results of analysis.
Englishcombe Lane	Initial monitoring scheduled.	Two temporary radar automatic traffic counters to be deployed in September 2021 for a period of 7-days.  Singular diffusion tube air quality monitoring.	Awaiting analysis.	The post-CAZ NO <sub>2</sub> concentration at Englishcombe Lane measured at 10 µg/m <sup>3</sup> in June 2021 compared to 12 µg/m <sup>3</sup> in June 2019.  For context, the 2019 annual average at this location was 14 µg/m <sup>3</sup> .	Awaiting results from analysis.





# Bath's Clean Air Zone Quarterly Monitoring Report April-June 2021



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**Bath & North East  
Somerset Council**

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**Improving People's Lives**

# Bath Clean Air Zone Quarterly Monitoring Report, April to June 2021

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## Acronyms and Abbreviations

ANPR	Automatic Number Plate Recognition
AQMA	Air Quality Management Area
AQO	Air Quality Objective
ASR	Annual Status Report
ATC	Automatic Traffic Counter
AURN	Automatic Urban and Rural Network
BID	Business Improvement District
B&NES	Bath and North East Somerset Council
CAF	Clean Air Fund
CAP	Clean Air Plan
CAZ	Clean Air Zone
CSF	Critical Success Factor
CVRAS	Clean Vehicle Retrofit Accreditation Scheme
DEFRA	Department for the Environment, Food and Rural Affairs
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Authority
EU	European Union
FBC	Full Business Case
HGV	Heavy Goods Vehicle
JAQU	Joint Air Quality Unit
LAQM	Local Air Quality Management
LEP	Local Enterprise Partnership
LEV	Low Emissions Vehicle
LGV	Light Goods Vehicle
MTC	Manual Classified Counts
NO	Nitrogen Oxide
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxides
OS	Ordnance Survey
PCM	Pollution Climate Mapping
PCN	Penalty Charge Notice
PHGV	Private Heavy Goods Vehicle
PM	Particulate Matter
PM <sub>2.5</sub>	Particulate Matter with particles less than 2.5 micrometers diameter
PM <sub>10</sub>	Particulate Matter with particles less than 10 micrometers diameter
PRMS	Public Realm and Movement Strategy
TEA	Triethanolamine
TG	Technical Guidance
TMP	Traffic Management Plan
UK	United Kingdom
ULEV	Ultra-Low Emissions vehicle
UTC	Urban Traffic Control
UTMC	Urban Traffic Management and Control
VAT	Value Added Tax
WHO	World Health Organisation

## Executive summary

In 2017, the Government directed Bath & North East Somerset (B&NES) Council to reduce nitrogen dioxide (NO<sub>2</sub>) pollution in Bath to within the annual average limit of 40 micrograms per cubic metre (µg/m<sup>3</sup>) in the shortest possible time, and by the end of 2021 at the latest.

This type of pollution is chiefly caused by road traffic, and extensive technical work showed that a charging clean air zone would be the only way to achieve compliance in the time frame.

Clean air zones work by deterring certain higher emission vehicles from entering areas of high pollution by levying a daily charge on the driver, encouraging a more rapid replacement of polluting vehicles for cleaner, compliant ones than would otherwise naturally occur.

On 15 March 2021, the Council introduced a charging Class C Clean Air Zone (CAZ) in Bath's city centre to drive down NO<sub>2</sub> pollution at several locations which regularly exceed these NO<sub>2</sub> limits, in particular risking children's health and the health of our most vulnerable residents. In a Class C CAZ, private cars and motorbikes are not charged, regardless of emissions.

In Bath, there is significant financial support for affected individuals and businesses to replace non-compliant vehicles regularly driving in the zone. More information on how the CAZ works can be found in 'How to use this report'.

## Aims and limitations of this report

This report provides an early, indicative view of the first three months performance of Bath's Clean Air Zone (CAZ) in terms of impacts on air quality, traffic flow and vehicle compliance. It does not report comprehensively on all aspects of the zone, nor does it draw any conclusions about complying with the Government's directive, all of which will be included in the Clean Air Zone Annual Report next year.

Due to Covid-19 having an unprecedented impact on travel behaviour in 2020, baseline data from 2019 and 2018 has been used to measure the impact and effectiveness of the zone. Due to seasonal effects, we also compare against similar seasons in this initial quarterly report, in this case the second quarter of the year (April to June), referred to as Q2.

You can find out more about how we measure and present the data in: 'How to use this report'.

## Key findings

- Provisional air quality, traffic and vehicle compliance data indicates that Bath's Clean Air Zone is having the intended effect of improving fleet compliance, changing behaviours, and improving the city's air quality in general.
- Average nitrogen dioxide (NO<sub>2</sub>) concentrations within the CAZ are 12.6 per cent lower than the same period in 2019 (Q2), representing a reduction of 4 µg/m<sup>3</sup>. This is the average reading from a total of 64 monitoring sites within the CAZ, over the first three months of operation.
- Similar levels of NO<sub>2</sub> reduction were found in the Bath urban areas outside the zone's boundary, including Batheaston and Bathampton. Average NO<sub>2</sub> concentrations are also lower across the B&NES district.
- Despite this general improvement, quarterly average concentrations of NO<sub>2</sub> at eight monitoring sites still record results greater than 40 µg/m<sup>3</sup> which indicates a potential exceedance of the annual average level.<sup>1</sup> Whilst at one of these sites (Wells Road) there was an increase in NO<sub>2</sub> concentrations, at four of these sites (Dorchester Street, Victoria Buildings, Anglo Terrace, Walcot Parade) there was a decrease in NO<sub>2</sub> concentration between 2019 Q2 and 2021 Q2. Three sites (Anglo Terrace Façade, Walcot Parade 2, Wells Road 4) only started recording in 2019 Q3 and so we do not have a baseline for comparison.
- Across the five sites that were recording in 2019 Q2 (Dorchester Street, Victoria Buildings, Anglo Terrace, Wells Road, Walcot Parade), the average NO<sub>2</sub> concentration reduced from 50.1 µg/m<sup>3</sup> to an average 44.3 µg/m<sup>3</sup> (a decrease of 13%).
- Of these eight sites, the only site which showed an increase in NO<sub>2</sub> concentration (Wells Road) rose by 2.7 µg/m<sup>3</sup> to 46.7 µg/m<sup>3</sup> (an increase of 6%).
- There is still time for air quality improvements to be made, and the following four areas continue to be closely monitored: Cleveland Place East Junction, Dorchester Street, Wells Road (close to the Churchill Bridge gyratory) and Victoria Buildings.
- However, compared with the same quarter in 2019, three fewer locations in Bath now recorded quarterly annual average levels of NO<sub>2</sub> concentrations over 40 µg/m<sup>3</sup> and two fewer locations over 36 µg/m<sup>3</sup>.
- This report refers to the period of April- June and is before the full closure of Cleveland Bridge in Bath. The impact of this closure on air quality and traffic

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<sup>1</sup> Diffusion tube data is reported as measured at the site with no adjustments for local bias, or to the point of nearest exposure. All air quality data is provisional until accepted by DEFRA at the end of the calendar year

flows will be reported in the second quarterly report which will follow later in the year.

- 90% (equating to approximately 400 vehicles) of all taxis travelling in the zone at the end of June are now compliant, whereas only 67% (equating to approximately 180 vehicles) of taxis travelling in the zone during the week of launch, were compliant. By the end of June 2021, 71 higher polluting taxis have been replaced with cleaner, compliant ones with support from the Financial Assistance Scheme and approximately 50 remain to be upgraded.
- Out of a total fleet of 226 scheduled buses, 87 were non-compliant when the bus retrofit programme started, and to the end of June 2021, 73 have been successfully retrofitted to meet CAZ emission standards with financial support from the government. It's anticipated that by the end of August 2021 all, but three scheduled buses will be compliant.
- The percentage of chargeable non-compliant vehicles (as a percentage of all traffic) entering the zone each week reduced from 5.7% in the launch week, to 2.1% in the last full week of June 2021.
- Of the chargeable vehicle categories, the percentage of compliant unique vehicles seen in the zone and meeting emission standards (as a 7-day daily average), rose from 33% in the week of the launch to 82% in the last week in June- **an improvement of 49%**. This is despite the overall number of vehicles travelling into the zone increasing each day as pandemic restrictions have eased.
- Traffic flows are 9% lower in the CAZ compared with the same period (April to June) in 2018 (the last year for which the Council has relevant representative data). Average national traffic flows also remain below pre-pandemic levels\*
- Average traffic flows in the urban areas outside the zone's boundary, which include Batheaston and Bathampton, are similarly 12% lower than the same period (April to June) in 2018.
- Average traffic flows across the whole of B&NES are 9% lower when compared with the same period (April to June) in 2018.
- Whilst many residents and businesses are upgrading using their own resources or as part of planned replacement programmes, the Council has to date received over 2,000 enquiries about its financial assistance scheme (FAS) which offers local businesses individuals grants and interest-free loans to replace or upgrade non-compliant vehicles regularly driving in the zone.
- To the end of June 2021, owners of 1,003 vehicles have so far passed the Council's eligibility checks to apply for funding to upgrade or retrofit their non-compliant vehicles via the Council's approved finance partners. 344 vehicles have already been replaced with cleaner, compliant ones, and hundreds more are due to be replaced in the coming months.

\*Covid-19 pandemic conditions continue to effect traffic flows and travel behaviours. Further analysis and time will be required to assess the longer-term impact of the pandemic on air quality.

## How to use this report

This report presents initial findings and indicative trends on the success of the CAZ, based on the first three months data, including:

- air quality data
- traffic flow data
- and fleet compliance data

This report does not attempt to establish whether compliance with the Government's direction has been met. Neither is it a comprehensive report on all aspects of the clean air zone, including its mitigation measures or data relating to CAZ operations or income (such as income from charges and fines etc).

That information will be included in the Clean Air Zone Annual Report, published as soon as possible in 2022, and/or in other subsequent quarterly reports later in the year.

## Timescales and baseline data

To determine the effectiveness of the CAZ, we compare the latest data collected since the start of the CAZ with baseline data from similar periods before its launch.

And because we need to consider seasonal effects on both air quality and traffic flows, we compare like-for-like data from previous years, breaking the year into quarters:

- Quarter 1 (Q1) – January, February, March
- Quarter 2 (Q2) – April, May, June
- Quarter 3 (Q3) – July, August, September
- Quarter 4 (Q4) – October, November, December

The primary focus of this report is the second quarter (Q2) of 2021, because the scheme launched on 15 March 2021.

Given the unprecedented conditions brought about by the Covid-19 pandemic in 2020 (including significant changes in transport and travel behaviour), we have discounted 2020 figures for comparative purposes, unless otherwise stated in the report.



When reading the report please note the following:

- We use data from 2019 to compare air quality monitoring results.
- Air pollution is affected by the seasons, therefore baseline air quality data for this report is from April to June 2019 i.e. the second quarter (Q2).
- We use data from 2018 for comparing traffic flows, because the Council has insufficient data for the year 2019.
- Traffic flows also vary according to the seasons, so we compare current traffic flow data from with data from April to June (Q2) 2018.
- We also compare data from April 2021 (the launch of the zone) until the end of June 2021 (the end of the reporting period),
- We also look at trends from 2017 to end of June 2021.
- This is the first time that provisional air quality data is being published during the reporting year and before it is formally accepted by DEFRA; therefore, fluctuations in the data will be seen before the annual average level is confirmed at the end of the reporting year.

## Where we gather data from/what locations

We have identified three site groupings for comparison of data and to establish the impact of the zone on traffic flows and air quality both inside and outside of the CAZ.

- The clean air zone (sites within the CAZ boundary which we call 'CAZ\_Only')
- The boundary area (sites outside the CAZ boundary but within the urban area of Bath including Batheaston and Bathampton, which we call 'CAZ\_Boundary')
- The wider area (sites outside of the Bath, Batheaston and Bathampton urban areas, but within the rural areas and district-wide urban areas in Bath & North East Somerset, which we call 'Wider\_B&NES')

## Covid-19 and air quality in 2020

Multiple lockdowns in response to the Covid-19 pandemic had a significant effect on transport and travel behaviour, locally and nationally, which is why we've discounted 2020 data (unless otherwise stated). However, an annual status report for air quality in 2020 will be published on our website in September:

<https://www.bathnes.gov.uk/services/environment/pollution/air-quality/reports>

## Further information

- You'll find more information on how we've measured and compared data in each individual section.
- As part of our obligations under the Local Air Quality Management (LAQM) legislation (part IV of Environment Act 1995) we issue an Annual Status Report



(ASR) in June of each year. This sets out and comments on air quality data from the previous 12 months across the wider area. These can be found at:

<https://www.bathnes.gov.uk/services/environment/pollution/air-quality/reports>

- You can also view an interactive map of historical NO<sub>2</sub> data collected from monitoring locations around the area, here:  
<https://www.bathnes.gov.uk/services/environment/pollution-noise-nuisance/air-quality/air-quality-data-long-term>
- We will prepare an additional Clean Air Zone Annual Report that will focus on compliance with the government's directive and results against a wide range of factors as set out in the Monitoring and Evaluation Plan in the Full Business Case for Bath's Clean Air Zone. Go to:  
[https://beta.bathnes.gov.uk/sites/default/files/2020-10/appendix\\_r\\_674726.br\\_042.fbc-26\\_monitoring\\_and\\_evaluation\\_plan.pdf](https://beta.bathnes.gov.uk/sites/default/files/2020-10/appendix_r_674726.br_042.fbc-26_monitoring_and_evaluation_plan.pdf)
- At the end of this report is a section called 'Monitoring Explained' which has been included to help you understand some of processes used to gather the data for this report.

## Background information

This section provides information on why we need a CAZ in Bath, the type of air pollution that we're trying to tackle, and how we decided on a Class C charging Clean Air Zone. Further information can be found in the Full Business Case at [www.bathnes.gov.uk/BathCAZ](http://www.bathnes.gov.uk/BathCAZ).

### Air pollution

Air pollution is the leading environmental health risk to the UK public, with an estimated 28,000 to 36,000 deaths annually attributed to it in the UK alone<sup>2</sup>.

Long-term exposure to air pollution is linked to premature death associated with lung, heart and circulatory conditions, while short-term exposure exacerbates asthma and increases hospital admissions.

There is evidence to suggest that despite strengthening environmental policies, the poorest in our society are being unfairly exposed to worse air pollution without seeing improvements<sup>3</sup>. Clean air is important for everyone and will alleviate stress on our health system, improve people's lives and make our society more equitable.

### Types and causes of air pollution

There are different causes and sources of air pollution. Historically, combustion of fossil fuels for energy, such as coal, produced smoke and sulphur dioxide (SO<sub>2</sub>).

Now road traffic is chiefly responsible for the poor air quality in the UK contributing to nitrogen dioxide (NO<sub>2</sub>) pollution and particulate matter (PM) pollution.

Particulate matter pollution, referred to as PM<sub>10</sub> or PM<sub>2.5</sub>, is made up of tiny bits of material from all sorts of places including smoke from fires, exhaust fumes, smoking or the dust from brake pads on vehicles. These particles are too small to see, and we can breathe them in without noticing.

Nitrogen dioxide (NO<sub>2</sub>) comes from burning fuels or other materials, so levels are especially high around roads. But they are also produced from home gas boilers, bonfires, and other sources as well. You cannot see or smell nitrogen oxides, but they mix with the air we breathe and are absorbed into our bodies. Vehicle exhaust

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<sup>2</sup> Public Health England. Review of interventions to improve outdoor air quality and public health, 2019 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938623/Review\\_of\\_interventions\\_to\\_improve\\_air\\_quality\\_March-2019-2018572.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938623/Review_of_interventions_to_improve_air_quality_March-2019-2018572.pdf)

<sup>3</sup> Air Quality Management Resource Centre, UWE. Emissions vs exposure: Increasing injustice from road traffic-related air pollution in the United Kingdom, 2019 <https://www.sciencedirect.com/science/article/pii/S1361920919300392>

emissions contribute 35 per cent of all UK nitrogen oxide emissions (NO<sub>x</sub>) which is the single greatest source<sup>4</sup>.

## How does air pollution affect our health?

Air pollution particles and gases enter our bodies and can damage our cells in different ways. They usually get into our lungs first and can then move into our blood to reach organs such as our heart and brain.

Any amount of pollution can be damaging to our health, but the more that you are exposed to, the bigger the risk and the larger the effect on you and your family. Some people are more vulnerable to the impacts of air pollution than others. Those more at risk from air pollution include children, pregnant and older people; and people with lung conditions such as asthma, chronic obstructive pulmonary disease (COPD) and lung cancer, and people with heart conditions such as coronary artery disease, heart failure and high blood pressure.

## Air pollution in Bath

In Bath, annual average nitrogen dioxide (NO<sub>2</sub>) levels exceed the legal limit of 40 µg/m<sup>3</sup> at several locations within the city, chiefly caused by vehicle emissions.

The problem is exacerbated by Bath's topography. The city sits in the bottom of a valley surrounded by hills, and its central roads are flanked by tall buildings, which means that in certain conditions, vehicle emissions can get trapped in the atmosphere causing high levels of NO<sub>2</sub> in certain locations.

Particulate matter in Bath was not found to exceed legal limits for either PM<sub>10</sub> (particulate matter less than 10 micrometers in diameter) or PM<sub>2.5</sub> (particulate matter less than 2.5 micrometers in diameter), except at times when there were meteorological or other events that caused spikes in these pollutants, nationally. There has been a downward trend in levels of PM in Bath since 2017.

## Health impacts in Bath of NO<sub>2</sub> pollution

- NO<sub>2</sub> contributes to as many as 36,000 early deaths in the UK each year
- It irritates and inflames the lining of airways – which can worsen asthma and make breathing difficult among those with lung disease (such as bronchitis and emphysema). In Bath, around 12,000 people suffer from asthma
- Research shows that high levels of NO<sub>2</sub> can affect children's lung development and that children who grow up in highly polluted areas are more likely to develop asthma.

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<sup>4</sup>DEFRA. Air quality: explaining air pollution – at a glance, 2019.

<https://www.gov.uk/government/publications/air-quality-explaining-air-pollution/air-quality-explaining-air-pollution-at-a-glance>

## How we monitor air quality

B&NES has been monitoring air pollution for many years, reviewing the monitoring sites regularly, more recently to ensure coverage of key CAZ locations and potential diversion routes around the zone. Three pollutants are measured around the district: NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>.

There are currently over 150 locations where NO<sub>2</sub> is measured, including 50 key sites with higher levels of pollution where three diffusion tubes are located at each location to improve data confidence.

To read more about how air quality is measured and analysed in relation to the effectiveness of Bath's CAZ, see the Impacts of the CAZ on Air Quality section.

To find out more information about air quality across B&NES go to:  
<https://www.bathnes.gov.uk/services/environment/pollution/air-quality>

## Why we need a charging CAZ

In 2017, following a successful ruling the Supreme Court in a case brought against the government by Client Earth, the government directed Bath and North East Somerset (B&NES) Council to reduce the annual average NO<sub>2</sub> levels in Bath to within legal limits in 'the shortest possible time' and 'by the end of 2021 at the latest'.

Since 2017, we have done significant technical work to understand what's required to comply with air quality limits, establishing that a charging clean air zone would be the only measure capable of delivering the necessary air quality improvements by the end of 2021. A CAZ works by deterring higher emission vehicles from driving in the most polluted areas of the city by levying a charge, encouraging a more rapid replacement of polluting vehicles for cleaner, compliant ones than would otherwise naturally occur. Other cities, including Birmingham (also live), Portsmouth, Bradford, Bristol, Manchester, Liverpool, Sheffield and Rotherham, and Newcastle and Gateshead are also introducing clean air zones.

Other than meeting these objectives, the CAZ is seen as part of the wider obligations towards improving our health and the natural environment. In March 2019 the Council declared a Climate Emergency, resolving to provide the leadership in making the Council area carbon neutral by 2030<sup>5</sup>. And in July 2020, the Council declared an Ecological Emergency, resolving to work with local and national partners to resist the destruction of natural habitats through planning policy and development management.

The government has provided all the funds required for us to prepare and implement the CAZ, work is overseen by the government's Joint Air Quality Unit (JAQU) and subject matter experts are also independently verifying the work being done.

## How we decided on a class C charging CAZ

The options for Bath to achieve compliance were a Class D charging clean air zone, charging all higher emission vehicles including cars and motorbikes or a Class C charging clean air zone, charging all higher emission vehicles except private cars and motorbikes but including some additional traffic management.

We engaged extensively with the public throughout 2018/19 before reaching a decision on a Class C charging clean air zone. The overwhelming opinion was that while we needed to tackle pollution, a class C charging CAZ would strike a better balance between tackling pollution and protecting central businesses and vulnerable residents that might be disproportionately affected by charging higher emission cars.

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<sup>5</sup> Bath and North East Somerset Council. Climate Emergency, 2021  
<https://www.bathnes.gov.uk/climate-emergency>

Technical modelling suggested that we could achieve compliance with a Class C CAZ provided we also introduced additional traffic measures at Queen Square to address a particular NO<sub>2</sub> exceedance on Gay Street.

In addition, it was agreed that significant financial support would be given to local individuals and businesses to help them replace polluting vehicles regularly entering the zone with cleaner, compliant ones. This mitigation would reduce the impact of charges on affected businesses, while also further reducing emissions to support better air quality.

The full business case for the CAZ was approved by central government in January 2020 and can be read here: <https://beta.bathnes.gov.uk/policy-and-documents-library/baths-clean-air-zone>

## How Bath's CAZ works

Bath CAZ is a Class C charging clean air zone, which means that daily charges apply to the following higher emission vehicles driving in the zone that do not comply with Euro 6/VI (diesel), or Euro 4/IV (petrol) emissions standards:

- Taxis, private hire vehicles (PHVs), vans (including pick-ups and N1 campervans), minibuses, and light goods vehicles (LGVs) - £9 per day
- Buses, coaches and heavy goods vehicles (HGVs) - £100 per day
- A discounted charge of £9 per day is also available for private (PHGVs), such as larger motorhomes and horse transporters, once registered with the Council.

Cars and motorbikes (except for taxis and PHVs) are not charged in a Class C CAZ, regardless of their emissions standard. This includes campervans classed as M1 on their V5C.

Importantly, the Council is not keen to penalise or make money from the zone. Its priority is to inform people about the charge, deter polluting vehicles from entering the zone, and encourage those with chargeable, non-compliant vehicles regularly entering the zone to upgrade their vehicles, with the help of the Council's financial support scheme if needed.

Revenue from charges and fines is used to pay for the running of the scheme. Any money made over and above this must be reinvested in sustainable transport projects.

## Zone boundary

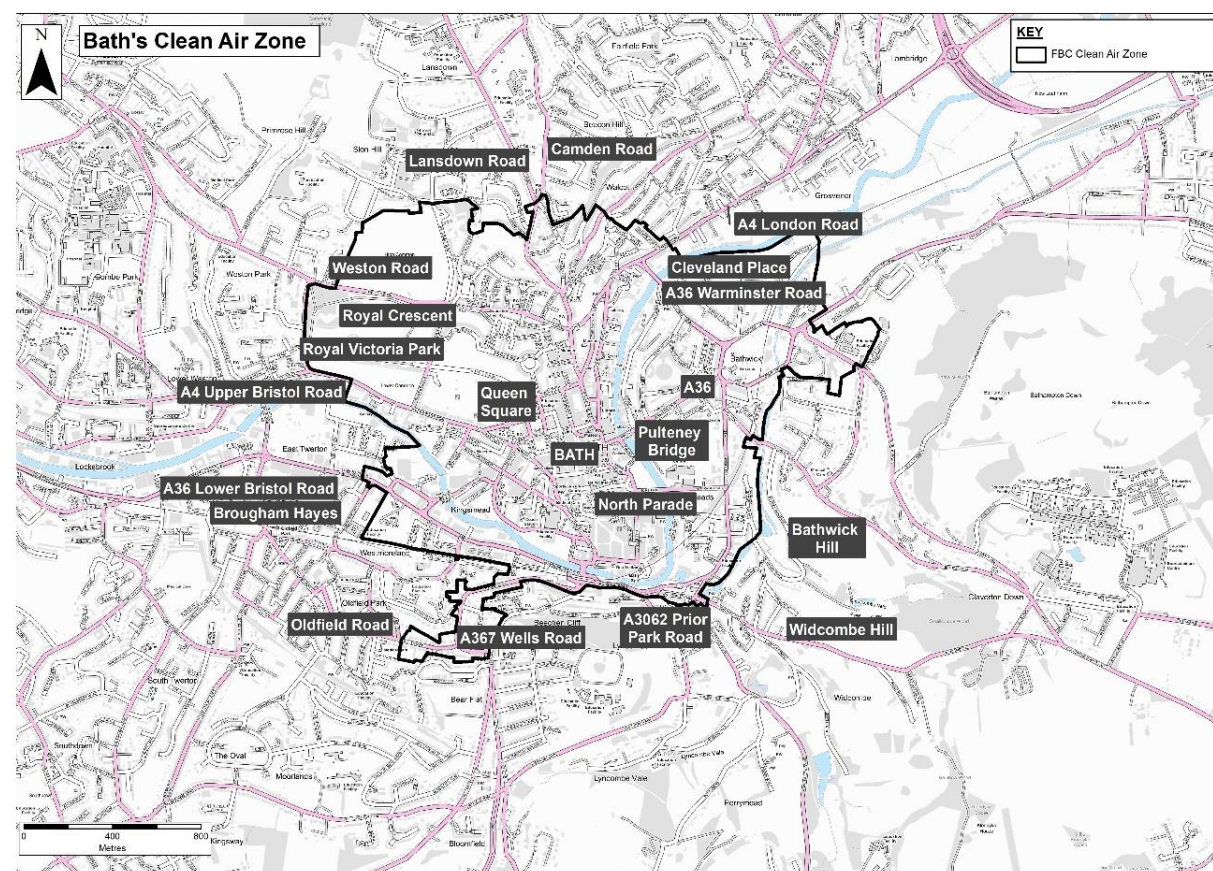
The zone covers the very centre of the city (see Figure 1), but its boundary is designed to ensure that annual average levels of NO<sub>2</sub> both inside and outside the



zone are within acceptable legal limits by the end of 2021, as per the government's directive.

The Clean Air Zone is as small as possible in order to minimise the social, economic and distributional impact of the scheme, whilst at the same time capturing as many non-compliant vehicle movements as possible in and around the city, with a view to ensuring that air quality limit values are met in the shortest possible time. See the 'Impact of the CAZ on Air Quality' section for a map showing where NO<sub>2</sub> monitoring sites are currently located across the city.

Figure 1- A map of the CAZ boundary.



## Exemptions

National exemptions apply permanently for ultra-low emission vehicles, hybrid and alternatively fuelled vehicles, disabled passenger tax class vehicles, disabled tax class vehicles, military vehicles, historic vehicles, and vehicles with retrofit technology accredited by the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

Local exemptions apply temporarily for two or four years (and for shorter periods) for certain vulnerable groups, hard-to-replace vehicles, and to encourage applications to the financial assistance scheme to upgrade or replace non-compliant vehicles. The

range was developed in response to feedback from our public consultations and to mitigate the impact of charges on certain groups. For more information on local exemptions see [www.bathnes.gov.uk/CAZexemptions](http://www.bathnes.gov.uk/CAZexemptions)

## Schemes to support and encourage vehicle compliance

Alongside zone charges that deter the use of non-compliant vehicles in the zone and encourage owners to upgrade, the Council has introduced two government-funded schemes that help to mitigate the impact of charges on businesses/individuals regularly travelling in the zone, and further improve air quality:

- A financial assistance scheme for businesses and individuals regularly travelling in the zone to help replace up to 1,500 polluting, chargeable vehicles with cleaner, compliant ones (via grants and or interest-free finance worth £9.4 million)
- A bus retrofit scheme to financially support local bus operators to retrofit the engines of all remaining non-compliant buses on scheduled routes in the city so that they meet the new emission standards i.e. are compliant with Euro 6 diesel standards (worth £1.7 million)

For more information on the financial assistance scheme and how it works, go to [www.bathnes.gov.uk/CAZsupport](http://www.bathnes.gov.uk/CAZsupport).



## Assessing the impacts of Bath's CAZ

The purpose of the CAZ is to reduce nitrogen dioxide (NO<sub>2</sub>) pollution in Bath to within the annual average limit of 40 micrograms per cubic metre (µg/m<sup>3</sup>) in the shortest possible time, and by the end of 2021 at the latest.

To show that we've met this requirement, we will need to evidence that the annual average levels of NO<sub>2</sub> recorded at every monitoring site in Bath (both inside and outside of the zone) is below 40 µg/m<sup>3</sup>. This will require (at least) a full 12 months of data from each individual site and the results will be published in the annual Clean Air Zone Report, to be published as soon as possible in 2022.

However, in addition to air quality, the zone's introduction also impacts on traffic flow, vehicle compliance, business and personal travel behaviour, and the local economy.

Data is therefore being continually collected on a range of measures so that we can assess the impact of the zone and identify any emerging trends in air quality and other items that may need corrective action.

The Council is committed to monitoring and reporting on these measures at various intervals and the full list, including a reporting timeline is included in Appendix 1.

We have already introduced additional traffic and air quality monitoring in areas where the public has expressed concern about displacement effects. For more information see Appendix 2.

The purpose of this initial quarterly report is to provide an early, indicative view of the first three months performance of Bath's Clean Air Zone (CAZ), looking at three key measures: air quality data, traffic flow data and vehicle compliance data (Table 1). This report also includes data on the financial assistance and bus retrofit schemes because of their influence on fleet compliance.

We will report on further, secondary measures later in the year and/or at the end of the year in the annual report, based on the timeline published Appendix 1.

However, this may be subject to review by the government's Joint Air Quality Unit (JAQU) in view of Covid-19 pandemic conditions which continue to effect traffic flows and travel behaviours.

Table 1- Data collection and collation for Bath CAZ quarterly reporting.

Measure	Data to be Used	Rationale for Inclusion	Data Collection Methods	Frequency of Data Collection
<b>M1: Air quality data</b>	NO <sub>2</sub> concentrations data collected at existing monitoring locations in Bath and wider B&NES	To understand changes in air quality data, particularly NO <sub>2</sub> concentrations.	Diffusion tubes and real time monitoring	Baseline (pre-scheme) then continuous monitoring (reported quarterly).
<b>M2: Traffic Flows</b>	Traffic Flows in and around the CAZ areas will be collected to understand the changes in traffic flows as a result of the scheme.	To understand changes in traffic flows along key corridors and links on the highway network. This will include possible 'rat-run' routes which may have been created by the CAZ, so responding to consultation concerns by residents in specific areas.	Automatic Number Plate Recognition (ANPR) camera cordon and ancillary Manual Classified Counts (MTC) or Automated Traffic Counts (ATC) on key roads or perceived 'rat-runs'	Baseline (pre-scheme) then continuous monitoring (reported quarterly).
<b>M3: Vehicular fleet information</b>	Number of compliant/non-compliant vehicles travelling within Bath	To understand changes in the type of vehicles travelling in Bath.	ANPR cordon, cross-referencing with DVLA vehicle database	Baseline (pre-scheme) then continuous monitoring (reported quarterly).

## Impacts of the CAZ on air quality

The purpose of the CAZ is to reduce nitrogen dioxide (NO<sub>2</sub>) pollution in Bath to within the annual average limit of 40 micrograms per cubic metre (µg/m<sup>3</sup>) in the shortest possible time, and by the end of 2021 at the latest. 40 µg/m<sup>3</sup> is the legal limit set for NO<sub>2</sub> in the Environment Act 1995 Bath and North East Somerset Council Air Quality Direction 2019<sup>6</sup>.

To show that we've met this requirement, we will need to evidence that the annual average levels of NO<sub>2</sub> recorded at every monitoring site in Bath (both inside and outside of the zone) is below 40 µg/m<sup>3</sup>. This will require (at least) a full 12 months of data from each individual site and the results will be published in the annual report, to be published as soon as possible in 2022.

We cannot yet determine whether we have achieved compliance with the government's directive, but in the meantime the data presented here gives an indication of the impact of the zone on air quality since launch on 15 March 2021.

This section is split into three sections:

1. How we collect and measure air quality data
2. Air quality data, April to June 2021
3. The impact of the Queen Square traffic management scheme on air quality

## How we collect and measure air quality data

We have measured air quality in Bath and North East Somerset since the mid-1990s. Currently we measure nitrogen dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub> and PM<sub>10</sub>) concentrations in two ways: automatic analysers and diffusion tubes.

Automatic analysers measure NO<sub>2</sub> and PM in four permanent roadside locations in Bath. They take hourly readings of air pollution concentrations and provide more accurate readings than diffusion tubes. One of these monitoring stations is linked to the UK Automatic Urban and Rural Network (AURN) which provides national coverage of a range of pollutants.

Diffusion tubes are light, mobile and can be placed in many locations around the area, usually 1 to 15 metres from the road or at the kerbside (less than 1 metre from the road) and around 2-3 metres above ground level. The ambient air reacts with a chemical reagent in the tube so that NO<sub>2</sub> concentrations can be measured. The tubes are exposed to the air for one month before they are collected and sent to a

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<sup>6</sup> Environment Act 1995 Bath and North East Somerset Council Air Quality Direction, 2019  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800802/air-quality-direction-bath-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800802/air-quality-direction-bath-2019.pdf)

laboratory for analysis. There are currently over 150 diffusion tube locations across Bath & North East Somerset.

In recent years, average annual levels of particulate matter pollution in Bath have not exceeded the legal limit which is  $40 \mu\text{g}/\text{m}^3$  for  $\text{PM}_{10}$  and  $25 \mu\text{g}/\text{m}^3$  for  $\text{PM}_{2.5}$ , except at times when there were meteorological or other events that caused spikes in these pollutants, nationally. While we continue to measure it, PM data will not form part of these quarterly or annual reports.

## Comparing air quality data inside and outside of the zone

The Council has committed to assessing whether the introduction of the CAZ would lead to displacement impacts in areas outside of the zone's boundary.

To establish the impact of the zone on air quality in surrounding areas, and trends inside and outside of the zone, we present air quality data for the following areas:

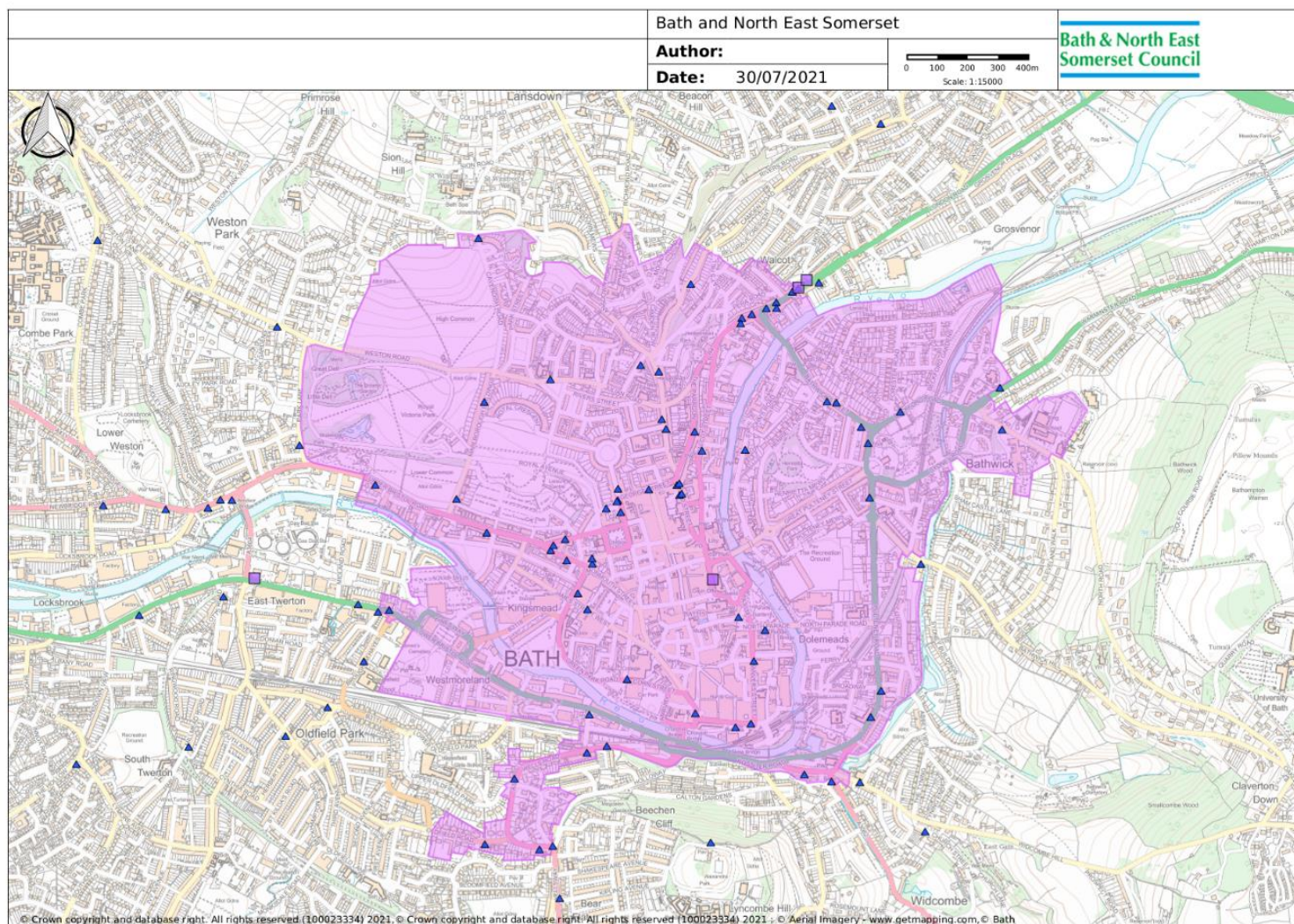
- The clean air zone (sites within the CAZ boundary which we call 'CAZ\_Only')
- The boundary area (sites outside the CAZ boundary but within the urban area of Bath including Batheaston and Bathampton, which we call 'CAZ\_Boundary')
- The wider area (sites outside of the Bath, Batheaston and Bathampton urban areas, but within the rural areas and district-wide urban areas in Bath & North East Somerset, which we call 'Wider\_B&NES')

## Air quality monitoring locations

There are a total of 156 monitoring sites across Bath and North East Somerset, with 65 located in the clean air zone (see Figure 2) and 56 are in the city's urban area outside of the zone's boundary (see Figure 3).



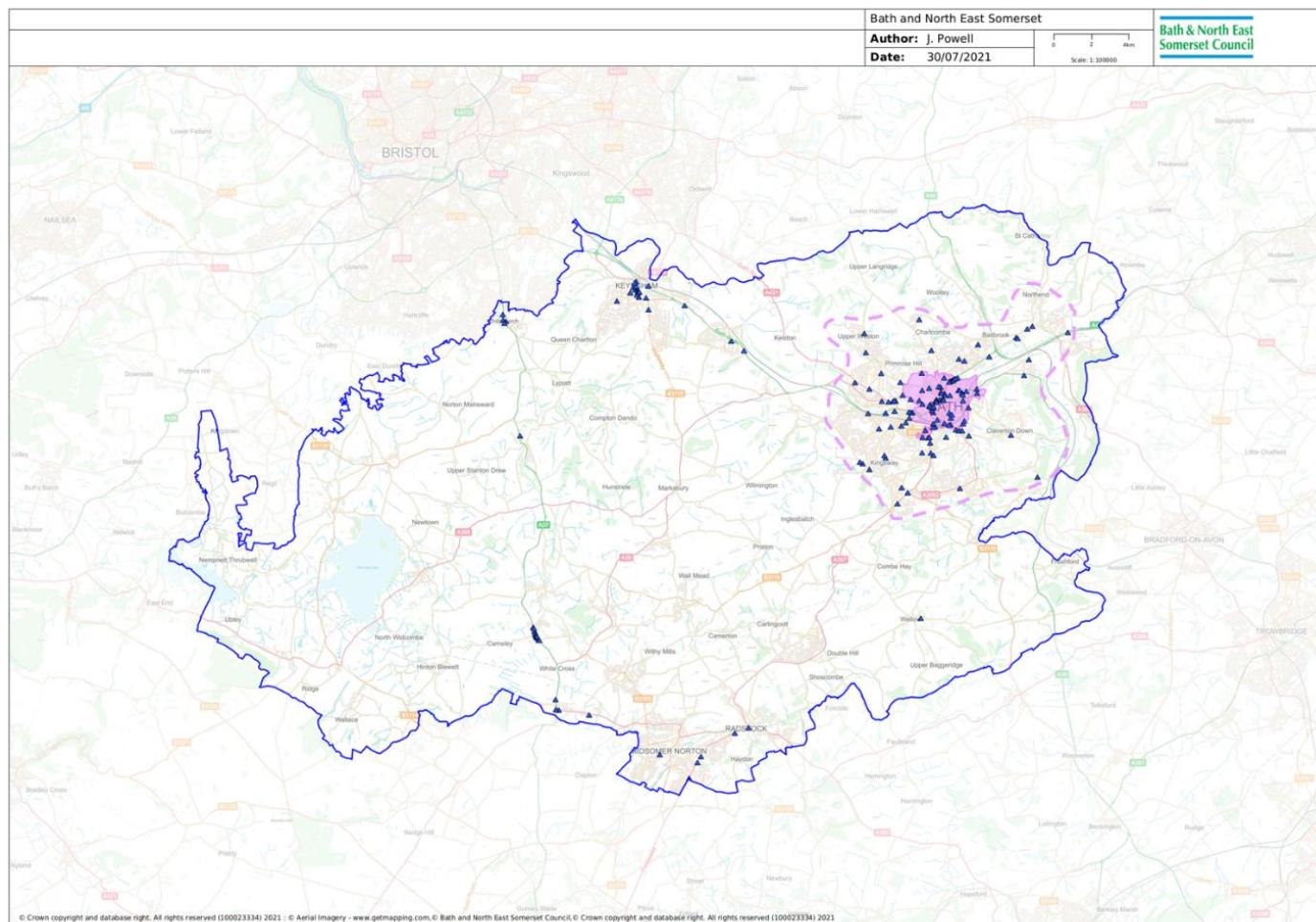
Figure 2- A map showing the Clean Air Zone and the automatic analyser (squares) and diffusion tube (triangles) locations in Bath © Crown Copyright 2021. License number 100023334.





## Bath Clean Air Zone Quarterly Monitoring Report, April to June 2021

Figure 3 - A map showing diffusion tube locations in three site groupings: The wider area of Bath and North East Somerset (the blue line), the urban area outside of the CAZ (the dotted pink line) and in the CAZ (the pink area). Diffusion tubes in the wider area are not distributed evenly. The majority are located within Farrington Gurney, Keynsham, Midsomer Norton and Radstock area and Temple Cloud. © Crown Copyright 2021. License number 100023334.



## Numbers of diffusion tube sites in each location

Table 2, below shows how the number of diffusion tube sites has increased across the area since 2017. Additional diffusion tube sites were chosen based on the air pollution dispersion model developed for the [CAZ Full Business Case](#), enabling us to check the impact of the clean air zone against what was modelled.

Triplicate sites are where three diffusion tubes are co-located at one monitoring site to improve accuracy. These are located where annual NO<sub>2</sub> concentrations are predicted to be greater than 34 µg/m<sup>3</sup>.

Table 2- The total number of diffusion tube sites (triplicate sites are recorded as one site) added over time in the various site groupings.

Site Groupings	CAZ_Only	CAZ_Boundary	Wider_B&NES
Number of sites reporting at the start of the year (triplicates considered as one site)	Diffusion tube locations within the CAZ	Diffusion tube locations outside the CAZ but within Bath, including Bathampton and Batheaston	Diffusion tube locations within B&NES but outside of the CAZ, Bath, Bathampton and Batheaston
2017	18	11	27
2018	30	26	29
2019	38	48	30
2020	65	56	36
2021	65	56	35

Unless otherwise stated, air quality data shown in this report comes from averaging monthly diffusion tube results.

In general, we report the average NO<sub>2</sub> concentrations from all the monitoring sites in use at the time within the specified area, unless otherwise stated.

## Measuring air quality to take account of seasonal effects

Annual average concentrations are useful because they account for varying seasonal cycles of pollutants such as:

- Meteorological conditions, for example wind, precipitation, and temperature; and
- And to a lesser degree, human sources of air pollution, for example increased energy generation for heating in winter or increased agricultural activities in spring.

This is also why we compare air quality data against similar time periods, for example comparing data for the second quarter (April to June) of 2021 with the second quarter (April to June) of 2019.

Further information on air quality monitoring can be found in the 'Monitoring Explained' section at the end of this report.



## Air quality data results

To identify emerging trends, we present NO<sub>2</sub> data for the first three months of the clean air zone's operation which is the second quarter of the year (April to June 2021). We compare it with baseline data from the second quarter of 2019 and to previous years' data to account for seasonal differences and to show the impact of the zone's launch on air quality so far. 2020 data has been discounted as a baseline because of Covid-19's unprecedented effect on traffic and travel behaviour.

Table and figures included in this section:

- Tables 3 to 5: Sites within the CAZ and Bath urban area that recorded greater than 40 µg/m<sup>3</sup>, 36 µg/m<sup>3</sup> or recorded an increase in NO<sub>2</sub> concentration when compared to 2019 Q2
- Table 6: The number of sites that recorded greater than 40 µg/m<sup>3</sup>, 36 µg/m<sup>3</sup> and their proportion within the total number of monitoring sites at the time
- Figure 4: Trends in monthly average NO<sub>2</sub> concentrations in B&NES since 2017
- Table 7: Quarterly average levels of NO<sub>2</sub> from Q2 2019 to Q2 2021 grouped by locations inside and outside the zone
- Figure 5: Quarterly change in average NO<sub>2</sub> concentrations compared with 2019 Q2.
- Figure 6: Trends in NO<sub>2</sub> roadside increment (Rinc) in B&NES since 2017

Tables 3 to 6 below focus on locations in the city (inside and outside the zone) with NO<sub>2</sub> levels above 36 µg/m<sup>3</sup>, or where NO<sub>2</sub> pollution has increased compared to levels recorded in our baseline year, 2019.

All other areas across the city have quarterly average levels of below 36 µg/m<sup>3</sup> or have falling levels of NO<sub>2</sub> and are therefore excluded from the tables.

To meet the government's directive at the end of 2021, annual average levels of NO<sub>2</sub> at every monitoring site in Bath needs to be below 40 µg/m<sup>3</sup> but we cannot determine whether we have achieved compliance until after the end of the year.

Table 3- Quarterly average NO<sub>2</sub> concentrations in 2021 Q2 compared with 2019 Q2 at locations in the clean air zone, where average NO<sub>2</sub> concentrations were greater than 40 µg/m<sup>3</sup> during 2021 Q2. TA= triplicate average site.

Site ID	Site	Site Grouping	2019 Q2 NO <sub>2</sub> concentration (µg/m <sup>3</sup> )	2021 Q2 NO <sub>2</sub> concentration (µg/m <sup>3</sup> )	Change
DT020 (TA)	Wells Road	CAZ_Only	44.0	46.7	2.7
DT042	Dorchester St	CAZ_Only	50.6	43.5	-7.1
DT060	Victoria Buildings	CAZ_Only	44.7	44.4	-0.3
DT090 (TA)	Anglo Terrace	CAZ_Only	56.3	41.8	-14.5
DT198 (TA)	Walcot Parade	CAZ_Only	53.5	45.0	-8.5
DT222 (TA)	Anglo Terrace façade	CAZ_Only	Monitor added August 2019	46.0	-
DT224 (TA)	Walcot Parade 2	CAZ_Only	Monitor added August 2019	50.2	-
DT235 (TA)	Wells Road 4	CAZ_Only	Monitor added August 2019	42.1	-

Table 4- Quarterly average NO<sub>2</sub> concentrations in 2021 Q2 compared with 2019 Q2 at locations in the clean air zone and outside the boundary but within in the urban areas of Bath , where average NO<sub>2</sub> concentrations were greater than 36 µg/m<sup>3</sup> but lower than 40 µg/m<sup>3</sup> during 2021 Q2. TA= triplicate average site.

Site ID	Site	Site Grouping	2019 Q2 NO <sub>2</sub> concentration (µg/m <sup>3</sup> )	2021 Q2 NO <sub>2</sub> concentration (µg/m <sup>3</sup> )	Change
DT043	St. James Parade	CAZ_Only	41.1	36.7	-4.4
DT172 (TA)	London Road 2	CAZ_Only	45.5	36.0	-9.5
DT230 (TA)	Upper Bristol Road 4	CAZ_Boundary	Monitor added August 2019	38.9	-
DT234 (TA)	Gay Street 2	CAZ_Only	Monitor added August 2019	39.4	-
DT248 (TA)	Chapel Row 2	CAZ_Only	Monitor added August 2019	36.2	-

Table 5- Quarterly average NO<sub>2</sub> concentrations in 2021 Q2 compared with 2019 Q2 at locations in the clean air zone and outside the boundary but within in the urban areas of Bath, where average NO<sub>2</sub> concentrations increased. TA= triplicate average site.

Site ID	Site	Site Grouping	2019 Q2 NO <sub>2</sub> concentration (µg/m <sup>3</sup> )	2021 Q2 NO <sub>2</sub> concentration (µg/m <sup>3</sup> )	Change
DT020 (TA)	Wells Road	CAZ_Only	44.0	46.7	2.7
DT193	Granville Road	CAZ_Boundary	8.7	10.0	1.3

Table 6- The total number of sites at locations in the clean air zone and outside the boundary but within urban areas of Bath , which recorded greater than 40 µg/m<sup>3</sup> and 36 µg/m<sup>3</sup> NO<sub>2</sub> concentrations during 2021 Q2 and 2019 Q2. The total number of sites reporting during each period is shown along with the proportion of sites recording greater than 40 µg/m<sup>3</sup> and 36 µg/m<sup>3</sup> because the total number of sites is variable. Note that sites which recorded above 40 µg/m<sup>3</sup> will also have recorded above 36 µg/m<sup>3</sup>.

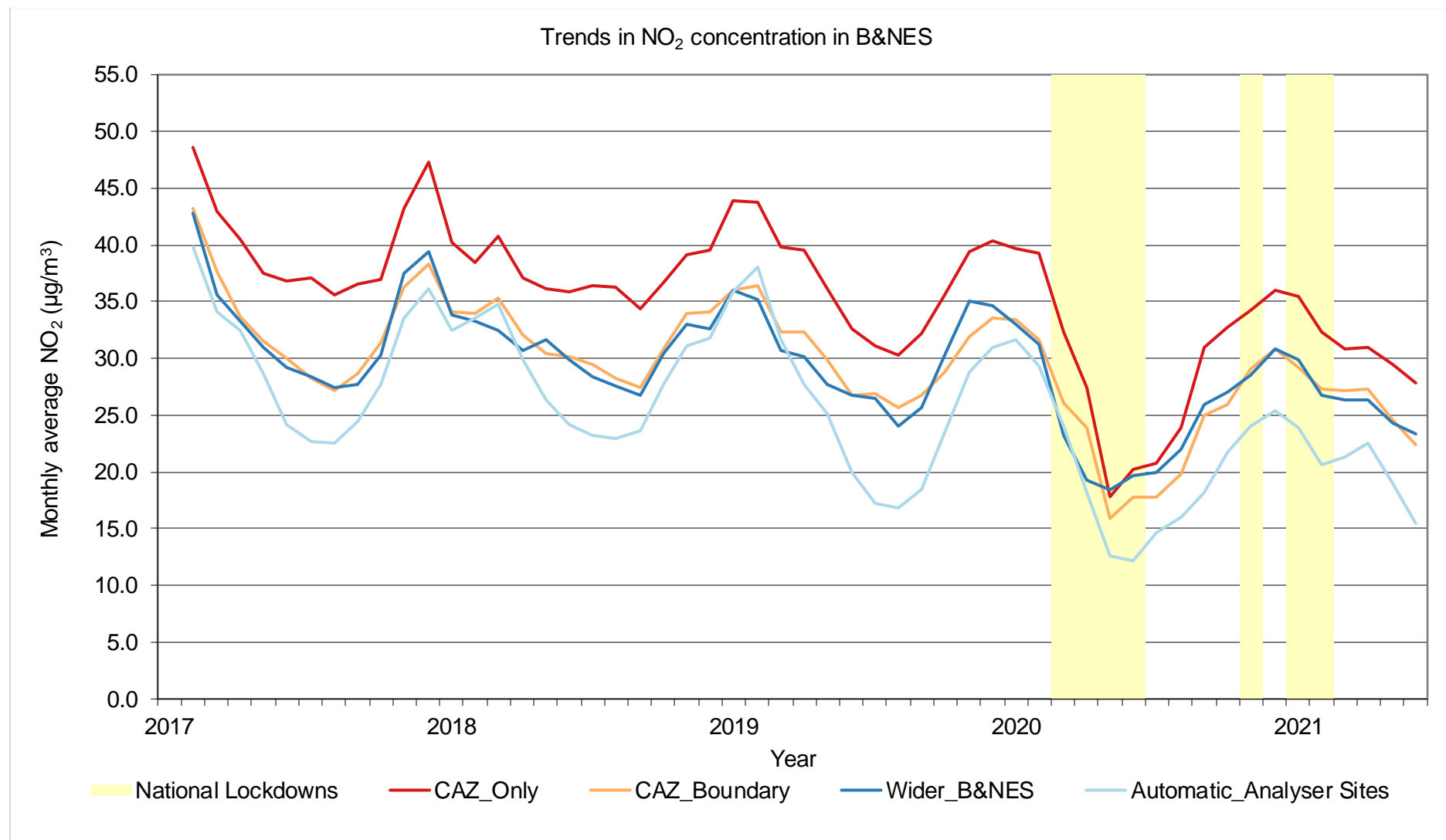
<b>CAZ_Only</b>	<b>Total no. sites reporting</b>	<b>No. sites &gt;40 µg/m<sup>3</sup> average</b>	<b>Proportion sites &gt;40 µg/m<sup>3</sup> (%)</b>	<b>No. sites &gt;36 µg/m<sup>3</sup></b>	<b>Proportion sites &gt;36 µg/m<sup>3</sup> (%)</b>
2019 Q2	44	9	20	11	25
2021 Q2	64	8	13	12	19
Change	20	-1	-7	1	-6
<b>CAZ_Boundary</b>	<b>Total no. sites reporting</b>	<b>No. sites &gt;40 µg/m<sup>3</sup> average</b>	<b>Proportion sites &gt;40 µg/m<sup>3</sup> (%)</b>	<b>No. sites &gt;36 µg/m<sup>3</sup></b>	<b>Proportion sites &gt;36 µg/m<sup>3</sup> (%)</b>
2019 Q2	49	2	4	4	8
2021 Q2	56	0	0	1	2
Change	7	-2	-4	-3	-6
<b>CAZ_Only and CAZ_Boundary</b>	<b>Total no. sites reporting</b>	<b>No. sites &gt;40 µg/m<sup>3</sup> average</b>	<b>Proportion sites &gt;40 µg/m<sup>3</sup> (%)</b>	<b>No. sites &gt;36 µg/m<sup>3</sup></b>	<b>Proportion sites &gt;36 µg/m<sup>3</sup> (%)</b>
2019 Q2	93	11	12	15	16
2021 Q2	120	8	7	13	11
Change	27	-3	-5	-2	-5

N.B. It should be noted that new sites were added for a variety of reasons including in response to requests and model predictions and verification

### Comments and key findings:

- This data for each quarter has been averaged across every site in the location group. Dozens of monitoring locations have been added since 2019 Q2 across B&NES. See Table 2 for details. Sites were added for a range of reasons including in response to public requests as well as model predictions and verification.
- Average concentrations for NO<sub>2</sub> during Q2 at Walcot Parade are 50 µg/m<sup>3</sup>. This area is being closely monitored.
- Wells Road is the only site which recorded a quarterly average greater than 40 µg/m<sup>3</sup> where average levels have risen. This area is also being closely monitored. The only other site that has greater levels of NO<sub>2</sub> compared with the same quarter in 2019 is Granville Road, but the levels here are low at 10.0 µg/m<sup>3</sup> (2 µg/m<sup>3</sup> higher than recorded in 2019 Q2).
- While 8 sites recorded results greater than 40 µg/m<sup>3</sup> in the second quarter of the year, its hoped that continued improvements in vehicle compliance rates will bring about the required reductions by the end of the year.
- However, compared with the same quarter in 2019 overall, three fewer sites in Bath recorded quarterly annual average levels of NO<sub>2</sub> concentrations over 40 µg/m<sup>3</sup> and two fewer sites over 36 µg/m<sup>3</sup>.

Figure 4- Monthly average NO<sub>2</sub> concentrations in B&NES from 2017 to 2021 separated into the three site groupings, as well as the average of the automatic analyser sites in Bath.



### Comments and key findings:

- Monthly average readings were taken from 54 long-term monitoring diffusion tube sites (18 within the CAZ\_Only, 12 in the CAZ\_Boundary outside of the CAZ but within the Bath urban area, and 24 in the Wider\_B&NES grouping) and three automatic analysers at Chelsea House, the Guildhall and Windsor Bridge in Bath.
- The original monitoring sites that were in place in 2017 have been compared (72 additional monitoring sites have been added across B&NES since 2017 which are not included).
- There is a general downward trend with average monthly NO<sub>2</sub> concentrations falling since 2017. This is likely due to the natural replacement of older, more polluting vehicles with cleaner, compliant ones (clean air zones seek to accelerate natural replacement rates to rapidly improve fleet compliance).
- Despite this general downward trend, there are several individual sites where quarterly average levels of NO<sub>2</sub> are greater than 40 µg/m<sup>3</sup> (see Table 3 for details). To comply with the government's directive, by the end of the year, annual average levels of NO<sub>2</sub> at all sites in Bath must be below 40 µg/m<sup>3</sup>.
- A marked decrease in mid-2020 is due to significantly less traffic on the roads because of Covid-19 restrictions.
- There is a clear seasonal trend in the data, with increased NO<sub>2</sub> concentrations in the winter. Increased winter NO<sub>2</sub> concentrations are primarily due to:
  - Lower vehicle catalyst temperatures meaning exhaust emissions abatement technology is less effective.
  - Increased emissions from domestic sources, such as gas flues.
  - The fact that NO<sub>2</sub> is retained in colder air for longer than warmer air (NO<sub>2</sub> is broken down by sunlight).

Table 7- Quarterly average NO<sub>2</sub> concentrations from 2019 Q2 to 2021 Q2 in the three site groupings. The results are from the total number of diffusion tube monitoring sites recording during that period.

Period	CAZ_Only NO <sub>2</sub> (µg/m <sup>3</sup> )	CAZ_Boundary NO <sub>2</sub> (µg/m <sup>3</sup> )	Wider_B&NES NO <sub>2</sub> (µg/m <sup>3</sup> )
2019 Q2	31.3	24.5	28.9
2019 Q3	31.0	23.1	26.5
2019 Q4	37.2	30.7	33.4
2020 Q1	34.0	26.5	27.1
2020 Q2	19.1	15.7	22.4
2020 Q3	24.8	20.1	26.3
2020 Q4	33.9	27.3	30.6
2021 Q1	30.7	24.6	28.4
2021 Q2	27.3	21.3	26.6
Reduction 2019 Q2 – 2021 Q2 (µg/m <sup>3</sup> )	-3.9	-3.3	-2.3
Reduction 2019 Q2 – 2021 Q2 (per cent)	-12.6%	-13.4%	-7.8%

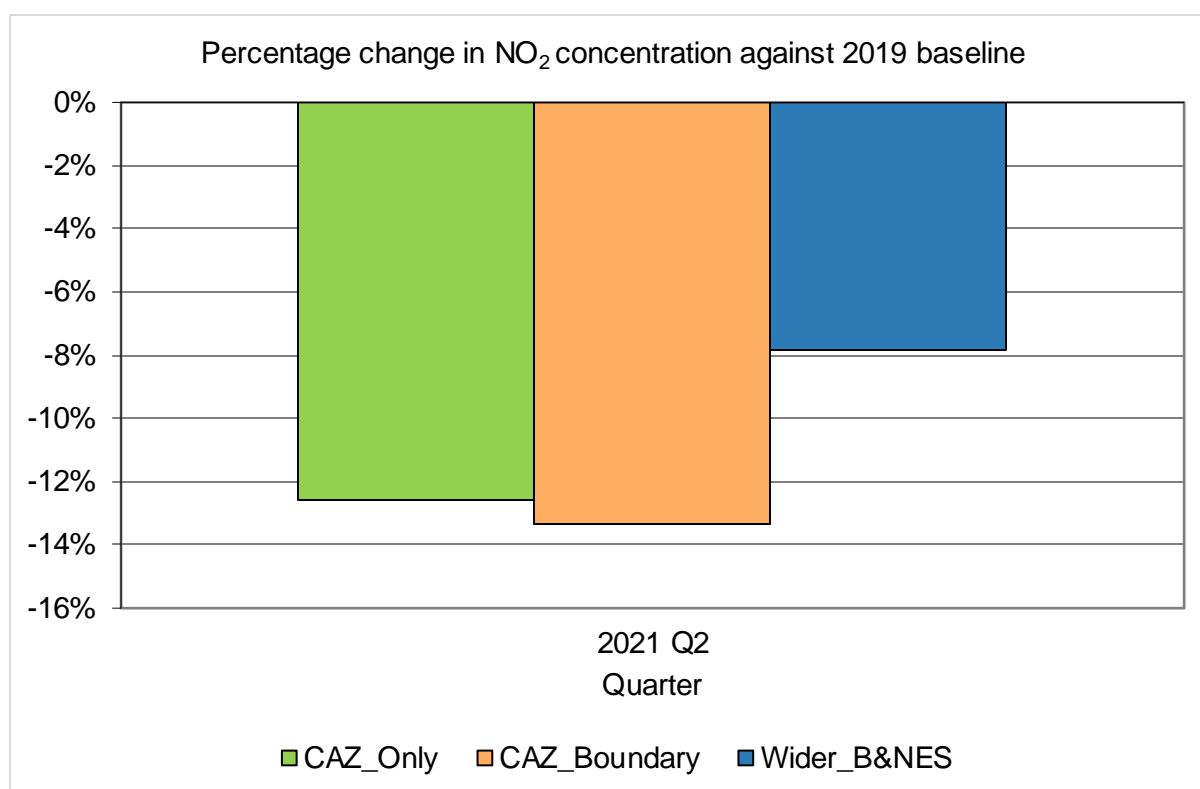
\* Quarters affected by Covid-19 are highlighted orange.

### Comments and key findings:

- The data for each quarter has been averaged across every site in the location group. Dozens of monitoring locations have been added since 2019 Q2 across B&NES. See Table 2 for details. In this instance, we have not omitted stations that have been added since 2019.
- Quarterly average levels of NO<sub>2</sub> within the CAZ have fallen by 3.9 µg/m<sup>3</sup> since 2017 (a 13% reduction). This is almost double the 2.3 µg/m<sup>3</sup> reduction seen in the wider region outside of Bath (8%).
- Sites outside of the zone but in the city of Bath reduced by 3.3 µg/m<sup>3</sup> which equates to a 13% reduction, very similar to sites within the CAZ.
- This is likely due to the natural replacement of older, more polluting vehicles with cleaner, compliant ones.
- Clean air zones seek to improve natural replacement rates to rapidly improve fleet compliance, so it's anticipated that we will see further air quality improvements.
- Significant reductions in NO<sub>2</sub> seen in 2020 are likely as a result of Covid-19 restrictions reducing traffic.
- Despite the quarterly average NO<sub>2</sub> concentration being below 40 µg/m<sup>3</sup>, there are still individual sites in Bath & North East Somerset that recorded a result greater than the limit of 40 µg/m<sup>3</sup> as a quarterly average.



Figure 5- Quarterly change in average NO<sub>2</sub> concentrations compared with 2019 Q2.



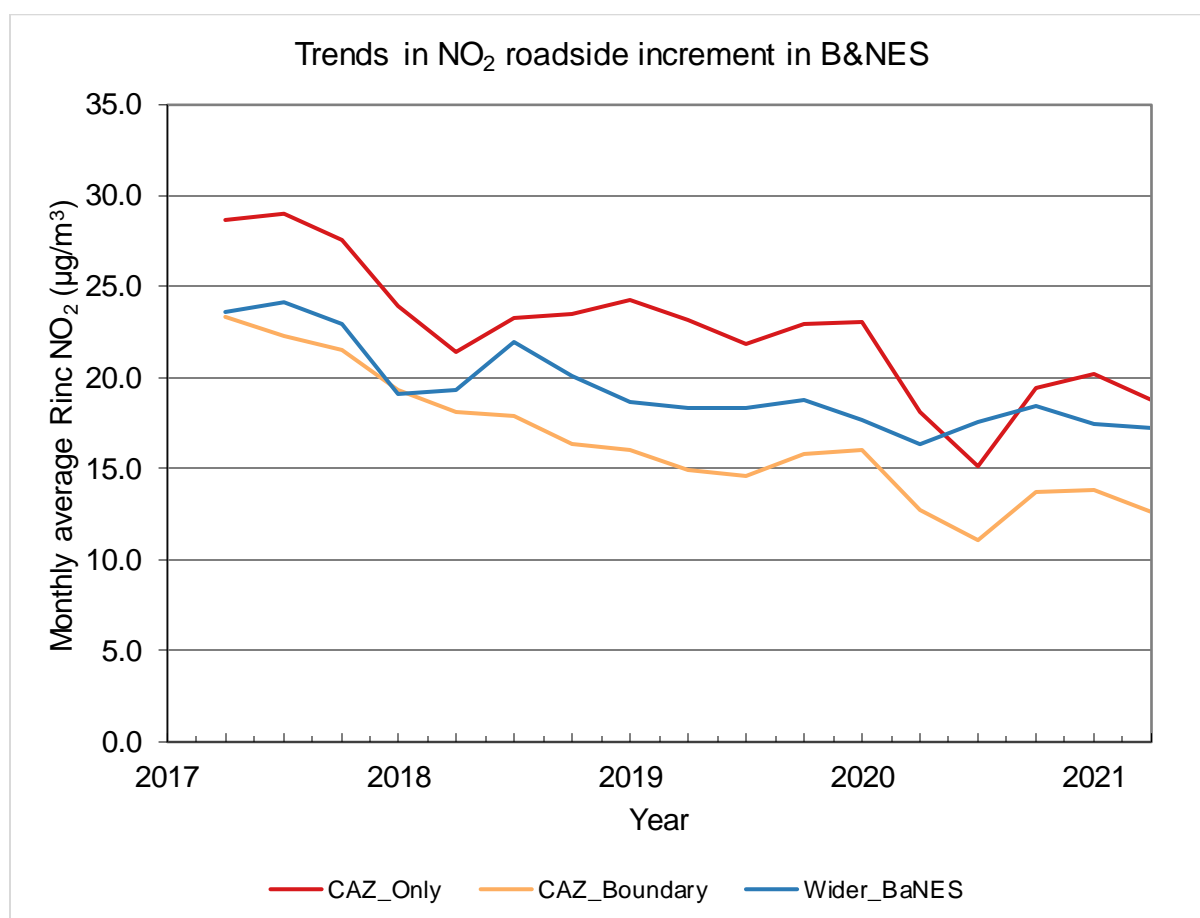
### Comments and key findings:

- Sites outside of the clean air zone, but within the urban areas of Bath show a 13.4% reduction in average quarterly levels of NO<sub>2</sub> compared with the same quarter (April to June) in 2019.
- It appears that levels of NO<sub>2</sub> outside of the CAZ boundary are decreasing at a similar rate to levels within the CAZ. This is important because of concerns expressed by the public that air quality would worsen in areas surrounding the CAZ as a result of traffic avoiding the zone – despite covering a small central area the CAZ was designed to improve air quality across Bath and this data demonstrates that this is the case.
- Sites within the CAZ show a 12.6% reduction in average quarterly NO<sub>2</sub> levels, compared with the same period in our baseline year, 2019.
- The wider area experienced the smallest improvement in NO<sub>2</sub> levels (7.8%), and there are Air Quality Management Areas in Keynsham, Saltford, Temple Cloud and Farrington Gurney where some monitoring sites exceed 40 µg/m<sup>3</sup>. These areas are outside the scope of this report. Find out more at: [www.bathnes.gov.uk/services/environment/pollution/air-quality](http://www.bathnes.gov.uk/services/environment/pollution/air-quality).
- This data includes all diffusion tube locations averaged during each quarter and for both years.
- Covid-19 is likely to have contributed to reductions in NO<sub>2</sub> concentrations. Pre-Covid statistics show that rural areas traditionally have higher rates of home

working at around 32% compared with urban areas at around 13%<sup>7</sup>. Home working has increased significantly among urban dwellers during the pandemic.

- The reduction is also likely to be due to the natural replacement of older, more polluting vehicles with cleaner, compliant ones.
- Clean air zones seek to improve natural replacement rates to rapidly improve fleet compliance, so it's anticipated that we see further air quality improvements.
- Significant reductions in NO<sub>2</sub> seen in 2020 are likely because of Covid-19 restrictions reducing traffic.

Figure 6- Trends in NO<sub>2</sub> roadside increment (Rinc) in B&NES since 2017.



#### Comments and key findings:

- The roadside increment (Rinc) is useful as it demonstrates the proportion of NO<sub>2</sub> pollution from road traffic sources, as opposed to other sources e.g., gas boilers. It is found by subtracting the urban background NO<sub>2</sub> concentration from the monthly average roadside NO<sub>2</sub> levels.

<sup>7</sup> DEFRA. Statistical Digest of Rural England, 2020.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/984921/Home\\_Working\\_Dec\\_2020\\_final\\_with\\_cover\\_page.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/984921/Home_Working_Dec_2020_final_with_cover_page.pdf)

- Urban background sites are positioned away from roads to avoid the localised pollution from road traffic. In Bath, the urban background location is at Alexandra Park.
- Rinc enables you to calculate what proportion of NO<sub>2</sub> pollution comes from vehicles on local roads, thereby giving a representative measurement of background air pollution over several square kilometres.
- In accordance with the natural fleet upgrades and the impact of Covid 19, the proportion of roadside NO<sub>2</sub> has decreased over time.

## The impact of the Queen Square traffic management on air quality

During the development of the Full Business Case, modelling demonstrated that a Class C charging CAZ would fail to meet compliance on Gay Street, which is situated between Queen Square and George Street in Bath.

To make a Class C charging CAZ feasible (which was the preference of the public), a temporary traffic management scheme was developed to moderate traffic flow through the square to help limit air pollution and address the NO<sub>2</sub> exceedance on Gay Street.

### How the traffic scheme works

The overall aim of the scheme, which comprises new temporary traffic signals at Chapel Row and Charlotte Street, is to moderate the flow of traffic through the square and deter drivers from using this route through so that the pollution is dispersed and NO<sub>2</sub> limits are not exceeded in any location surrounding the square.

The scheme includes an innovative system linking an air quality monitor with the traffic signals to regulate the traffic flows through the square in response to live NO<sub>2</sub> monitoring. This is designed to limit queues on Gay Street where there is an exceedance of NO<sub>2</sub> limits. Public realm improvements were also installed, including additional pedestrian crossings designed to support walking and prioritise cycling.

The recent restriction of traffic to just buses in Milsom Street between the hours of 10 am to 6pm is also serving to reduce queues in the Gay Street and George Street areas.

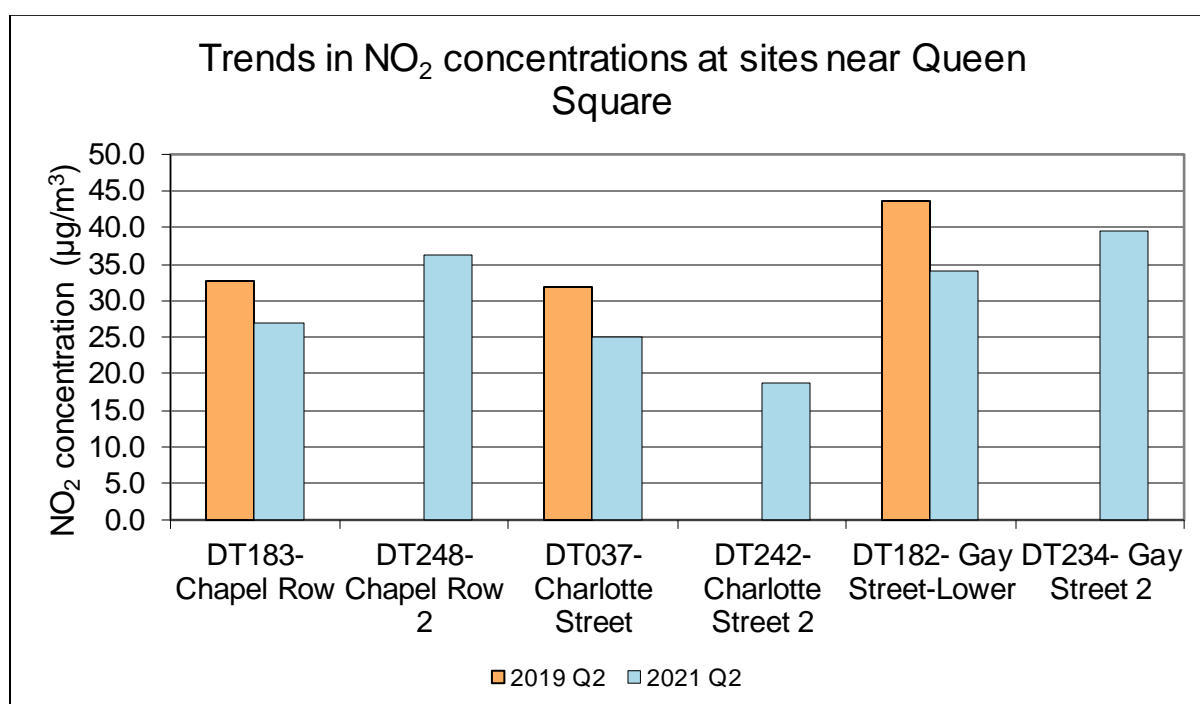
## Potential traffic displacement

It was predicted that some areas surrounding Queen Square may see a rise in traffic or queuing due to traffic displacement. We are closely monitoring both traffic and air quality in these areas.

## Monitoring and evaluation

Figure 7 shows the quarterly average NO<sub>2</sub> concentrations around Queen Square for 2021 Q2 compared against our baseline (2019 Q2).

Figure 7- Average NO<sub>2</sub> concentrations at Queen Square for 2021 Q2.



### Comments and key findings:

- Three new monitors were added in preparation for the launch of the zone, so data for 2019 is not available for Gay Street 2, Chapel Row 2 and Charlotte Street 2.
- All quarterly average concentrations of NO<sub>2</sub> are below 40 µg/m<sup>3</sup>.
- Compared to 2019 Q2, all quarterly average concentrations in 2021 have reduced.
- Whilst currently below 40 µg/m<sup>3</sup>, NO<sub>2</sub> levels at Gay Street 2 remains a concern and will continue to be closely monitored.

The following sections investigate two major factors affecting air pollution: traffic flows and vehicle compliance rates.

## Impacts of the CAZ on traffic flow

A clean air zone is primarily designed to improve the compliance of vehicles driving in higher polluting areas, and not to influence traffic volumes i.e., it is aimed at reducing pollution, not congestion.

However, road traffic is the most significant cause of NO<sub>2</sub> pollution in Bath, so it's important to monitor any changes in traffic flow in and around the zone and on the highway network around the city. This data will help us understand whether there are any changes in traffic flow that may negatively impact air quality and/or road safety as a result of introducing the zone.

This section is split into three:

1. How we measure any changes in traffic flow
2. Traffic flow data 2021 Q2
3. How we are investigating possible traffic displacement

### How we measure any changes in traffic flow

We monitor traffic flows i.e., where traffic is going and the volume of traffic on particular routes, using manual classified counts (MTC), automated traffic counts (ATC) and automatic number plate recognition (ANPR) cameras.

To report on the CAZ, we focus on key roads inside and outside the clean air zone and on connecting highways. Traffic flows are continually monitored at various locations across the city and, for the purpose of monitoring the impact of the CAZ, will be reported quarterly.

To understand the impact of the zone on any changes to traffic flows, we will compare 2021 Q2 data with a similar time frame before the zone was introduced in 2018. We have discounted data from 2020 due to the unprecedented impact on traffic and travel caused by the Covid-19 restrictions, and the Council has insufficient data for the year 2019. Also, sometimes there is no baseline data to draw on if the monitoring location is new or temporary.

It is important to remember that not all vehicles are chargeable and therefore the majority of vehicles have no need to avoid the zone or seek alternative routes. By the end of June 2021, of the approximately 4,000 buses, coaches, HGV's, LGV's, taxis and PHVs entering the zone, only 18% percent are still required to pay zone charges (not including nationally or locally exempt vehicles). Our traffic counts will record any traffic movement, regardless of the type of vehicle or the compliance of that vehicle.

Figure 8 shows a map of the wider area, including the city of Bath, where automatic traffic counts (ATCs) are in place to analyse traffic flow. These are shown using a red diamond icon. A list of the locations used in the analysis can be found in Table 8. These permanent ATCs have been selected as they were in use prior to the introduction of the CAZ and are therefore able to be used for comparison purposes. Only two ATCs within the CAZ have data from 2018. We used three sites from outside the CAZ in both other site groupings because more data was available. Other monitoring methods such as temporary ANPR cameras will be used to monitor areas of perceived concern as per Appendix 2.



Figure 8- ATC locations (red diamonds) used for traffic flow analysis. The number refers to the site ID which can be found in Table 8. © Crown Copyright 2021. License number 100023334.

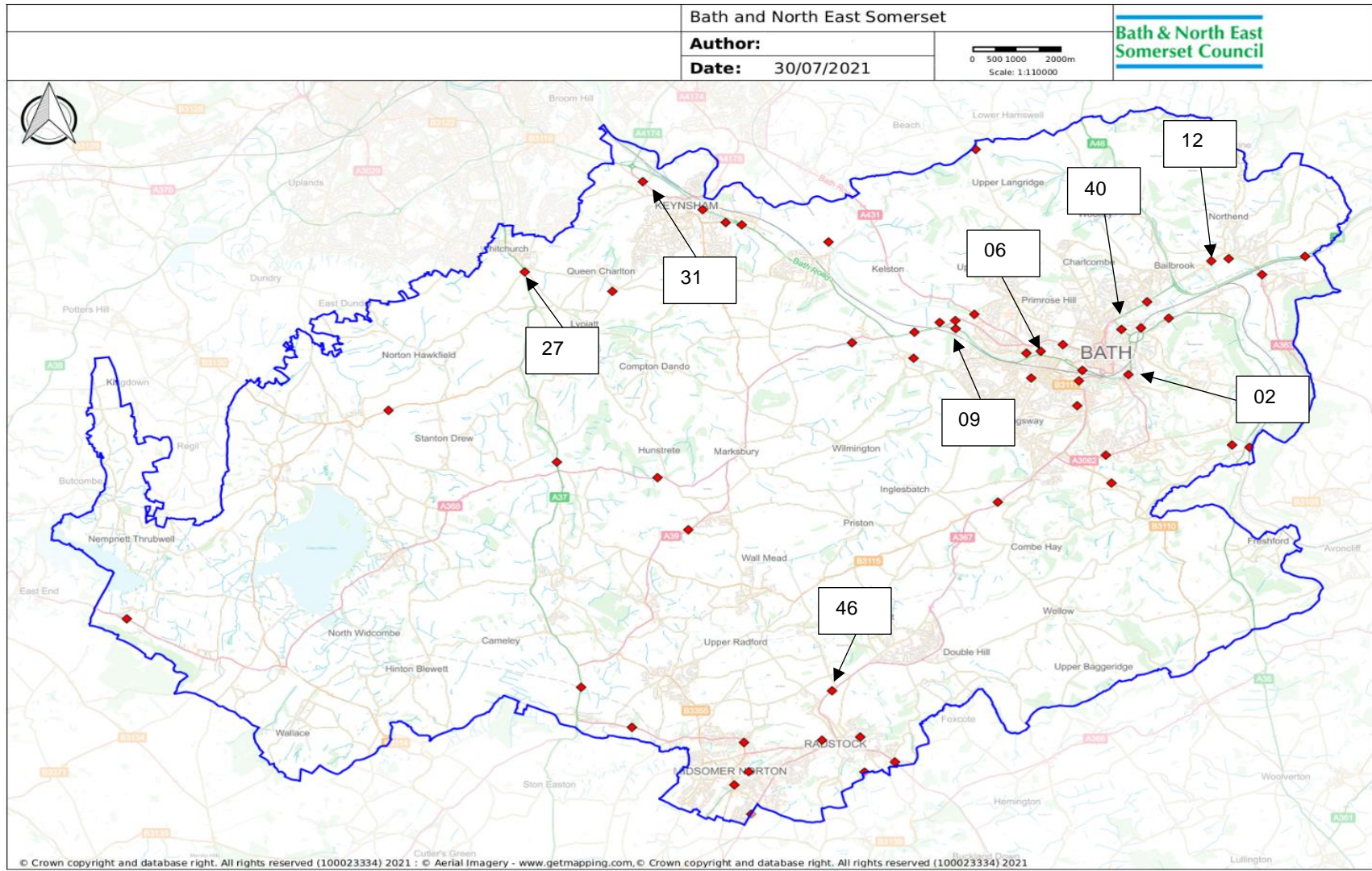


Table 8- ATC locations from Figure 8, along with their site category.

<b>Site ID</b>	<b>Location</b>	<b>Site Category</b>
02	A36 Pulteney Road, South of Archway Street	CAZ_Only
06	A3064 Windsor Bridge Road, North of Stable Yard	CAZ_Boundary
09	A36 Lower Bristol Road, East of A4 Newbridge	CAZ_Boundary
12	High Street Batheaston, East of Victoria Gardens	CAZ_Boundary
27	A37 Bristol Road Whitchurch, South of Norton Lane	Wider_B&NES
31	A4175 Durley Hill, West of Durley Lane	Wider_B&NES
40	A36 Bathwick Street, South of St Johns Road	CAZ_Only
46	A367 Bath New Road, North of Clandown	Wider_B&NES



## Traffic flow data results

The data from ATCs can be used to compare traffic flows so that trends can be considered over time.

Table 9- Two-way traffic flow data for ATCs inside and outside the CAZ in 2018 (the last year with representative data), 2020, 2021.

Year	Month	5-Day Average			7-Day Average		
		CAZ_Only	CAZ_Boundary	Wider_B&NES	CAZ_Only	CAZ_Boundary	Wider_B&NES
2018	April	17274	12642	17638	16610	11673	16437
	May	17771	12625	17176	17041	11714	16124
	June	18504	12911	16535	17669	11978	15520
2020	April	6169	4854	6636	5480	4329	5900
	May	9157	6599	10049	8450	6050	9134
	June	13028	8778	12648	12243	8180	11888
2021	April	16501	10845	14933	15576	10047	14096
	May	16019	11520	15398	15537	10714	14699
	June	15884	11375	16094	15587	10522	15259

Table 10- Percentage change in average monthly traffic flows from 2018 to 2021. The bottom row shows the average change for the entire quarter (April-June), 2018 Q2 to 2021 Q2.

	5-Day Average			7-Day Average		
	CAZ_Only	CAZ_Boundary	Wider_B&NES	CAZ_Only	CAZ_Boundary	Wider_B&NES
April	-4.5%	-14.2%	-15.3%	-6.2%	-13.9%	-14.2%
May	-9.9%	-8.7%	-10.4%	-8.8%	-8.5%	-8.8%
June	-14.2%	-11.9%	-2.7%	-11.8%	-12.2%	-1.7%
2018 Q2- 2021 Q2 average	-9.5%	-11.6%	-9.5%	-8.9%	-11.5%	-8.3%

### Comments and key findings:

- Traffic flows are being monitored to understand any changes in the CAZ, in the urban area of Bath outside the CAZ, and in the wider Council area, as presented in Figure 7 (a map of the ATC locations), Tables 8 (a description of the ATC locations from which we analysed data), Table 9 (the data on vehicle numbers passing the selected ATCs in 2018, 2020 and 2021, and Table 10 (change in traffic flow between 2018 Q2 and 2021 Q2).
- General traffic flows (i.e. both compliant and non-compliant traffic) across an **average five-day week** were down by 9.5% inside the CAZ, 11.6% in the urban area of the city outside the CAZ, and by 9.5% in the wider area, compared with the same quarter in 2018.
- General traffic flows across an **average 7-day week** were down by 8.9% in the CAZ, 11.5% in the urban area outside of the CAZ, and 8.3% in the wider B&NES area, compared with the same quarter in 2018.
- This is an average decrease in traffic of 9.9% across all site groupings for the quarter compared with 2018.
- Traffic flows fell dramatically in 2020 but are now slowly rising. However, we are not seeing the same level of traffic in 2021 as we saw in 2018 (in any area), and this is likely due to Covid-19 and the changes to social and working behaviour and changes in business models due to pandemic restrictions.
- Importantly, in general, levels of traffic outside of the zone's boundary in Bath has not increased because of the zone, when compared with a similar period in 2018

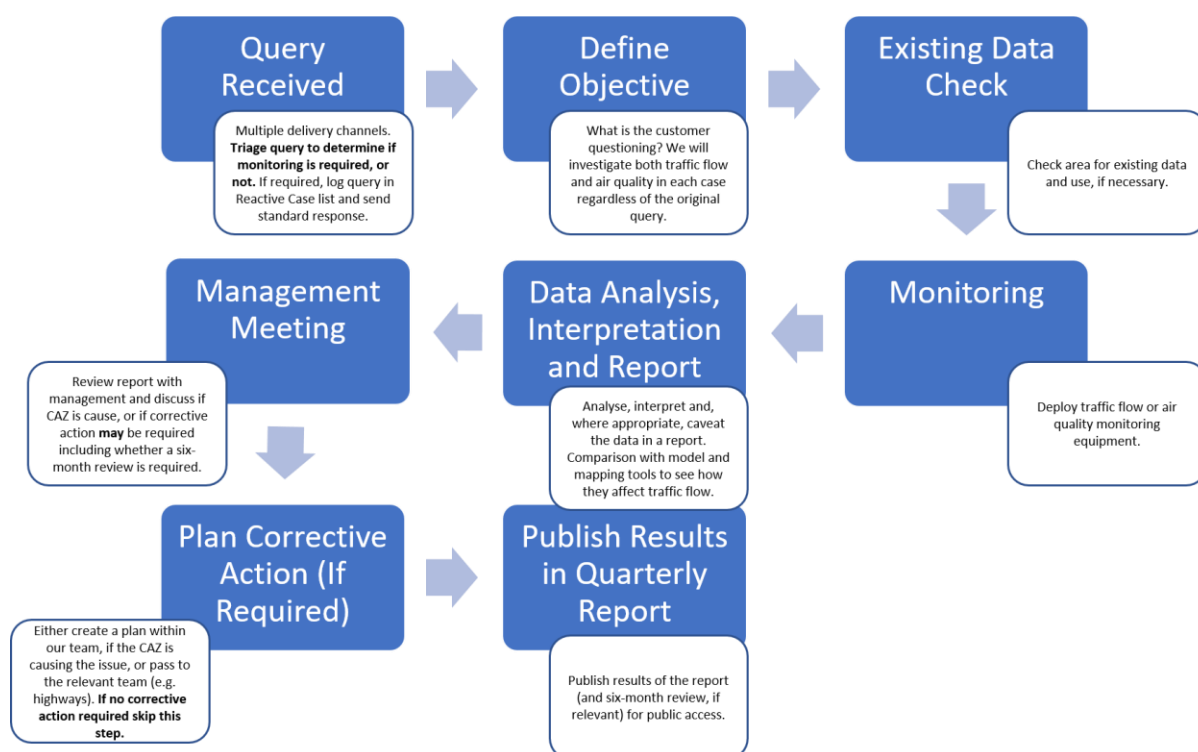
## Specific concerns about traffic displacement

A key commitment of the Council during the business case development stage of the project was to monitor any concerns arising from the introduction of the CAZ. The purpose of the CAZ is to improve vehicle compliance rates whilst minimising the impact on normal traffic flows. While traffic flows have been substantially impacted by the Covid-19 restrictions with lower morning peaks and higher interpeak flows, they are still to return to pre-pandemic levels. Bearing this current situation in mind, we are actively investigating 15 discrete locations where the public have expressed concern about a perceived increase in traffic in their communities since the launch of the CAZ. All locations logged since the end of July are set out in Appendix 2.

## How we're investigating possible traffic displacement

From the launch of the CAZ in March 2021, comments from residents about potential CAZ-related impacts have been logged and investigated. Figure 9 shows the process we have put into place when following up these queries.

Figure 9- A process map showing the details of the traffic displacement process followed when a query is received.



### Comments on concerns about traffic displacement

- The pandemic was an unforeseen event that was not predicted and inevitably, traffic flows have been impacted in a way outside of any modelling done for the Full Business Case. At the beginning of 2021, there were much lower levels of traffic, particularly cars, although the increase of online sales requiring deliveries has increased to a record 35% of all retail spend<sup>8</sup>, which could account for at least a percentage of the greater visibility and presence of LGVs and HGVs in local communities. As lockdown restrictions have been lifted and businesses returned to normal operation, numbers of commercial vehicles have increased beyond pre-pandemic levels.
- In this context, it is unsurprising that reports of increased numbers of commercial vehicles have been received and people are understandably concerned that the reason for these changes is the CAZ, as it was introduced as pandemic restrictions were being lifted.
- Concerns relating to Charlcombe Lane, Colliers Lane, Upper Camden Place and Southdown Road have been investigated and have shown no discernible increase in traffic at the time of monitoring. We will keep these under review.

<sup>8</sup> ONS. Retail sales, Great Britain: January 2021.

<https://www.ons.gov.uk/businessindustryandtrade/retailindustry/bulletins/retailsales/january2021>

- Initial traffic monitoring has identified some small potential increases in the volumes of commercial vehicles (either HGV's or LGV's) relating to Shophouse Road and Whiteway Road. Small increases were predicted at these locations in the traffic modelling forecasts in the Full Business Case. However, further investigation is being undertaken to understand the vehicle compliance rates in these locations using temporary ANPR cameras.
- The initial monitoring for Brook Road/West Avenue/Lyndhurst Road/Bellotts Road indicated that there was a potential significant increase in larger vehicles in this location. This could be associated with local shop deliveries re-routing and is being investigated using temporary ANPR cameras to understand vehicle compliance splits and whether the increase in traffic is drivers of non-compliant vehicles avoiding the zone.
- The initial monitoring for Lansdown Lane identified a small potential increase in the volume of LGV's and this is being investigated further using temporary ANPR cameras to understand vehicle compliance rates and the split between through traffic and commercial vehicles visiting local addresses in Weston.
- Concerns relating Penn Hill Road, Prior Park Road, Rosemount Lane, Sham Castle Lane and Old Newbridge Hill, have been investigated and monitoring and analysis is currently being completed.
- Concerns relating to Twerton High Street (air quality only) are being monitored in August 2021.
- Concerns relating to Englishcombe Lane are awaiting monitoring which is planned for September 2021.

## The impact of the CAZ on fleet compliance

Vehicles contribute approximately 80% of nitrogen oxide (NO<sub>x</sub>) emissions in the vicinity of the main roads in Bath. Older vehicles generally emit more NO<sub>x</sub> as recent technological advances in selective catalytic reduction has led to a lowering of NO<sub>x</sub> emissions from vehicles, particularly those of a Euro 6 standard.

The purpose of the clean air zone is to speed up the natural replacement of older, more polluting vehicles with cleaner, compliant ones that meet the city's minimum emission standards. It does this by levying charges on owners of non-compliant vehicles that don't meet emission standards (i.e., pre-euro 6 diesel and pre-euro 4 petrol vehicles), so that they are incentivised to upgrade or replace their vehicle sooner than they might otherwise do (to avoid paying a daily charge).

In Bath, financial assistance is available to help support businesses and individuals that need help to do this, mitigating the impact of charges.

Improvements in Bath's fleet are brought about in the following ways:

- Naturally as part of regular fleet upgrade programmes and because of pressure on manufacturers from government, environmental organisations and the public to improve vehicle emissions
- More recently and locally, as a specific reaction to the introduction to Bath's CAZ and other zones around the country e.g., drivers bringing forward plans to upgrade or replace older vehicles to avoid charges
- And in response to direct Council and government-funded interventions to encourage upgrades, including a bus retrofit scheme and the financial assistance scheme which offers grants and or interest-free finance to those regularly driving in the zone to replace non-compliant vehicles.

To understand whether the clean air zone is working to reduce emissions and air quality, we are monitoring rates of vehicle compliance in the zone.

This section is split into two:

1. How we measure fleet compliance in Bath
2. Vehicle compliance data for Bath's CAZ

## How we measure fleet compliance in Bath

We measure changes in fleet composition using data gathered from 68 automatic number plate recognition cameras positioned around the perimeter of Bath's Clean Air Zone, and within the zone itself. Where traffic displacement concerns have been raised outside of the zone and we have determined that there is an increase in traffic flow, additional traffic and compliance monitoring is being undertaken using temporary ANPR cameras. See: Appendix 2.

The camera captures individual number plates which are then cross referenced with a DVLA vehicle database to establish the number of vehicles in the zone on any given day, the type of vehicle captured in the zone e.g. bus, HGV, van etc., its age, and the euro standard of the vehicle (if available). This enables us to understand the number of compliant vehicles seen in the zone (and in areas of potential traffic displacement) as a percentage of total vehicles driving in these areas each week.

To understand how fleet compliance in the zone has changed as a result of introduction of the CAZ, we are looking at weekly data from the cameras since the zone launched. We will include data from our additional temporary monitors in future quarterly reports.

## Vehicle compliance data for Bath's CAZ

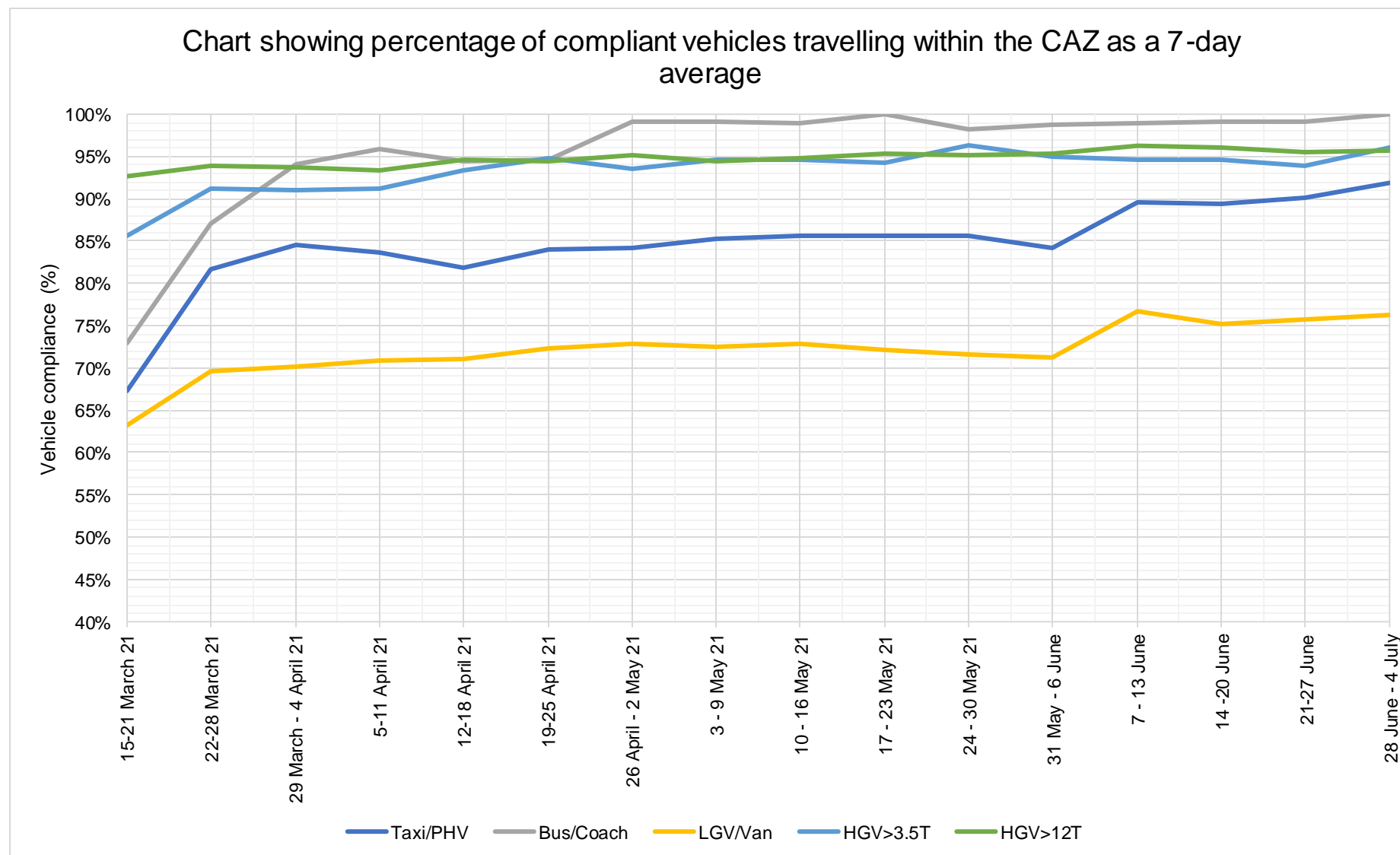
Figure 10 below shows the percentage of compliant vehicles travelling within the CAZ as a 7-day average.

### Comments and key findings:

- A vehicle is compliant when it meets the minimum emission standards for Bath's CAZ i.e., it's either euro 6 diesel, euro 4 plus petrol, hybrid, alternatively fuelled vehicles or an electric vehicle.
- Of the chargeable vehicle categories, the percentage of compliant unique vehicles as a 7-day daily average seen in the zone and meeting emission standards rose from 33% in the week of launch to 82% in the last week in June- a rise of 49%. At the same time, the total number of unique vehicles seen in the zone increased from around 32,000 at the start of the zone to around 40,000 at the end of June, as Covid-restrictions lifted.
- Bus/coach compliance rose sharply after the launch of the zone and continues to improve, with high rates of compliance (reaching 100% compliance in the last week of June).
- HGV (>12 tonne) compliance was already high at 93% at launch, rising to 96% by the end of June.

- HGV (>3.5 tonne) compliance was already high at 86% at launch, rising to 96% by the end of June.
- Taxi compliance has risen from 67% to 92% since the zone was launched
- LGVs/vans had a compliance rate at 63% rising to 76% by the end of June, showing good progress with the help of the financial assistance scheme. This is despite global shortages in semi-conductors and microchips which is impacting vehicle production.
- At launch there were 1,571 unique non-compliant vans seen in the zone as a 7-day daily average. By the end of June this has reduced to 741 unique non-compliant vans, however LGV/vans comprises 94% of total non-compliant unique vehicles at the end of the reporting period.
- Rates of compliance are anticipated to continue to improve in the next quarter.
- Compliance has been encouraged and supported through the government-funded bus retrofit and financial assistance scheme, outlined below, in addition to drivers upgrading outside of the scheme.

Figure 10- Chart showing percentage of compliant vehicles travelling within the CAZ as a 7-day average.





## Bus retrofit upgrade programme

Traffic and air quality modelling prepared for the approved CAZ Final Business Case included the assumption that all scheduled public bus services would be compliant (euro VI) standard by its launch. At the time, 87 out of a fleet of 226 scheduled buses operating in Bath were non-compliant.

To prepare for launch, the Council secured government funds to support bus operators to upgrade the remaining 87 buses with engine emissions abatement technology as certified by the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

In autumn 2020, agreements were finalised with six bus operators to commence installation of the retrofit technology as soon as possible. In addition, two buses not operating as a public-registered bus service (Wessex Water) were upgraded and some coaches were retrofitted through the Council's financial assistance scheme.

Approximately £1.7 million was awarded as part of an implementation fund towards grants to operators to retrofit buses operating on public registered bus services.

### Comments:

- By the end of June 2021 (three months after the launch of the zone), 74 out of a total of 87 non-compliant buses operating as public buses in central Bath were successfully retrofitted with emission abatement technology.
- Preliminary reporting suggests that on average the NOx reduction for retrofitted vehicles exceeds the 80% target set as part of CVRAS and therefore the vehicles are operating in line with compliant/Euro 6 standards.
- Overall compliance for buses is close to 100% and the majority of the final retrofits are scheduled for completion by the end of August 2021.

## Financial assistance scheme

To mitigate the impact of charges and further support air quality improvements, the Council has invested £9.4 million of government funds in a financial assistance scheme that offers grants and interest-free loans to businesses and individuals wishing to replace non-compliant, chargeable vehicles with cleaner, compliant ones.

Businesses and individuals could apply for funding to upgrade or retrofit the vehicle if they passed a basic eligibility test, proving that they travel at least two days per week on average over a 60-day period. Those passing the test could then apply for grants and/or interest loans via the Council's approved vehicle asset finance providers.

Table 11 below shows the number of vehicles that, by the end of June, were eligible to be replaced and the number of vehicles replaced to date. The Council expects to help replace up to 1,500 non-compliant vehicles regularly travelling in the zone by the end of 2021.

Table 11: Vehicles eligible for the financial assistance scheme and the number of vehicles already replaced

Vehicle category	No. vehicles eligible for FAS funding to upgrade or retrofit	No. vehicles upgraded
M1 (taxis or private hire vehicles as private passenger cars are compliant)	110	71
M2 (minibus) and M3 (bus/ coach)	25	6
N1 (LGV ≤3.5T)	848	260
N2 and N3 (HGVs)	20	7
<b>Total</b>	<b>1003</b>	<b>344</b>

### Comments:

- The Council's financial assistance scheme is on track to replace around 1,500 non-compliant vehicles with cleaner compliant ones by the end of 2021.
- By the end of June 2021, 1,003 vehicles have passed basic eligibility tests, and 344 vehicles have already been replaced.
- 260 non-compliant vans regularly travelling in the zone and 71 taxis/PHVs have already been replaced through the scheme.
- HGVs already have a higher compliance rate across the UK and in Bath and were therefore not a priority for the financial assistance scheme. However, 20 HGVs regularly travelling into Bath have been approved for finance.

- Owners whose vehicles have passed eligibility tests can then approach the Council's approved list of finance providers to secure grants and interest free finance to replace their vehicles.
- To date, only 11% of all those who passed eligibility tests have failed financial checks with the Council's finance providers. These businesses/individuals have been offered exemptions in the zone for up to 2 years and are able to reapply when their finance recovers. Full details of the scheme are at [www.bathnes.gov.uk/CAZsupport](http://www.bathnes.gov.uk/CAZsupport)
- At the end of June, approx. £1.7 million had been spent upgrading and retrofitting vehicles via the financial assistance scheme.

# Conclusions

The Council is committed to reporting on the impact of the CAZ on air quality, traffic flow and vehicle compliance on a quarterly basis so that we can monitor progress towards our target. This target is to reduce NO<sub>2</sub> concentrations to within the annual mean limit of 40 µg/m<sup>3</sup> by the end of 2021 at all individual monitoring locations in Bath.

This report has set out related data and key findings from the first three months of operation of the CAZ, and, as highlighted in our Executive Summary, the emerging trends are encouraging.

## *Air quality*

We are heartened to note that average nitrogen dioxide (NO<sub>2</sub>) concentrations within the CAZ for Q2 2021 are 12.6% lower than the same period in 2019 (Q2), representing a reduction of 4 µg/m<sup>3</sup>. Similar levels of reduction are being seen in the surrounding urban areas of Bath, including Batheaston and Bathampton.

We also note, however, that despite this general improvement, quarterly average concentrations of NO<sub>2</sub> at eight monitoring sites still recorded over 40 µg/m<sup>3</sup> and we will continue to monitor these sites closely. To put this in context, however, compared with baseline data for 2019 Q2 overall, three fewer sites in Bath recorded NO<sub>2</sub> concentrations over 40 µg/m<sup>3</sup> and two fewer sites over 36 µg/m<sup>3</sup>, indicating progress towards our target.

## *Vehicle compliance*

The aim of the zone is to improve the emission standards of vehicles driving in Bath. We note that of the chargeable vehicle categories, the percentage of compliant unique vehicles as a 7-day daily average seen in the zone and meeting emission standards rose from 33% in the week of launch to 82% in the last week in June - a rise of 49%. This is despite the overall number of vehicles travelling in the zone increasing each week as lockdown eased.

90% of all taxis now entering the zone are compliant, compared with 67% prior to the zone's launch. And at the end of June 2021, 74 out of 87 non-compliant public buses on scheduled routes in Bath have now been upgraded to meet standards. Apart from 3, all the city's scheduled bus fleet (226 buses) should be compliant by the end of August 2021.

To support the natural replacement of vehicles that happens as a result of a charging CAZ, the Council is on course to support the replacement of 1,500 non-compliant vehicles (regularly travelling in the zone) by the end of the year. So far, 334 vehicles have been replaced, including 260 vans. 1,003 vehicles have passed the Council's

eligibility tests, so hundreds more vehicles are due to be replaced in the coming months.

#### *Traffic flow*

Traffic flows are 9% lower in the CAZ compared with the same period in 2018 and average national traffic flows remain below pre-pandemic levels. Importantly, we note that levels of traffic outside of the zone's boundary in Bath has not increased because of the zone, when compared with similar period in 2018.

A key commitment of the Council is to monitor any concerns arising from the introduction of the CAZ, and while traffic flows have been substantially impacted and changed by the Covid-19 restrictions and are still to return to pre-pandemic levels, we are investigating a number of locations where the public have expressed concerns over a perceived increase in traffic in their communities since the launch of the CAZ. These are outlined in Appendix 2.

#### *Next steps*

As we move in to the third quarter we will continue to review and monitor air quality, traffic flows and vehicle compliance rates with a view to publishing our second quarterly report (effectively for 2021 Q3) later in the Autumn.

The high levels of NO<sub>2</sub> recorded in Bath present a public health risk that's not acceptable to the Council, or to central government. Any amount of pollution can be damaging to our health, but the more that you are exposed to, the bigger the risk and the larger the effect. Some people are more vulnerable to the impacts of air pollution than others. Those more at risk from air pollution include children, pregnant and older people; and people with lung conditions such as asthma, chronic obstructive pulmonary disease (COPD) and lung cancer, and people with heart conditions such as coronary artery disease, heart failure and high blood pressure.

We'd therefore like to thank the public and businesses for their commitment to supporting the Council to improve air quality in the city, especially those that have upgraded their vehicles or sought support from the Council to upgrade or replace vehicles. We continue to urge all residents to do their bit by walking, cycling or taking public transport whenever they can.

## Monitoring Explained

### Air Quality Monitoring Techniques

There are multiple methods whereby data on air quality is obtained.

#### Automatic Analyser

High-resolution measurements can be taken by automatic analysers that draw in ambient air. There are four of these instruments located within B&NES that are constantly monitoring air quality. The locations of the automatic analysers can be seen in Figure 2. One of the automatic analysers makes up part of the Automatic Urban and Rural Network (AURN) which feeds back to a national monitoring network. The data produced by these machines is compared with that of diffusion tubes to ensure accurate results.

#### Diffusion Tubes

Less expensive than automatic analysers, diffusion tubes can be located on existing street furniture. Due to the ease of deployment, hundreds of diffusion tubes can be located within a district building a picture of air pollution over a large area. Current locations of diffusion tubes can be seen in Figures 2 and 3. The tubes are exposed to ambient air for one month, before being sent to a laboratory for analysis. Data is then adjusted to consider laboratory or other inaccuracies before an annual mean is derived. Diffusion tubes are passive samplers and consist of a small plastic tube containing a chemical reagent called triethanolamine (TEA), in the case of NO<sub>2</sub> monitoring.

### Traffic Monitoring Techniques

There are multiple methods whereby data on traffic flow and composition is obtained.

#### Automatic Number Plate Recognition (ANPR)

As part of the CAZ project, ANPR cameras were installed within and at entry/exit points to the zone, forming a cordon. The cameras focus on the numberplates of vehicles and then the vehicle information can be drawn from the DVLA database. Further useful data can be generated from matching entries into the system. For example, journey times through the CAZ.

#### Automatic Traffic Count (ATC)

##### *Permanent Automatic Traffic Counters*

As part of ongoing traffic monitoring, that was in place pre-CAZ, there are permanent ATCs at multiple locations in the district. Current locations of ATCs can be seen in Figure 8. These counters are built into the road and continuously monitor data on vehicle volume, speed and classification.

### *Temporary Radar Automatic Traffic Counters*

To quickly respond to potential traffic displacement issues, it is important to have monitoring equipment that is ready to deploy at short notice. Temporary radar ATCs can be fastened to existing street furniture and monitor vehicle volume and speed.

### *Video Survey Equipment*

Much like Temporary radar ATCs, video survey cameras are easy to install on existing street furniture, at short notice. These cameras do not record vehicle speed but do record vehicle volume and classification, which can be useful in cases where it is important to know the type of vehicles using a route. These cameras can be used to assess how many vehicles enter/exit junctions, which can be important.

## Manual Traffic Counts

At times, manual traffic counts are superior to automatic equipment. Enumerators can be employed to manually count vehicles passing a specific point.

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# TRANSPORT ACT 2000

## Bath Clean Air Zone Charging (Variation) Order 2021

*Made*

*2021*

*Coming into force*

*In accordance with articles 1 and 2*

Whereas—

- (1) the Bath Clean Air Zone Charging Order 2021 imposes charges for the use of specified classes of motor vehicles on designated roads within Bath and North East Somerset;
- (2) it appears to Bath and North East Somerset Council desirable, for the purposes of facilitating the achievement of Bath and North East Somerset Council's and the West of England Combined Authority's local transport policies contained in their joint local transport plan, that it should make an Order for the purpose of varying the Bath Clean Air Zone Charging Order 2021:

Now, therefore, Bath and North East Somerset Council, in exercise of the powers conferred on it by Part III of the Transport Act 2000 and of all other powers enabling it in that behalf, hereby makes the following Order: —

### **Citation and commencement**

- 1.—(1) This Order may be cited as the Bath Clean Air Zone Charging (Variation) Order 2021.
- (2) This Order shall come into force immediately on the day it is made.
- (3) In this Order “the CAZ Scheme” means the Scheme contained in the Schedule to the Bath Clean Air Zone Charging Order 2021.

### **Variation of the CAZ Scheme**

2. The Scheme set out in the Schedule to this Order, which varies the CAZ Scheme, shall have effect.

**THE COMMON SEAL** of

**BATH AND NORTH EAST SOMERSET COUNCIL**

was hereunto affixed in

the presence of:

## SCHEME VARYING THE CAZ SCHEME

### Interpretation

- 1.—(1) Article 1(1) of the CAZ Scheme is amended as follows.
- (2) Sub-paragraphs (mm) to (ddd) are renumbered as sub-paragraphs (nn) to (eee) respectively.
- (3) After sub-paragraph (ll) insert—
 

“(mm) “NEDC” means the drive cycle defined in Annex 4a of Regulation No. 83 of the Economic Commission for Europe of the United Nations;”.
- (4) For sub-paragraph (bbb) as renumbered substitute—
 

“(bbb) “Type I test” means a test carried out in accordance with Annex III of Council Directive 692/2008 applying the NEDC or the appropriate WLTC test cycle;”.
- (5) At the end of sub-paragraph (eee) as renumbered omit “.” and insert “; and”.
- (6) After sub-paragraph (eee) as renumbered insert the following new sub-paragraph—
 

“(fff) “WLTC” means the Worldwide Light-Duty Test Cycles as defined in Annex 1 of Global Technical Regulation No. 15 of the Economic Commission for Europe of the United Nations.”.

### Deposited Plans

2. In column (c) of the tables in Part 1 and Part 2 of Annex 1 of the CAZ Scheme, for “P03” substitute “P04”.

### Class M<sub>1</sub> motor caravans

- 3.—(1) After paragraph 4 of Annex 2 of the CAZ Scheme insert the following new paragraph—
 

“**Class M<sub>1</sub> motor caravans**

**4A.**—(1) A Class M<sub>1</sub> motor caravan is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the national register.

(2) A vehicle is a Class M<sub>1</sub> motor caravan if the Central Clean Air Zone Service is satisfied that the vehicle concerned is a vehicle of Class L falling within rows 1 to 4 of Table 1 of Annex 3 or rows 1 or 2 of Table 2 of Annex 3.”.
- (2) In the title of paragraph 9 of Annex 2 of the CAZ Scheme before “motor caravans” insert “other”.
- (3) In paragraph 9 of Annex 2 of the CAZ Scheme omit sub-paragraphs (4) and (5) and insert the following new sub-paragraph (4)—
 

“(4) A vehicle is an eligible motor caravan if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a Class L vehicle, other than a Class M<sub>1</sub> motor caravan, that falls within the definition of a “special vehicle” in paragraph 4(2)(bb) of Schedule 1 to the 1994 Act.”.

### Emergency service vehicles

- 4.—(1) Paragraph 1(2) of Annex 4 of the CAZ Scheme is amended as follows.
- (2) At the end of sub-paragraph (b) for “.” substitute “;”.
- (3) After sub-paragraph (b) insert—

“and, in the case of an ambulance, is fitted with a blue warning beacon and siren.”.

#### **Vehicles granted a temporary exemption under the Financial Assistance Scheme**

**5.** In paragraph 7(7)(b)(ii) of Annex 4 of the CAZ Scheme for “the commencement date” substitute “19 July 2021”.

#### **Vehicles to be replaced by an electric vehicle**

**6.**—(1) Paragraph 13 of Annex 4 of the CAZ Scheme is amended as follows.

(2) In the title (Vehicles to be replaced by an electric vehicle) for “an electric” substitute “a compliant”.

(2) In sub-paragraphs 13(1), 13(3)(b), 13(4)(a)(i), 13(5)(a) and 13(5)(b) for “electric” substitute “compliant”.

(3) In sub-paragraph 13(3)(a) for “an electric” substitute “a compliant”.

#### **Euro 4/IV limit values for compression ignition vehicles**

**7.** In column (f) of rows (8b), (9), (15) and (16) of Table A in Annex 4 of the CAZ Scheme, for “/” substitute “&”.

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Proposed amendment to CAZ boundary at Bathwick Hill (the boundary is denoted by the red line)



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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	9 <sup>th</sup> September 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3268
TITLE:	Procurement & Commissioning Strategy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix One – B&NES Procurement & Commissioning Strategy		

## 1 THE ISSUE

- 1.1 The Council's previous Procurement "Think Local" Strategy was very successful in terms of modernising the procurement approach within B&NES and delivery innovation as well as implementing the Public Contract Regulations 2015.
- 1.2 The Council needs to update its strategy to consider legislative changes following the United Kingdom's departure from the European Union (The Public Procurement (Amendment etc.) (EU Exit) Regulations 2019)
- 1.3 The Government has published the Green Paper "Transforming Public Procurement" and will implement new regulations in early 2022. Tackling the climate emergency will form an important part of the new regulations and our proposed Strategy takes account of these requirements and will also align with the Council's Corporate Strategy

## 2 RECOMMENDATION

**The Cabinet is asked to;**

- 2.1 Adopt the B&NES Procurement & Commissioning Strategy – "Think Climate, Think Local, Think Innovation"**
- 2.2 Delegate authority** to the Director of Finance in consultation with the Cabinet Member for Resources to update the Strategy to reflect future changes to the national statutory framework

### 3 THE REPORT

3.1 The Procurement & Commissioning Strategy is attached at **Appendix One**.

3.2 The strategy has four key objectives which aim to maximise value for money and together with their associated actions, will support positive change across the Council. They are:

- 1 *Consider the carbon footprint and environmental impact of all products and services bought by the Council over their lifetime.*
- 2 *Consider suppliers' capability to address these environmental impacts throughout the supply chain when awarding contracts.*
- 3 *Encourage use of local suppliers to further reduce the Council's Carbon Footprint.*
- 4 *Encourage innovation by emphasising our needs and desired outcomes to allow suppliers to come up with the most cost effective and sustainable solutions*

3.3 We must not lose sight of the overarching objectives within the Procurement Framework/Operating Model:

- To ensure procurement best practice delivers value for money and underpins the delivery of all the Council's Strategic ambitions and statutory obligations.
- To deliver the ambitions in a compliant manner within relevant legislation and best practice as well as providing evidence that goods and services demonstrate value for money

3.4 The Council spends approximately £200m each year on goods and services (including Capital projects and social care commissioned packages of care) therefore the impacts will be far-reaching across the council. There will be impacts on how goods and services are procured as the issues covered in the strategy are not currently embedded in procurement practice. However, with the new UK procurement regulations due to be in place by early 2022 as well as changes to how health and social care services are commissioned, this is an opportunity to align the new public procurement regime, Government guidance and the council's procurement strategy and actions to provide a consistent and proactive approach across the council. We will continue to update and refresh the Strategy as these changes develop and emerge over the next 12 months.

3.5 The current Procurement Strategy 'Think Local' has been successful in improving procurement across the Council and included many innovations around local buying and social value that have been adopted and built on by other public sector organisations. The proposed B&NES P & CS will build on it and consider the lessons that the Strategic Procurement Team (SPT) have learned.

3.6 The combination of BREXIT, COVID-19, Climate Emergency declarations and a change in public sector procurement regulations (due to BREXIT) provides the opportunity to focus procurement attention on using public money for the public good, not just contracting at the cheapest price, such as (but not limited to):



- reducing carbon emissions through contracting arrangements
- think local and think sustainable when it comes to suppliers
- Modern Slavery
- Social Value
- Local Economic Development (including COVID-19 recovery)
- Living Wage
- Piloting innovative approaches to procurement

3.7 The working title of the strategy was the Climate Emergency Procurement & Commissioning Strategy. However, due to feedback via the consultations, the strategy is now titled “B&NES Procurement & Commissioning Strategy” with the strapline “Think Climate, Think Local, Think Innovation”.

3.8 The Council will take a phased and flexible approach to implementation. It will have to consider the legislative timetable and the need to rewrite the Council’s Contract Standing Orders (which will require Full Council approval) to reflect the changes. Further policies (for example a revised Social Value policy), guidance and training material supported by an appropriate training programme will also need to be put in place. A Procurement & Commissioning Manager has been appointed to support the implementation.

3.9 The SPT has undertaken considerable consultation with stakeholders. The feedback has been positive and stressed the importance of training and professional procurement support. The team will take all the comments on board during implementation. The SPT will continue to engage with the business community to ensure they are ready for the changes. It is appreciated it is currently a difficult time to engage with them as the country comes out of the pandemic.

3.10 The implementation of the policy will be monitored by the Council’s Contract Panel which has been established to ensure procurement and contract management best practice is embedded across the Council.

## **4 STATUTORY CONSIDERATIONS**

4.1 The UK will adopt new public procurement regulations in 2022. However, some aspects are being accelerated by Procurement Policy Notes (PPN’s) which are being made mandatory for local government.

4.2 PPN 05/21 (released 3 June 2021) – “National Procurement Policy Statement” (NPPS) which makes it mandatory for all public sector to include:

- Creating new businesses, new jobs and new skills in the UK
- Improving supplier diversity, innovation and resilience
- Tackling climate change and reducing waste

within their procurement practices. The NPPS also requires authorities to have the relevant policies in place to ensure this happens, together with sufficient procurement resources, a requirement for skills benchmarking (annually from April 2022) and a pipeline of contracts. It is a major statement of intent for the new procurement regulations. Unusually for PPNs, the requirements are mandatory for all contracting authorities, not just central government.

- 4.3 PPN 06/21 (released 5 June 2021) – “*Taking account of Carbon Reduction Plans in the procurement of major government contracts*” requires carbon reduction considerations in procurements over £5m per annum. Whilst this is mandatory for central government, it is recommended for other public bodies to follow. This supports our Climate Emergency objectives and underpins the importance of encouraging our local suppliers to make similar commitments as it will also provide them with commercial advantages in the future when bidding for public sector work.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The Strategy has no direct financial implications. Ultimately it should save the Council money through better procurement governance which includes ensuring the Council:

- Undertakes adequate assessment of need including appropriate engagement with stakeholders (internal and external)
- Uses the most appropriate route to market (both in terms of value for money and minimise risk of legal challenge)
- Specifies goods and services correctly
- Has appropriate contract management arrangements in place
- Whole life costs are properly considered

- 5.2 However, there may be some (unavoidable) costs associated with implementing new legislation, in particular

- Public Contract Regulations - especially around Contract Management arrangements
- Modern Slavery Act Requirements – Statement being published
- Social Value Act requirements – as identified in PPN guidance

- 5.3 In addition, there will be unavoidable costs associated with updating: -

- Contract Standing Orders
- Social Value Policy
- Pro Contract and e-procurement systems
- Training material & guidance

## **6 RISK MANAGEMENT**

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

## **7 EQUALITIES**

- 7.1 There are no direct equality issues from the strategy. Individual procurements will be subject to relevant equality impact assessments.

## **8 CLIMATE CHANGE**

8.1 The Climate (and Ecological) Emergency and reducing carbon emissions are a central element to this strategy and as such will play an important part in delivering overall Council priorities around net zero.

8.2 A key element of the strategy is not just to reduce the Council's direct impact but to influence Scope 3 emissions (indirect emissions within the supply chain)

## **9 OTHER OPTIONS CONSIDERED**

9.1 None

## **10 CONSULTATION**

10.1 The Strategic Procurement Team has undertaken an internal consultation process with all Council service areas which has informed the content of the strategy. The draft strategy was discussed at the Climate Emergency Policy Development and Scrutiny Panel. A consultation exercise is currently being carried out with the business community including three online events.

<b>Contact person</b>	Richard Howroyd - Head of Strategic Procurement & Commissioning <a href="mailto:richard_howroyd@bathnes.gov.uk">richard_howroyd@bathnes.gov.uk</a> (01225 477334)
<b>Background papers</b>	(i) Links to Procurement Policy Notes 05/21 and 06/21 (ii) CES PDS presentation
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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# Bath & North East Somerset Council

## Draft

### Procurement & Commissioning Strategy

### Think Climate, Think Local, Think Innovation

### 2021-2024

## 1 Introduction

On 14<sup>th</sup> March 2019, Bath & North East Somerset Council declared a Climate Emergency. The resolution pledged to:

- Provide leadership to enable carbon neutral B&NES by 2030
- Sign up to the UK100 Clean Energy Pledge (100% clean energy by 2030)
- Enable citizen engagement
- Oppose expansion of Bristol Airport

The Council's 2019-2024 Corporate Strategy was developed in line with the Climate Emergency declaration. The Council's **two core policies** are:

1. Address the Climate Emergency
2. Give People a Bigger Say

**Three principles** drive the commitments in the strategy. These are:

1. Preparing for the Future
2. Deliver for Local Residents
3. Focus on Prevention

The purpose of the Strategy is to explain how the Procurement & Commissioning functions will address the corporate ambitions and deliver effective Value for Money.

## 2 Current Position

### 2.1 COVID 19

At the time of writing the COVID19 pandemic is having a profound impact on the procurement of goods and services within the Council. This has been reflected in national guidance.

The UK will adopt new public procurement regulations in 2022. However, some aspects are being accelerated by Procurement Policy Notes (PPN's) which are being made mandatory for local government.

PPN 05/21 (released 3 June 2021) – “National Procurement Policy Statement” (NPPS) makes it mandatory for all public sector to include:

- Creating new businesses, new jobs, and new skills in the UK
- Improving supplier diversity, innovation, and resilience
- Tackling climate change and reducing waste

within their procurement practices. The NPPS also requires authorities to have the relevant policies in place to ensure this happens, together with sufficient procurement resources, a requirement for skills benchmarking (annually from April 2022) and a pipeline of contracts.

PPN 06/21 (released 5 June 2021) – “Taking account of Carbon Reduction Plans in the procurement of major government contracts” requires carbon reduction considerations in procurements over £5m per annum. Whilst this is mandatory for central government, it is recommended for other public bodies to follow. This supports our Climate Emergency objectives and underpins the importance of encouraging our local suppliers to make similar commitments as it will also provide them with commercial advantages in the future when bidding for public sector work.

## **2.2 BREXIT**

From 1<sup>st</sup> January 2021 the UK is no longer a member of the European Community and this may have a significant impact on the procurement of goods and services. The UK government has published and consulted on a Green Paper which sets out proposed amendments to the Public Contract Regulations 2015. The new regulations will be implemented in early 2022.

As a result of any agreed amendments, the Council will amend its Contract Standing Orders, procurement documentation and retrain its staff to procure in line with the amended regulations. The Strategic Procurement Team will quickly become proficient in the new regulations and carry out training of the Council’s procuring officers.

## **3 Core Policies**

### **3.1 Core Policy 1 - Address the Climate Emergency**

The Council’s Climate Emergency Procurement & Commissioning Strategy is an immediate response to the Emergency. It means we will look at the structures and processes in place within the Council to deliver the pledges. This will mean undertaking a fundamental review of our buying practices to ensure fitness for purpose and compliance with the commitment. All staff will receive training to ensure they procure in line with environmental standards and in accordance with the Council’s Climate Emergency Strategy.

We spend around £200m per year on commissioning goods, works and services from our suppliers. We will use procurement both as a tool to help

deliver our pledges and to show leadership in the supply chain. We must not forget our other responsibilities to ensure we have the best commercial arrangements in place in order to deliver complex services in line with the Council's corporate ambitions.

We need to:

- procure innovative and flexible works, services and quality goods that are responsive to the needs of our community and deliver optimum value for money;
- ensure that the Council gets maximum value from every pound that is spent through best value and innovative procurement practice including leveraging social value to further benefit the local community;
- ensure a consistent approach to commissioning and procurement;
- maintain, strengthen and develop strong relationships with suppliers who are proactively managed in full transparency and understanding of the risks involved

Our Climate Emergency Procurement Strategy sets out how we intend to achieve these aims over the next three years. This Core Policy 1 has four key objectives which are all underpinned by delivering value for money for our residents..

### **3.1.1 Key Objectives**

The Climate Emergency will become a Golden Thread within the Strategy whilst ensuring we do not lose focus on delivering our other ambitions. The objectives of the Strategy are:

1. Consider the carbon footprint and environmental impact of **all** products and services bought by the Council over their lifetime.
2. Consider suppliers' capability to address these environmental impacts throughout the supply chain when awarding contracts.
3. Encourage use of local suppliers to further reduce the Council's Carbon Footprint.
4. Encourage innovation by emphasising our needs and desired outcomes to allow suppliers to come up with the most cost effective and sustainable solutions.

We must not lose sight of the overarching objectives within the Procurement Framework/Operating Model:

- To ensure procurement best practice underpins the delivery of all the Council's Strategic ambitions and statutory obligations.
- To deliver the ambitions in a compliant manner within relevant legislation and best practice as well as providing evidence that goods and services demonstrate value for money

Each objective has associated actions to achieve the objective. When addressing the actions to take we need to consider that there will be existing contracts where we have an ongoing contract in place with a company which will expire on a date sometime in the future. There will also be new contracts for brand new requirements and contracts that are being reviewed and re-procured.

***Key Objective 1 - Consider the carbon footprint and environmental impact of all products and services bought by the Council over their lifetime***

This cannot be 'one-size fits all' and will require a multi-tiered approach. The size and complexity of the goods/service being procured will decide which approach to use.

For example, the Council may want to mandate an energy efficiency rating when procuring White Goods. A complex building project with multiple strands of contractors working simultaneously on the other hand, will require a thorough and well-considered approach to address any environmental and carbon impact of the work. The responsible Council officer must explain how climate emergency and carbon reduction has been addressed and these considerations must be challenged by the Strategic Procurement Team as well as the senior management and directors of the Council prior to any approval being granted.

The Council will want to consider how to measure the amount of carbon produced for a product/service and take a decision that if the reading for amount of carbon produced is above an agreed value then the product/service should not be allowed to be procured unless adaptations can be made to reduce this figure. We will work closely with our colleagues in the Sustainability Team to make recommendations for how this can work in practice and to consider the various tools available to measure carbon.

It will be vital to this Key objective 1 that staff are aware of the agreed standards and methods of procurement. It cannot be the responsibility of the Strategic Procurement Team alone to ensure these standards are maintained. **ALL** staff responsible for placing orders and raising contracts must be trained and understand their obligations under this objective. Given the importance of tackling the Climate Emergency this may require a new procurement operating model with the establishment of a central buying team to obtain goods and service on behalf of services that are compliant with the Council's buying standards.

Actions to be taken to achieve this objective include:

<b>Key Objective 1</b>	<b>Consider the carbon footprint and environmental impact of all products and services bought by the Council over their lifetime</b>
<b>Action 1</b>	Communicate this Procurement Strategy to all staff responsible



	for procuring goods and services including updating relevant Procurement intranet pages with details of the objectives
<b>Action 2</b>	Engage with the Councils Sustainability Team to consider Climate Emergency issues in appropriate procurements
<b>Action 3</b>	Climate Emergency considerations to be built into all procurement Needs and Business Cases.
<b>Action 4</b>	Create an Environmental Buying Policy for low value goods and services i.e. energy efficiency ratings, minimum standards etc to be enforced by centralised buying arrangements
<b>Action 5</b>	Identify all existing contracts where single use plastics may be used and ensure Contract Managers eliminate them from the contract

***Key Objective 2 – Consider suppliers’ capability to address the environmental impacts throughout the supply chain when awarding contracts***

We will inform the local market through the Council’s Commissioning Intentions and local Meet the Buyer events as to the upcoming procurement exercises. This gives companies the chance to express an interest early and identify areas of innovation that may be of interest to the Council.

Potential suppliers and contractors to the Council will be made aware of the Council’s zero carbon policy through its Procurement documentation. Where possible the Council must only do business with companies who can assist them to achieve these aims. Our tender evaluation process will be improved to assess bids with the Climate Emergency in mind.

We will link strategic contracts to the Climate Emergency agenda by ensuring that relevant contracts contain appropriate Service Level Agreements with measurable Key Performance Indicators.

We will give relevant Officers training in the principals of Contract Management. This will allow them to ensure that suppliers carry out their commitments to the Council and that these are measured, recorded and acted upon where a supplier fails to meet those commitments.

Actions to be taken to achieve this objective include:

<b>Key Objective 2</b>	<b>Consider suppliers’ capability to address these environmental impacts throughout the supply chain when awarding contracts</b>
<b>Action 6</b>	Ensure all procurement documents point bidders to the strategy and ask them to advise how they will support it
<b>Action 7</b>	Ensure Contract Managers have meetings with strategic suppliers to identify how Climate Emergency provisions will be made in existing contracts – may need Contract amendments
<b>Action 8</b>	Build Climate Emergency into Contract Management framework to monitor supplier performance

### ***Key Objective 3 – Encourage use of local suppliers to further reduce the Council's Carbon Footprint***

The Contract Standing Orders (CSOs) provide a framework that governs that Council's commissioning and procurement of Contracts for goods, services and works. They are mandatory for all Council officers and members.

The existing CSOs were written in 2015 and must be updated to incorporate changes in legislation as a result of Brexit and other legislation. As part of this review the current position on use of local suppliers must be considered.

Currently procurements valued up to £50,000, preference should be given to local suppliers, where they exist, providing they offer value for money. This policy helps to support our local businesses and economy.

The review should address whether the £50,000 limit should be amended to include higher value procurements. Some Councils allow for local suppliers to be used up to the procurement thresholds<sup>1</sup>. Encouraging the use of local companies, in particular smaller businesses would have the impact of stimulating the local economy, reduce carbon emissions of vehicles coming to the region from outside etc. Any review must be carried out in conjunction with the Head of Legal and Democratic Services, who has ultimate responsibility for the CSOs and must consider the revised procurement legislation following Brexit.

Actions to be taken to achieve this objective include:

<b>Key Objective 3</b>	<b>Encourage use of local suppliers to further reduce the Council's Carbon Footprint</b>
<b>Action 9</b>	Review the Council's Think Local policy for under £50k procurements
<b>Action 10</b>	Review our Social Value policy with the Sustainability Team including the weighting in tenders and consider a sliding scale to reflect the complexity of differing marketplaces and service outcomes.

### ***Key Objective 4 – Encourage innovation by emphasising our needs and desired outcomes to allow suppliers to come up with the most cost effective and sustainable solutions***

The Council should, where appropriate, ensure that its officers use either an output or outcome specification. These contain certain minimum standards or characteristics but beyond those, the bidder is allowed to make further suggestions and identify solutions. The bidder is then able to offer innovative solutions which can make for better sustainability and cost effectiveness.

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<sup>1</sup> The UK's procurement threshold from 1<sup>st</sup> January 2021 is £189,330 for Goods and Services and £4.7million for works contracts

In addition, we will encourage Officers to use less traditional methods of procurement and look to find innovative methods of working. It may be appropriate, for example, to consider co-commissioning with other organisations or Social Impact Bonds which are a type of pay-for-success financing for a project and is one form of outcomes-based contracting.

Actions to be taken to achieve this objective include:

<b>Key Objective 4</b>	<b>Encourage innovation by emphasising our needs and desired outcomes to allow suppliers to come up with the most cost effective and sustainable solutions</b>
<b>Action 11</b>	Focus on outcome-based specifications, where appropriate to encourage suppliers to create low-carbon solutions
<b>Action 12</b>	Create a 'whole-life' cost model for bidders to price against

In addition to addressing the Climate Emergency, the Council also has further Core policy – Giving People a Bigger Say and three other corporate principles. Each of these also have a Procurement impact and may also be linked to climate emergency themes.

### 3.2 Core Policy 2 - Give People a Bigger Say

This policy aims to develop a more transparent, open and listening Council. To help the Council address this key ambition from a procurement perspective it will:

<b>Core Policy 2</b>	<b>Give People a Bigger Say</b>
<b>Action 13</b>	Ensure all the procurement and commissioning activities follow the appropriate democratic decision-making process by engaging early with the Democratic Services team
<b>Action 14</b>	Build a community engagement model into procurement to ensure the Council includes the local residents and service users as a stakeholder in all relevant commissioning processes and that proportionate consultation is undertaken at the right stage of the process
<b>Action 15</b>	Ensure all procurements subject to key decision are reviewed by the appropriate Policy Development & Scrutiny Panel
<b>Action 16</b>	Include Climate Emergency in all community stakeholder events to provide information to people to reduce their Carbon footprint and single-use plastic usage.
<b>Action 17</b>	Provide the Climate Emergency Policy Development & Scrutiny Panel with a procurement pipeline to allow the Panel to monitor Climate Emergency issues.

## 4 Principles

### 4.1 Principle 1 – Preparing for the Future

The emphasis is on change, working with our partner organisations and focusing on new technologies to drive improvements and be smarter and more flexible in the ways that we work.

<b>Principle 1</b>	<b>Preparing for the Future</b>
<b>Action 18</b>	Encourage innovation by focusing on outcome-based specifications, emphasising our needs and desired outcomes to allow suppliers to come up with modern digital solutions; rather than specifying in detail what is required to meet the need, which can restrict innovation
<b>Action 19</b>	Use technology and digital services to improve procurement and commissioning processes with sound corporate governance procedures in place to manage contract expenditure
<b>Action 20</b>	Ensure cross-Council and CCG consideration is taken when planning projects
<b>Action 21</b>	Collaborating closely with partner organisations on relevant procurement exercises

### 4.2 Principle 2 - Deliver for local residents

We aim to create modern services, making the best use of digital and improving the way the Council works.

<b>Principle 2</b>	<b>Deliver for Local Residents</b>
<b>Action 22</b>	Ensure local residents and service users are consulted with as part of the Commissioning & Procurement Framework in developing modern services by implementing online tools and systems to enable greater Council-wide visibility of all procurement and commissioning activity
<b>Action 23</b>	Ensure that only projects that contribute or support the Council's key ambitions proceed by developing gateway processes for procurement and commissioning projects

### 4.3 Principle 3- Focus on Prevention

We aim to provide early help to reduce demand across services and focus on building on local strengths and reducing inequalities. The Council will: -

Principle 3	Focus on Prevention
Action 24	Ensure necessary data capture to identify service demand is built into contracts by working with Business Intelligence Team to improve methods of monitoring throughout the life of the contract
Action 25	Include demand management as key aspect of Contract Management Framework.
Action 26	Include Climate Emergency topic in all Supplier Events to provide suppliers with information to reduce their Carbon footprint and single-use plastic usage.

## 5 Other Considerations

### 5.1 COVID 19 Pandemic

The worldwide pandemic has had a radical impact on the way in which people and businesses have gone about their daily lives. These include:

- less use of public transport but greater numbers of people cycling or walking
- an emphasis on homeworking and the use of videoconferencing
- infrastructure changes to allow for social distancing
- move to online shopping and closures of High Street shops
- reduction in air pollution
- 'Staycations' increasing in popularity
- Businesses adapting to market changes and increased innovation
- Volunteering and increased community spirit

The Council needs to build on these changes now these issues are at the top of the global agenda and leverage the opportunities created by the pandemic to deliver positive impacts for the future. We need to adapt and build resilience in our supply chains, encourage more research and development whilst understanding the fragility of the marketplace.

We also need to recognise the cost challenges that we face as a result of the COVID19 pandemic. We may not be able to buy goods of the same quality or our suppliers may have difficulty finding the necessary parts and equipment through their supply chain. We may therefore have to pay more to get the same or consider other options.

## **5.2 Culture Change**

It is vital that the Council embeds its Climate Emergency objectives in all areas of the organisation including procurement of goods and services and creates a culture of thinking sustainably at all levels, from CEO down to grass roots. It should become second nature for staff to ask sustainability questions.

## **5.3 Costs vs Sustainability**

Another important consideration is the tension between the cost of procuring and sustainability. The purchase cost usually increases when goods are labelled as sustainable, however the purchase cost is not the only factor when buying. It is vital to take into consideration the whole-life cost of the goods or service. This can include set up costs, management fees, running and maintenance costs for example.

## **5.4 Social Value Act**

The act requires commissioners in England and Wales to think about the value they can secure for their area when buying services at the pre-procurement stage: how the services they are going to buy might improve the economic, social or environmental well-being of the area.

The act was reviewed in 2018 and now would be an ideal time to review the Council's Social Value policy including how it scores suppliers in tenders and what level it sets the relevant weightings. The current weighting is 5% maximum for the whole tender evaluation, however, to give the Council maximum flexibility to deliver on its objectives it would make sense to review this and adopt a sliding scale to reflect differing marketplaces and service outcomes. (See Action 10) however we must be careful to ensure the weighting is proportionate to the procurement and commissioning activity and does not have any unforeseen consequences.

In addition to this the Council will look to implement TOMS, a national framework which provides a minimum reporting standard for measuring social value.

## **5.5 Modern Slavery**

The Council must ensure it can mitigate the risks and negative impacts of modern slavery issues, such as child labour and take responsibility for driving ethical procurement and responsible supply chains. We need to put processes in place to ensure we ask the right questions of our suppliers and put in place appropriate checks.

## **6 CONCLUSIONS**

The three things the Strategic Procurement Team must help the Council to get right are:

### **1 The Environmental Factors and Measurements**

We have a zero-carbon policy, but we need to break it down and establish the key categories and environmental sub-criteria.

### **2 Contractual and Supplier Relationships**

We must put into place contracts with our suppliers that allow them scope to be innovative and look for solutions to our issues. We must build strong relationships with them and encourage feedback to us.

Our contracts must be fit for purpose and include appropriate Service Level Agreements and Key Performance Indicators.

We should not deal with any suppliers who cannot assist us in our ambitions.

We will need to revisit existing contracts to ensure that these meet the new standards and if necessary, we will need to amend them or terminate them early.

### **3 Staff and labour factors**

Our staff and contractors will need to be appropriately trained in sustainable procurement and in contract management. We will need to ensure the governance structures and audit controls are in place to support them.

We will need to ensure that when dealing with suppliers, they are upholding the sustainability policy of the Council.

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## **BACKGROUND PAPER (i)**

**Bath & North East Somerset Council**

**Draft**

**Procurement & Commissioning Strategy  
Think Climate, Think Local, Think Innovation  
2021-2024**

Procurement Policy Note 05/21

<https://www.gov.uk/government/publications/procurement-policy-note-0521-national-procurement-policy-statement>

Procurement Policy note 06/21

<https://www.gov.uk/government/publications/procurement-policy-note-0621-taking-account-of-carbon-reduction-plans-in-the-procurement-of-major-government-contracts>

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**Bath & North East Somerset Council**

**Draft**

**Procurement & Commissioning Strategy**

**Think Climate, Think Local, Think**

**Innovation**

**2021-2024**

# **Climate Emergency & Sustainability Policy Development & Scrutiny Panel**

## **Climate Emergency Procurement & Commissioning Strategy Consultation**



Richard Howroyd – Head of Strategic Procurement  
& Commissioning

Chrissie Storry – Procurement & Commissioning  
Manager – Sustainable Procurement

- The purpose of this presentation is to consult with the Panel on updating the Council's Procurement Strategy
- The Strategy's intention is to address procurement's strategic, council-wide, response to the Climate Emergency, Ecological Emergency and wider sustainability issues

- Procurement is council-wide
- Public money to deliver public good (not just buying goods & services)
- When done 'right', it can help to positively contribute to CNZ and sustainability priorities and ambitions
- B&NES's over-arching priorities *must* be reflected in how procurement is carried out
- Within existing and future rules and regulations (external and internal) – in flux due to Brexit and Pandemic
- The Strategic Procurement Team has a strategic leadership role

## ONLY JUST PUBLISHED (3 June 2021)

Public procurement should be leveraged to support priority national and local outcomes for the public benefit.

The Statement sets out the national priorities that all contracting authorities should have regard to in their procurement where it is relevant to the subject matter of the contract and it is proportionate to do so.

Contracting authorities should consider the following social value outcomes alongside any additional local priorities:

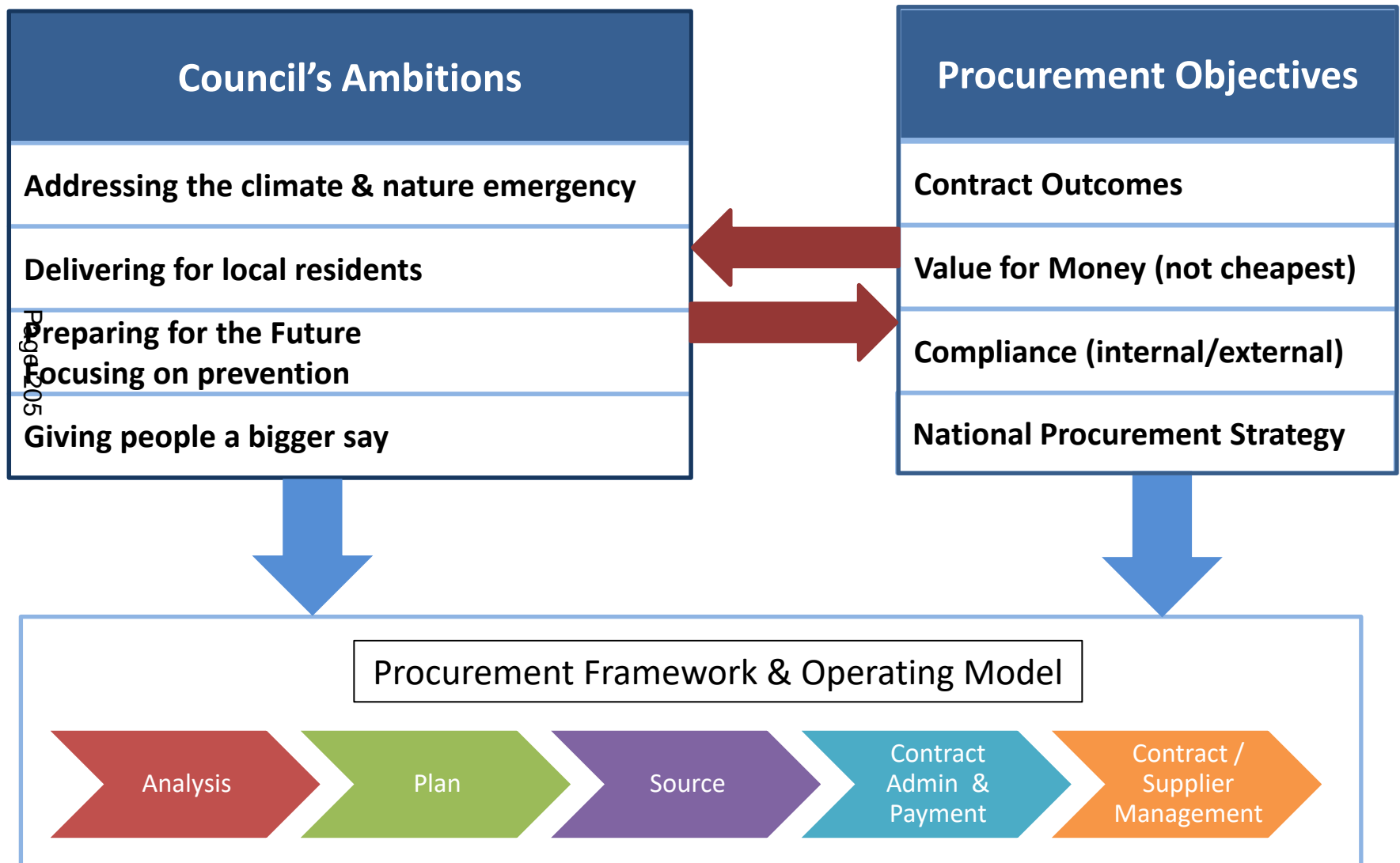
- *Creating new businesses, new jobs and new skills in the UK*
- *Improving supplier diversity, innovation and resilience*
- *Tackling climate change and reducing waste*

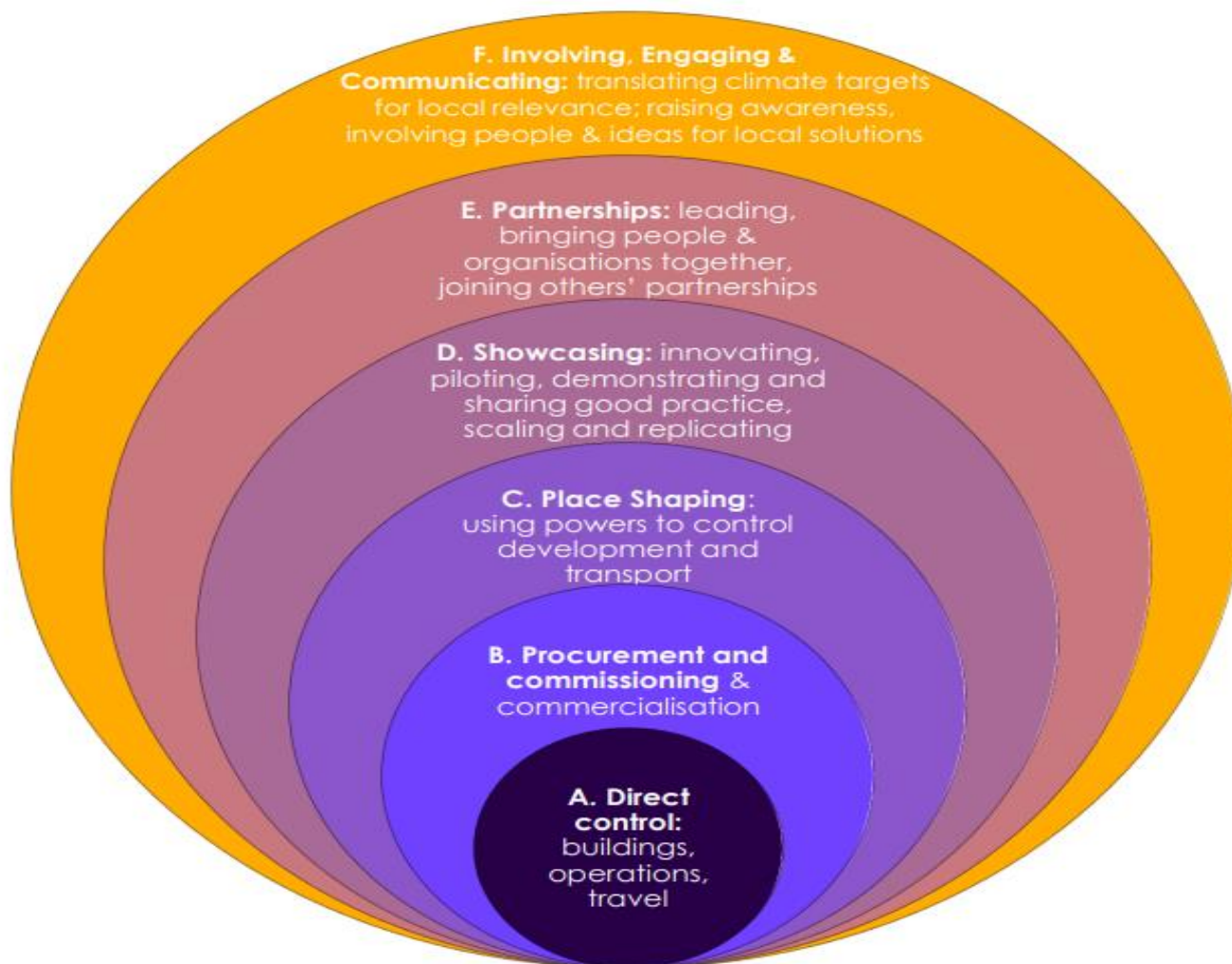


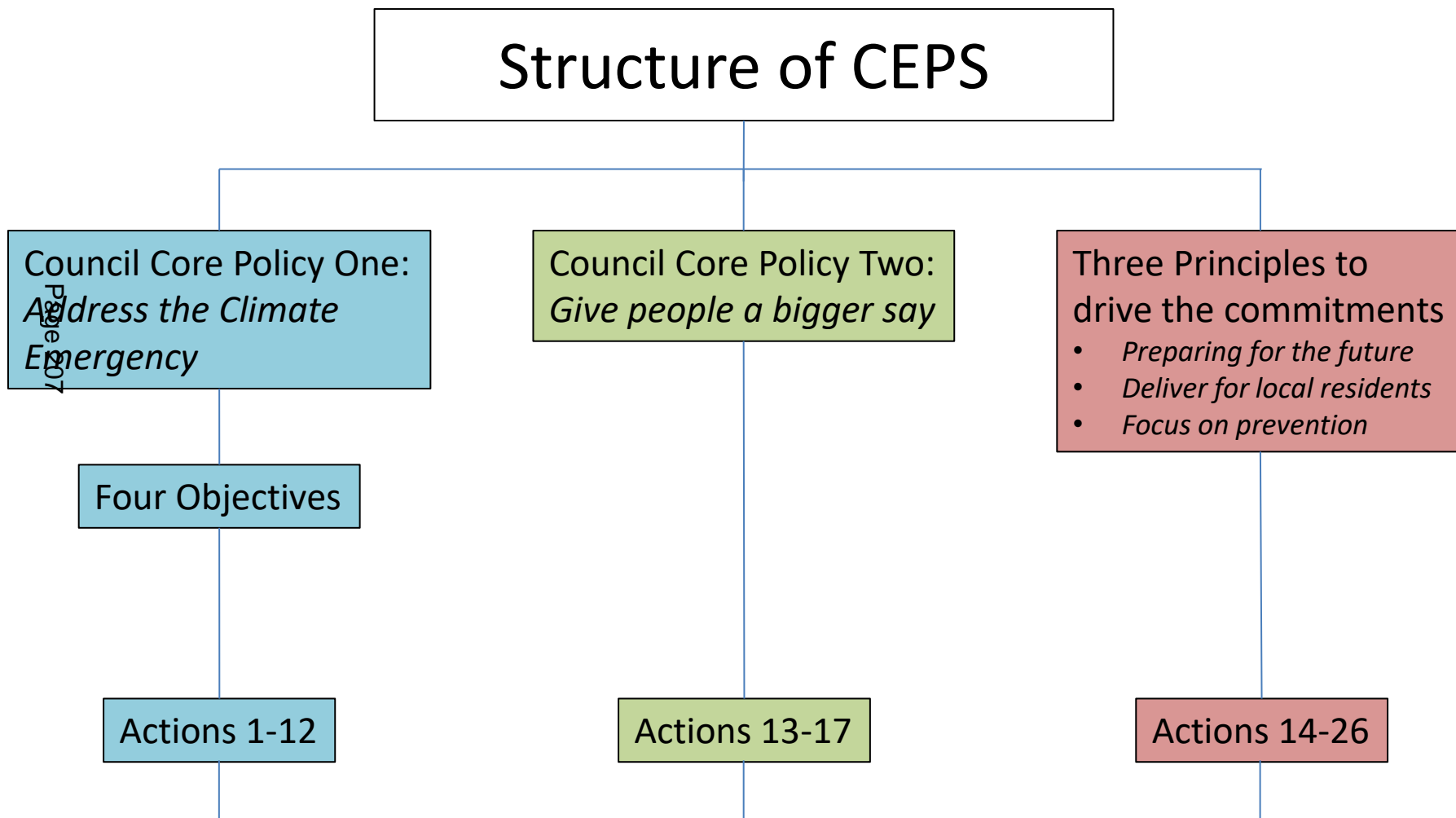


# Procurement Framework & Operating Model

Bath & North East  
Somerset Council







	Consider the carbon footprint and environmental impact of all products and services bought by the Council over their lifetime
Action 1	Communicate this Procurement Strategy to all staff responsible for procuring goods and services including updating relevant Procurement intranet pages with details of the objectives
Action 2	Engage with the Council's Sustainability Team to consider Climate Emergency issues in appropriate procurements
Action 3	<b>Climate Emergency considerations to be built into all procurement Needs and Business Cases.</b>
Action 4	Create an Environmental Buying Policy for low value goods and services i.e. energy efficiency ratings, minimum standards etc to be enforced by centralised buying arrangements
Action 5	Identify all existing contracts where single use plastics may be used and ensure Contract Managers eliminate them from the contract

	Consider suppliers' capability to address these environmental impacts throughout the supply chain when awarding contracts
Action 6	Ensure all procurement documents point bidders to the strategy and ask them to advise how they will support it
Action 7	Ensure Contract Managers have meetings with strategic suppliers to identify how Climate Emergency provisions will be made in existing contracts – may need Contract amendments
Action 8	Build Climate Emergency into Contract Management framework to monitor supplier performance
Action 8a	Consider the suppliers' climate emergency ambitions and sustainability policies and capabilities

	Encourage use of local suppliers to further reduce the Council's Carbon Footprint
Action 9	Review the Council's Think Local policy for under £50k procurements
Action 10	Review Social Value policy with Sustainability Team including the 5% weighting in tenders

	Encourage innovation by emphasising our needs and desired outcomes to allow suppliers to come up with the most cost effective and sustainable solutions
Action 11	Focus on outcome-based specifications, where appropriate to encourage suppliers to create low-carbon solutions
Action 12	Create a 'whole-life' cost model for bidders to price against

## Give People a Bigger Say

### Action 13

Ensure the all procurement and commissioning activity follow the appropriate democratic decision-making process by engaging early with the Democratic Services team

### Action 14

Page 212

Build a community engagement model into procurement to ensure the Council includes the local residents and service users as a stakeholder in all relevant commissioning processes and that proportionate consultation is undertaken at the right stage of the process

### Action 15

Ensure all procurements subject to key decision are reviewed by the appropriate Policy Development & Scrutiny Panel

### Action 16

Include Climate Emergency in all community stakeholder events to provide information to people to reduce their Carbon footprint and single-use plastic usage.

### Action 17

**Provide the Climate Emergency Policy Development & Scrutiny Panel with a procurement pipeline to allow the Panel to monitor Climate Emergency issues.**



	Preparing for the Future
Action 18	Encourage innovation by focusing on outcome-based specifications, emphasising our needs and desired outcomes to allow suppliers to come up with modern digital solutions; rather than specifying in detail what is required to meet the need, which can restrict innovation
Page 213 Action 19	Use technology and digital services to improve procurement and commissioning processes with sound corporate governance procedures in place to manage contract expenditure
Action 19A	Undertake service area impact assessments on the benefits of new technology and digital solutions.
Action 20	Ensure cross-Council and CCG consideration is taken when planning projects
Action 21	Collaborating closely with partner organisations on relevant procurement exercises

	Deliver for Local Residents
Action 22	Ensure local residents and service users are consulted with as part of the Commissioning & Procurement Framework in developing modern services by implementing online tools and systems to enable greater Council-wide visibility of all procurement and commissioning activity
Action 23	Ensure that only projects that contribute or support the Council’s key ambitions proceed by developing gateway processes for procurement and commissioning projects

	Focus on Prevention
Action 24	Ensure necessary data capture to identify service demand is built into contracts by working with Business Intelligence Team to improve methods of monitoring throughout the life of the contract
Action 25	Include demand management as key aspect of Contract Management Framework.
Action 26	Include Climate Emergency topic in all Supplier Events to provide suppliers with information to reduce their Carbon footprint and single-use plastic usage.

## For

- 😊 Focus attention on B&NES's response to the Climate Emergency
- 😊 "Climate Emergency" can be an umbrella for all things sustainability
- 😊 Easy to remember!
- 😊 It's what's in the Strategy, not the title that is key

## Against

- 😞 The focus only appears to be on the Climate Emergency response
- 😞 Other sustainability issues are potentially lost (eg, social value, modern slavery, economic development)
- 😞 Makes an implicit distinction between 'ordinary' procurement and sustainable procurement

## Reduction in carbon emissions

- Identification of key areas
- Build reduction into contracts
- Monitoring and evaluation to ensure contract delivers
- Contract management

## Social Value

- Define the optimum outcomes to deliver Social Value
- Define scoring % of SV in a contract (possibly on a sliding scale)
- Identify key deliverables in contracts
- Monitoring and evaluation to ensure SV outcomes achieved

## Local Economic Development

- Local suppliers aware and capable of delivering contracts
- Local multiplier effect – more £ spend in the local economy, wider benefit for all
- Retain and encourage sustainable jobs

## Area-wide collaboration

- Sustainability issues are boundary-less
- Contribute to, and learn from, best practice
- Affects everyone, so collaboration is crucial for best results

- Approx 30% response rate (25 responses)
- Overall positive and in agreement

- Page 218
- One size doesn't fit all
  - Implement a tiered approach
  - Costs -v- sustainability -v- local
  - Should be embedded in service plans
  - Capability - training is essential
  - Resources

# Any Questions?

- PPN 05/21

<https://www.gov.uk/government/publications/procurement-policy-note-0521-national-procurement-policy-statement>

- Green paper on Transforming Public Procurement

<https://www.gov.uk/government/consultations/green-paper-transforming-public-procurement>



Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	9 <sup>th</sup> September 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E3312
TITLE:	Quarter 1 Strategic Performance Report 2021/22	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Annex 1 Strategic Indicator Report qtr. 1 2020/21		

## 1 THE ISSUE

- 1.1 This report is the first strategic performance report developed using the Council's new **Integrated Reporting Framework (IRF)**. It updates Cabinet on the progress made against a key set of strategic performance measures which assess our progress on delivering the Corporate Strategy and key aspects of service delivery.

## 2 RECOMMENDATION

The Cabinet is asked to:

- 2.1 Note progress on the delivery of the Corporate Strategy and key aspects of the Council's service delivery, details of which are highlighted in Annex 1.
- 2.2 Indicate any other key service areas to be highlighted and included in the strategic indicator report.
- 2.3 Agree to receive update reports on a quarterly basis

## 3 THE REPORT

- 3.1 Full Council adopted a new four-year Corporate Strategy at its meeting on 25<sup>th</sup> February 2020. The document set a new direction for the Council, reflecting the aims of the administration elected in May 2019 and providing a clear approach to the Council's activities and priorities.

3.2 The Corporate Strategy is the Council's overarching strategic plan. It sets out what we plan to do, how we plan to do it, and how we will measure performance over the next four years. It contains a new framework for what we will focus on and how we will work, as follows:

- 1) We have one overriding purpose - **to improve people's lives**. This brings together everything we do, from cleaning the streets to caring for our older people. It is the foundation for our strategy, and we will ensure that it drives our commitments, spending and service delivery.
- 2) We have two core policies - **tackling the climate and ecological emergency** and **giving people a bigger say**. These will shape our work.
- 3) To translate our purpose into commitments, we have identified three principles. We want to **prepare for the future, deliver for residents** and **focus on prevention**. These, in turn, help us to identify specific delivery commitments across our services.

3.3 At the same meeting, Full Council also adopted the **Budget for 2020/21** and Financial Outlook report, which set out how the Corporate Strategy will be resourced.

3.4 The Council collects and monitors a wide range of key performance indicators to measure its delivery. Many of these are of a statutory nature and need to be reported to central Government, and there are also a large number of local indicators developed by services to allow them to measure the delivery of Council services.

3.5 The Council has developed its own in-house **Integrated Reporting Framework (IRF)** which enables officers to monitor many aspects of the Council's delivery and performance. The framework is a dashboard-based online tool that allows the collection and monitoring of performance data directly from the Council's main business systems in many instances and is now used as the main tool for officers to measure progress. The IRF currently collects and monitors information on the following.

- Service performance through a set of agreed performance indicators
- Finance Overview
- Risk Management
- Contracts and Commissioning Intentions
- Corporate Data and Intelligence

- 3.6 The IRF has over 200 performance indicators that officers use to measure Council performance. Many of these are of a statutory nature and need to be reported to central Government. There are also a lot of local indicators developed by services to allow them to measure the delivery of Council services. This is considered far too many to meaningfully report to Members through the democratic process, therefore a strategic set of indicators (shown at Annex 1 to this report) has been chosen to allow Members to focus on some key areas of delivery. In accordance with the layout of the strategic report, these have been themed to follow the three key principles in the Corporate Strategy.
- 3.7 Members should obviously be aware that progress against the delivery of the Corporate Strategy and some aspects of service delivery has been hindered by the COVID pandemic and the need to reallocate resources (staffing and finance) away from addressing these priorities in 2020/21. Despite this, some good progress has been made, which is highlighted in Annex 1. For instance:
- In the latest annual residents' survey (Voicebox) carried out last November, residents were asked about the impact of COVID-19 in their local area and how satisfied they are with their local area as a place to live. 87% of residents were satisfied with their local area as a place to live.
  - 64% of residents are satisfied with how the Council runs things, which is an increase since 2018.
  - Nearly 6,700 new trees had been planted on Council owned land at the end of March 2021.
  - The Council has seen an increase in the number of Children on Education Health & Care Plans (EHCP) to over 1,600 at the end of June 2021. This has a direct impact on resources of both the Council and schools.
  - The rate for household waste recycled / composted is over 59%, this demonstrates success in moving towards our zero-waste ambition.
  - We have a statutory responsibility to ensure that people's needs are being met by at least an annual review for Adult Social Care; during the most difficult year the Council has ever faced, we still achieved over 63% of the target.
  - The Council wants to reduce the number of people in a care home setting to demonstrate we are supporting people to maximise their independence. The Council is exceeding its target of 51 home admissions per 100k.
  - The Council also achieved over 94% of Adult Safeguarding enquiries where risks were either removed / reduced during the first quarter.
  - Members should also note that from November 2020 until the final payment period at the end of June 2021, the Council successfully administered nearly 18,000 Business Grants payments to local businesses. Totalling over £44.3m.
- 3.8 This is the first time this report has been reported to Members in this manner and format. Members now have the opportunity to comment on the strategic indicators in the new report and request any changes or addition to the report. These can then

be incorporated to further iterations of the Strategic Indicator Report during the year.

## **4 STATUTORY CONSIDERATIONS**

The Council has a wide range of powers which allow it to deliver the Strategy adopted in February. It should be noted however that the government has introduced an extensive range of new legislation, regulations and guidance during the last 18 months, which may influence how certain aspects of the Strategy are delivered. It was subject to a full Equalities Impact Assessment and it is important that equalities are actively pursued as we implement the strategy.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 A full report on the Council's approach to financial recovery was presented to Cabinet on 2<sup>nd</sup> July 2020.
- 5.2 Council agreed the resourcing requirements for 2021/22 at its Budget meeting in February 2021.

## **6 RISK MANAGEMENT**

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

## **7 CLIMATE CHANGE**

- 7.1 A detailed report was presented to Council in January 2021 on our progress in tackling the climate and ecological emergency. The current report provides an opportunity to re-emphasise how these commitments are reflected as "core policies" in delivering the Corporate Strategy. Tackling the climate ecological emergency is also at the centre of our renewal vision.
- 7.2 Monitoring the effectiveness of delivering on Climate Change is one of the key components of the strategic report. Indicators are being developed to allow further monitoring against the Council target.

## **8 OTHER OPTIONS CONSIDERED**

- 8.1 None

## **9 CONSULTATION**

- 9.1 This report has been cleared by the S151 Officer and Monitoring Officer.

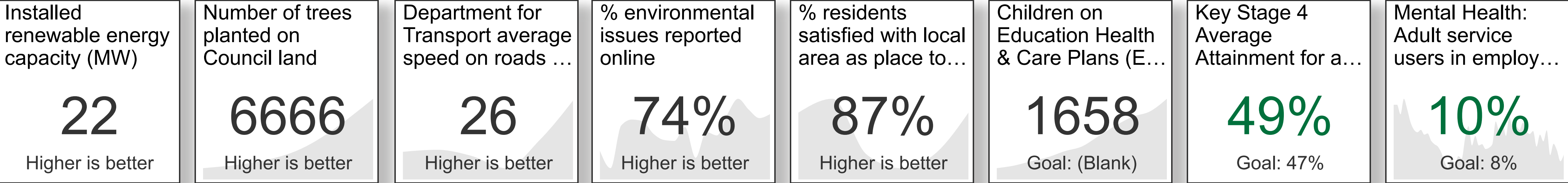
<b>Contact person</b>	Steve Harman, Head of Corporate Governance & Business Insight Jon Poole, Business intelligence Manager
<b>Background papers</b>	<ul style="list-style-type: none"> <li>• Corporate Strategy</li> <li>• Cabinet Report May 2021 - Update on Progress against the Corporate Strategy 2020-2024 and COVID-19 Response</li> </ul>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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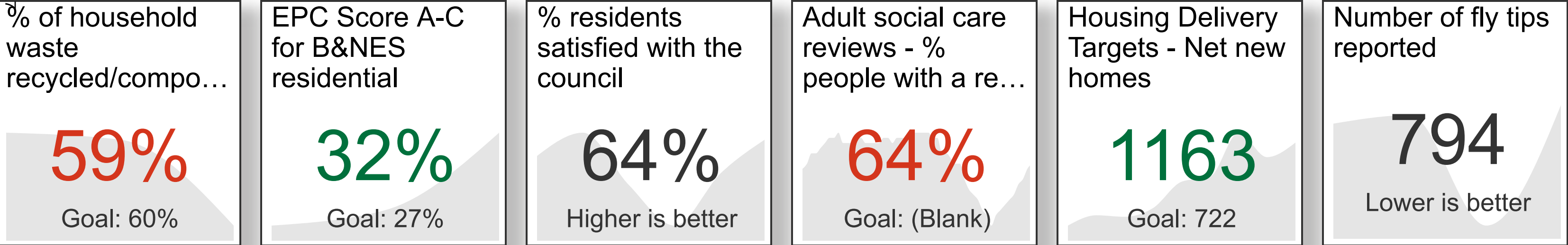
# Strategic Indicator Report - Summary

Full Report

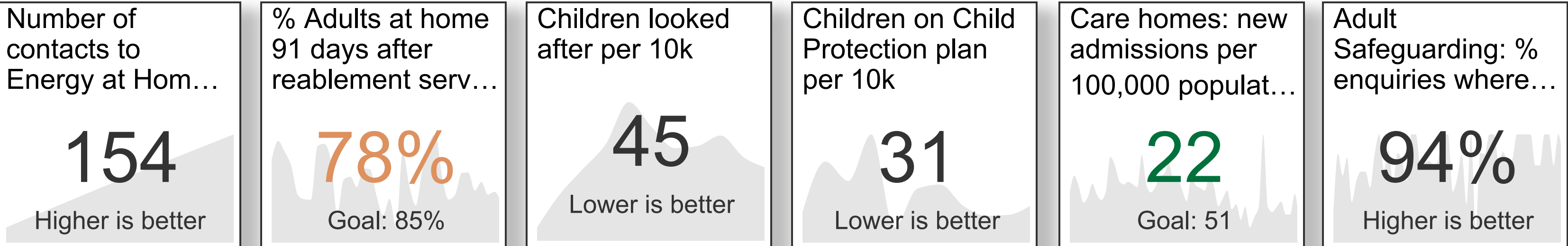
## Preparing for the Future *Click on an indicator to see more*



## Delivering for Residents *Click on an indicator to see more*



## Focussing on Prevention *Click on an indicator to see more*



## Preparing for the future

Our area is changing. We must change with it and help local residents prepare for the future. We want to promote high-quality, high-skill jobs, for example, in the new green jobs sector and in new technologies. At Bath Quays, we are creating a vibrant commercial quarter in the heart of the city which is delivering new jobs and homes. We also have a programme aimed at making our high streets more attractive places to visit, including greener ways of getting around the area and support to businesses.

We will work with partners, organisations such as the West of England Combined Authority, and local communities, to secure long-term investment in our local infrastructure. Our priorities for this are sustainable transport, homes and energy. So that they can take advantage of these changes, we want to help our young people acquire and enhance the skills they need to achieve their ambitions. To do this we will also need to address inequalities of outcome in education, particularly in the early years.

We also need to make the most of new technology, and be smarter and more flexible in the ways that we work. We need to be clearer about what we can and cannot provide. Increasingly, we will ask residents to self-serve for our more transactional services, so that we can better support people who need our help the most.

Next →

<div>Installed renewable energy capacity (MW)</div> <div>Annually</div> <div><div></div><div>0</div></div> <div>22</div> <div>01/09/2020</div>	<div>Narrative: In the 2022 we should see a more substantial rise, as there is a fair bit in the Council own pipeline (and a few large planning applications expected)</div>
<div>Number of trees planted on Council land</div> <div>Annual</div> <div><div></div><div>0K</div><div>26/10/2020</div></div> <div>6,666</div> <div>31/03/2021</div>	<div>Narrative: The council has an ambition to plant 100,000 trees in the district - not just on council land. This indicator is the planting under Council control.</div>
<div>Department for Transport average speed on roads (mph)</div> <div>Annual</div> <div><div></div><div>0</div><div>31/03/2015</div></div> <div>26</div> <div>31/03/2020</div>	<div>Narrative: Higher speeds indicate less congestion and more free flowing conditions, reduction in speed indicate increased congestion and more queuing on network.</div>



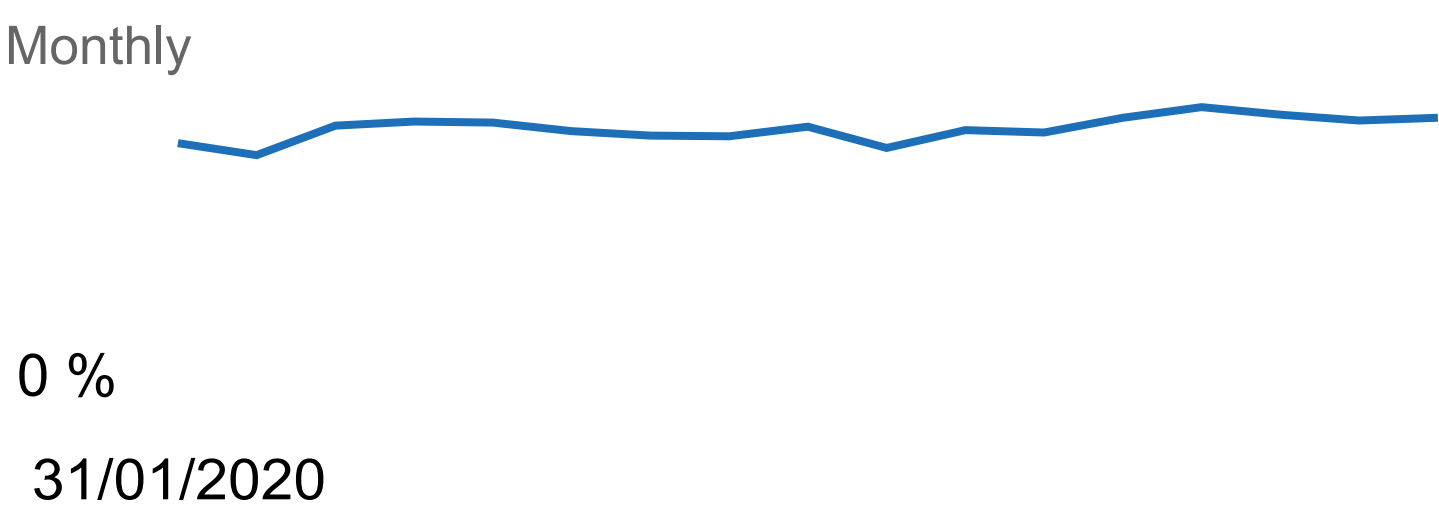
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### % environmental issues reported online

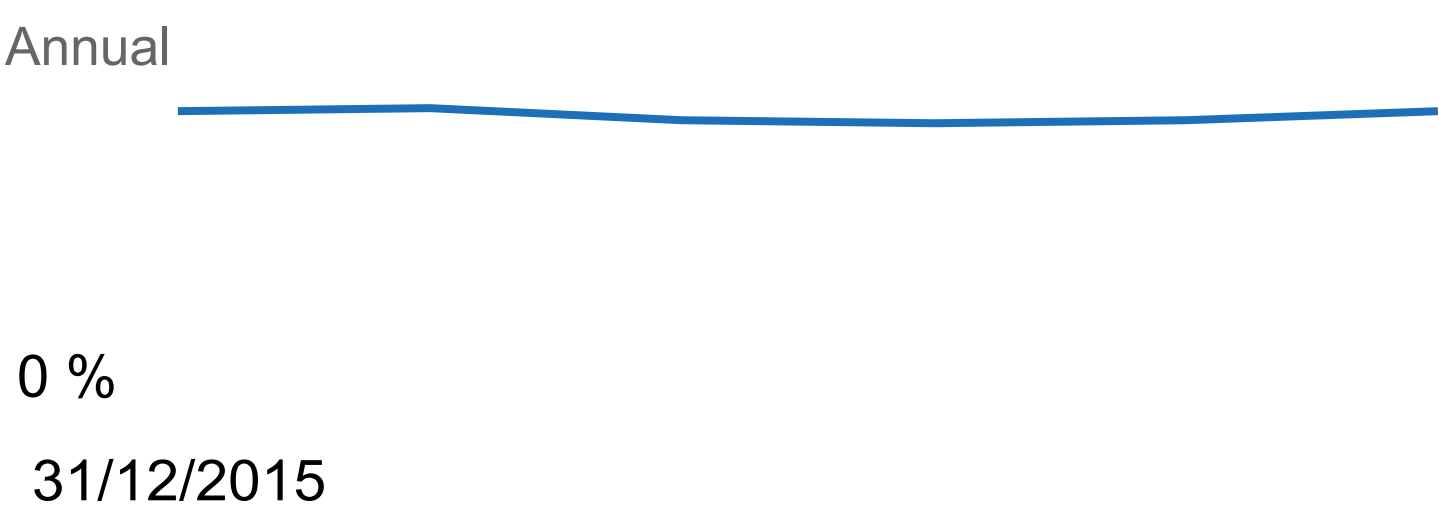


74 %

31/05/2021

**Narrative:** Performance remains consistent for this measure, which will be reviewed as part of the Council's emerging Customer Contact Strategy.

### % residents satisfied with local area as place to live

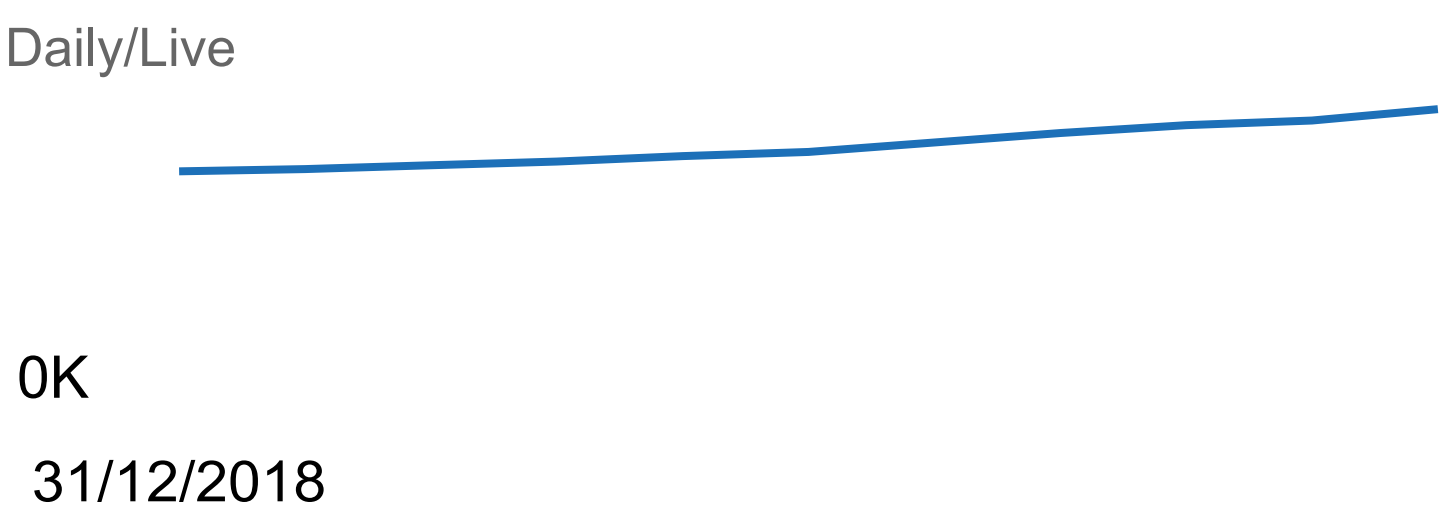


87 %

31/12/2020

**Narrative:** Rates for this indicator remain consistently high.

### Children on Education Health & Care Plans (EHCP)



1,658

30/06/2021

**Narrative:** Narrative not currently available

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Key Stage 4 Average Attainment for all pupils		
Annual	<div><div></div></div>	<div><div>49 %</div><div>09/07/2020</div></div> <div>Narrative: Narrative not currently available</div>
Mental Health: Adult service users in employment		
Monthly	<div><div></div></div>	<div><div>10 %</div><div>30/06/2021</div></div> <div>Narrative: Employment is a significant factor in improving people's mental health and this indicator demonstrates our support in this area</div>

## Delivering for residents

Access to housing, and getting around our area are key local concerns. We are determined to secure more affordable and social housing, improve the quality of rented housing, make our housing stock green and tackle fuel poverty.

We will also facilitate significant improvement of the transport infrastructure and encourage behaviour change to forms of transport other than the private vehicle. This will enable a major shift to walking, micro mobility (cycling), car-sharing, buses, and rail.

Alongside the introduction of the Clean Air Zone, we have wider ambitions for a more pedestrian-friendly city centre and reducing the impact of cars in residential streets through better traffic management, and reductions in ‘rat-running’.

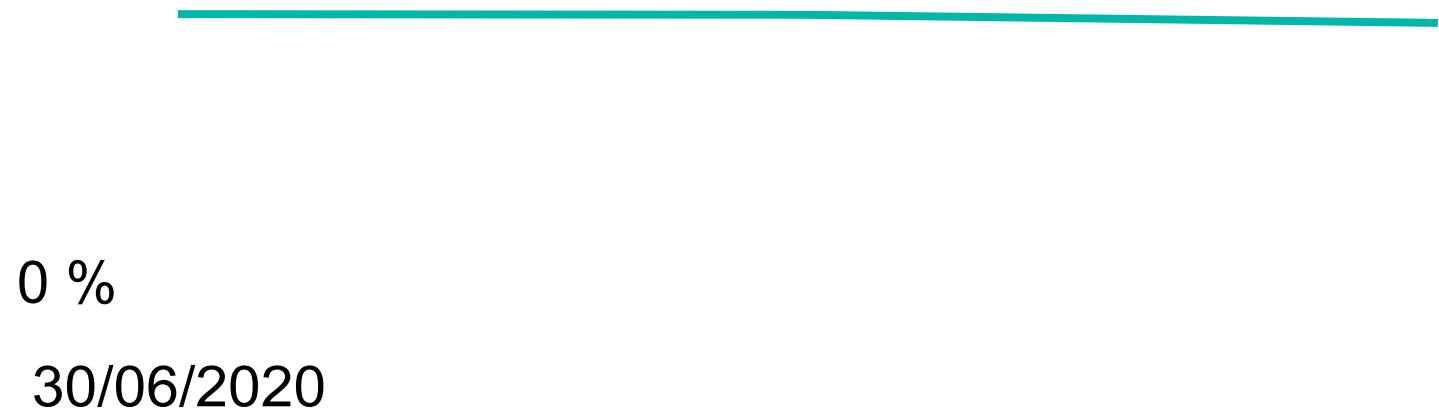
To support this, we need to understand the views and needs of our local communities. We are committed to improving how we involve local people in our decision making, such as on local transport schemes, ensuring that they have a greater say in how their services are designed, funded and run.

← Previous

Next →

### % of household waste recycled/composted

Quarterly



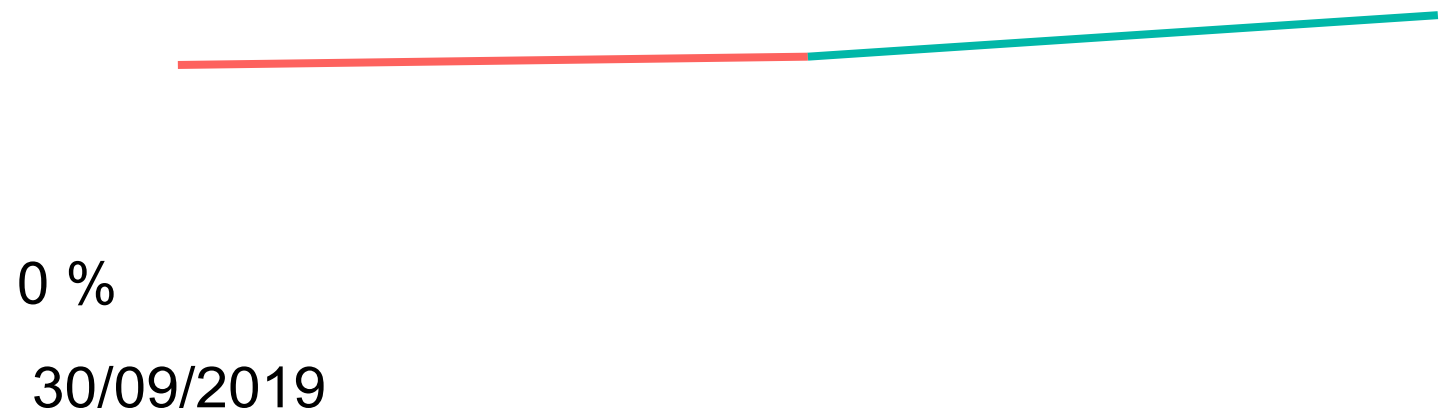
59 %

27/05/2021

**Narrative:** This indicator, when considered alongside the amount of waste produced per household demonstrates success in moving towards our zero waste ambition.

### EPC Score A-C for B&NES residential

Annual



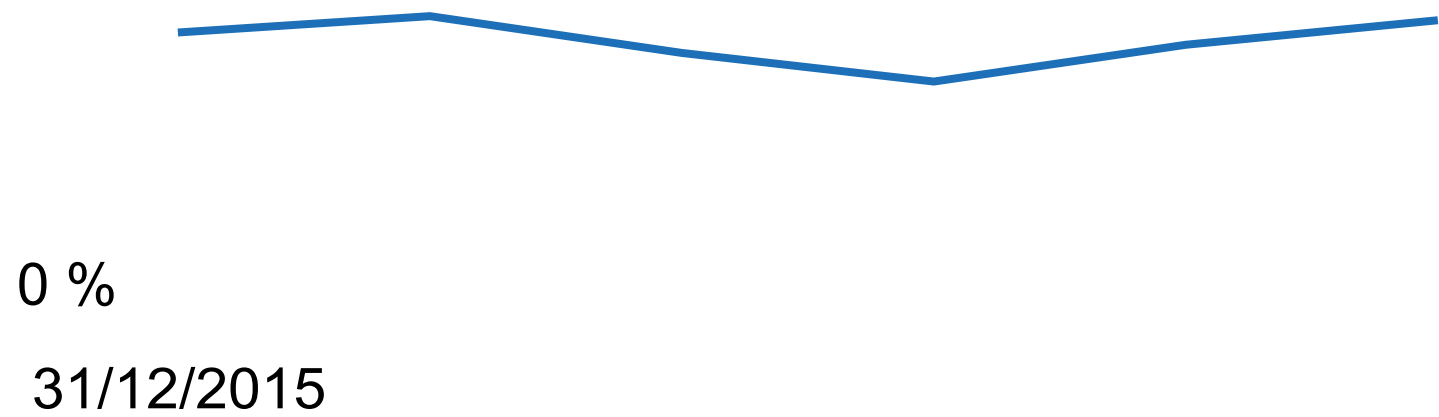
32 %

30/06/2021

**Narrative:** Shows the % of properties with a satisfactory energy efficiency rating. Trend shows a positive direction of travel.

### % residents satisfied with the council

Annual



64 %

31/12/2020

**Narrative:** The latest figures now show a return to the high rate of satisfaction seen in previous years, following a temporary fall in the rate in 2018



## Delivering for residents

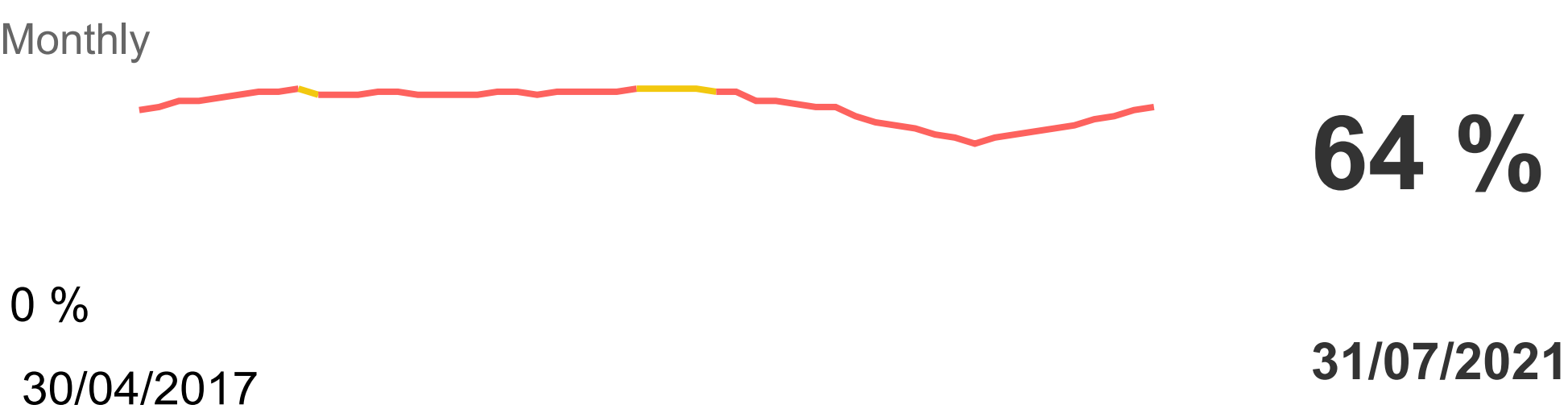
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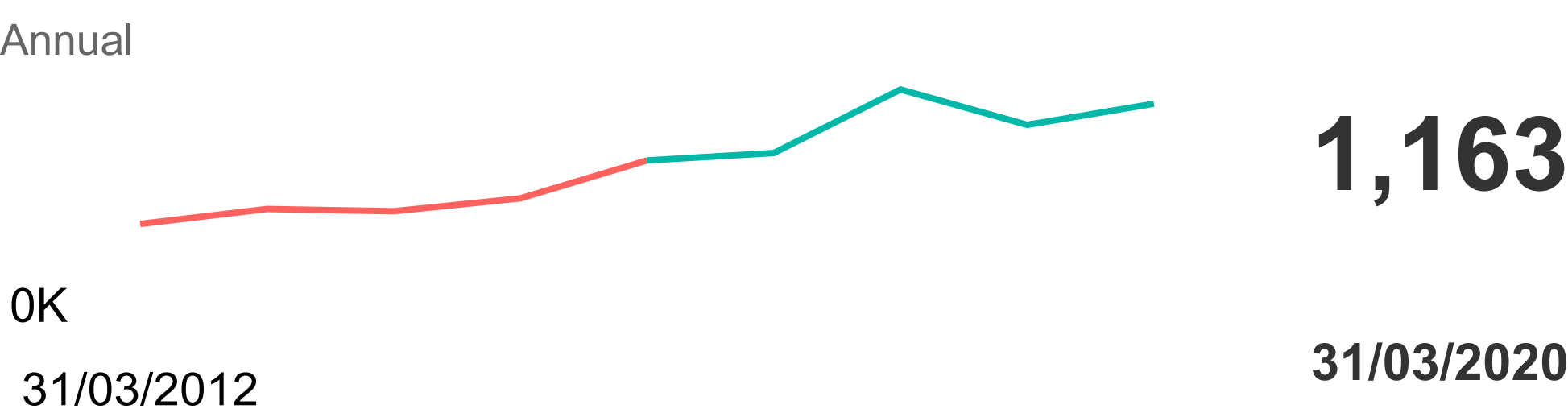
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### Adult social care reviews - % people with a review



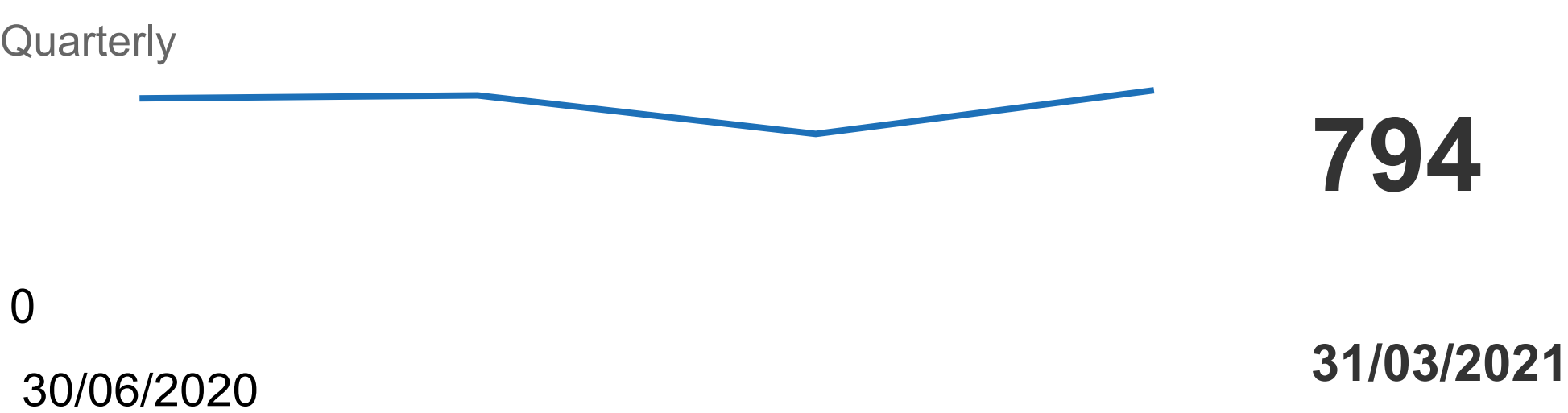
**Narrative:** We have a statutory responsibility to ensure that people's needs are being met by at least an annual review

### Housing Delivery Targets - Net new homes



**Narrative:** B&NES has exceeded its annual housing delivery requirementg of 648 news homes per annum for the last 6 years.

### Number of fly tips reported



**Narrative:** Reports come from fix my street and from operational staff within the Council. This is the number reported - not necessarily the number we attend.

## Focusing on Prevention

Having a clear approach to prevention is essential to improving people's health and wellbeing, sustaining the social care and health services we all value and rely on, and strengthening our local economy. For example, properly insulated homes are cheaper to run and help prevent cold-related ill health as well as contributing to addressing the climate emergency. Bath's Clean Air Zone is also a good example of how we are preventing ill health through reducing air pollution.

People should receive the support they need in the most efficient, effective and timely way, reducing demand for later and more costly interventions. Everyone has a part to play and our residents should be supported to stay healthy, live well and be independent for as long as possible, making good choices for their own health and wellbeing. For example, we can promote active travel, such as walking and cycling.

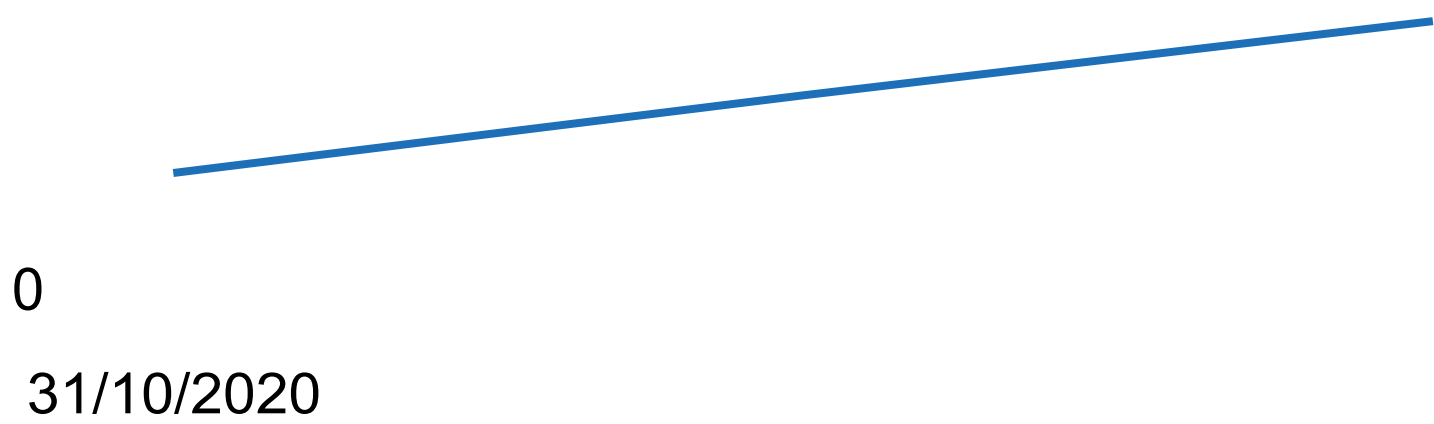
We cannot do this alone and we will need to build on our joint working arrangements with partners, voluntary organisations, parishes, and residents, through growing initiatives such as Compassionate Communities, which was exemplified in the creation of the Compassionate Communities Hub. We will always ensure that we continue to protect and support our most vulnerable residents.

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### Number of contacts to Energy at Home Info Centre

Quarterly



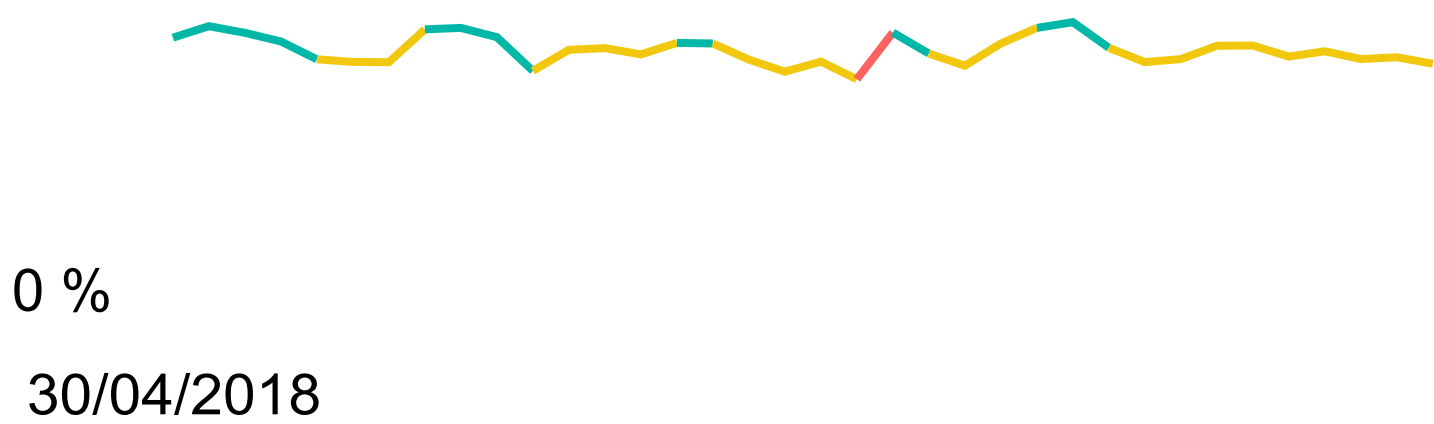
154

30/06/2021

**Narrative:** New in-house service providing information & signposting for residents. Looking to promote service more widely through comms channels.

### % Adults at home 91 days after reablement service

Quarterly



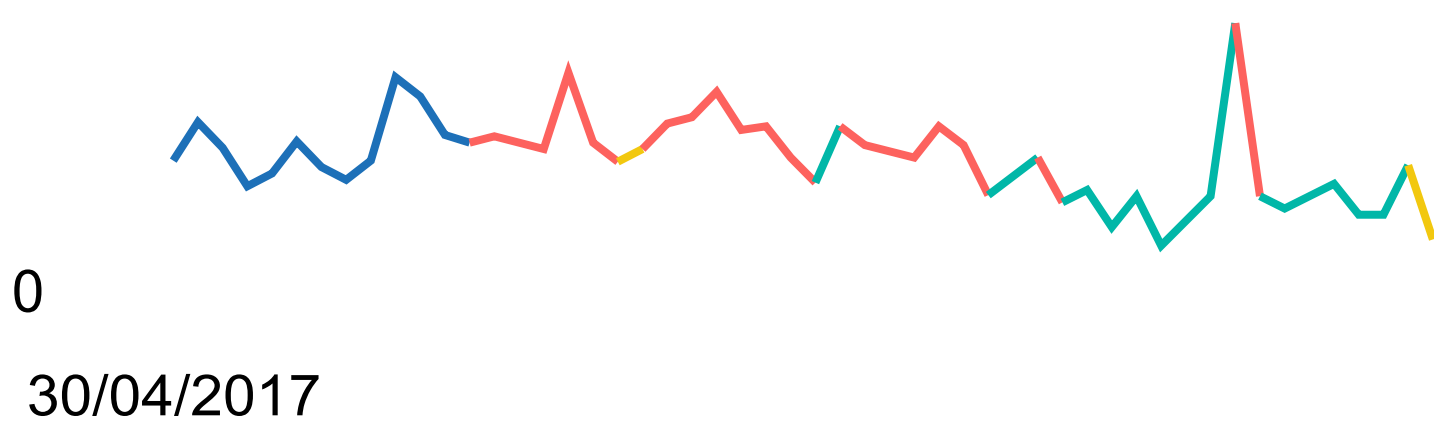
78 %

31/03/2021

**Narrative:** This evidences that reablement supports people to maximise their independence and remain at home

### Adult Social Care: Care Home admissions per 100k

Monthly



22

31/07/2021

**Narrative:** We would want to reduce the number of people in a care home setting to demonstrate we are supporting people to maximise their independence

## Focusing on Prevention

Having a clear approach to prevention is essential to improving people's health and wellbeing, sustaining the social care and health services we all value and rely on, and strengthening our local economy. For example, properly insulated homes are cheaper to run and help prevent cold-related ill health as well as contributing to addressing the climate emergency. Bath's Clean Air Zone is also a good example of how we are preventing ill health through reducing air pollution.

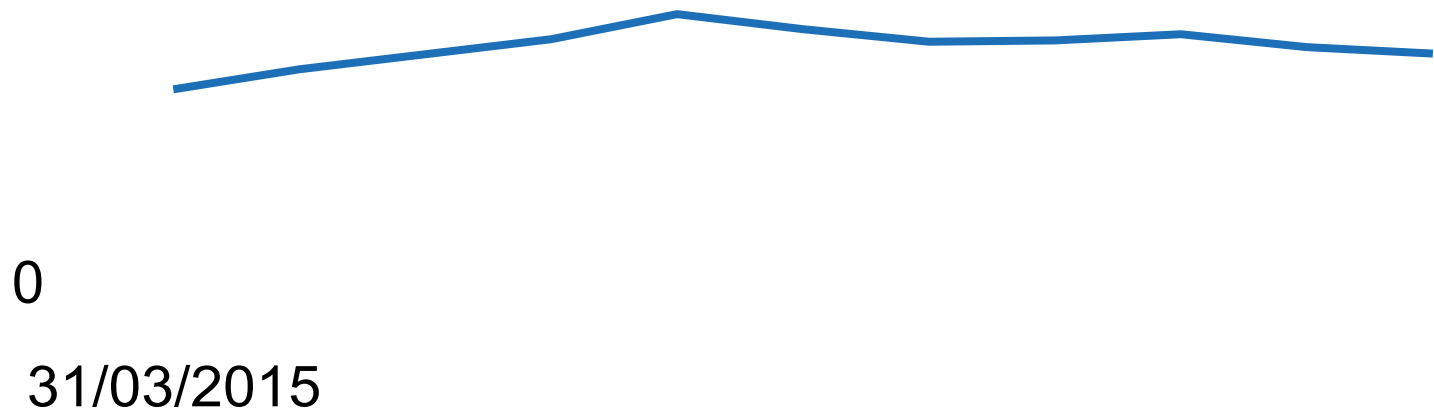
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We cannot do this alone and we will need to build on our joint working arrangements with partners, voluntary organisations, parishes, and residents, through growing initiatives such as Compassionate Communities, which was exemplified in the creation of the Compassionate Communities Hub. We will always ensure that we continue to protect and support our most vulnerable residents.

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### Children looked after per 10k

Daily/Live



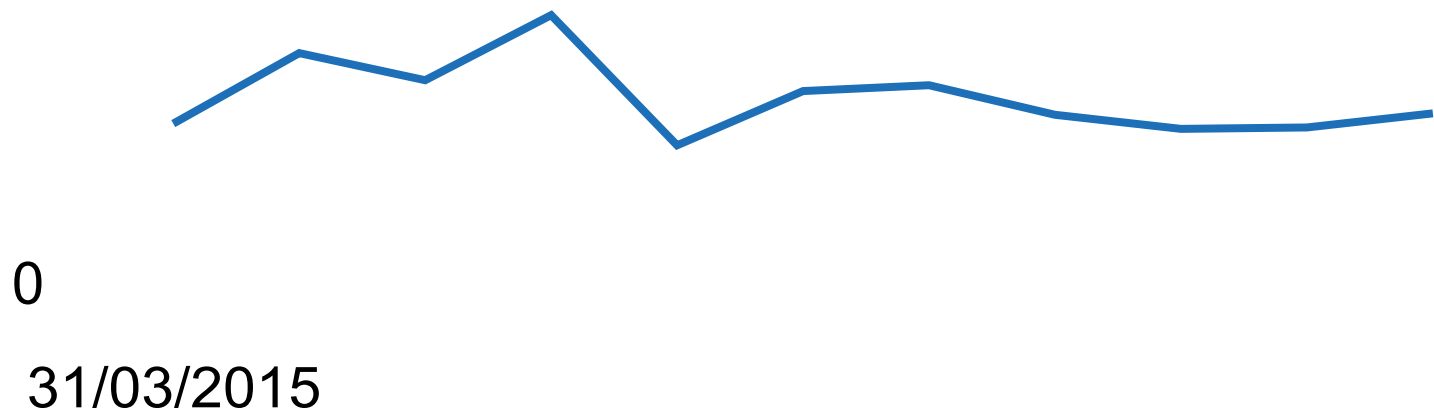
45

30/06/2021

**Narrative:** Rates are consistent for past 4 years. A rise in Special Guardianship Orders is in line with our aims in the Safeguarding Outcomes Service review.

### Children on Child Protection plan per 10k

Daily/Live



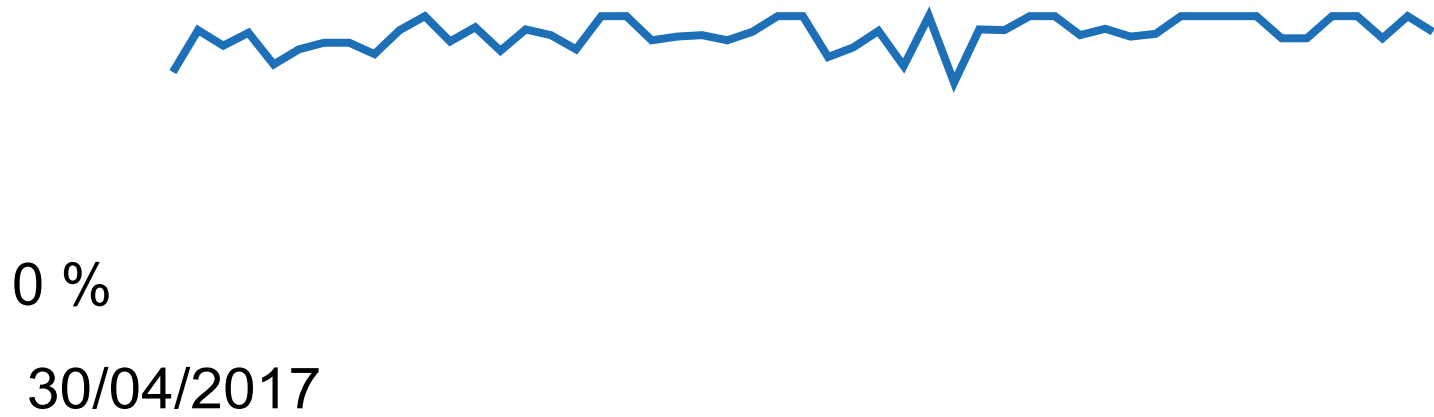
31

30/06/2021

**Narrative:** Rates are low compared to similar authorities. Attributed to good management of risk and in line with our practice framework principles and values.

### Adult Safeguarding: % enquiries where risk removed/reduced

Quarterly



94 %

30/06/2021

**Narrative:** We would want to see that risk is removed to demonstrate good safeguarding practice that minimises harm and risk



Bath & North East Somerset Council		
MEETING	Cabinet	
MEETING	9 <sup>th</sup> September 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E3315
TITLE:	Proposed Public Space Protection Order to restrict alcohol consumption in public spaces in Bath and Midsomer Norton	
WARD:	All wards in Bath; Midsomer Norton Redfield and Midsomer Norton North wards.	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
1. Report on consultations on draft Public Space Protection Orders for Bath and for Midsomer Norton		
2. Proposed order: Bath proposed order: Midsomer Norton (maps attached)		
3. Equality Analysis		

## 1 THE ISSUE

1.1 The Public Spaces Protection Orders which restricts street drinking operating in Bath and Midsomer Norton expired in October 2020. Public Space Protection Orders (PSPOs) are implemented under the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act"). This report invites the Council to determine whether to continue restrictions on street drinking in these areas as PSPOs, following a consultation as required by the legislation.

## 2 RECOMMENDATION

The Cabinet is asked to:

- 2.1 Consider the outcomes of the consultation on a Public Space Protection Order to restrict street drinking in Bath and Midsomer Norton, as set out.
- 2.2 Consider the legal criteria for adopting PSPOs, as set out in Paragraph 4 of this report, and particularly the test set out in paragraph 4.1

- 2.3 In the light of 2.1. and 2.2 above make the Bath City Order and Midsomer Norton Order as set out in Appendix 1 of the report
- 2.4 Request the Head of Legal Services or an authorised signatory on their behalf to sign and seal the Bath City Order and the Midsomer Norton Order.
- 2.5 Request the Director of People and Policy to undertake publicity relating to any agreed Order and ensure the impact of the PSPOs is kept under review
- 2.6 Request the Bath and North East Somerset Community Safety and Safeguarding Partnership to receive regular monitoring reports on the impact of the PSPOs, including equalities impacts, and updates on support and treatment available for people who misuse alcohol including street drinkers.
- 2.7 Thank those who were involved in the consultation process including Midsomer Norton Town Council and publicise the outcomes of the consultation.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The legal costs of preparing any agreed Order will be met from within existing budgets. Subject to Cabinet agreeing any Order, further work will be undertaken on updating any required statutory signage and additional publicity relating to the Order. Wherever possible this will be sought from within existing budgets with funds also sought from external sources and partners and Midsomer Norton Town Council.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

#### **The Legal Test**

- 4.1 The legal test which must be satisfied in order for a PSPO to be made can be found at section 59 of the Act. The Council needs to be satisfied on reasonable grounds that two conditions are met:
  - (1) The first condition is that:
    - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
    - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
  - (2) The second condition is that the effect, or likely effect, of the activities –
    - (a) is, or is likely to be, of a persistent or continuing nature,
    - (b) is, or is likely to be, such as to make the activities unreasonable, and
    - (c) justifies the restrictions imposed by the notice.



- 4.2 “Public place” is defined in section 74(1) of the Act as “any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.”
- 4.3 A legal challenge to a PSPO must be made to the High Court within 6 weeks of being made and can only be made by an individual who lives in, regularly works in or visits the restricted area. A PSPO can remain in force for up to a maximum of three years and should be reviewed before expiry in order to determine whether or not it should be extended.

#### **Premises to which an alcohol prohibition does not apply**

- 4.4 Section 62 of the Act prescribes premises to which alcohol prohibition does not apply as:
- (1)(a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
  - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
  - (c) a place within the curtilage of premises within paragraph (a) or (b);
  - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
  - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- 4.5 A prohibition in a public spaces protection order on consuming alcohol also does not apply to council-operated licensed premises –
- (a) when the premises are being used for the supply of alcohol, or
  - (b) within 30 minutes after the end of a period during which the premises have been used for supply of alcohol.

#### **Consultation requirements**

- 4.6 Under Section 72 of the Act, Councils must consult with the Chief Officer of Police, local policing body (in this case the PCC), community representatives it thinks appropriate to consult and the owner or occupier of the land within the restricted area.
- 4.7 The requirement to consult with the owner or occupier of land within the proposed restricted area does not apply to land that is owned and occupied by the local authority; and applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

## **Equalities and convention rights**

- 4.8 Equality impacts were sought through the consultation process the outcomes of which are summarised in Appendix 2. An Equality Analysis has been prepared. A number of positive impacts for equalities groups were identified as arising from a PSPO, particularly where this reduces the fear of crime and anti-social behaviour. The analysis also identified the potential for differential impacts from the use of discretionary powers for enforcement of the PSPO. Through the consultation, it was identified that some people have concerns about the way that the PSPO would be implemented and that there is potential for vulnerable people living a street-based lifestyle to be treated unfairly. To address this, it is proposed that more information be provided about the PSPO and how it will be applied, and that appropriate training be provided to those responsible for enforcing the PSPO, noting that equality and diversity is a core part of training for Police officers. It is recommended that the Police set out a process for monitoring data and such data be recorded for reporting purposes.
- 4.9 The Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms when deciding whether to make, extend, vary or discharge a PSPO and what it should include, if appropriate.
- 4.10 Article 10 protects the right to freedom of expression but this is a qualified right which may be interfered with if such interference is in accordance with the law and necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority or impartiality.
- 4.11 Article 11 protects the right to freedom of assembly and association but this is a qualified right which may be interfered with if such interference is in accordance with the law and is necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or the administration of the State.
- 4.12 It is considered that any infringement of these Convention rights through the making of the proposed PSPO would be properly regulated by the law including the Act and is necessary in a democratic society. Any such infringement would be in the promotion of a legitimate aim namely, for the

prevention or disorder or crime, for the protection of the rights and freedoms of others.

## **5 THE REPORT**

### **Background**

5.1 The Criminal Justice and Police Act 2001 gave the Police the power to seize and dispose of alcohol if they believed someone is, has or is about to consume it where a Designated Public Place Order is in force. Failure to comply with the Police request was made an arrestable offence and punishable by a fine. Councils were given the power to “designate” and make a Designate Public Place Order where they were satisfied that nuisance or annoyance to members of the public or a section of the public, or disorder, had been associated with consumption of alcohol in that place.

### **The Act**

5.2 The Anti-social Behaviour, Crime and Policing Act 2014 made a number of changes to the law on anti-social behaviour. A key change was the introduction of Public Space Protection Orders (PSPOs) to replace Designated Public Place Orders.

5.3 Statutory Guidance states that PSPOs are intended to deal with a particular nuisance or problem in an area that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone.

5.4 A PSPO can be made where the Council is satisfied that the legal test is met in 4.1 above. In 2017 after a 12-week consultation, which demonstrated significant public support for the proposed orders within the areas identified in the consultation. the Council agreed to implement 2 PSPOs one for the whole of the City of Bath and a further Order for public spaces around the Midsomer Norton Town Centre.

## **6 Review and Consultation**

6.1 The proposal for both Bath and Midsomer Norton subject to consultation was to renew the lapsed PSPO as far as possible on a ‘like-for-like’ basis, with regard to both the geographical scope of the areas and the framing of the orders themselves. In summary the formal consultation proposals were:

- To “mirror” the previous PSPO following national guidance, by only making it an offence to fail to comply with a request to cease drinking or surrender alcohol in a restricted area. This contrasts with other PSPOs where generally the offence is triggered by a person doing anything that is prohibited by the PSPO without reasonable excuse. In addition, a person guilty of an offence arising from breach of a PSPO would normally be liable on summary conviction to a fine not exceeding level 3 (£1000) on the standard scale.

However, breaches relating to alcohol consumption are liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale. Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction.

- To “mirror” the previous geographical scope of the previous PSPO – i.e., the whole of the City of Bath and a specific area of Midsomer Norton town centre. To reflect the Act, the PSPO would apply to all “public spaces” within the boundary line set out in the proposals. Public spaces are defined in the legislation as those to which “the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission”. This means the proposed PSPO would include public car parks and public parks as well as other public spaces such as streets.

## **6.2 City of Bath Proposed PSPO Consultation Feedback**

6.3 A 12-week formal PSPO consultation period was agreed to run from 18 December 2020 to 13<sup>th</sup> March 2021, however, because only 61 responses were recorded during that period the consultation was kept open for a further month, a single further reply was received.

6.4 62 replies were received in response to the consultation. A summary of responses is set out below:

- 88% of respondents (55 people) agreed that a PSPO to control drinking in Bath would be welcome, with 12 % (7 people) not.
- 85% of respondents agreed with the PSPO's proposed area, with 12% not, and with no response from 3%
- 88% agreed with the wording of the proposed PSPO, with 12% not.
- The majority of respondents to the consultation were Bath residents and/or worked in the City with a nil response from only one person.
- 64% of respondents (40 people) have been affected by street drinking in the area, with 36% (22 people) not affected. This represents an increase of 7% as 29% said that they had not been affected in the 2017 consultation.

6.5 Of those who *agreed with* PSPO in Bath strong links were made with:

- Alcohol consumption in public spaces anti-social behaviour and threatening behaviour
- Littering, the danger of broken bottles and noise, street urination and vandalism
- Street violence and aggression

- Alcohol consumption should take place within regulated licensed premises and all drinking in unlicensed premises should be banned

6.6 Of those who disagreed with a PSPO in Bath, key points made against were:

- The PSPO as currently drafted is too restrictive or draconian - citing it could restrict (for example) consuming alcohol in a park as part of a picnic or other social gatherings. At least one person expressed the view that they had been targeted in this way under the PSPO.
- Existing legislation is sufficient to deal with issues of drunkenness in a public place and anti-social behaviour: the problem is one of enforcement of existing laws, not the need for new rules
- Those who are causing the nuisance will not abide by the PSPO
- This is an intrusion into personal freedom: we should trust people to consume alcohol responsibly

6.7 Of those who disagreed with the specific area suggested for the PSPO, comment was made that the current PSPO is not policed in certain locations that all areas should be subject to the 'ban'. That the focus should be on areas where the issue is seen as a bigger problem rather than the City as a whole, which was seen as too large and area. Some respondents proposed that specific types of public space (e.g. "parks" or "social gathering spaces" be specifically excluded).

6.8 Of those who disagreed with the specific wording of the proposed PSPO, key points made were:

- The Order should be clearer as to what precisely is illegal
- The Order is too restrictive, it should not prevent people drinking in public places if there is no anti-social behaviour
- The Order should allow exceptions for reasonable consumption, and with food
- The Order relies too much on the judgment of the "authorised officer"

6.9 Other key points made by respondents included:

- The PSPO will only work if there is effective enforcement including for repeat offences
- Street drinkers and people who misuse alcohol need proper resources, support and help
- There needs to be effective publicity and signage for any Order

6.10 Of those who disagreed with the *specific area suggested* for the PSPO, the main alternative suggested was to focus on areas where the issue is seen as a bigger problem. One location was mentioned by 3 people who thought this neighbourhood was currently being 'neglected' in favour of areas in central Bath.

## **7 Consultation feedback on the PSPO - Midsomer Norton**

7.1 A 12-week formal PSPO consultation period was agreed to run from 18 December 2020 to 13<sup>th</sup> March 2021, however, because only 15 responses were received during that period the consultation was kept open for a further month, a further single reply was received.

7.2 16 responses were received in reply to the Midsomer Norton PSPO consultation. A summary of key points is set out below:

- The majority i.e. 86% (14 people) of respondents agreed that a PSPO to control drinking in Midsomer Norton was a good idea, with 14% (2 people) disagreeing
- 80% of respondents agreed with the PSPO's proposed area, with 20% disagreeing
- 67% agreed with the wording of the proposed PSPO, with 15% not and no response from 8 %
- The overwhelming majority of respondents to the consultation were local residents and/or worked in the area
- 60% have been affected by street drinking in the area, with 40% not. In 2017 54% said that they had not been affected

7.3 Of those who agreed with the idea of a PSPO in Midsomer Norton the majority felt it would impact on antisocial behaviour, namely drunken noisy behaviour which clearly some felt threatened by. One person who agreed with the proposal did caution that there was potential for it to be used in a discriminatory manner.

7.4 As 14 out of the 16 people who commented on the proposal were in favour most of the comments recorded were positive, and as only 2 people explicitly disagreed with the proposal there is little variety of negative comments to record in this report.

7.5 Unlike the responses to the consultation on the PSPO proposal for Bath respondents did not mention street violence and aggression, littering, the danger of broken bottles and street urination or vandalism.

7.6 Of those who disagreed with the specific area suggested none gave a specific reason why they disagreed or suggested an alternative area, however, these respondents also disagreed with the question that a PSPO to control street drinking was a good idea.

- 7.7 Of the two people who disagreed with the proposal for MSN one person commented that existing powers should be enough.

## 8 Midsomer Norton Town Council

- 8.1 Midsomer Norton Town Council resolved to keep the PSPO at the Full Council Meeting on the 1st February 2021. In commenting on the proposal one Councillor advised 'As a (Town Council and B&NES) I was involved in the original effort to bring in the PSPO, and an active member of the Community Alcohol Partnership which also became part of the same effort to make Midsomer Norton a place where families could seek entertainment in the evening, especially at weekends, without being made to feel uncomfortable or intimidated by the then frequent anti-social behaviour of some drinkers. The Town Council continues to employ Marshals at weekends to the same purpose. The local police appreciate and value the existence of the order. So, I am very strongly in favour of renewing it.

## 9 Police response to both consultations

- 9.1 Avon & Somerset Police have responded to the consultation as summarised below:

- Broadly speaking the powers conferred under the existing PSPO are considered by officers as an essential tool to manage street crime and disorder. They provide an opportunity to engage with street drinkers, and people involved in Anti-Social Behaviour to intervene at an early stage. They are an important deterrent.
- The Police acknowledge concerns raised that these powers would potentially have a wider community impact, particularly on those consuming alcohol in outside areas such as parks. National Guidance issued in support of the implementation of PSPOs makes it clear that this is a discretionary power, and not to be used to disrupt peaceful activities. The advice given is not to challenge those persons consuming alcohol where that individual is not causing a problem, or likely to cause a problem.
- The Police therefore suggest that any PSPOs relating to alcohol consumption in public spaces should make it clear to both officers and members of the public the intentions of the orders. The Police's suggested wording is set out below. The Order in bold, would prohibit:

**Any person from having in their possession, care or control in any Public Place within the restricted area alcohol where that person-**

- Is or has been consuming alcohol in any Public Place in the Restricted Area, or**
- Intends to consume alcohol in any Public Place in the Restricted Area, and**

- iii. **Is behaving in a way likely to cause, or where the authorised officer reasonably suspects will lead to, harassment, alarm or distress, or crime or disorder in the Restricted Area**

## **10 Key Considerations (Bath)**

10.1 To make any Order, the Council needs to be satisfied on reasonable grounds that the conditions set out at 4.1 are met:

10.2 Evidence from the consultation demonstrates that alcohol consumption has had a detrimental effect on the quality of life of people in the City. These have included:

- Congregations of street drinking in the city centre causing disturbance and verbal abuse specific locations include Kingsmead Square and streets near the square, also Milson Street, Manvers Street and Broad Street were mentioned.
- Reports from a small number of residents of avoiding the city centre because of feeling intimidated by behaviour and words of drinkers
- Intimidation caused by drunken fights and aggressive behaviour and aggressive language
- Noise and litter close to residential dwellings

10.3 A number of respondents have made the case for a PSPO that is more restricted to specific areas of the City, for example the City Centre and a number of locations around the City Centre were identified. However, other areas across the City are also referred to in the consultation responses as having been impacted by street drinking.

10.4 It is considered, therefore, that the findings of the consultation and other evidence provide reasonable grounds for the Council to be satisfied that the Legal Test in section 59 of the Act for a PSPO covering Bath City has been met.

10.5 A key question raised by the consultation is whether section 59(2) (c) of the Act referring to the need to justify “the restrictions imposed by the notice” is met – i.e., whether the proposed restrictions subject to the consultation are justified in relation to the impacts on the community identified in the previous tests. A number of consultees who opposed the PSPO proposal have set out their reasons as being that the wording is too restrictive, that there should not be a “blanket ban”, and that this should provide a discretionary power for Police only to use where there is unruly behaviour, or where this is impacting on others.

10.6 It should be noted that the response by the Police above, makes a number of similar points. It should also be noted that the Draft order reflects this wording



as recommended by the Police and as used by the Order that has now lapsed. It is therefore recommended that this wording would be used if the PSPO is implemented.

- i. is or has been consuming alcohol in any Public Place in the Restricted Area, or
- ii. intends to consume alcohol in any Public Place in the Restricted Area; and
- iii. Is behaving in a way likely to cause, or where the authorised officer reasonably suspects will lead to, harassment, alarm or distress, or crime or disorder in the Restricted Area

10.7 A draft Order reflecting this is attached at Appendix 1.

## 11 **Key Considerations (Midsomer Norton)**

11.1 To make any Order, the Council needs to be satisfied on reasonable grounds that the conditions set out at 4.1 are met:

11.2 Evidence from the consultation demonstrates that alcohol consumption has had a detrimental effect on the quality of life of people in Midsomer Norton:

- Although the numbers of responses to the consultation was relatively small 86% of people felt that the PSPO was a good idea. With most people who made a comment identifying drunken behaviour as their concern.
- 60% of respondents have been affected by street drinking in the area
- The Town Council resolved in favour of the Order and have a continuing investment in Street Marshals whose duties include dealing with alcohol related anti-social behaviour.

11.3 It is considered, therefore, that the findings of the consultation and other evidence provide reasonable grounds for the Council to be satisfied that the Legal Test in section 59 of the Act for a PSPO covering the specified area around the High Street in Midsomer Norton has been met.

11.4 However, as with the Bath consultation, a key question raised by the consultation is whether Test 2 (c) is met and whether the proposed restrictions subject to the consultation are justified in relation to the impacts on the community identified in the previous tests. Given the Police response above, it is recommended that the wording set out below for the prohibition in the PSPO in Midsomer Norton be adopted. This would prohibit any person from having in their possession, care or control in any Public Place within the Restricted Area alcohol where that person -

- iv. is or has been consuming alcohol in any Public Place in the Restricted Area, or
- v. intends to consume alcohol in any Public Place in the Restricted Area; and

is behaving in a way that is, or is likely to cause, harassment, alarm, distress, crime or disorder

A draft Order reflecting this is attached at Appendix 1.

## **12 RATIONALE**

**12.1** The outcomes of the consultation broadly supports the continuation of restrictions on street drinking in the areas as set out, but also reflect concern that the powers used must be proportionate and used to address to alcohol consumption which causes, or is likely to cause, harassment, alarm or distress. This is reflected in the recommendation and allows Avon and Somerset Police to have continuity of enforcement powers with regard to street drinking. The report sets out how the recommendations meet the legal tests required.

## **13 OTHER OPTIONS CONSIDERED**

- A. Take no action. This would result in reduced enforcement powers for Avon and Somerset Police to tackle anti-social behaviour.
- B. Extend the scope of the PSPO to include new activities and/or wholly new geographical areas. This is not currently proposed. Any further proposals would be considered on their merits and would be subject to statutory tests and consultation.

## **14 CONSULTATION**

**14.1** A 12-week formal consultation period ran from 18 December 2020 to 13<sup>th</sup> March 2021

- An online questionnaire including links to the proposal and background information
- Communications to specific organisations, including Midsomer Norton Town Council.
- A Press Release, circulated to a wide range of stakeholders, and subsequent press coverage.

## **15 RISK MANAGEMENT**

**15.1** 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	Samantha Jones
<b>Background papers</b>	Proposed Public Space Protection Order to restrict alcohol consumption in public spaces in Bath.
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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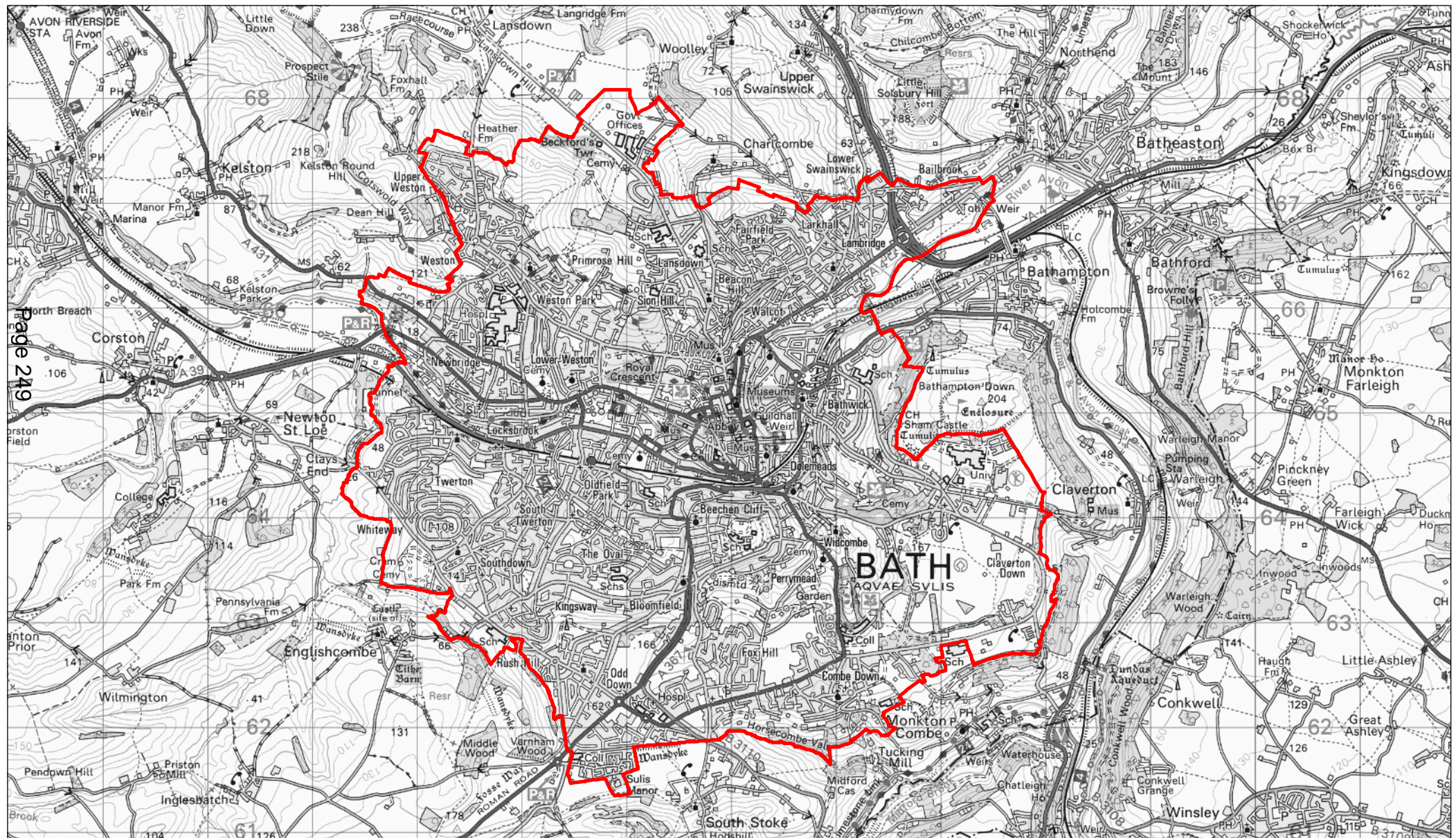
# Bath City

Compiled by MRL on 17 March 2017

Scale 1:50000



Bath & North East Somerset Council  
Lewis House  
Manvers Street  
Bath BA1 1JG  
Tel 01225 477000



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**ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014**

**THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014  
(PUBLICATION OF PUBLIC SPACES PROTECTION ORDERS) REGULATIONS  
2014**

**BATH AND NORTH EAST SOMERSET COUNCIL (PROHIBITION ON THE  
CONSUMPTION OF ALCOHOL) PUBLIC SPACES PROTECTION ORDER (BATH  
CITY NO. 1 OF 2021)) (“The Order”)**

Notice is hereby given that Bath and North East Somerset Council (“the Council”) in exercise of its powers and being satisfied that the conditions set out in section 59 Anti-social Behaviour Crime and Policing Act 2014 (“the Act”) are met, makes the following Public Spaces Protection Order (“PSPO”) in relation to the Public Places in Bath City as shown outlined in red in the Schedule (“the Restricted Area”) to this Order.

This Order may be cited as the Bath and North East Somerset Council (Prohibition on the Consumption of Alcohol) Public Spaces Protection Order (Bath City No. 1 of 2021)) and comes into force on [date to be inserted]. This Order will have effect for a period of 3 years, until [insert date].

Pursuant to section 74(1) of the Act Public Place is defined as “any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission”. The plural of Public Place namely “Public Places” has the same definition.

The Council is satisfied on reasonable grounds that:

- (a) the consumption of alcohol (“the Activity”) carried on in a Public Place within the authority’s area has had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that the Activity will be carried on in a Public Place within that area and that it will have such an effect.

The Council is further satisfied that the effect, or likely effect, of the Activity—

- ( a ) is, or is likely to be, of a persistent or continuing nature,



- (b) is, or is likely to be, such as to make the Activity unreasonable, and
- (c) justifies the restrictions imposed by the notice.

For the purposes of the following prohibitions and requirements an “Authorised Officer” is any Police Officer, or person authorised for the purposes of the Act by the Council.

The following prohibitions and requirements apply to all persons at all times unless one of the Exceptions applies.

Therefore, having consulted as required by section 72, the Council under section 59(4) **prohibits (the Prohibition):**

(1)

- a) Any person from having in their possession, care or control in any Public Place within the Restricted Area alcohol where that person-
  - i. is or has been consuming alcohol in any Public Place in the Restricted Area, or
  - ii. intends to consume alcohol in any Public Place in the Restricted Area; and **is behaving in a way likely to cause, or where the authorised officer reasonably suspects will lead to, harassment, alarm or distress, or crime or disorder in the Restricted Area**

And **requires:**

(2)

- a) Any person not to consume in any Public Place within the Restricted Area, in breach of the Prohibition, alcohol or anything which the Authorised Officer reasonably believes to be alcohol.



- b) Any person to surrender to an Authorised Officer on request anything in their possession which is, or which the Authorised Officer reasonably believes to be, alcohol or a container for alcohol. An Authorised Officer may dispose of anything surrendered under (2)(b) in whatever way he or she thinks appropriate.

Pursuant to section 63 of the Act, where an Authorised Officer requires that a person complies with 2(a) or (b) or both and the person fails to do so without reasonable excuse, that person shall be committing a criminal offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Pursuant to section 68 of the Act an Authorised Officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 in relation to this Order.

## **EXCEPTIONS TO THE TERMS OF THIS ORDER**

### **Section 62 Anti-social Behaviour Crime and Policing Act 2014**

#### **Premises etc to which alcohol prohibition does not apply**

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (a) or (b);
- (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

(2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—

(a) when the premises are being used for the supply of alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(3) In this section—

“club premises certificate” has the meaning given by Section 60 of the Licensing Act 2003;

“premises licence” has the meaning given by section 11 of that Act;

“supply of alcohol” has the meaning given by section 14 of that Act.

(4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

(a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or

(b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

## **SCHEDULE**

**Schedule: Proposed Restricted Area- see map**

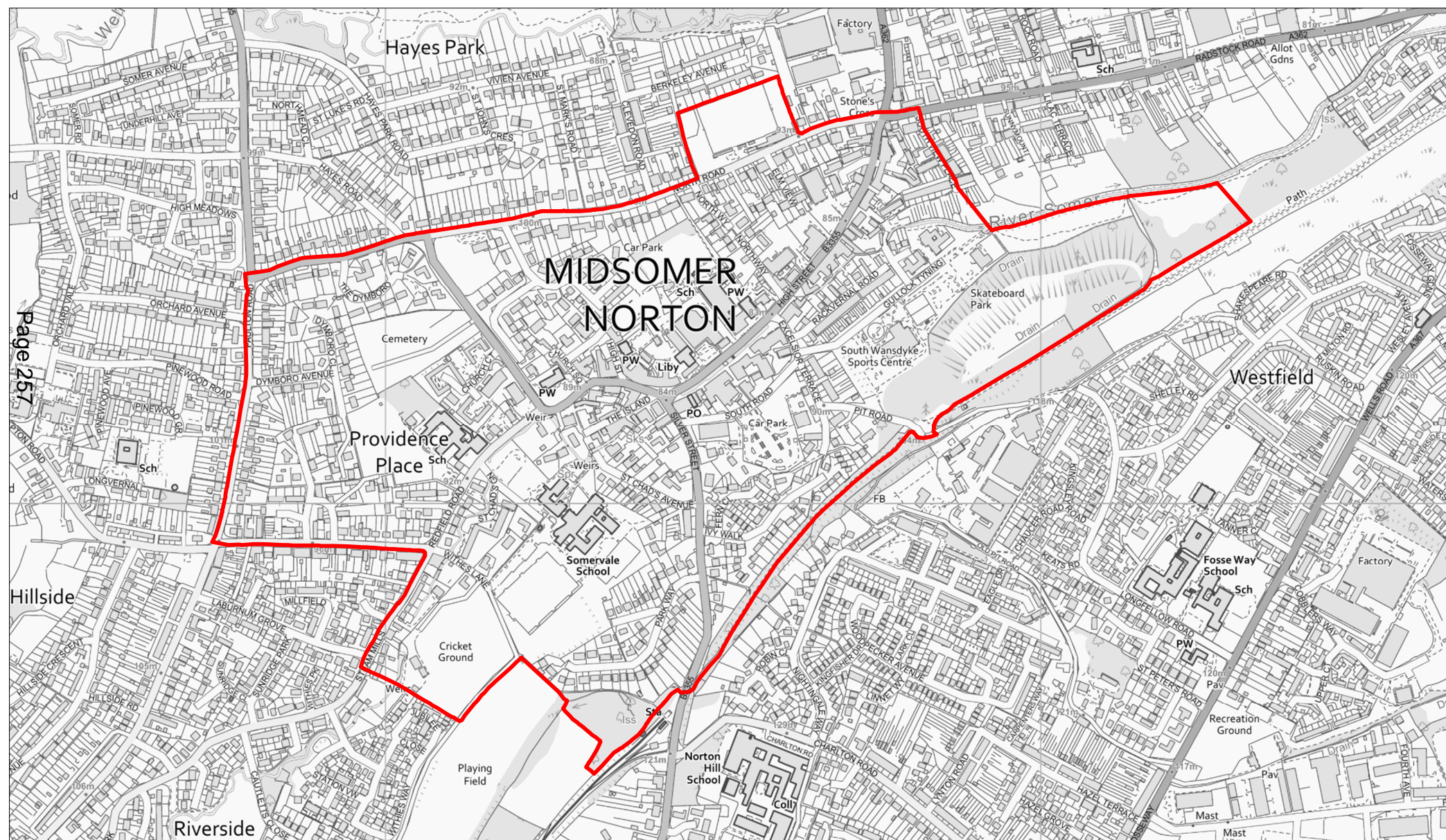
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# Midsomer Norton PSPO

Bath & North East Somerset Council  
Lewis House  
Manvers Street  
Bath BA1 1JG  
Tel 01225 477000

Compiled by MRL on 14 December 2020

Scale 1:8000



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**ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014**

**THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014  
(PUBLICATION OF PUBLIC SPACES PROTECTION ORDERS) REGULATIONS  
2014**

**BATH AND NORTH EAST SOMERSET COUNCIL (PROHIBITION ON THE  
CONSUMPTION OF ALCOHOL) PUBLIC SPACES PROTECTION ORDER  
(MIDSOMER NORTON NO. 1 OF 2021) (“The Order”)**

Notice is hereby given that Bath and North East Somerset Council (“the Council”) in exercise of its powers and being satisfied that the conditions set out in section 59 Anti-social Behaviour Crime and Policing Act 2014 (“the Act”) are met, makes the following Public Spaces Protection Order (“PSPO”) in relation to the Public Places in Midsomer Norton as shown outlined in red in the Schedule (“the Restricted Area”) to this Order.

This Order may be cited as the Bath and North East Somerset Council (Prohibition on the Consumption of Alcohol) Public Spaces Protection Order (Midsomer Norton No. 1 of 2021)) and comes into force on [date to be inserted]. This Order will have effect for a period of 3 years, until [insert date].

Pursuant to section 74(1) of the Act Public Place is defined as “any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission”. The plural of Public Place namely “Public Places” has the same definition.

The Council is satisfied on reasonable grounds that:

- (a) the consumption of alcohol (“the Activity”) carried on in a Public Place within the authority’s area has had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that the Activity will be carried on in a Public Place within that area and that it will have such an effect.

The Council is further satisfied that the effect, or likely effect, of the Activity –

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the Activity unreasonable, and
- (c) justifies the restrictions imposed by the notice.

For the purposes of the following prohibitions and requirements an “Authorised Officer” is any Police Officer, or person authorised for the purposes of the Act by the Council.

The following prohibitions and requirements apply to all persons at all times unless one of the Exceptions applies.

Therefore, having consulted as required by section 72, the Council under section 59(4) **prohibits (the Prohibition):**

(1)

- a) Any person from having in their possession, care or control in any Public Place within the Restricted Area alcohol where that person -
  - i. is or has been consuming alcohol in any Public Place in the Restricted Area, or
  - ii. intends to consume alcohol in any Public Place in the Restricted Area; and
  - iii. is behaving in a way likely to cause, or where the authorised officer reasonably suspects will lead to, harassment, alarm or distress, or crime or disorder in the Restricted Area

And **requires:**

(2)

- a) Any person not to consume in any Public Place in the Restricted Area, in breach of the Prohibition, alcohol or anything which the Authorised Officer reasonably believes to be alcohol.



- b) Any person to surrender to an Authorised Officer on request anything in their possession which is, or which the Authorised Officer reasonably believes to be, alcohol or a container for alcohol. An Authorised Officer may dispose of anything surrendered under (2)(b) in whatever way he or she thinks appropriate.

Pursuant to section 63 of the Act, where an Authorised Officer requires that a person complies with 2(a) or (b) or both and the person fails to do so without reasonable excuse, that person shall be committing a criminal offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Pursuant to section 68 of the Act an Authorised Officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 in relation to this Order.

## **EXCEPTIONS TO THE TERMS OF THIS ORDER**

### **Section 62 Anti-social Behaviour Crime and Policing Act 2014**

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- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (a) or (b);
- (d) premises which by virtue of [Part 5](#) of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

(2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—

(a) when the premises are being used for the supply of alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(3) In this section—

“club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;

“premises licence” has the meaning given by section 11 of that Act;

“supply of alcohol” has the meaning given by section 14 of that Act.

(4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

(a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or

(b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

## **SCHEDULE**

**Schedule: Proposed Restricted Area- see map**

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# Equality Impact Assessment / Equality Analysis

(updated May 2020)

<b>Title of service or policy</b>	Public Place Protection Order to control street drinking (related to anti-social behaviour) in Bath and a designated area of Midsomer Norton
<b>Name of directorate and service</b>	Partnership and Corporate Services, Community Safety
<b>Name and role of officers completing the EIA</b>	Lores Savine, Community Safety Officer
<b>Date of assessment</b>	October 2020, May 2021

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The main aim is to identify any discriminatory or negative consequences for a particular group or sector of the community, and also to identify areas where equality can be better promoted. Equality impact Assessments (EIAs) can be carried out in relation to services provided to customers and residents as well as employment policies/strategies that relate to staffing matters.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis. **Not all sections will be relevant – so leave blank any that are not applicable.** It is intended that this is used as a working document throughout the process, and a final version will be published on the Council’s website.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	Briefly describe purpose of the service/policy	<p>The Anti-social Behaviour, Crime and Policing Act 2014 created a range of new powers to deal with antisocial behaviour including the Public Space protection Order (PSPO)</p> <p><b>Purpose of a PSPO</b></p> <ul style="list-style-type: none"> <li>• Designed to stop people committing anti-social behaviour in a public space.</li> <li>• Address behaviour having or likely to have a detrimental effect on quality of life</li> <li>• Behaviour that is persistent or continuing in nature</li> <li>• Unreasonable, or likely to be unreasonable.</li> </ul> <p><b>Application of the PSPO</b></p> <p>Under this legislation the Police or accredited person will be empowered to seize and dispose of alcohol which is in an open or closed container where the conditions above apply. Failure to comply with such a request made by a police officer is an arrestable offence punishable by a fine.</p>
1.2	Provide brief details of the scope of the policy or service being reviewed.	<ul style="list-style-type: none"> <li>• The previous PSPOs (the City of Bath and Midsomer Norton High Street area) have lapsed, the new order will employ the same terms and be applicable under the same circumstances</li> </ul>

		<ul style="list-style-type: none"> <li>• National legislation that local authorities may put in place</li> <li>• Review at any time during the 3-year life of the Order or at the end of the three-year term.</li> </ul> <p><b>Intended outcome</b> The main aim of the lapsed PSPOs was to reduce street drinking which local communities have raised as having a detrimental effect in their areas. The lapsed PSPO and its intended replacement do not constitute a ban on drinking alcohol in public but does allow a level of control where consuming alcohol is problematic.</p>
<b>1.3</b>	Do the aims of this policy link to or conflict with any other policies of the Council?	No
<b>2. Consideration of available data, research and information</b>		
<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> <li>• <b>Demographic</b> data and other statistics, including census findings</li> <li>• Recent <b>research</b> findings (local and national)</li> <li>• Results from <b>consultation or engagement</b> you have undertaken</li> <li>• Service user <b>monitoring data</b> (including ethnicity, sex, disability, religion/belief, sexual orientation and age)</li> <li>• Information from <b>relevant groups</b> or agencies, for example trade unions and voluntary/community organisations</li> <li>• Analysis of records of enquiries about your service, or <b>complaints</b> or <b>compliments</b> about them</li> <li>• Recommendations of <b>external inspections</b> or audit reports</li> </ul>		
	<b>Key questions</b>	<b>Data, research and information that you can refer to</b>
<b>2.1</b>	What equalities training have staff received to enable them to	<p>Avon and Somerset Police Inclusion and Diversity Plan 2019-2024.</p> <ul style="list-style-type: none"> <li>• Stonewall Champion</li> <li>• Member of the National Equalities Standard</li> </ul>

	understand the needs of our diverse community?	<ul style="list-style-type: none"> <li>Disability Confident Employer</li> </ul>
<b>2.2</b>	What is the equalities profile of service users?	<p>Received wisdom is that people who engage in street drinking are most likely to be street homeless. It is true that people who live this way of life are more likely to engage in alcohol and or drug misuse. However, it does not follow that they will engage in antisocial behaviour when drinking. Also these individuals are most likely to already be engaged with support services.</p> <p>Often alcohol related ASB takes places at the end of the evening when people who have had a night out may get into conflict with others.</p> <p>The police have not gathered data on the equalities make up of the people who have been subject to the PSPO. The reason being is that the Police do not set out use the PSPO as formal measure or to enforce action against individuals. It has been used as a tool to persuade people who are using alcohol to fuel antisocial behaviour to give up or throw away the alcohol. The Police are able to a Police officer to confiscate alcohol from people who may or are behaving in an anti-social manner.</p> <p>A further persuasive measure is that they can indicate the potential sanctions where people fail to comply with a lawful request to dispose of alcohol when asked to do so by a Police officer.</p>
<b>2.4</b>	Are there any recent customer satisfaction surveys to refer to? What were the results? Are there any gaps? Or differences in experience/outcomes?	The following project has been funded by the VRU ' <i>Researching and identifying drivers of serious violence within our street-based lifestyle population</i> '. The early indications are that people living a street-based lifestyle were not disproportionately affected by the lapsed PSPO.
<b>2.5</b>	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	A 12 week consultation on the PSPO considerations has taken place and equality issues were taken into consideration during and after the responses were received. Consultation with Police was also carried out.
<b>2.6</b>	If you are planning to undertake any consultation in the future regarding this service or policy, how will you	A 12-week public consultation was conducted, key partners, Police, DHI, CCG and our Refuge Provider will be consulted. The result of this consultation has influenced the drafting of the Order.



	include equalities considerations within this?	
<b>3. Assessment of impact: 'Equality analysis'</b>		
	Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy: <ul style="list-style-type: none"> <li>• Meets any particular needs of equalities groups or could help promote equality in some way.</li> <li>• Could have a negative or adverse impact for any of the equalities groups</li> </ul>	
	<b>Examples of what the service has done to promote equality</b>	<b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b>
<b>3.1</b>	<b>Sex</b> – identify the impact/potential impact of the policy on women and men.	B&NES Council does not expect enforcement officer's actions to be influenced by a person's sex; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.2</b>	<b>Pregnancy and maternity</b>	B&NES Council does not expect enforcement officer's actions to be influenced by pregnancy or maternity; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.3</b>	<b>Gender reassignment</b> – identify the impact/potential impact of the policy on transgender people	B&NES Council does not expect enforcement officer's actions to be influenced by gender reassignment; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.4</b>	<b>Disability</b> - identify the impact/potential impact of the policy on disabled people (ensure consideration both physical, sensory and mental impairments and mental health)	<p>The Council does not expect enforcement officer's actions to be influenced by a disability; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.</p> <p>Signs are erected around the area designated by the PSPO to ensure that people entering the area are advised that they are in a PSPO designated area. Wording on the face of the signs is dictated by the terms of the legislation and largely composed by lawyers. The Police recognise the need for clarity when dealing with people who may be infringing the terms of the PSPO. In requesting that an individual give up or dispose of alcohol they are trained as with all legislation to ensure that individuals understand how they have fallen foul of the legislation.</p>

			It is recognised that there may be individuals who for a variety of reasons may not be able to read or fully understand the wording on the sign,
<b>3.5</b>	<b>Age</b> – identify the impact/potential impact of the policy on different age groups		<p>There is no specific age of individuals engaging in street drinking. Previous offenders have been noted to range from 18 to those in their 60s. A&amp;S Police have advised that a PSPO cannot be used against young people (under 18); the Police would utilise alternative powers in relation to underage drinking. The treatment and process of applying a PSPO is solely focused on the restricted activities</p> <p>The police are trained to be able to identify and assess situations they may encounter and to identify any present risk in order that they may ensure that they react appropriately in any situation. For example if a person is intoxicated and needs to be hospitalised they will call for an ambulance/</p>
<b>3.6</b>	<b>Race</b> – identify the impact/potential impact on across different ethnic groups		B&NES Council does not expect enforcement officer's actions to be influenced by race; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.7</b>	<b>Sexual orientation</b> - identify the impact/potential impact of the policy on lesbian, gay, bisexual, heterosexual people		B&NES Council does not expect enforcement officer's actions to be influenced by a person's sexual orientation; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.8</b>	<b>Marriage and civil partnership</b> – does the policy/strategy treat married and civil partnered people equally?		B&NES Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.9</b>	<b>Religion/belief</b> – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.		B&NES Council does not expect enforcement officer's actions to be influenced by religion and belief; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.10</b>	<b>Socio-economically disadvantaged*</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances <b>(this is not a legal requirement, but is a local priority).</b>		It is acknowledged that the majority of individuals who engage in street drinking within B&NES are categorised as economically disadvantaged and often lead chaotic lifestyles. This does not mean that they are street homeless; most of the known offenders are securely housed whether with a social landlord or in private accommodation.

<b>3.11</b>	<b>Rural communities*</b> – identify the impact / potential impact on people living in rural communities		B&NES Council does not expect enforcement officer's actions to unduly impact on Communities in Midsomer Norton the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
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There is no requirement within the public sector duty of the Equality Act to consider groups who may be disadvantaged due to socio economic status, or because of living in a rural area. However, these are significant issues within B&NES and have therefore been included here.

## 4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment/analysis. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Monitor the final report into street homelessness to determine whether the PSPO affects people with a street based lifestyle.	Monitor the final report into street homelessness to determine whether the PSPO affects people with a street based lifestyle.	To receive reports via the Violence Reduction Unit grant process.	Community Safety Officer	Ongoing during 2021-22

## 5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team ([equality@bathnes.gov.uk](mailto:equality@bathnes.gov.uk)), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

**Signed off by:** Samantha Jones Inclusive Communities Officer May 2021

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Bath & North East Somerset Council		
MEETING	Cabinet	
MEETING DATE:	9 September 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3316
TITLE:	2022/23 Medium Term Financial Strategy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix A – Medium Term Financial Strategy		

## 1 THE ISSUE

- 1.1 The Medium Term Financial Strategy (MTFS) sets out the strategic direction and priorities for the Council as well outlining the financial context and challenges the Council faces over the next five years and the strategy that will be used to inform its annual budget process.

## 2 RECOMMENDATION

**The Cabinet is asked to;**

- 2.1 Approve the attached Medium Term Financial Strategy.

## 3 THE REPORT

- 3.1 The Medium Term Financial Strategy (MTFS) provides framework for strategic planning, articulating the organisation's key aims and ambitions and guiding our activities with medium term budget setting and planning. This sets out the current financial challenge (including the Covid impact on Council budgets), strategic direction and financial priorities for the Council, as well as the financing mechanisms available to the Council to achieve this.
- 3.2 The MTFS does not detail how individual savings will be made, nor how categories of additional income will be achieved. The focus of the report is on the scope of the work required, and taking place, to meet these targets together with some of the anticipated impacts. Due to the unprecedented financial challenge as a result of Covid the MTFS sets out how the Council will continue to strategically manage and transition the Councils financial recovery.

3.3 The focus is on the next two years for financial planning purposes. However, there is significant uncertainty for next year and beyond because the approach to funding Government nationally and locally is currently under review.

## **4 STATUTORY CONSIDERATIONS**

4.1 The Medium Term Financial Strategy as outlined is part of the preparation for the budget and Council Tax setting for 2022/23 that will be considered by this council in February 2022. Equality analysis will be carried out on specific budget proposals as part of that process.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The resource implications are outlined within the Medium Term Financial Strategy attached to this report.

## **6 RISK MANAGEMENT**

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

6.2 The Medium Term Financial Strategy includes a section on specific risks.

## **7 CLIMATE CHANGE**

7.1 The Corporate Strategy highlights that "Addressing the Climate Emergency" is one of the key themes reflected in the administration's priorities. This includes plans to work with local communities to deliver the Council resolution agreed in March 2019 to declare a climate emergency, and for the area to become carbon neutral by 2030.

## **8 OTHER OPTIONS CONSIDERED**

8.1 The supporting paper outlines options for balancing future budgets.

## **9 CONSULTATION**

9.1 A consultation plan is being prepared to ensure stakeholder engagement for the key aspects of the strategy and this will take place in the autumn period, including a series of community engagement sessions.

<b>Contact person</b>	Andy Rothery, Chief Financial Officer (S151 Officer) – 01225 477103; <a href="mailto:andy_rothery@bathnes.gov.uk">andy_rothery@bathnes.gov.uk</a>
<b>Background papers</b>	Budget and Council Tax 2021/22 and Financial Outlook – Council Agenda February 2021
<b>Please contact the report author if you need to access this report in an alternative format</b>	

### **1. Purpose of the Strategy**

The Medium Term Financial Strategy (MTFS) provides a framework which details the available resources for strategic financial planning, articulating the organisation's key aims and ambitions and guiding our activities with medium term budget setting and planning.

The MTFS does not detail how individual savings will be made, nor how categories of additional income will be achieved. Nevertheless, it describes the scope of the work required, and taking place, to meet these targets together with some of the anticipated impacts. Due to the current financial challenges the Council faces the MTFS sets out strategic management options based on the high-level planning assumptions in section 9.

The focus is on the next two years for financial planning purposes with the emphasis on creating a budget to allow the Council to recover from the financial impacts of Covid and to deliver services to improve people's lives. At this stage uncertainty remains for next year and beyond because the national approach to funding local government is currently under review. The MTFS assumes that despite significant cuts in previous years funding, constraints will continue and will therefore be guided by the priority areas of service delivery as set out in the Corporate Strategy.

### **2. Expected Outcomes from the Strategy**

The objective of this document is to set the future years financial recovery and strategic resourcing plan; alongside meeting the administration's priorities for the Council within the context that enables the delivery of a balanced budget over the next five years, but with specific focus on the next two years.

A balanced budget requires the financial plan to set out how income will equal spend over the short and medium term. Plans will take into account cost savings alongside income growth strategies as well as useable reserves.

As a result of the Covid pandemic the scale of the financial challenge remains challenging, the Council is highly exposed due to its reliance on income, alongside the additional demands on Children's and Adult Social Care. The Council has responded to this challenge with a robust set of in year recovery measures that stabilised and balanced the 2020/21 budget. The strategy focusses on how this approach can be adopted in the current and future years addressing the short, medium and long-term financial planning requirements.

### 3. Executive Summary and recommendations from the MTFS for consideration

The overall aim of the Medium Term Financial Strategy is to:

- Set out and deliver the Council's priorities within affordable and sustainable financial constraints;
- Ensure that the administration's (Council's) strategic priorities are reflected in its capital programme and also that the capital programme is affordable;
- Ensure that cash flows are adequately planned so that cash is available when required and the Council can meet its capital spending obligations; and
- Set a sound financial planning framework to underpin the effective financial management of the Council.

There is a continued lack of clarity around future funding for Local Government, however this will be informed by the Chancellor's Comprehensive Spending Review that will be published in Autumn. This will set out the Government's spending plans for the Parliament and Government Department budgets, informing the Local Government settlement that will be announced in December. The estimates within the Strategy have not made any assumptions on new Government funding that may be allocated in 2022/23. Members will be provided with an update once the changes are known.

Despite this uncertainty the Council still needs to plan its finances for the medium to longer term and therefore the Strategy is based on best estimates at this stage. The Council has a good track record in savings delivery, in 2020/21 the pre-covid budget had a savings requirement of £4.85m, in practice the Council delivered savings of over £11m through its financial recovery plan in response to the Covid pandemic achieving a balanced budget. As a result of the ongoing budget challenge the 2021/22 budget requires the delivery of £8.48m in savings.

The MTFS base case as set out in the report (section 9) estimates that the Council will need to find up to £28.01m (including the £1.31m already identified) in savings over the next five years. The strategy sets out revisions to the base case for consideration that would require holding Council tax increases at 2020/21 levels (3.99%) over the five-year MTFS period (subject to Government guidance). This will result in a savings requirement of £15.95m over the five-year period.

The main contributing factor that is driving the budget gap is the need to operate with a lower commercial income base budget and also the fact that service demand pressures and inflationary uplift is likely to cost more than the additional income raised through Council tax increases.

In the shorter term the profile of the savings shows a requirement of £19.53m over the next two years (£13.12m in 2022/23 of which there are planned savings of £1.31m, followed by £6.41m in 2023/24). This gives a front-loaded profile from the budget rebasing and transition away from the Covid grants received in 2021/22.

To manage this risk the scenario 2 budget sets out a reprofiled saving of £15.25m over the two-year period (£11.06 in 2022/23 and £4.19m in 2023/24).



The current MTFS base case includes increases of 1.99% per annum in Council Tax for each year of the plan. No further increases in Adult Social Care Precepts have been factored into the plan as there has been no further flexibility announced by central Government. The revision to the base case (scenario 2) includes up to 3.99% per annum which is subject to Government guidance for Council tax setting.

To manage financial risk the Council holds £12.58m of unearmarked reserves, if unutilised in 2021/22 the MTFS proposes that the Council continues to hold a commitment of £5m of this reserve for unbudgeted financial pressures that may arise from Covid.

The Council holds Revenue Budget Contingency and Financial Planning / Smoothing reserves that enable one-off transitional funding to meet revenue costs. The MTFS proposes utilisation of £3m of reserves in 2022/23 to create transitional funding enabling the Council to deliver the changes required to reduce its reliance on Commercial Income. These reserves are replenished within the five year MTFS period. Flexible capital receipts will continue to be utilised to fund severance costs that result in delivering ongoing savings, this use will be subject to government guidance for use from April 2022.

Capital spending will focus on the delivery of priority schemes within affordability levels, the 2021/22 Capital is being reviewed to ensure the most accurate delivery timetable, resulting in a more accurate budget profile.

As part of delivering this strategy plans are being put in place to engage with all elected members, partners and the public as part of the budget process for 2022/23 and the following years.

#### **4. The Medium Term Financial Strategy**

The MTFS outlines the factors which are expected to drive future costs and sets out the funding projections and our strategy for addressing the funding gap. It supports the medium term policy and financial planning process at the heart of setting revenue and capital budgets.

The core principles underlying the MTFS are as follows:

- That the Council will seek to maintain a sustainable financial position over the course of the planning period and balance the budget on a two year rolling programme;
- That the Council will make provision for pressures, demographic changes, and inflation where appropriate with new priorities added only if “headroom” is achieved;
- The deployment of the Council’s limited resources will be focused towards essential services and those that contribute to the delivery of the Corporate Strategy, tackling the Climate Emergency and giving residents a bigger say.
- Council tax increases have been included within the term of the MTFS to support essential services.

- New sustainable income opportunities are to be identified and maximised wherever possible while maintaining current income streams through current economic uncertainty.

## 5. The Current Financial Position

### 2020/21 Outturn

The 2020/21 outturn reported an on-budget position after reserve transfers to Cabinet in July 2021 as follows:

Portfolio	Revised Budget £'m	Outturn £'m	Variance Over / (Under) £'m
Leader	(0.63)	(0.01)	0.62
Resources	8.64	2.03	(6.60)
Adult Services	54.95	50.27	(4.68)
Children's Services	30.96	32.84	1.88
Climate Emergency & Neighbourhood Services	17.00	16.84	(0.16)
Transport Services	(0.36)	(0.06)	0.30
Housing, Planning & Economic Development	4.00	2.83	(1.17)
Community Services	(3.36)	0.72	4.08
<b>Total (before Carry Forwards and Transfers to Reserves)</b>	<b>111.19</b>	<b>105.46</b>	<b>(5.73)</b>
Carry Forwards Requests			<b>0.31</b>
Proposed Transfers to Reserves			<b>5.42</b>
<b>Total (Including Carry Forwards and Transfers to Reserves)</b>			<b>0</b>

### Budget 2021/22

The 2021/22 net budget of £130.07m was approved by Council in February 2021. Quarter 1 budget monitoring to the end of June, showed a projected overspend of £1.9m against the revised budget of £130.08m as shown below.

Current monitoring indicates that the Covid restrictions that remained in place during the first quarter of the year has impacted financial performance of income alongside further demand pressures, the Government income reimbursement scheme will only apply from April to the 30<sup>th</sup> June which creates exposure for reduced income from the 1<sup>st</sup> July 2021.

Portfolio	Revised Budget £'m	Year End Forecast £'m	Variance Over / (Under) £'m
Economic Development and Resources	10.58	14.01	3.43
Climate and Sustainable Travel	1.23	1.30	0.07
Adults and Council House Building	63.51	63.38	(0.13)
Children & Young People, Communities & Culture	31.78	32.01	0.23
Neighbourhood Services	24.14	24.49	0.35
Transport Services	(3.22)	(3.92)	(0.70)
Planning	2.07	2.71	0.64
<b>Forecast Outturn Variance</b>	<b>130.08</b>	<b>133.98</b>	<b>3.90</b>
Use of Covid Contingency Reserve			(2.00)
<b>Quarter 1 Forecast Outturn Position</b>			<b>1.90</b>

The projected deficit is due to income losses in Heritage Services, combined with Covid demand pressures across services that have been mitigated by the £2m of the Covid contingency reserve.

To mitigate the £1.9m pressure the Council is exploring what in year mitigations are available to prevent further use of reserves, these will be reported through the quarter 2 monitoring to Cabinet.

#### Analysis of Current Position

Local Government has built its budget plans based on continued reductions in revenue support grant funding.

From 2019/20 the Council revenue support grant has reduced to £0.5m per annum (£31m in 2013/14) as a result we have become more reliant on external income to help fund core Council services. The Covid pandemic has created risk on the Council's reliance on its income through Commercial activity including chargeable services, an overarching aim of this strategy is to diversify income so there is not over reliance on one specific area such as tourism.

## **6. Drivers of Demand**

#### Covid impact on the Councils income budgets

The Office of National Statistics monthly estimates published on the 12 August 2021 show that GDP increased across all three months at 2.2% in April, 0.6% in May and 1.0% in June 2021. The level of GDP in the UK is now 4.4% below where it was prior to the coronavirus pandemic at the end of 2019. This indicates a steady path to recovery from the easing of restrictions and reopening of businesses.

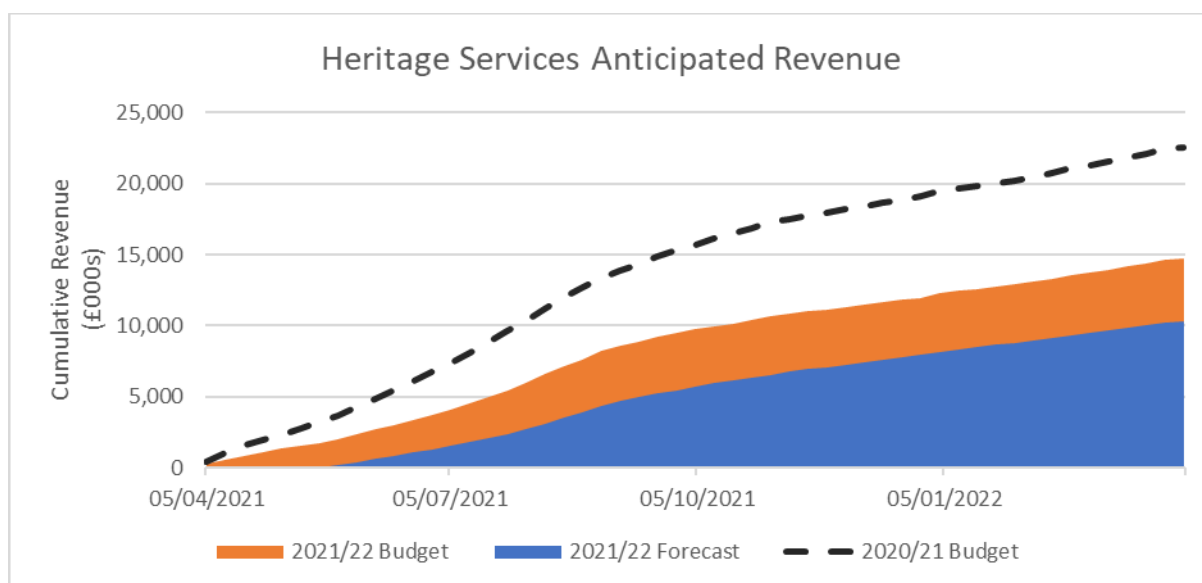
Current performance for the Council's main income generating services are below:

### Heritage Services Income

When the budget was set in late in 2020, it was not anticipated that the Roman Baths, Fashion Museum and Victoria Art Gallery would be closed for the first 6 weeks of the financial year, due to lock-down. This period covered the key periods of Easter and the early-May bank-holiday which usually attract high visitor numbers. Although the budget reflected lower demand due to the pandemic, it did not anticipate the ongoing restrictions, requiring the Roman Baths capacity to remain capped at 20% into the summer.

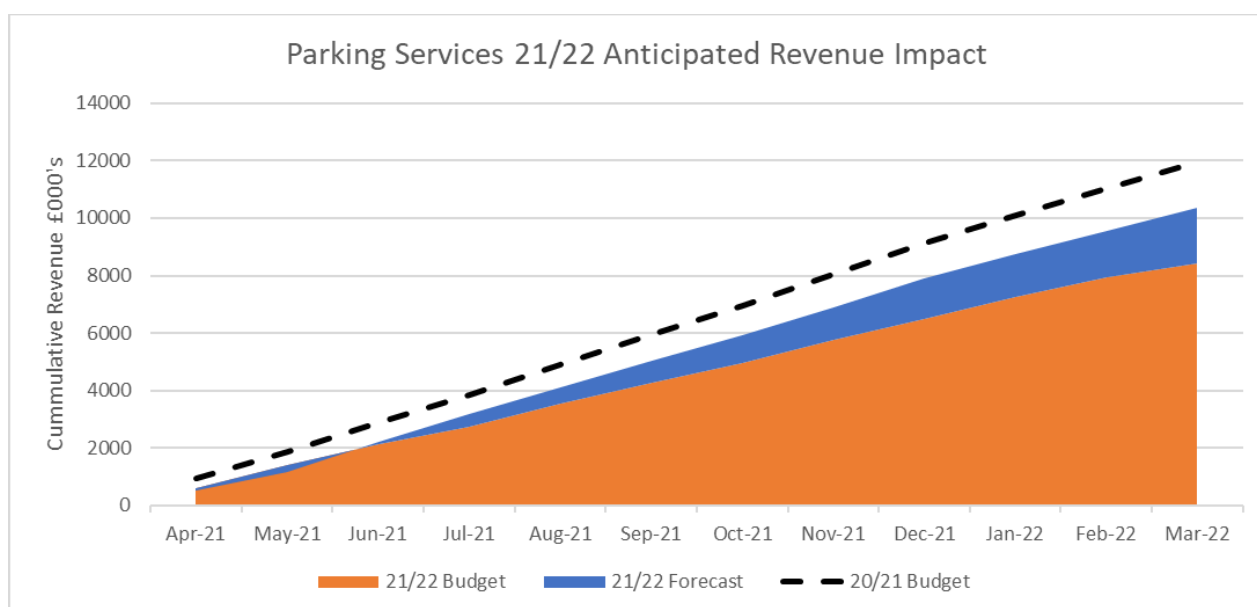
The chart below shows the impact of the lockdown and capacity restrictions on Heritage Services' income generation; it also demonstrates the positive performance since reopening and that the Service have seen encouraging visitor numbers at the Roman Baths, Fashion Museum and Victoria Art Gallery since these sites reopened in mid-May 2021.

Just over 60% of the £4.5m shortfall in income is mitigated by a combination of in-service cost mitigations and the Local Government Sales Fees and Charges scheme, which ran for Q1 but has now ceased. For context, the chart also shows the pre-pandemic income budget. It is expected to be 2024-25 before income levels return to pre-pandemic levels.



### Parking Services Income

Prior to the pandemic, the Parking Services income budget was c£12m. The 2021/22 income budget was rebased to c£8.5m to account for significantly reduced demand. The service is currently projecting a year end £2.5m favourable position due to a large increase in visitors since restrictions were lifted and has seen very positive performance during June and July. The 2022/23 budget has the assumption that parking income will return to pre-pandemic levels and this is a good indication of this change in behaviour. Park and Ride usage is approximately 52% down on 2019, which in turn is contributing to increased car park income as workers in the city centre choose to avoid public transport, with Charlotte Street car park in particular showing a strong yield per space.



## Demand Led Services - Social Care

### Adult Social Care

The Council has sought to set realistic and deliverable budgets through the MTFS and budgeting process. Significant resource has been added to Adult and Children's services over the last few years whilst both services have delivered other savings and efficiency gains.

The MTFS assumes that the Social Care funding included in the 2021/22 settlement will continue throughout the MTFS period, this is made up as follows:

Grant	B&NES Allocation
Social Care support grant	£4.26m
iBCF Grant	£4.76m

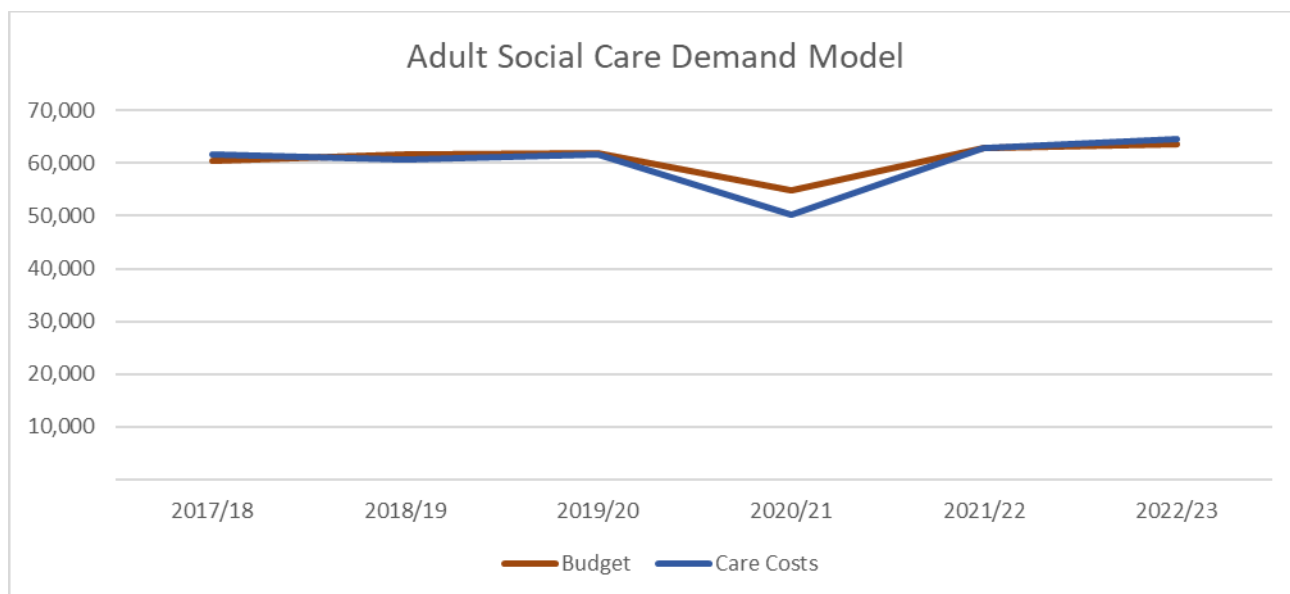
The iBCF grant is part of the pooled budget with the B&NES Clinical Commissioning Group and ring-fenced to exclusively fund Adult Social Care.

Adult Social Care services (ASC) have been greatly affected by the Covid-19 pandemic in both activity and cost, throughout 2019/20 and continuing through 2020/21. Placement's resulting from hospital discharges have been funded via the NHS funded Discharge Pathway, which has reflected in lower social care placements being funded from the Social Care budgets. Whilst the impact of Covid-19 on ASC provision is dynamic, the challenges facing ASC nationally as well as locally continue and include factors such as increasing demand, both in activity and complexity, capacity to deliver required care and market stability issues in the independent sector. These challenges are impacting all ASC users and carers and include all support reasons.

During the first part of 2021/22 direct support has continued to be provided to the market through the government infection control funding that allocated £2m to continue cover to 30th September 2021. This is not expected to continue.

The MTFS allocates £12.8m for demographic and contract inflation pressures within ASC over the next five years, service demand levels are being reviewed in detail as the current trend has shown that caseload has slowed, but complexity of need and provider cost has increased.

The following graph shows the impact of demographic and inflationary growth in ASC on the budget and outturn position since 2017/18:



The above graph reflects the 2020/21 impact of Covid-19 and shows that the Council budget and care costs have much closer alignment. Forward demand has been assumed as in previous years but may change as the full impact of the pandemic on future demand (cost and activity) becomes clearer including the impact of long-term isolation on already vulnerable people.

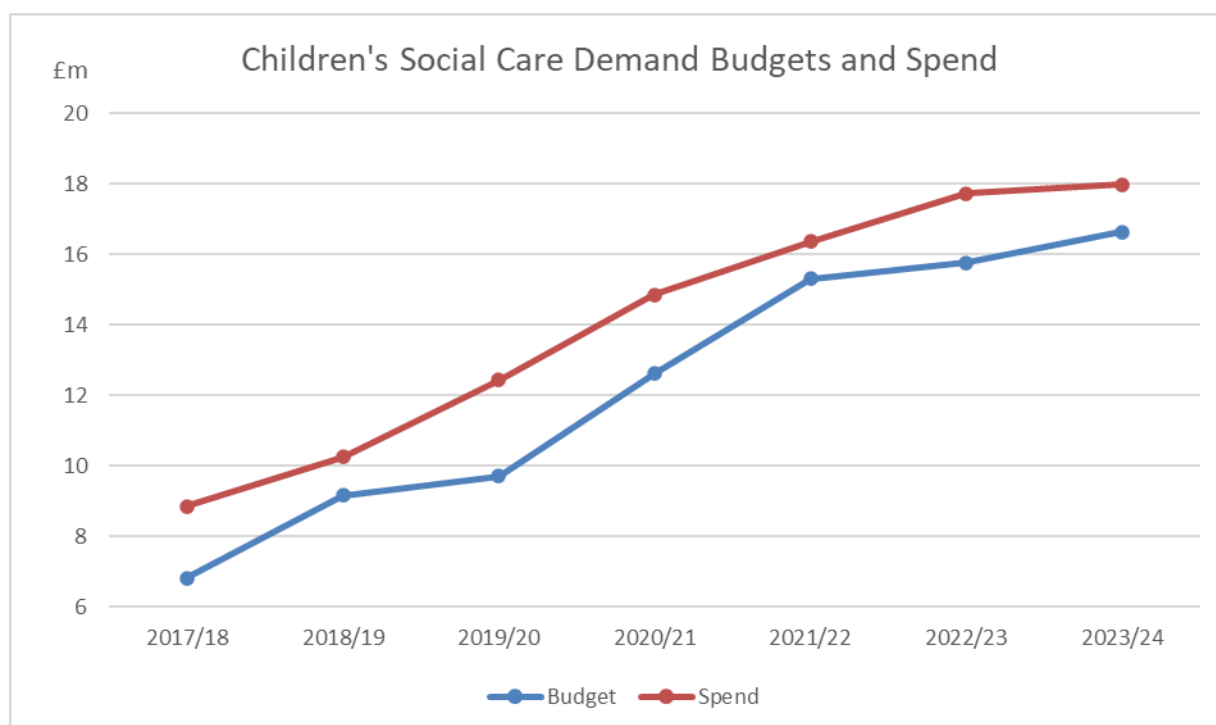
The Council has also embarked on an ambitious programme of service transformation in adult services, much of this integrated with local health service provision. The programme focusses on:

- Early intervention and Community resilience reviewing how ASC links with other services within B&NES and across the community.
- Enhancing the social care front door to support people when presenting for social care needs. The project will review how we can support people regardless of which service they have come from and aim to take a holistic approach rather than a service led response.
- Managing the Councils budget to meet demand needs without overspending through robust needs assessment, care planning and reviews.
- Reviewing the Reablement Service to establish a new service model to meet demand.
- The transition of people from Children's services to Adult services, this is being undertaken by both services not just adults.

- Community Mental Health Services Framework, this is a 3-year transformation project with an aim to expand and transform services and implement a model that meets demand.

## Children's Social Care

As demonstrated from the graph below Children's Services expenditure has not been manageable within the budget envelope. A rebasing exercise was completed for the 2020/21 budget, which added £2.1m additional funding to reflect the increasing cost and number of children in care, in addition to the increasing costs of supporting disabled children at home. A further rebase was needed in the 2021/22 budget also, adding a further £2.7m into the demand driven Social Care budgets. The number of children looked after (LAC) by the Council has risen by over 40% in the past 5 years to 188 in 2020/21 (although this higher level is in line with similar authorities). The MTFS allocates £5.3m for demographic and contractual inflationary pressures within Children's Services over the next five years.



A further area of pressure within Children's Services is the significant increases in children and young people with SEND. This is adding to the pressure on the Dedicated Schools Grant managed by the Council. The 2020/21 outturn resulted in a DSG cumulative overspend of £5.42m. During 2020/21 the spend on pupils with a Statement or EHCP increased by 23% when budget allocations from the DFE through the High Needs Block allocation increased by 8%. During the first part of 2021/22 the incidence of cases and costs has continued to rise, and predictions are showing that the overspend could increase to as high as £12m. These increases will have to be met from the Dedicated School Grant of future years and a deficit management plan will be required to be submitted to the DFE showing how we will recover the overspend.

The overspend is recorded as a specific reserve in the Local Authority (LA) accounts.

The LA has joined with the 3 other South West Council's, to write to the government highlighting the scale of the difficulties being observed across the region.

Children's Services are very cognizant of the continued financial pressure that is resultant from the expense of providing appropriate care and placements to meet the needs of our children and young people. The service will continue to review the models of care we utilise, opportunities to bring in external investment and good practice, and to scrutinise individual needs and placement costs in order to mitigate these financial pressures wherever possible. A key enabler for long term cost reduction is the Children's Services Transformation Programme, which has already delivered cost savings in 20/21, and has a full programme to deliver more in 22/23 and beyond.

## 7. Outlook for Government Grant Funding

### Covid Grants and Support

The MTFS assumes that the 2020/21 & 2021/22 Government response and financial support package to Councils was one-off and will not continue in 2022/23. We are seeking clarity from government on further support that will address the material income reductions faced by Councils. This is likely to be confirmed in the December Provisional settlement.

### New Homes Bonus

The Local Government Finance Settlement for 2021/22 confirmed the payment of £0.759m for new housing growth over the previous year, taking the total New Homes Bonus Grant (NHB) to £3.064m for 2021/22. The settlement announced that the uplift for 2021/22 would only be paid for one year without the further 3 years of legacy payments which are made for growth rewarded in 2019/20 and prior years.

The table below shows the likely annual remaining funding which is reflected in the MTFS.

	Total New Homes Bonus Grant		
<i>Payment relating to:</i>	<b>2021/22 £'m</b>	<b>2022/23 £'m</b>	<b>2023/24 £'m</b>
2021/22	0.759		
2020/21			
2019/20	1.392	1.392	
2018/19	0.913		
<b>Total</b>	<b>3.064</b>	<b>1.392</b>	<b>0.000</b>

The MTFP also reflects an estimate of the Council's share of the nationally top-sliced funding for NHB being redistributed based on the old relative needs grant formula from 2022/23 onwards.

### Retained Local Business Rates – 100% Business Rate Retention Pilot

The 2021/22 Local Government Finance Settlement confirmed that the West of England 100% Business Rate Retention Pilot would continue into 2021/22. The



estimated benefit is approximately £3.2m in 2021/22. No further announcements have been made yet by government on whether further extensions will be made past 2021/22. The plan currently assumes that this benefit will be removed as part of the review of Local Government Financing and Fairer Funding Review and that the Council will revert to the 75% Business Rate Retention Scheme currently planned for 2022/23.

The 2021/22 Budget included financial risk adjustments for likely levels of future Business Rate income reflecting the Covid 19 related pressures impacting on the business sector together with making specific provisions for appeals. These assumptions will be kept under review as the final budget is developed. Any surplus or deficit on the Business Rate Collection Fund and associated income will be transferred to or from the Business Rates Reserve for consideration as part of the Business Rates calculations for future years. This approach will include any changes that arise from the final settlement announcement relating to Business Rates.

The government announced additional flexibility to Local Authorities in financing any Collection Fund deficit that was forecast in 2020/21 in light of the Covid 19 impact on income. The MTFS factors in the spreading of the forecast 2020/21 collection fund deficit based on the estimate that was made when setting the 2021/22 budget. The position will be reviewed and updated to take account of both the actual 2020/21 outturn and the 2021/22 in year performance of the Collection Fund as part of finalising the Business Rate income forecasts for the 2022/23 budget.

### Schools Funding

Schools are funded through the Dedicated Schools Grant (DSG) which is initially allocated to the Council by the Department for Education (DfE). The DSG supports all expenditure in schools (who set their own budgets) and the activities that the Council carries out directly for schools. It does not cover the statutory responsibilities the Council has towards parents. These responsibilities are funded through the Council's main revenue funding and included as part of the proposed budget.

As schools convert to academies the DfE take back the element of DSG payable to the local authority in order to make payments direct to the academies.

Provisional school allocations have been received from the DfE and show an overall increase of approx. 2.81% in the total allocations. Individual schools are protected under the National Funding Formula (NFF) to a 2% per pupil increase though many will receive a larger increase.

With the introduction of the NFF the DSG was ring-fenced for schools from 2018/19 making the local authority responsible for the demographic pressures being observed in the SEND / High Needs element of the DSG. The local authority will need to submit a deficit recovery plan to the DfE to recover the deficit that exists at the end of 2021/22.

As part of the recovery the schools asked to contribute resources from schools allocations to support the SEND expenditure. Regulations allow up to 0.5% of the schools block to be transferred to the high needs block to support the SEND expenditure providing approval of schools through the Schools forum is obtained. The Schools forum has agreed this transfer every year up to 2021/22.

The school's contributions are limited to 1 year under the NFF regulations and therefore further consultation is currently underway to gain a transfer from the schools block in 2022/23. This continues the transfers that have occurred in prior years, and would amount to approx. £600k.

The Education Capital Programme has been utilised to direct resources to provide additional SEND places in mainstream schools and extend special school provision. This forms part of our SEN strategy to limit expenditure of expensive independent specialist provision in order to recover the DSG deficit that currently exists.

When schools convert to academies their reserves transfer to them and therefore school reserves have reduced significantly as a result reflecting that only 10% remain as maintained schools.

### Social Care Grant

The MTFS assumes that government will not reduce grant funding into Social Care as outlined in the section 6 of the report. It is anticipated that the pending Social Care reform and Government Green paper will bring fundamental changes to the ongoing funding methodology. At the stage it is prudent to plan on the basis of existing funding with the assumption that there will not be a net reduction.

### Better Care Fund

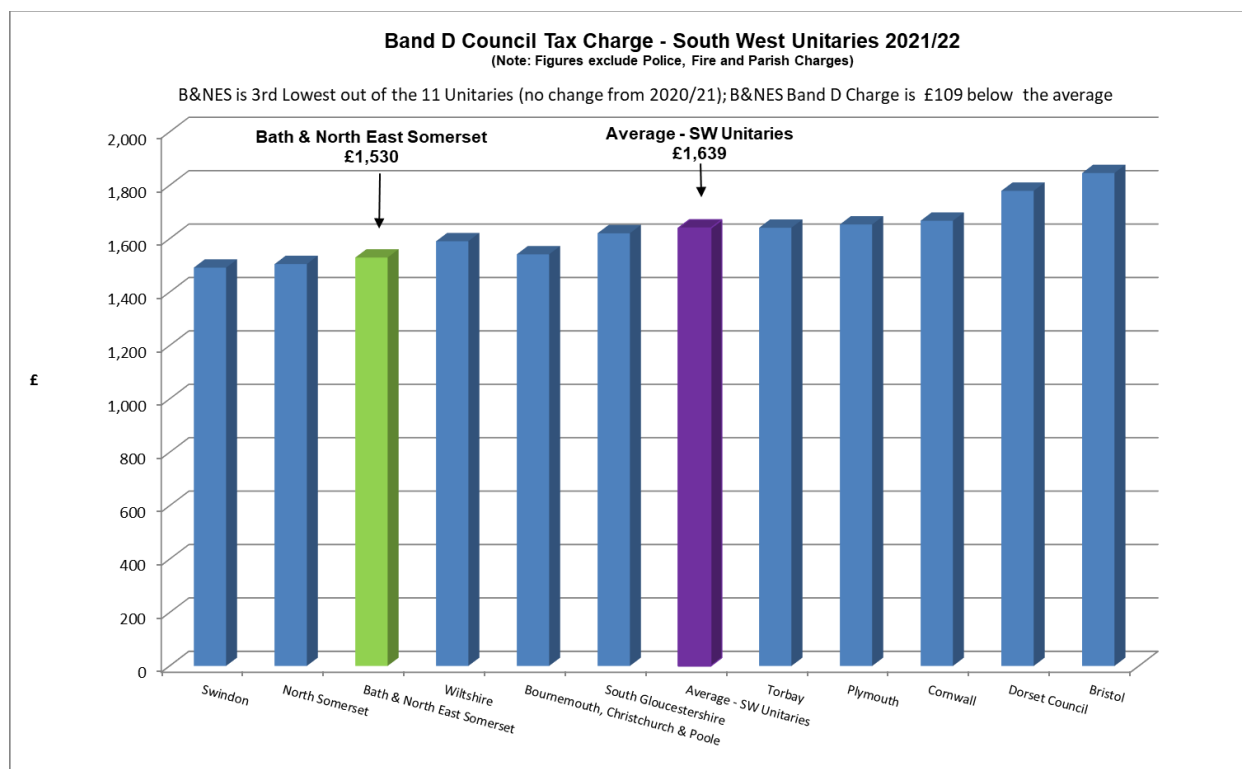
The Better Care Fund is intended to incentivize the integration of health and social care, requiring Clinical Commissioning Groups and Local Authorities to pool budgets and agree an integrated spending plan. Greater integration is seen as a potential way to use resources more efficiently, by reducing avoidable hospital admissions and facilitating early discharge from hospital. The Government announced that the Better Care Fund was under review for 2020/21 but no further announcements have been made to date due to the impact of the pandemic.

The Council and CCG's Better Care Fund has a minimum CCG funding contribution of £13.3m in 2021/22 a 5.3% uplift on 2020/21. The Strategy currently estimates that funding will continue at current levels with inflationary uplift given annually to help fund the known pressures on both the Council and the CCG.

## 8. Council Tax

### Comparison of 2021/22 Council Tax

The chart below shows how B&NES compares (3<sup>rd</sup> lowest) to other South West unitary authorities:



### Council Tax collection fund

The government announced additional flexibility to Local Authorities in financing any Collection Fund deficit that was forecast in 2020/21 in light of the Covid 19 impact on income. The MTFS factors in the spreading of the forecast 2020/21 collection fund deficit over 2022/23 and 2023/24 based on the estimate that was made when setting the 2021/22 budget. The forecast for 2022/23 has been updated to include the improved 2020/21 actual Council Tax collection fund outturn position providing a net surplus to be released of £0.76m. This forecast will be reviewed and updated to take account of the 2021/22 in year performance of the Collection Fund as part of finalising the Council Tax base and income forecasts for the 2022/23 budget.

### Council Tax Precept

The current funding gap in the MTFS assumes a **1.99% increase** in council tax each year. This assumes that the Government's referendum principles in respect of general Council Tax will continue to allow increases of up to 2% before a referendum is required. In addition, the MTFS assumes that the Council tax base will grow with incremental growth of 1% per annum from 2022/23 onwards.

## Adult Social Care Precept

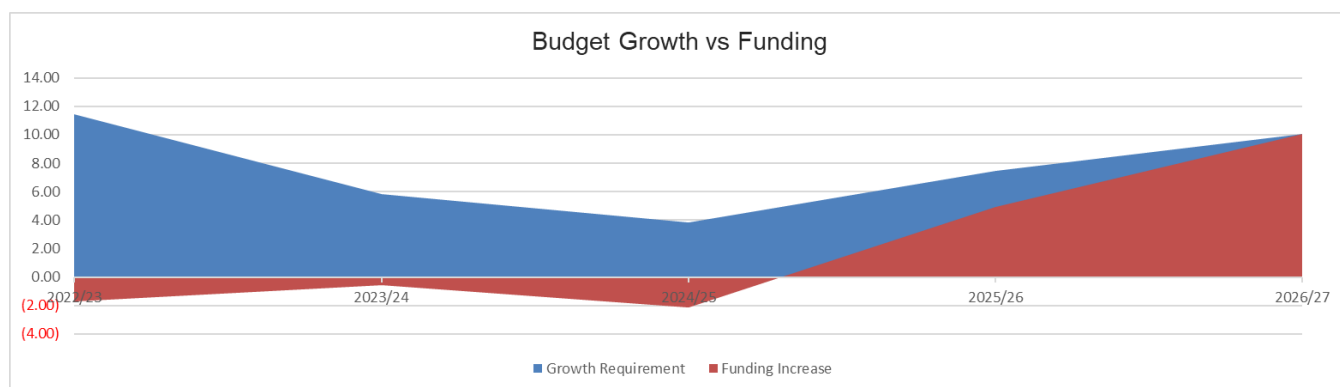
The Government has continued to recognise some of the pressures facing Adult Social Care (ASC) authorities, providing for a one year continuation of the specific increase in the local council tax precept ringfenced to ASC of 2% in 2021/22. There has been no further indication from central Government to extend the precept beyond 2022/23 and therefore no further increases have been factored in at this time.

## 9. Financial Outlook

Currently the MTFS shows a projected budget gap for each year of the plan as follows:-

Budget Planning	Future years assumptions					Total
	2022/23	2023/24	2024/25	2025/26	2026/27	
Growth Requirement	11.43	5.83	3.83	7.43	10.04	38.56
Funding Increase	(1.69)	(0.59)	(2.14)	4.92	10.04	10.54
<b>Annual Funding gap</b>	<b>13.12</b>	<b>6.41</b>	<b>5.97</b>	<b>2.51</b>	<b>0.00</b>	<b>28.01</b>
Savings Proposals	1.30					1.30
<b>Remaining Funding Gap</b>	<b>11.82</b>	<b>6.41</b>	<b>5.97</b>	<b>2.51</b>	<b>0.00</b>	<b>26.72</b>

The funding gap over the medium term can be analysed further to identify additional pressures on expenditure and the impact of funding reductions in income as follows:



## Indicative Budget Forecast

The detail of the budget gap is shown in the table below and outlines additional cost pressures and reduced funding:

Budget Planning	Future years assumptions £m				
	2022/23	2023/24	2024/25	2025/26	2026/27
<b>Budget Requirement (Previous Year)</b>	<b>130.07</b>	<b>128.38</b>	<b>127.79</b>	<b>125.65</b>	<b>130.58</b>
Budget Adjustments	0.41	0.00	0.00	0.00	0.00
Pay & Pension	1.51	2.07	2.09	2.12	2.15
Demographic Growth	1.78	1.79	1.79	1.79	2.79
Contract Inflation	2.02	2.09	2.16	2.21	2.24
New Homes Bonus Pressure	0.75	0.89	0.00	0.00	0.00
Capital Financing	1.00	1.00	1.00	1.00	1.00
Settlement grant funding	5.55	0.00	0.00	0.00	0.00
Budget pressure / rebasing	(1.61)	(2.01)	(3.20)	0.31	1.86
<b>Draft Budget Before Savings</b>	<b>141.50</b>	<b>134.21</b>	<b>131.63</b>	<b>133.09</b>	<b>140.61</b>
Proposed Savings Plans	(1.30)	(0.09)	0.00	0.00	0.00
Estimated Savings Required	(11.82)	(6.33)	(5.97)	(2.51)	0.00
<b>Budget Requirement</b>	<b>128.38</b>	<b>127.79</b>	<b>125.65</b>	<b>130.58</b>	<b>140.61</b>
<b>Funding of Budget Requirement</b>					
Council Tax	105.87	107.73	111.53	114.89	118.35
Business rates retention	19.09	19.63	21.12	21.69	22.27
Business rates retail relief deficit (20/21) - s31 grant funded	0.00	0.00	0.00	0.00	0.00
Reserve transfer from Business Rates retail relief reserve	0.00	0.00	0.00	0.00	0.00
Reserve transfers From	0.43	0.43	0.00	0.00	0.00
Reserve transfers (To)	3.00	0.00	(7.00)	(6.00)	0.00
<b>Funding of Budget Requirement Total</b>	<b>128.38</b>	<b>127.79</b>	<b>125.65</b>	<b>130.58</b>	<b>140.61</b>

The forecast includes the following cost pressures and assumptions:

- **Pay Inflation** – Estimated 2.00% per annum.
- **Council tax** – Assumed at 1.99% excluding Social Care precept.
- **Pension Costs** – Have been revised in line with the recent revaluation for the next two years followed by a 1% increase per annum from 2023/24;
- **Demographic Growth & Increase in Service Volumes** – Additional demand from new placement and market pressures in Adult & Children Social Care;
- **Interest Rates** - Continued very low rates of interest of around 1% per annum for treasury management cash investments. The Council will maintain a minimum cash policy;
- **Inflation** – CPI projections held at existing planning levels of 2%, this will be refreshed for the detailed budget proposal based on ONS data.
- **Budget Pressures / Rebasing** – 2022/23 budget rebasing of income budgets taking account of Covid recovery, with improvement in future years.
- **Capital Spending** – an allowance has been made to fund a minimal number of new schemes given current financial constraints;

- **Borrowing** – longer term borrowing costs have been factored into the MTFS however the authority will continue to optimise the use of cash balances subject to market conditions and the overriding need to meet cash outflows;
- **New Priorities** – from April 2022 will be developed with the administration as part of the Corporate Strategy and have not yet been factored into the plan.
- **Reserves** – Planned use of £3m reserves to the transitional pressures from reduced income, and £5m commitment against un-earmarked general reserve for unbudgeted Covid pressures.

## 10. Managing the Medium Term Financial Strategy

Current estimates are that £28.01m savings will now be required over the next five years including savings already approved.

The strategy has outlined that the savings will be reviewed on a two-year rolling profile which means that there is currently a gap of £19.54m, including the pre-approved savings of £1.39m. Due to the budget rebasing from income loss this puts 70% of the 5 year MTFS savings in 2022/23 and 2023/24 with £13.12m to find next year.

This gives a challenging target next year which is 10.2% of the estimated net budget of £128.38m. Through early engagement and service planning options are being worked up to address this funding gap through cost reduction and income generation plans.

### Budget management plan

The following approach is recommended to create a robust plan of action, manage change and balance the budget.

Focus on short to medium term savings that enable Covid-19 recovery and meet the following principles:

### 3 Key Principles

- Manifesto & Corporate Strategy aligned and Member engaged with Cabinet assurance and oversight of all proposals.
- Corporate Focus on areas of Strategic Priority: Structure, Income, Social Care, Property Services, Customer Contact - High financial value and organisational benefit required.
- Directors are collectively responsible for generating service plan savings – Achievable with minimal disruption to services and the public.

### To ensure:

- Removal of duplicated effort & improved service delivery.
- Use of technology for smarter working.
- Change is resourced appropriately to deliver results.
- The implementation and delivery of the budget proposal is Director led and Finance facilitated.

The following strategic planning themes will enable the Council to break down the actions needed to address the short, medium and long term. An overarching theme that underpins delivery plans will be ensuring that the Climate and Nature Emergency is supported with no adverse impacts.

### **Stabilise – Short term**

- Reduce reliance on income through reducing expenditure and broaden income base wherever this is possible.
- Ensure temporary corporate and service mitigations are in place.

### **Transition – Medium term**

- Reset business plans looking at new delivery models
- Revise the Councils operating structure
- Maximise opportunity and reduce travel through IT and smarter working
- Minimise cost to reflect lower income base

### **Change – Long term**

Implement new strategies for:

- Commercial income management
- Social Care delivery
- Resident focussed service delivery models

To manage the strategy financially and in practice there will need to be fundamental changes to the way we approach budget planning to ensure a fully achievable set of proposals can be taken forward in the 2022/23 Budget proposal.

The following scenario's show how the MTFS base case can be revised to give a realistic and manageable savings profile based on some core assumptions which may change subject to further guidance on Council tax setting and business rates:

#### **Scenario 1**

Council tax at 1.99% and no social care precept + utilise £3m of one-off funding to fund income loss transition through temporary use of reserves. Funding repaid in full within the 5-year MTFS period.

#### **Scenario 2**

Maintain Council tax and social care precepts at 2020/21 levels (1.99% General and 2% Social Care) of a minimum of 3.99% throughout the MTFS term (Subject to government decision on the Council tax cap). This will help rebase Council funding levels as the graph in section 8 illustrates that B&NES is well below the South West average.

#### **Scenario 3**

As scenario 2 with the addition of the business rates pilot continuing for 2022/23, this will enable the Council to retain £3.2m of base budget funding.

## MTFS projection from Scenario 1 – 3

Taking in to account the above scenarios the MTFS projections have been revised as follows:

NOTE: This is for illustration purposes only and may not be the final option put forward in the budget proposal.

Budget Planning	Future years assumptions					Total
	2022/23	2023/24	2024/25	2025/26	2026/27	
Annual Funding gap						
Scenario 1 (1.99% Council Tax)	13.12	6.41	5.97	2.51	0.00	28.01
Scenario 2 (+2% Social Care precept)	11.06	4.19	3.57	(0.08)	(2.79)	15.95
Scenario 3 (+£3.2m Business rates retention)	7.86	7.39	3.57	(0.08)	(2.79)	15.95

## Summary of changes

### Scenario 1:

To manage budget risk, it is recommended to progress plans under scenario 1 as there are factors outside of the Council's control in scenario 2 and 3. Both scenario 2 and 3 will be predicated on the outcome of the provisional settlement announcement from Government.

### Scenario 2:

The continuation of a 2% Social Care precept throughout the five-year period would improve the 2022/23 position by £2.06m and £12.06m over five years.

### Scenario 3:

The combination of a one-year extension to the business rates pilot and Social Care 2% precept would improve the 2022/23 position by £5.26m and £12.06m over five years.

Following the Government Spending Review and settlement announcement the budgetary assumptions will be refreshed and incorporated into the Councils budget proposal that will be presented to Cabinet and Council in February 2022.

## Affordability risk

The use of one-off funding including reserves needs to be managed in an affordable way, there is a risk of over reliance on reserves needing repayment that will become unaffordable if one-off reserve mitigations are used to reprofile savings further into future years.

The illustration below shows the impact on Council finances from using reserves to balance the budget for the next two years:



Budget Planning	Future years assumptions					Total
	2022/23	2023/24	2024/25	2025/26	2026/27	
Growth Requirement	11.43	17.65	22.06	7.43	10.04	68.61
Funding Increase	(1.69)	(0.59)	(2.14)	4.92	10.04	10.54
<b>Annual Funding gap</b>	<b>13.12</b>	<b>18.23</b>	<b>24.20</b>	<b>2.51</b>	<b>0.00</b>	<b>58.06</b>
Savings Proposals	1.30					1.30
Use of reserves	(11.82)	(18.23)				(30.05)
<b>Remaining Funding Gap</b>	<b>(0.00)</b>	<b>0.00</b>	<b>24.20</b>	<b>2.51</b>	<b>0.00</b>	<b>26.72</b>

To fund all service inflationary and demand pressures with no further savings the Council would need to spend £30.05m of its reserves. This is 2.4 times the £12.58m of un-earmarked general reserves the Council holds, in addition to balance the budget the Council would need to deliver £24.2m of recurrent savings in 2024/25.

This highlights that one off funding should only be used as a short-term, temporary intervention whilst a permanent solution is implemented, for example to mitigate the timing risk of savings being realised in full part way through the financial year.

## 11. Corporate Strategy and Council priority areas

The Medium Term Financial Strategy sets out the financial framework for allocating resources across the Council. How this is achieved will require close alignment to the Corporate Strategy as set out below.

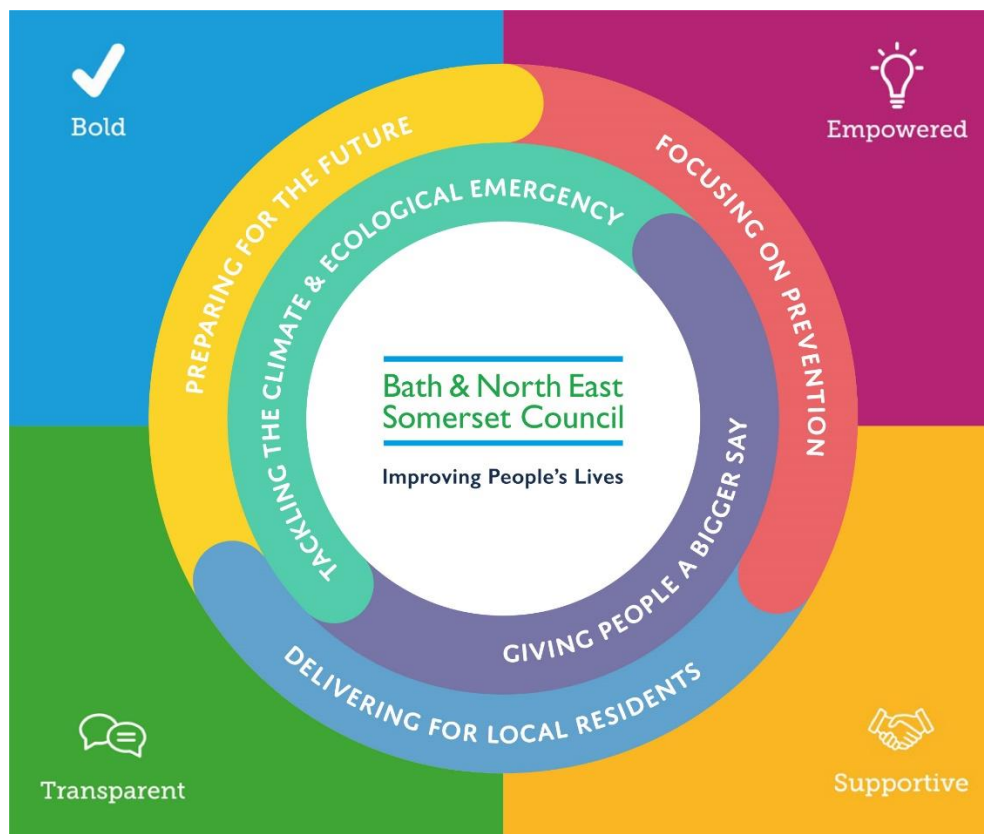
ONE: We have **one** overriding purpose – to improve people’s lives.

This might sound simple but it brings together everything we do, from cleaning the streets to caring for our older people. It is the foundation for our strategy and we will ensure that it drives our commitments, spending and service delivery.

TWO: We have **two** core policies – **tackling the climate and ecological emergency** and **giving people a bigger say**. These will shape **everything** we do.

THREE: To translate our purpose into commitments, we have identified **three** principles. We want to **prepare for the future, deliver for local residents and focus on prevention**.

This is all set out clearly in the diagram below:



This is the “golden thread” which drives what we do ensuring that setting budgets and managing our people - our most valuable resource - are guided by the council’s priorities. It also means that our commitments are realistic and achievable.

Areas of strategic priority and focus over the next two years will include:

- Ongoing investment to deliver joined up and more effective transport schemes across the council area, with a particular focus on creating low traffic neighbourhoods and more opportunity to prioritise walking and cycling and the introduction of financial incentives to reduce inward commuting through the extension of RPZs.
- Continued investment to support the most vulnerable people in our communities.
- Continued commitment to secure action to address the climate and ecological emergency.
- Focus on supporting the local economy to recover from the impact of the pandemic with a particular priority to work with partners to rebalance the economy to reduce the dependence on retail, hospitality and tourism.
- Deliver the “Preparing for the Future” programme to modernise the council with a focus on improved asset management and flexible working, reduce the need for staff to travel unnecessarily across the region.
- Deliver new ways for our residents, businesses, partner organisations, visitors and internal service teams to interact and receive council information and services, using digital channels.
- Ensuring that we are able to manage labour market demands and fluctuations across our workforce but particularly in operational roles in both social care and neighbourhood services.

## 12. Capital Programme

The Prudential Code for Capital Finance in Local Authorities was updated in December 2017. The objectives of the Prudential Code are to ensure that the capital expenditure plans of local authorities are affordable, prudent and sustainable and that treasury management decisions are taken in accordance with good professional practice and in full understanding of the risks involved.

It requires authorities to assess capital expenditure and investment plans in the light of overall organisational strategy and resources and ensure that decisions are made with sufficient regard to the long-term financial implications and potential risks to the authority.

The Council follows this approach through:

- Continuing to review all existing schemes and simplify, revise, reprofile or remove as necessary;
- Minimising new schemes except those that meet corporate priorities;
- Agreeing an affordable limit for new schemes requiring corporate borrowing;
- Ensuring adequate investment in assets supporting key service provision (including meeting health and safety requirements or replace obsolete or inefficient assets/equipment); and
- Delivering or working with partners to deliver high priority government funded programmes and WoE programmes where they meet corporate priorities.

The Capital Programme will retain the clear separation of schemes for **Full Approval** and those which are for **Provisional Approval**.

Items gaining **Full Approval** are clear to proceed to full scheme implementation and delivery, subject to appropriate project management and governance.

Items for **Provisional Approval** will require either a further Officer decision and in some cases a formal Executive decision for Full Approval. The budget estimates for schemes shown for Provisional Approval are therefore included on an indicative basis, and as an aid to planning.

The Capital Programme will retain narrative only reference to pipeline projects and grant funding in early stage progression. These items will require further decision to incorporate into the programme at a later date, in line with the delegations outlined in the February Budget report.

The capital programme is aligned with the Community Infrastructure Levy allocations agreed for the coming financial year.

The following shows the capital programme approved in February 2021 as part of budget setting:

### Capital Schemes for Approval

<b>Cabinet Portfolio: Capital Schemes</b>	<b>Budget 2021/2022 £'m</b>	<b>Budget 2022/2023 £'m</b>	<b>Budget 2023/2024 £'m</b>	<b>Budget 2024/2025 £'m</b>	<b>Budget 2025/2026 £'m</b>	<b>Total £'m</b>
Resources & Deputy Leader	18.813	0.110	0.670	0.000	0.000	<b>19.593</b>
Adult Services	0.050	0.000	0.000	0.000	0.000	<b>0.050</b>
Children's Services	4.770	0.000	0.000	0.000	0.000	<b>4.770</b>
Climate Emergency & Neighbourhood Services	0.919	0.000	0.000	0.000	0.000	<b>0.919</b>
Transport Services	9.755	0.000	0.000	0.000	0.000	<b>9.755</b>
Housing, Planning & Economic Development	31.693	22.356	10.560	1.271	0.000	<b>65.880</b>
Community Services	3.098	0.210	0.130	0.000	0.000	<b>3.438</b>
Corporate Capital Contingency	0.408	0.000	0.000	0.000	0.000	<b>0.408</b>
<b>Total</b>	<b>69.506</b>	<b>22.676</b>	<b>11.360</b>	<b>1.271</b>	<b>0.000</b>	<b>104.813</b>

### Capital Schemes for Provisional Approval (Subject to)

<b>Cabinet Portfolio: Capital Schemes</b>	<b>Budget 2021/2022 £'m</b>	<b>Budget 2022/2023 £'m</b>	<b>Budget 2023/2024 £'m</b>	<b>Budget 2024/2025 £'m</b>	<b>Budget 2025/2026 £'m</b>	<b>Total £'m</b>
Resources & Deputy Leader	39.211	5.010	3.500	3.500	3.500	<b>54.721</b>
Children's Services	15.913	0.000	0.000	0.000	0.000	<b>15.913</b>
Climate Emergency & Neighbourhood Services	22.998	1.767	1.365	2.607	0.000	<b>28.737</b>
Transport Services	11.587	9.729	6.874	8.009	6.959	<b>43.158</b>
Housing, Planning & Economic Development	31.815	5.230	3.420	0.615	0.000	<b>41.080</b>
Community Services	4.821	2.001	0.704	0.678	0.021	<b>8.225</b>
<b>Total</b>	<b>126.346</b>	<b>23.737</b>	<b>15.863</b>	<b>15.409</b>	<b>10.480</b>	<b>191.834</b>
<b>Grand Total</b>	<b>195.851</b>	<b>46.413</b>	<b>27.223</b>	<b>16.680</b>	<b>10.480</b>	<b>296.647</b>

The current capital programme that was approved in February 2021 was funded as follows:

<b>Financing</b>	<b>Budget 2021/2022 £'m</b>	<b>Budget 2022/2023 £'m</b>	<b>Budget 2023/2024 £'m</b>	<b>Budget 2024/2025 £'m</b>	<b>Budget 2025/2026 £'m</b>	<b>Total £'m</b>
Grant	70.774	10.796	8.976	7.258	4.829	<b>102.633</b>
Capital Receipts/RTB	4.150	1.865	5.700	0.000	0.000	<b>11.715</b>
Revenue	0.202	0.000	0.000	0.000	0.000	<b>0.202</b>
Borrowing	110.694	30.347	11.621	9.308	5.651	<b>167.620</b>
3rd Party (inc S106 & CIL)	10.031	3.405	0.926	0.114	0.000	<b>14.476</b>
<b>Total</b>	<b>195.851</b>	<b>46.413</b>	<b>27.223</b>	<b>16.680</b>	<b>10.480</b>	<b>296.647</b>

Note this does not include slippage from 2020/21 which totalled £35.9m.

An allocation of £1m revenue budget to support new schemes has been factored into 2021/22, of which £0.3m remains to fund new proposals as part of this years budget report, with £0.5m included in future years of the Medium Term Financial Strategy. This enables high priority schemes to be approved as well as considering the impact on the revenue budget. The more detailed capital strategy will be updated for approval as part of the budget in February 2021.

Capital receipts will be used flexibly on appropriate revenue expenditure and further adjustments may be made as part of setting the budget for 2022/23 subject to the revised government guidance being published. The current programme will continue to be reviewed to ease this financial impact.

The intention is to take a measured approach between borrowing in the current market climate and the utilisation of internal cash flow wherever possible. Borrowing has been factored into the strategy to ensure that the authority can meet its future borrowing obligations as well as taking advantage of current low interest rates. The decision on the timing of new borrowing will still be driven by market factors, particularly movements in interest rates to provide overall value for money to the Council

### Capital Risk Contingency

There are three levels of risk provision in relation to the capital programme.

- Individual major projects within the capital programme hold their own contingency in accordance with good project management practise to meet unavoidable and unforeseen costs;
- The capital programme includes a funded corporate risk contingency of £2.3m;
- The corporate risk assessment on which the general reserves target is based includes an element in the context of the capital programme based on the risks of the current programme.

As with all capital projects, relevant risks are being considered as part of the overall risk-assessed general reserves and the Corporate Risk Register.

## Minimum Revenue Provision (MRP) Policy

The Council is required to make revenue provision to repay capital spend that is financed by borrowing (either supported or unsupported). This is called the Minimum Revenue Provision (MRP). The Department of Communities & Local Government has issued regulations that require full Council to approve a MRP Policy in advance each year, or if revisions are proposed during the year they should be put to the Council at that time. The policy was updated in February 2020 and there are currently no revisions proposed.

## **11. Earmarked and Non-Earmarked Reserves**

Earmarked Reserves are set aside for specific purposes whereas Non-Earmarked Reserves are retained to meet unforeseen risks. A regular review of financial risks to assess the optimum levels of balances and reserves will be reported to members annually. This ensures that the authority has sufficient funds to meet its key financial risks. The strategy remains that balances remain at a level that covers these key risks.

To manage financial risk the Council holds £12.58m of unearmarked reserves, if unutilised in 2021/22 the MTFS proposes that the Council continues to hold a commitment of £5m of this reserve for unbudgeted financial pressures that may arise from Covid. This reserve will be accessed if unplanned financial pressures cannot be mitigated by government grant or service recovery plans, which would leave a reserve balance of £7.58m that is within Council benchmark levels for unearmarked reserves as a percentage of net budget.

The following table shows each of the key reserves held for financial planning, the expected opening balance for 2022/23 and anticipated closing balance after the projected use:

	<b>Estimated Balance 31/03/2022 £'m</b>	<b>Projected Use in Year £'m</b>	<b>Current Estimated Balance 31/3/23 £'m</b>
Revenue Budget Contingency	2.50	0.00	2.50
Financial Planning and Smoothing Reserve	6.66	3.08	3.58
Transformation Investment Reserve	2.00	2.00	0.00
Restructuring & Severance Reserve	2.18	0.0	2.18

Following on from the Council's 2020/21 Financial Recovery Plan and 2021/22 budget £3m of Financial Planning and Smoothing reserve is being utilised to support the temporary reduction in sales, fees and charges income. Reserves will be fully replenished within the 5-year budget term.

To enable business change and service improvement plans through the Preparing for the Future programme the Transformation and Investment Reserve balance of £2m is proposed to be fully committed to fund the one-off cost of change.

### Flexible use of Capital receipts

The strategy requires flexibility around capitalising costs and the flexible use of capital receipts to fund redundancy, transformation, and ICT costs where appropriate to free up reserves.

## 12. Reviewing the Strategy

This strategy will naturally span the life of the Council Plan but will be reviewed annually to take into account changes within and external to the organisation. In more uncertain times the strategy will be reviewed more frequently.

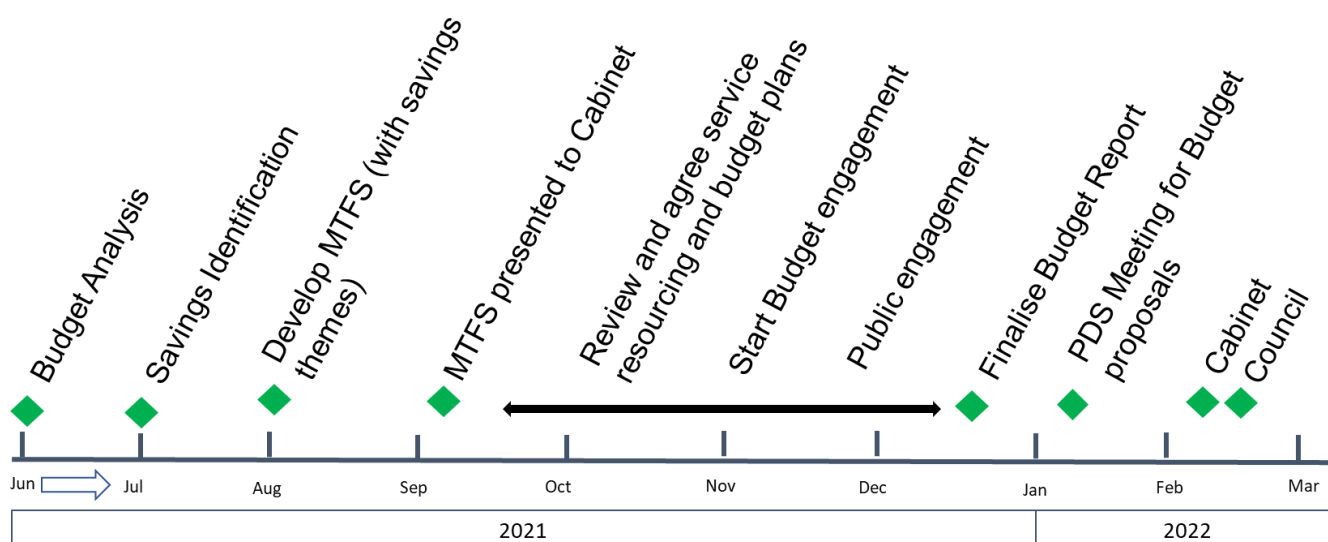
## 13. Public/Stakeholder Engagement

We will be making more information available on our MTFS for stakeholder engagement in November 2022, this will also be subject to scrutiny by the Corporate Policy Development and Scrutiny Panel.

Subject to the timing of central Government funding announcements we hope to engage on more detailed budget proposals in December / January including reporting to Policy Development and Scrutiny.

## 14. Budget Setting Timetable

The diagram below sets out the budget planning timetable.



## 15.Risks to the Medium Term Financial Strategy

The Strategy and Plan make regular risk predictions. The key risks to the plan are currently seen as:

Risk	Likelihood	Impact	Risk Management Update
Continued government restrictions in the event of new variants impacting vaccine success	Possible	High	This is certainly a material risk, whilst not one the Council has direct control over, every step is being put in place to follow government guidance following the recommendations of our Director of Public Health.
Operational budget pressures due to latent demand and backlog	Possible	High	There is the risk of built up demand on Council services and backlog because of operational activity being diverted to managing the Covid pandemic. This may result in one-off cost pressures to clear the backlog.
Long term impacts on the Councils Commercial Estate over and above anticipated levels.	Possible	High	Current modelling has been prudent anticipating a material impact in 2021/22. The roll back of the furlough programme could impact business viability and therefore risk of further voids will be monitored closely over the coming weeks and months.
The income from Heritage Services may not recover in the short term.	Possible	High	Continue to monitor income levels and impact on business plan in light of capacity restrictions. We anticipated income will not fully recover in the medium term and growth was built into the medium terms financial plan for the next three years.
Impact on Reserves	Possible	High	Without additional government grant in recognition of Covid related financial pressures there is the risk that Council reserve levels are not enough to manage in-year and future years risk.
Interest rates increase	Possible	Medium	A reserve is available for borrowing to manage market risk and long-term borrowing costs have been factored into the longer-term MTFS. The current forecast from our treasury management advisors is that borrowing rates will remain at current low levels in the medium term until economic growth prospects improve. The Council will continue to consider shorter term borrowing options alongside the PWLB.
Volatility and uncertainty around business rates	Likely	High	The impacts of Covid-19 will increase the volatility and uncertainty around business rate income. In 2021/22 this risk will be partly offset by the extension of the business rate relief scheme for



			Retail, Leisure and Hospitality businesses.  We continue to monitor arrears, CVAs, and liquidations with a specific reserve held to manage in-year volatility.
Capital projects not delivered resulting in revenue reversion costs or liabilities from underwriting agreements	Possible	High	The Council has a number of projects within this category. These risks will continue to be monitored and reported. An assessment is made as part of the budget process to ensure that revenue reserves are sufficient to meet these risks. The capital programme methodology looks to de-risk projects wherever possible.
Changes to Government Policy that affects future funding	Likely	High	Need to monitor and continue to highlight impact
Brexit risks	Likely	Medium	The short to medium term impacts of Brexit on the Councils supply chain may result in contractual cost pressures from customs tariffs that previously did not apply.
Funding pressures through WECA, CCG and other partners	Possible	Medium	Ensure good communication links with partner organisations.
Capital receipts in the areas identified are insufficient to meet target	Possible	Medium	There is a risk that a depressed market will impact on current values, in the short to medium term the Council should not rely on capital receipts as a key funding source.

The key risks will continue to be monitored throughout the budget setting process and subsequently outlined in each budget setting report to Council and will be reviewed regularly, and reported through budget monitoring to Cabinet.

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