
**Customer and Corporate Services Scrutiny
Management Committee**

17 December 2018

Report of the Assistant Director – Legal & Governance

Called-in Item Post-Decision: **Changes to Permit Emission Charges**

Summary

1. This report sets out the reasons for the post-decision call-in of the decision made by the Executive Member for Transport and Planning on 15 November 2018 in respect of Changes to Permit Emission Charges. This report also sets out the powers and role of the Customer and Corporate Services Scrutiny Management Committee (Calling-In) in handling the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive Member Decision Session is attached as Annex 1 to this report. This sets out the decisions taken by the Executive Member on the called-in item. The original report to the Executive Member on 15 November 2018 is attached as Annex 2 to this report.
3. The Executive Member decision has been called in post-decision by three Councillors for review by the Customer and Corporate Services Scrutiny Management Committee (Calling-In) in accordance with the Constitutional requirements.
4. Councillors D’Agorne, Kramm and Craghill have called in the Executive Member decision for the following reasons:
 - a) The effect of this decision is unlikely to have a beneficial impact on air quality because the residents in ‘Respark’ areas will not be able to buy an appropriate vehicle that qualifies for the discount, in the absence of on-street electric charging facilities. The proposed removal of any discount rate for ‘low emission’ smaller cars also means that there will no longer be an incentive for residents to replace vehicles with a low emission vehicle in the range 75g/km-

120g/km and thus fails to support the One Planet York principles and the Clean Air Strategy.

- b) The paper on which this decision was based contradicts itself and does not accurately reflect changes to VED on which the current discount rate is based:

Paragraph 8 states ‘...however it should be noted that the tax rate changes only apply to vehicles registered after 1 April 2017’.

However elsewhere it states that the proposed change is needed to ‘bring discount criteria into line with the Government changes’ when it is only the newest vehicles that are affected.

Paragraph 26 states that ‘the proposed change would affect approximately 1100 households’ and 200 season ticket holders whereas Annex A shows 815 qualifying permits without explaining the discrepancy.

The final paragraph of the report again wrongly states ‘If this change isn’t implemented the council would be out of step with the Government road tax policy... as this is now out of date... this change needs to be implemented as soon as possible given the lack of national policy this is now based on.’ This is despite paragraph 8 statement acknowledging that VED bands A-C still apply to all vehicles registered between 2001 and 2017. Some change may be appropriate, but the policy is still valid for most permit holders and could be adapted to continue to offer discount for the revised low emission bands.

- c) The ‘reason’ given for the recommended change (paragraph 7) also contradicts the situation described above: ‘To update the council’s outdated policy ‘
- d) The reason given states that the change will ‘seek to encourage ULEV car ownership’. The paper fails to substantiate how this will be the case. The only vehicles that meet the proposed criteria are in fact alternative fuelled electric or hybrid electric vehicles. Lack of provision of on-street charging was discussed at the Decision Session in response to a representation from a resident wanting an on-street charging facility to enable them to buy a ULEV car. In the absence of any policy to enable installation of such charging provision (as confirmed by officers at the meeting), it is not logical to suggest that residents who need a permit to park on the public

highway outside their home will be incentivised to buy such a vehicle in order to qualify for the new discount criteria.

Also, there has been no reference to any additional provision of electric charging points for season ticket holders in council car parks to enable them to switch to a ULEV vehicle.

- e) Given the above, there is no evidence to support paragraph 29 that ‘this meets the council’s sustainable transport policy by encouraging sustainable transport usage and ULEV uptake’ since there is no provision for residents to charge such ULEV vehicles within Respark areas of the city, and the absence of a discount for low emission vehicles is just as likely to lead to them being replaced with a higher emission conventional vehicle.

We therefore call for the decision to be referred back to the Executive Member to consider Option 4, acknowledging that bands A-C continue to apply to vehicles registered before April 2017 and for the discount to be applicable to the new (post-2017 registration) bands below 110g/km CO2 emissions.

The effect would be that both ultra low emission vehicles (ULEV) and low emission (LEV) vehicles would continue to qualify for the discounted rate after April 2019, thereby continuing to incentivise residents to purchase lower emission vehicles appropriate to the facilities available to them where they live.

Budgetary adjustment would need to be made in the City of York Council 2019-20 budget to reflect this reduction in savings from April 2019.

Consultation

5. In accordance with the requirements of the Constitution, one representative from the Group of calling-in Members has been invited to attend and/or speak at the Call-in meeting, as appropriate.

Options

6. The following options are available to CSMC (Calling-In) Members in relation to dealing with this post decision call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
- a) To decide that there are no ground to make specific recommendations to the Executive in respect of the report. If this

option is chosen, the original decision taken on the item by the Executive Member on 15 November 2018 will be confirmed and will take effect from the date of the CSMC (Calling-in) meeting; or

- b) To make specific recommendations to the Executive on the report, in light of the reasons given for post-decision call-in. If this option is chosen the matter will be considered at a meeting of Executive (Calling-In) to be held on 20 December 2018.

Analysis

- 7. Members need to consider the reasons for call-in and the report to the Executive Member and form a view on whether there is a basis to make specific recommendations to the Executive Member in respect of the item called in.

Council Plan

- 8. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

- 9. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

- 10. There are no risk management implications associated with the call in of this matter.

Recommendations

- 11. Members are asked to consider all the reasons for calling-in this decision and decide whether they wish to confirm the decisions made by the Executive Member or refer the matter back for reconsideration and make specific recommendations on the report to the Executive Member.

Reason: To enable the call-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 – Extract from the Decision Sheet produced following the Executive Member Decision Session on the called-in item

Annex 2 – Report of the Corporate Director of Economy and Place on Changes to Permit Emission Charges.