

MAYOR AND CABINET			
Report Title	Response to the Comments of the Sustainable Development Communities Select Committee on the implementation of the Air Quality Action Plan.		
Key Decision	No	Item No.	
Ward	All		
Contributors	Head Of Public Protection and Safety Head of customer services Regeneration and Place		
Class	Part 1	Date: 21 November 2018	

1. Purpose

- 1.1 This report sets out the response to the views and comments arising from the Sustainable Development Select Committee on the implementation of the Air Quality Action Plan update on the 19th July 2018, presented to the Mayor and Cabinet on 20th September 2018.

2. Recommendations

It is recommended that the Mayor:

- 2.1 Approve the response from the Executive Director for Community Services to the comments from the Sustainable Development Select Committee.
- 2.2 Agree that this report should be forwarded to the Sustainable Development Select Committee.

3. Background

- 3.1 The Sustainable Development Select Committee received a report on the Air Quality Action Plan in June 2017 and requested an update and progress 1 year on.

- 3.2 The update included:

Details on the implementation of the air quality action plan and on the low emission vehicle charging strategy consultation, the following key points were noted:

- A comprehensive list of activity and actions had been provided in the report to the Committee.

- A great deal of progress had been made on the air quality action plan, in line with the requirements of the Greater London Authority (GLA).
- Work had taken place with the Council's previous and current Mayor's air quality champions.
- A schools air quality award had been launched.
- The Council had joined a consortium of boroughs to form an 'anti-idling' campaign network.
- A number of events to share information about air quality had been held. This included a conference to launch the new 'Lewisham air' mobile app.
- Lewisham was due to be the location of a new air quality 'supersite' – which would be one of only three in the country.
- The supersite that was being developed was a fixed site and the decision to locate it in Lewisham was a positive development for the borough.
- The number of diffusion tubes (for air quality monitoring) across the borough had been increased.
- The Council had been successful in a bid to government for the development of two new 'clean air villages' in the borough, which would engage with business to lower their emissions. The focus would be on reducing pollution from deliveries.
- The air quality audits offered by the GLA were taken up by three Lewisham schools. These schools were part of 50 schools audited across London. Schools were selected in order to ensure a coverage across as many London boroughs as possible, where legal limit levels were being exceeded and had cooperation of the school themselves but were not necessarily the 50 worst polluted schools in London.
- The report included information about the Council's response to the Mayor of London about the expansion of the ultra-low emission zone.
- The Council's position was that the low emission zone should cover the whole of Greater London.
- A detailed response was awaited from the GLA to question from officers about the likely impact of the zone on the emissions in the borough.

- The consultation on the low emission vehicle charging strategy would run until 13 August. Work would take place to analyse responses in order to finalise the strategy by the end of the year.
- The intention was to have all residents within 500m of a charging point by 2020, which was an ambitious target.
- There were four key objectives in the strategy, the first related to target markets for charging through the selection of key locations for charging points, the second was related to the uptake of grants, funding and income, thirdly, the strategy acknowledged the need to keep pace with technological developments and finally it considered the policy and public engagement options for supporting the uptake of electric vehicles.
- The strategy also considered the options for infrastructure – via lamp columns; and two kinds of dedicated charging points for standard and rapid charging.
- The website was being used to gather information about the locations at which respondents wanted to see charging points.

4. Referrals

4.1 The Sustainable Development Select Committee received a report on 19th July 18 which updated on the implementation of the Air Quality Action Plan and the Low Emission Transport Strategy.

4.2 At their meeting on the 19th July 18 the Select Committee made a referral to the Mayor and Cabinet. The Committee resolved to advise Mayor and Cabinet of the following:

4.3 Referral 1

The Committee believes that officers should explore the options for encouraging the uptake of the Lewisham air app – this could include an internal communications campaign at the Council and the widespread automatic download of the app on to Lewisham managed devices.

4.4 Response

The communications team have been pushing uptake of the app and since August have promoted on channels with over 136,800 recipients. This has resulted in a further 138 downloads – a 19.7% increase - taking the total number of downloads of the app up to 700.

Subject to any technical issues preventing this from happening, the app will automatically be downloaded on all Council mobile devices.

The Communications Strategy is being refreshed and a comprehensive update will include methods of increasing internal communication and explore feedback from existing users to inform the engagement and promotional strategy.

4.5 **Referral 2**

The Committee recommends that consideration be given to a 'dirty diesel' tariff for the most polluting vehicles. This could include higher charges for parking and residential permits

4.6 **Response**

The Council's Parking Policy was last updated in October 2014, following a comprehensive review. It was agreed that this would be refined in 2018 to bring the policy in line with current legislation and best practice. As part of this interim update, consideration is already being given to the introduction of an emissions based charging scheme for certain types of parking permit. A diesel surcharge is also being considered. This responds to an action included within the Council's Air Quality Action Plan (2016-2021) to investigate this.

Officers are aiming to bring details of these proposals to the December Sustainable Development Select Committee (SDSC) for discussion, subject to the Chair's agreement to its inclusion on this agenda. A summary of the proposals will then be consulted on, with the results brought back to SDSC for further discussion, prior to agreement being sought from Mayor & Cabinet on the updated Parking Policy.

Attached is the summary report (Appendix 1) provided by TfL as part of the consultation, where reductions predicted by the introduction of the ULEZ, for both heavy vehicles (London wide) and light vehicles (within the Inner London Area i.e. north of the S Circular), were included. This states: '28 per cent less harmful nitrogen oxide (NOx) from road transport from 2021 within Lewisham'..... 'In Lewisham, analysis shows that NOx inside the boundary will reduce by 30 per cent. Outside of the boundary we expect reductions of 26 per cent. Even residents close to the boundary will see a net improvement in air quality.' The expectation is that vehicles in Lewisham will purchase non 'dirty diesel' as the daily charge to enter the zone will preclude entry. Their supporting evidence with the consultation (Appendix L) has used the following assumptions in their tabled modelling: 'which shows a compliance of 87 per cent for cars, and 63 per cent for LGVs. In comparison, the expected level of compliance within the ULEZ boundary is 93 per cent for cars and 72 per cent for vans respectively'.



ULEZ Expansion
Fact Sheet - LB Lewi:

4.7 **Referral 3**

The Committee also believes that the Council should review the options for encouraging its public sector partners to take up the Lewisham air app.

4.8 Response

The Council currently through Public Health colleagues working with the Environmental Health Team encourage health partners in raising awareness and specifically targeting messages to key cohorts of people. This is primarily done via the CCG as well as through GPs etc. Officers will expand the reach to include other public sector partners as well as key RSLs and other key partners of the Council.

4.9 Referral 4

It was noted that Lewisham's Clean Air Champion intends to visit local assembly meetings and the Committee recommends that this is endorsed and supported by Mayor and Cabinet and the relevant officers.

4.10 Response

This is hugely welcomed and supports the Champion in this respect.

5. Financial Implications

- 5.1 There are no immediate financial implications arising out of this report but there may be financial implications arising from carrying out the action proposed by the Committee which would need to be considered.

6. Legal Implications

- 6.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).
- 6.2 The Environment Act 1995 requires local authorities to monitor air pollution against national targets. The Clean Air Act 1993 empowers Local Authorities to control and deal with dark smoke and harmful fumes. Local Authorities also regulate small industries which cause air pollution. (The Industrial Emissions Directive replaced the controls under the Integrated Pollution Prevention and Control (IPPC) Directive 2008/1/EC. The permitting system operates in England and Wales through the Environmental Permitting (England and Wales) Regulations 2010).

7. Crime and Disorder Implications

7.1 there are no specific crime and disorder implications.

8. Equalities Implications

8.1 Additionally, the Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

9. Environmental Implications

- 9.1 The approval of the Air Quality Action Plan will allow the local authority to fulfil its statutory obligations under the Environment Act 1995 which are aimed at improving air quality.
- 9.2 An Air Quality Action Plan will have positive benefits for the environment. A synergy exists between actions aimed at improving the quality of the air we breathe locally and tackling carbon emissions and improving public health and well-being.
- 9.3. The Low Emissions Vehicle Charging strategy 2018-2022 will provide an infrastructure to assist in the transition away from petrol and diesel powered vehicles, hence reducing the air quality impacts.

Background papers

Referral to Mayor and Cabinet – 20th September 2018

For further information please contact Geeta Subramaniam-Mooney, Head of Public Protection and Safety on 020 8314 9569.