

**Economic Development & Transport Policy &
Scrutiny Committee (Pre-Decision Calling – In)**

18 November 2015

Report of the Assistant Director, Governance and ICT

Called-in Item Pre-Decision: York's Third Air Quality Action Plan (AQAP3)

Summary

1. At its meeting in August 2015, the Executive agreed some operational guidelines for enabling and supporting a pre-decision call-in process. This supplements the pre-existing arrangements for post-decision call in and is intended to provide all backbench and scrutiny Members with opportunities to comment upon relevant upcoming Executive or Executive Member decisions.
2. In accordance with the arrangements for pre-decision scrutiny call-in, 3 Members (Councillors D'Agorne, Kramm, Craghill) have called in the Executive Member for Environment's intended decision in relation to the 3rd Air Quality Action Plan, for the following reason:

"The bad air quality in York is one of the major health risks for residents particularly in the city centre area. Actions are needed that can deliver fast and sufficient relief for people affected. After an intense consultation for the AQAP3 it would be beneficial for the process if councillors can have an early opportunity to value and analyse the data from a political and ward-orientated perspective and assist officers in the wording of the recommendation of the Action Plan for execution"
3. This report sets out brief background to the issue called-in and the role of and options available to this Committee, under the agreed pre-decision call-in arrangements.

Background

4. Due to the health implications and costs associated with air quality, the government set health based air quality objectives for seven of the most common pollutants found in our cities.

5. The Environment Act 1995 requires all local authorities to review and assess air quality in their areas and to declare Air Quality Management Areas (AQMAs) where the objectives set by the government are unlikely to be met. Where an AQMA is declared, an Air Quality Action Plan (AQAP) must be developed to demonstrate how the local authority intends to improve air quality.
6. Air quality monitoring has been undertaken in York since 1999. In 2001 the Council identified five areas of the city centre, around the busy inner ring road, where it was unlikely that the long term objective for nitrogen dioxide (NO₂) would be met. These five areas were incorporated into a single Air Quality Management Area (AQMA) declared on 22 January 2002.
7. The AQMA included areas where members of the public were likely to be exposed to air pollution regularly over long periods of time, such as residential properties, nursing homes and schools. Roads were also included within the AQMA boundary and showed the wider area that residents and businesses stated they wanted to see air quality improved during consultation on the AQMA boundaries.
8. Following the publication of AQAP2 (2006) average concentrations of NO₂ continued to rise across the city and new declarations became necessary.
9. In April 2010, a further AQMA was declared along the A19 corridor to the south of the city. This followed repeated exceedances of the annual average NO₂ objective on Main Street, Fulford. Another AQMA was declared for NO₂ on Salisbury Terrace on 18th May 2012 due to further evidence of elevated levels of NO₂ in the Leeman Road area.
10. The continued deterioration of air quality prompted a review of AQAP2 and the review prompted the development of York's Low Emission Strategy (LES). The York LES was adopted in October 2012 and was the first overarching LES in the UK; it sets out a low emission based approach to air quality improvement using a variety of incentive, technology and enforcement based methods to further reduce emissions of air pollutants. The LES recognises the particular need to reduce NO₂ from diesel vehicles, including buses, HGVs and taxis that fall outside the scope of previous modal shift based AQAPs.
11. The development of AQAP3 is to achieve further air quality improvement in York with emissions being minimised as far as possible and a significant shift away from the reliance of diesel vehicles to provide essential public transport and delivery services.

The Process

12. One (or more depending upon the Chair's discretion) of the Calling-In Members will have the opportunity to address the Committee, making comments on their reasons for bringing this pre-decision call in forward. There will be opportunities for the Executive Member and Officers to address the Committee. In light of the submissions made and their own views, Members of the Committee will then debate and agree upon recommendations to make to the Executive Member for decision upon this matter. The full process according to which the Chair will manage this meeting is attached at Appendix (i) to this report.
13. Having heard the views of various Members and speakers and the recommendations of this Committee, the Executive Member will then be invited to make his decision publicly, upon the conclusion of this Scrutiny call-in meeting, if feasible.

Consultation

14. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate. Corporate & Scrutiny Management Policy & Scrutiny Committee was fully consulted on the implementation of the pre-decision call-in arrangements in advance.

Options

15. The following options are available to this Committee in relation to dealing with this pre decision call-in, in accordance with the new agreed arrangements:
 - (i) Agree comments or recommendations for submission to the Executive Member, to take into account when making his decision; or
 - (ii) Decide not to make any specific comments/recommendations to the Executive Member on the issue in hand

Analysis

16. Members need to consider the reasons for call-in and any comments made at the meeting by speakers, as well as have regard to the information in the officer's report to the Executive Member on this matter, attached at Annex (ii) to this report, before inviting the Executive

Member to make a decision.

Council Plan

17. 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

18. 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 consider and handle the pre decision call-in. However, if it became clear to the Committee from information received that there were implications associated with any comments/recommendations it wished to make then it would be appropriate for the Committee to also recommend that any such implications be looked into, prior to the Executive Member making a decision which might be affected by those implications.

Risk Management

19. There are no direct risk management implications associated with considering the call in of this matter. However, the Committee would be advised to invite the Executive Member to take account of any risks associated with any comments/recommendations which the Committee may wish to make on the matter in hand, prior to implementing any decision.

Recommendations:

20. Members are asked to:
 - (i) consider the reasons for calling in this matter prior to decision, together with all submissions made and decide whether they wish to make any specific comments/recommendations for consideration by the Executive Member; and
 - (ii) invite the Executive Member to make their decision upon the conclusion of the call-in meeting in light of (i) above.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the new pre-decision call in arrangements.

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**Chief Officer Responsible for the
report:**

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**Report
Approved**



Date 2 November 2015

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex (i) – Process for handling pre-decision call in at the meeting
Annex (ii) – Third Air Quality Monitoring Report to Executive Member and associated Annexes, as follows:

Annex A – Letter from DEFRA re infringement fines
Annex B – AQAP consultation questionnaire and responses
Annex C – Individual written responses to AQAP3 consultation
Annex D – Community Impact Assessment for AQAP3
Annex E – Glossary of acronyms and abbreviations
Annex F – The main AQAP3 report “Towards an ultra low emission city”

Annex F, the main AQAP3 report, has 5 separate annexes

Annex 1 – Feasibility studies: Low Emission Zone, electric buses and anti-idling
Annex 2 – Clean Air Zone
Annex 3 – Assessment of AQAP3 measures
Annex 4 – Emission Factor Toolkit modelling
Annex 5 – Low Emission Partnership planning guidance and technical guidelines

Background Papers

Report to Executive – Proposed Decision Making Arrangements -27 August
2015