

Cabinet Meeting Resolution

**Executive
Forward Plan
Reference**

E3103

Business Plan Update - Clean Air Zone

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

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