



Notice of Non-key Executive Decision

Subject Heading:	GLA Consultation to London Boroughs on the Draft London Local Air Quality Management (LLAQM)
Cabinet Member:	Councillor Viddy Persaud Cabinet Member for Public Protection and Safety
SLT Lead:	Caroline Bruce Director of Neighbourhoods
Report Author and contact details:	Marie-Claire Irvine, Public Protection Programme Manager 01708 432649 Louise Watkinson, Group Manager Public Protection 01708 432771
Policy context:	The consultation and responses link to the council's Air Quality Action Plan to improve air quality in the borough
Financial summary:	<p>The Council has secured £0.125m from the TfL Local Implementation Plan (LIP) for 2019/20 which will cover the implementation of air quality actions for this year.</p> <p>The majority of the proposed changes to the LLAQM framework are not expected to create financial implications, as the Council is already implementing most of the proposed air quality actions and has secured the above funding. Where potential</p>

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	financial implications associated with the proposals have been identified, the Council has expressed its reservations and has not committed to deliver these actions unless additional funding becomes available.
Relevant OSC:	Environment OSC
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering

[X]
[X]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The national Local Air Quality Management (LAQM) process has been in place for 17 years and the devolved London Local Air Quality Management (LLAQM) system has been in place since May 2016.

This consultation seeks the views of London boroughs on the proposed new Air Quality Action Plan (AQAP) matrix and Cleaner Air Borough criteria. It also includes a number of proposed updates to the Policy and Technical Guidance, with the following objectives:

- to ensure boroughs are taking suitably ambitious and targeted action and support objectives as set out in the London Environment Strategy;
- to ensure that London boroughs continue to work towards achievement of World Health Organization recommended guidelines for pollutants even when legal limits are met;
- to update information in the guidance documents to reflect new research, policies and priorities;
- to update Cleaner Air Borough Status (a recognition scheme for boroughs that was introduced under the previous Mayor) so that it is transparent and fair, promotes continual improvement, and clearly aligns with new LLAQM priorities.

After the 8-week consultation the new LLAQM framework will be finalized and a report published by the GLA on the consultation responses and the revised framework will be put in place in summer 2019.

It is recommended that the suggested consultation responses in Appendix 1 be approved and the consultation responses submitted.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 2 Executive Functions - 2.5(b) (2) Delegation to individual cabinet member by the Leader: – Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:

- (i) the Government (including White and Green Papers)
- (ii) the London Council, the Greater London Authority, the Local Government Association and all other bodies

where those papers affect the services allocated.

STATEMENT OF THE REASONS FOR THE DECISION

1. Background

1.1 The basic statutory framework in place for local air quality management is within Part IV of the Environment Act 1995 and national air quality regulations. This remains in place and is applicable to London's 32 boroughs and the City of London.

1.2 However, it was agreed with the Department for the Environment Food and Rural Affairs ("Defra") in 2016 that the relevant local air quality management policy and technical guidance for London should be different from that in the rest of the country in recognition of the particular challenges London faces. Defra have agreed that policy and technical guidance for London should be issued by the Mayor, in recognition of his London-wide supervisory role. This reflects the Secretary of State's own statutory guidance. As a result London boroughs need only refer to the document (LLAQM: Policy Guidance 2019) and to LLAQM Technical Guidance 2019 ("LLAQM.TG(19)"), as issued by the Mayor from time to time, rather than national guidance issued by Defra.

2. Details of Consultation

The consultation is found at www.london.gov.uk/LLAQM-consultation and the questions cover the following areas:

- **Monitoring:** It is proposed that boroughs should as a minimum maintain current levels of air quality monitoring.
- **Particulate Matter (PM2.5):** Boroughs are asked to focus on PM2.5 reduction measures (included in Appendix 3), monitoring where funding opportunities become available, and support commitment to meet the World Health Organisation (WHO) Guidelines for PM2.5.
- **Air Quality Action Matrix:** The updated Matrix consolidates actions to improve air quality into 25 key actions ranked in priority order for boroughs to take locally. These actions are included in Appendix 2 of this Decision.
- **AQAPs:** Boroughs are asked to deliver all actions included in the updated Matrix, as part of their AQAPs.
- **Cleaner Air Borough Criteria:** Boroughs will be scored against the delivery of the 25 key actions and will be able to be awarded a Bronze, Silver or Gold status, depending on delivery.
- **Policy and Technical Guidance:** The previous Policy and Technical Guidance have been revised, containing minor amendments.

2.1 The proposed Draft consultation responses are included in Appendix 1 of this Decision.

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Local authorities in the UK have a statutory duty to manage local air quality under Part IV of the Environment Act 1995.

It places a legal duty on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where they are not, the local authority must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. The Mayor introduced the current London Local Air Quality Management (LLAQM) framework in 2016, which sets out the statutory process used by London local authorities to review and improve air quality within their areas.

The public consultation sought views and responses to the updated LLAQM framework including changes to the GLA's Air Quality Action Matrix. These must be conscientiously taken into account when preparing a response, and when the Plan is amended and finalized. The proposed amendments are set out in Appendix 1 of this report.

If the proposed changes are adopted by the GLA, all boroughs will be bound by this.

FINANCIAL IMPLICATIONS AND RISKS

The Council has secured £0.125m from the TfL Local Implementation Plan (LIP) for 2019/20 which will cover the implementation of air quality actions for this year.

The majority of the proposed changes to the LLAQM framework are not expected to create financial implications, as the Council is already implementing most of the proposed air quality actions and has secured the above funding. Where potential financial implications associated with the proposals have been identified (e.g. implementation of a Low Emissions Neighbourhood, delivery of all proposed actions), the Council has expressed its reservations within the Draft consultation responses and has not committed to deliver these actions unless additional funding becomes available.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The majority of the proposed changes to the LLAQM framework are not expected to create human resources implications, as the Council is already implementing most of the proposed air quality actions. Where potential HR implications associated with the proposals have been identified, the Council has expressed its reservations within the Draft consultation responses.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1: Do Nothing: This option has been considered and rejected as if we do not respond to the consultation our views will not be noted.

PRE-DECISION CONSULTATION

Consultation took place with the Lead Member on the 30th April 2019.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Louise Watkinson

Designation: Group Manager Public Protection

Signature:



Date: 14th May 2019

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

There are no equalities and social implications or risks relating to, the proposed decision.

BACKGROUND PAPERS

None

Appendix 1: Draft Consultation Responses to the GLA Consultation on the Draft London Local Air Quality Management (LLAQM) framework

Appendix 2: Proposed PM2.5 reduction measures

Appendix 3: 25 key actions of the updated Air Quality Action Matrix

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

V. Persaud

Name: Councillor Viddy Persaud

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 14th May 2019

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 16/5/2019

Signed *V. Persaud* *J. J. R.*