

Cabinet Meeting Resolution

**Executive
Forward Plan
Reference**

E3152

Bath Clean Air Plan- September 2019 update

Date of Meeting	12-Sep-19
The Issue	<i>An update on progress towards completing the full business case for submission in December 2019, the public consultation on the Charging Order and the outcome of the independent review.</i>
The decision	<p>RESOLVED (unanimously) that the Cabinet agreed to:</p> <p>2.1 Note the progress on the delivery of the Clean Air Zone (CAZ) Project with a view to ensuring compliance in the shortest possible time, including;</p> <p>a) The revised project programme (Appendix 1).</p> <p>b) The outcome of the independent peer review and any recommended actions.</p> <p>2.2 Approve the incorporation of the CAZ scheme into the Council's capital programme, with a total current cost budget of £17.996m, of which £5.944m is to be fully approved and £12.052m provisionally approved, subject to future grant awards.</p> <p>2.3 Note the current estimates of revenue costs and funding as set out in paragraph 5.6 totalling £31.365m, of which £0.231m of grant funding has been awarded. The remainder is subject to future grant awards and Full Business Case approval.</p> <p>2.4 Grant authorisation for officers to use the following powers:</p> <p>a) The use of anti-idling enforcement powers under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;</p> <p>b) The use of environmental weight limit enforcement powers under the Road Traffic Regulation Act 1984.</p> <p>2.5 Following an appropriate tender process, delegate to the Corporate Director and Director of Finance (s.151 Officer) in consultation with the Cabinet member for Resources and Deputy Leader, the decision to appoint a financial partner to administer the proposed financial assistance schemes on behalf of the Council.</p> <p>2.6 Agree that the consultation on the CAZ Charging Order and scheme overview can commence on 23 September 2019.</p> <p>2.7 Note the updated Equalities Impact Assessment (EqIA) as published at (https://www.bathnes.gov.uk/bath-breathes-2021-overview/outline-business-case)</p>
Rationale for	Under the Environment Act 1995, an initial Ministerial Direction was

decision	issued to Bath and North East Somerset Council and many other UK cities including Derby, Leeds, Nottingham and Southampton in July 2017. This Direction stipulated that the Council should prepare a final plan for a scheme to deliver compliance within legal limits by 31 December 2018 in line with the UK Air Quality Plan (AQP) which was achieved in March 2019. A second Ministerial Direction was issued following this submission which stipulated that the Council must submit a FBC by 23 August 2019 at the latest. However, in light of the change in administration, the change to the governance arrangements, the requirement to independently review the scheme and the need to consult on the revised CAZ C proposals and to take that consultation into account in finalising the scheme, the programme has been adjusted and it is now anticipated that the FBC will be submitted in December 2019 (subject to sign-off from the Cabinet on 5 December 2019).
Other options considered	Do not progress the plans as previously agreed on March 5 2019 by Cabinet and fail to achieve compliance with the Ministerial Directions. This was rejected due to the legal requirements set out in Section 4 of this report.
The Decision is subject to Call-In within 5 working days of publication of the decision	