

BIRMINGHAM CITY COUNCIL

SUSTAINABILITY AND TRANSPORT O&S COMMITTEE

1030 hours on 10th July 2019, Room M93, Council House – Actions

Present:

Councillor Liz Clements (Chair)

Councillors Muhammad Afzal, Olly Armstrong, Zaker Choudhry, Timothy Huxtable and Julie Johnson.

Also Present:

Councillor Waseem Zaffar, Cabinet Member for Transport & Environment

Councillor Majid Mahmood

Councillor Zhor Malik

Phil Edwards, Assistant Director, Transportation & Connectivity

Sylvia Broadley, Air Quality Manager – Energy & Transport

Baseema Begum, Scrutiny Officer

Emma Williamson, Head of Scrutiny Services

1. NOTICE OF RECORDING/WEBCAST

The Chair advised those present that the meeting would not be webcast due to the lack of availability of a Committee Room with the necessary equipment to allow the meeting to be livestreamed. However members of the press/public were welcome to attend and provision had been made for them to attend the meeting should they wish to do so.

Cllr Mahmood and Cllr Malik raised concerns and their disappointment about the meeting not being livestreamed as residents of Cllr Malik's ward had expressed an interest in watching the meeting.

The Chair noted the response and clarified that due to the nature of holding a call-in meeting within a certain timeframe, ensuring that the maximum number of Members were able to attend and room availability it was on this occasion not possible to secure livestreaming. The meeting however was still a public meeting and open to all members of the press and public.

2. DECLARATION OF INTEREST

Cllr Huxtable declared a standing interest in his role as Vice-Chair of the Transport Delivery Committee of the West Midlands Combined Authority. He also clarified his role as the Lead Shadow Member for Bus Rapid Transit ('SPRINT').

Cllr Johnson confirmed that she was an advisor to the Cabinet Member for Transport & Environment on buses.

Cllr Afzal stated that he was Chairman of the Birmingham Central Mosque.

3. APOLOGIES

Apologies were received from Councillors Eddie Freeman and Josh Jones.

4. CLEAN AIR ZONE: CHARGING ORDER AND INDICATIVE ALLOCATION OF NET PROCEEDS

(See document No. 1)

The Chair, Councillor Clements requested Councillors Mahmood and Malik put forward their reasons for the call-in of this decision to the Committee as outlined in the request for call-in proforma.

Cllr Mahmood clarified the reasons for the call-in and made the following specific points:-

- There is a need to tackle air pollution but there is no requirement by government to have a charging order in place.
- A delay should have been used to hold another consultation particularly in relevant wards that are adversely affected. Leeds City Council that are also introducing a CAZ is not charging private motorists.
- 47% of car journeys are less than 2 miles and these are not constrained to the city centre and therefore the area covered by the CAZ.
- The decision is controversial and is the most unpopular decision taken by the Council. It is making the city centre an exclusive destination for the well off with the proposed charge of £8 for cars further excluding those from deprived communities and those in lower income brackets.
- Those living in wards on the periphery of the CAZ are adversely impacted on by the proposals as more pollution will be created in these areas as cars divert from the CAZ (people are more likely to use these areas to park their cars and use the bus for the rest of the journey for example). This will impact negatively on the health of residents in those wards. Furthermore there are no mitigation measures for residents in areas outside of the city centre.
- The Equality Impact Needs Assessment (EINA) should be an independent process however it was undertaken by Council officers and presents a conflict

of interest as they are also making the recommendations of what should be implemented.

- The charging order does not take note of the comments made within the EINA for example providing provision for disabled users. Wheelchairs specifically use hackney carriages as they have the appropriate access. However with the introduction of the CAZ 50% of hackney carriage vehicles will no longer be able to provide this service as they will not be compliant. Currently about a third of journeys in hackney carriages are by disabled users. This will not only impact negatively on wheelchair users who need to use hackney carriage vehicles to travel but also impacts hackney carriage drivers unfairly who are predominately one specific race and religion as noted in the EINA.
- No provision has been made for specific places of worship that fall within the CAZ such as Birmingham Central Mosque. Religious belief is a protected characteristic within the Equalities Act. The mosque is the biggest institution within the CAZ and has a large congregation especially for Friday prayers and an estimated 4/5 funerals taking place on a weekly basis that draw thousands of visitors not only from across Birmingham but from other cities too sometimes at very short notice. The numbers attending increases during the month of Ramadan where prayers are held later into the evening where public transport isn't an option both for safety and practical purposes. There are also large numbers of worshippers attending on the religious festival of Eid.
- All Members in impacted wards should be involved in the CAZ Members Group chaired by Shabana Mahmood, MP.
- The Jewellery Quarter falls within the CAZ however the pollution levels measured in the area do not exceed unsafe levels. Air quality hotspots outside of the CAZ need tracking.
- A citywide parking permit for residents should be in place. Other options needed to be looked at rather than charging.
- Local exemptions should be considered and other options such as a workplace levy.
- There are no details on the location of the proposed Controlled Parking Zones (CPZs) and how funding will be given to wards from the net proceeds of the CAZ.
- The Council has agreed a climate emergency last month and this includes tackling air pollution across the city. A number of measures need to be put in place not just the CAZ. The highest levels of air pollution measured have found to be outside schools.

Cllr Malik added the following points:

- The proposed CAZ unfairly discriminates against constituents in the Balsall Heath West ward. The ward represented by Cllr Malik is on the periphery of the CAZ and it was felt that drivers are likely to park their vehicles in the ward (to avoid charges) and use public transport for the rest of their journeys or if they attending a nearby event for example at Edgbaston Cricket Ground or

visiting the Birmingham Central Mosque. This was not only detrimental to the health of local residents but will impact on the levels of air pollution in the ward and other wards in a similar position. It will also create an issue with on-street parking.

- There are proposals for CPZs in the report but there is no detail on the wards that will benefit. Residents of the wards with a proposed CPZ should be at nil cost to the householders.
- Clarity is needed on the support and measures being put in place for the mosque.
- Taxi drivers are being hit disproportionately.

Cllr Zaffar responded to the points raised as follows:

- There are guidelines from government that need to be followed alongside other interventions to improve air quality.
- The purpose of this report to cabinet was to get approval on the proposed charges and the proposals of how the proceeds would be used. Some of the wider issues mentioned have been part of the consultation process that has already taken place. These issues have been covered in previous reports to Cabinet and have been subject to the call-in process heard by this Committee.
- Cllr Zaffar accepted that there will be an impact on parking in neighbouring wards to the CAZ however there are proposals to introduce CPZs from the revenue raised from the CAZ. A request for funding for CPZs in neighbouring wards was made to government but this was not awarded. The introduction of CPZs in those wards will be at no cost to residents for the first two years. Work is also underway to standardise CPZs across the city.
- The Licensing Committee have been working with taxi drivers and their representatives. A support package is in place for private hire and hackney carriage drivers.
- The Council is committed to tackling illegal and unsafe levels of air pollution. This requires people to use more sustainable methods of travel. Improvements to public transport are needed and more work needs to be done to encourage walking and cycling. These areas of work are part of the long term transport strategy of the Council and work is currently happening in these areas as can be demonstrated by various works underway in the city.
- A working group led by Shabana Mahmood, MP includes all Members of the wards affected by the CAZ to enable the necessary engagement and understanding of the impact on local residents, businesses and other stakeholders. Any issues at this group can be raised directly with Cllr Zaffar.
- There are a number of religious institutions within the CAZ and it is unmanageable to offer mitigations for some and not others. There is also a need to ensure that those of no faith are not discriminated against. However engagement is taking place with faith institutions through the city's Faith Leaders Group and some work is being done looking at alternative forms of transport.

- Cllr Afzal confirmed that the congregation on the festival of Eid is in the region of 30,000 worshippers in one day. Cllr Afzal is in discussion with the Cabinet Member and officers on how to deal with this going forward.
- Consultation on the CAZ took place last year and the proposals for charging at that point were in line with charges in London (e.g. £12.50 for private vehicles). Following responses and further consultation and work undertaken it was confirmed that the current charging mechanism would work to encourage behaviour change and promote non-polluting vehicles. The overall aim is to achieve cleaner air.
- The current hackney carriages in operation are the oldest pool of vehicles and contribute massively to the poor air quality.
- The Council is not in a position to delay the work on achieving cleaner air. There is more work needed to reach safe levels not just legal compliance.
- The first phase of the School Streets Pilot starts in September. The ambition is to have all schools signed up next year where possible and where this is not possible provide those schools with appropriate resources to reduce air pollution.
- A further report to cabinet will come forward in due course. No other decisions will be made until then.

Phil Edwards explained:

- The purpose of this report is to approve the charging order (this was approved by government in March).
- The technical work on the EINA was undertaken by Jacobs consultants. The EINA identifies key impacts on the protected characteristics. The other purpose is to provide mitigations. There is the need to be legally compliant in air quality in the shortest time possible otherwise the Council will be subject to legal challenge.
- Proceeds of the charge and further detail will be provided for mitigation in a future cabinet report. Monies raised will help with mitigation in wards affected. Detail and work being done is on an assumption of a 'worse case' scenario.
- Mitigations measures are in place for hackney carriage drivers as following consultation it is understood that currently only 96 vehicles would be compliant.

The following points were made by members of the committee:

- More detail is needed on the proposed CPZs. CPZs are costly and a time consuming area of work with a high amount of technical work involved.
- Any fleet of vehicles procured by the Council for example big wagons will need to be compliant with the CAZ but there was concern that older vehicles might still be used outside of the CAZ adding to the air pollution elsewhere in the city.

- Faith leaders can be utilised to promote wellbeing to their congregations and encourage behaviour change in using alternative methods of transport to travel to places of worship.
- As part of the monitoring and tracking of the CAZ the on-going impact on worshippers should also take place.

Following the case being presented and the response of the Cabinet Member and officers the Committee held a discussion and took a vote and it was decided by a majority of 2 to not call-in the decision made.

RESOLVED:-

- 1) That the Chair would write to the Cabinet Member for Transport and Environment to monitor the impact of the CAZ on wards affected once implemented. This will include the proposals for the clean air fund and revenue from the CAZ charging and further information on what schemes and proposals will be available in the local area.
- 2) Cllr Zaffar agreed to write to the 30 religious institutions within the CAZ to ask for data on the number of worshippers attending and time(s) they attend.
- 3) Cllr Zaffar to share a report with Committee on the proposal for the revenue spend prior to it being presented to cabinet.

5. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS (IF ANY)

None.

6. OTHER URGENT BUSINESS

None.

7. AUTHORITY TO CHAIRMAN AND OFFICERS

Agreed.

RESOLVED:-

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 12:42 hours.