

## **BIRMINGHAM CITY COUNCIL**

# **SUSTAINABILITY AND TRANSPORT O&S COMMITTEE**

**1000 hours on 13<sup>th</sup> September 2018, Committee Room 6 – Actions**

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### **Present:**

Councillor Liz Clements (Chair)

Councillors Chaman Lal, David Barrie, Kath Hartley, Timothy Huxtable and Hendrina Quinnen

### **Also Present:**

Councillor Waseem Zaffar, Cabinet Member for Transport & Environment

Philip Edwards, Assistant Director, Transportation and Connectivity

Kevin Hicks, Assistant Director, Highways & Infrastructure

Domenic De Bechi, PFI Contract Manager

David Harris, Transport Policy Manager

Nigel Bellamy, AQ specialist, AQ Consultants

Vinny Naga, Programme Support – CAZ, Turner & Townsend

Baseema Begum, Scrutiny Officer, Scrutiny Office

Rose Kiely, Overview & Scrutiny Manager, Scrutiny Office

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## **1. NOTICE OF RECORDING/WEBCAST**

The Chair advised those present that the meeting would be webcast for live and subsequent broadcast via the Council's Internet site and that members of the press/public may record and take photographs except where there are confidential or exempt items.

## **2. APOLOGIES**

Apologies were received from Councillors Josh Jones and Zaker Choudhry.

## **3. DECLARATIONS OF INTERESTS**

Councillor Lal declared his role as an advisor to the Cabinet Member for Transport and Environment on major capital projects.

The Chair advised the Committee that due to notice of call-in it had been agreed that this would be heard at today's meeting and will be taken as the first item.

#### **4. REQUEST FOR CALL-IN: BIRMINGHAM CLEAN AIR ZONE SUBMISSION OF PREFERRED OPTION BUSINESS CASE TO GOVERNMENT**

(See additional report circulated)

Cllr Huxtable stated that the Conservative Group supports a Clean Air Zone (CAZ) in principle however there was a need to review the proposals to assess the potential impact on residents and businesses. He outlined the reasons for the call-in as follows:

- Consider excluding newer and less polluting petrol and diesel cars specifically those purchased after 2006 from charges.
- Encouraging drivers of the most polluting vehicles to upgrade.
- Ensure the charging of vans, private hire and taxis is only implemented where there is sufficient support for drivers particularly those running their own small businesses to upgrade to cleaner vehicles.
- To review the scope of the CAZ including the geography, timings and its operation and the proposed charges.
- Delay implementation until after Jan 2020 for some vehicles to allow road users to prepare, allow public transport to be built and other clean air measures to be implemented.

He clarified further specific points in relation to the set 'Criteria for Call-in':

##### Overlooked some relevant consideration

- Overlooked the consultation responses in that more people have rejected the proposals.
- Failed to properly consider the impact in surrounding areas of both air quality and congestion on already deprived and inner city areas.
- Impact on retail and businesses. Businesses could be helped in upgrading their fleet. Businesses could see a drop in footfall as people will choose to shop elsewhere if they will be charged to enter the CAZ conurbation. Currently 55% of respondents use their car for shopping whilst only 24% use public transport.
- Availability of other non-punitive measures to clean the air as highlighted in the Conservative Group clean air response – not been modelled by the City Council.
- Jewellery Quarter – no big issues with air pollution but sits within the earmarked area.
- Easy option – within the ring road – can open it up to a broader charging in the future.

##### Generated particular controversy amongst those likely to be affected

- The announcement of a consultation on the CAZ was delayed until after election although it affects a huge number of people.
- There has been a lot of outrage from public on this issue as highlighted in the local press with most people saying there would be a negative impact on themselves and their families.

- A consultation period of 6 weeks over the summer holiday period was deemed to be too short for such an important piece of work and it was felt it should be longer to be inclusive as possible. Leeds City Council was highlighted as good practice for holding a consultation that ran for 12 weeks that began in December 2017.

*Decision appears to be particularly “novel” and likely to set an important precedent*

- Only one of 5 cities mandated to introduce a CAZ that is choosing to include private vehicles.
- The Council lobbied to set up a CAZ in response to government legislation but as a potential opportunity to look at wider road charging in the future as there are air quality issues outside of the ring road.

*Substantial lack of clarity, material inaccuracy or insufficient information provided*

- The report hasn't stated the charges and so a key piece of information is missing. The fails to allow people to plan adequately. In addition financial modelling has not yet been agreed yet or identified in the report. Therefore the business case can change if the charges change.
- What are the administration costs of funding the exemptions and how will this be funded as it is not made clear within the report.

*Decision appears to give rise to significant legal, financial or propriety issues*

- How is low income defined and are we leaving ourselves open to judicial review? Those on low incomes would be adversely affected if they are expected to be able to purchase a new car and so excluding certain sections of society. The City Council has to avoid lengthy (and costly) legal charges.
- Other Local Authorities have carried out a more comprehensive consultation.

The Cabinet Member for Transport & Environment, Councillor Waseem Zaffar responded:

- The introduction of a Clean Air Zone is to improve the health of poorer communities where the air pollution is above acceptable levels. The introduction of a CAZ will allow for this to be reversed and tackle health inequalities.
- Mitigations and exemptions in place to tackle the financial cost to motorists are comprehensive and the City has followed the ministerial directive from Government to tackle the dangerous levels of air pollution by the deadline given.
- Birmingham is the only local authority that is proposing a Class D CAZ and is leading the way. Administration costs are covered within the Cabinet report.
- Many of the respondents to the consultation were motorists. It is important to note that 60% of vehicles are already compliant.
- City Council officers are working with the Joint Air Quality Unit to address the issue of standardised charging for non-compliant vehicles. This is an issue for other local authorities too across the country.
- There is a need to improve coverage and affordability of public transport especially buses. Investment and support of the West Midlands Mayor and Combined Authority is needed to move things forward.

- The City Council is working with private hire vehicles drivers on those taxis that need retro-fitting. Engagement has taken place with the taxi sector including looking at low emission vehicles as part of work on the Licensing Policy due to be published at the end of 2019.
- Exemptions are in place for at least 12 months to help those that need extra time to comply. This may well be extended. Work in this area is on-going. Officers are working with Chamber of Commerce, Business Improvement Districts, Taxi Drivers and other communities.
- Would welcome input of the Committee in the Full Business Case before submission to Government.

David Harris, Transport Policy Manager added:

- Traffic modelling done as part of this work shows that 2% of drivers would cancel their trips and 4% would change their destination.
- A package of mitigations has been developed to support further access to the city centre. The mitigation measures are two-fold: exemptions and financial support and are based on feedback from the consultation and form part of the business case including supporting city centre businesses that use HGVs.
- Analysis done shows that no air pollution is created outside of the ring road.

As part of wider member discussion the following comments were made:

- The City Council should look to support electric taxis in the future as mitigation is not a long term effective strategy.
- It is important to give taxi operators adequate time to upgrade vehicles as the cost can be quite high for example hackney carriages.
- The introduction of the CAZ could see more parking immediately outside the CAZ area therefore it is worth investigating the prospect of controlled parking zones in these areas that are residential and could cause problems for residents. Therefore consideration should be given to a Residents Parking Zone for those residents living in deprived areas/ those on low incomes in or near the CAZ.
- Controlled Parking Zones will be worked up and submitted as part of the full business case submission. The costs will be offset to the City Council through income generated from the CAZ with no costs to residents.

The Cabinet Member and officers then left the room. Following a discussion amongst Committee members, a vote was taken with 4 to 2 against calling the decision in.

**RESOLVED:-**

That the decision taken by the respective Cabinet on 10<sup>th</sup> September approving the 'Birmingham Clean Air Zone: submission of preferred option business case to Government' should not be "called in".

## **5. SUSTAINABILITY & TRANSPORT O&S COMMITTEE ACTION NOTES**

The action notes of 19<sup>th</sup> July 2018 and 2<sup>nd</sup> August 2018 were agreed. The quality of debate on the 'Managing the Risk and Response to Flooding in Birmingham' report

presented to the City Council meeting on 11<sup>th</sup> September by the Chair, Cllr Clements was noted by Cllr Huxtable.

## **6. CABINET MEMBER FOR TRANSPORT & ENVIRONMENT: PORTFOLIO PRIORITIES & UPCOMING WORK AREAS**

(See document No.1 )

Councillor Waseem Zaffar outlined his priorities and key areas of work. During the discussion with officers and in response to questions the following points were made:

- Birmingham Connected needs to be refreshed to include important public transport updates for example the work on the re-opening of rail lines, rail franchise, investment in Park & Ride schemes, school travel including safe routes to school schemes and the impact of air pollution by vehicles outside school gates.
- Learning from Solihull Met. Council will be incorporated into work on school exclusion zones.
- Key areas of working on areas such as the Transport Policy Statement is not only a Council document but a city document with input from regional stakeholders, opposition Councillors, young people and the Third Sector amongst others.
- The Birmingham Energy Plan is due to published in March 2019 with possible EMT agreement in October 2018. Ian MacLeod, Assistant Director is the lead.
- The Cabinet Member chairs the CWG Perry Barr Board and is keen to ensure that the affordability of buses is key to ensuring that buses are an attractive public transport option for residents.
- Importance of understanding the Commonwealth Games transport legacy for the city and the wider West Midlands region.
- There is no Park and Ride facility on the proposed SPRINT route to Langley that is needed to serve new and existing stations on the Sutton Park line.
- The SPRINT consultation is currently open and it will be interesting to learn where the vehicles are being procured and how sustainable they are.
- Members praised the openness and transparency of the Cabinet Member and the positive relationship with local and regional partners enhanced by regular meetings.

### **RESOLVED:-**

1. Honorary Alderman Stewart Stacey in his capacity as the Cabinet Member's representative on the Rail Executive is invited to the Committee's December meeting as part of the session on 'Rail'.
2. That the City Council's response to the Cross Country consultation is circulated to the Committee for information.
3. Cllr Hartley to circulate the response to the SPRINT consultation (to all Councillors) that closes on the 28<sup>th</sup> September. It will also be available online and on social media.

## **7. HIGHWAYS MAINTENANCE AND MANAGEMENT PFI CONTRACT**

(See document No.2 )

Kevin Hicks, Assistant Director, Highways & Infrastructure and Domenic de Bechi, PFI Contract Manager outlined the key points from the cabinet report and during discussion with Members the following comments were made:

- The City Council is working on a resolution on how to take things forward following the various legal and delivery issues.
- Discussions are being held with all partners including the Government and Department for Transport.
- There have been some positives to the contract for example the winter maintenance of the public highway. However a lack of investment at the very core has resulted to problems across the city highway network.
- In terms of monies held back – much of this is disputed and therefore cannot be spent.
- There is a need to get things sorted as soon as possible however due to commercially sensitive issues a timescale cannot be put on this.

### **RESOLVED:-**

1. A further update to the Committee can be provided as needed.

## **8. SUSTAINABILITY & TRANSPORT O&S COMMITTEE WORK PROGRAMME**

The work programme was noted and the Chair, Cllr Clements added that the Committee would take forward work on making Birmingham a 'Plastic Free City' following the motion agreed at City Council on 11<sup>th</sup> September. The Committee will look to start this piece of work in January 2019 and report to City Council at the end of the municipal year.

## **9. DATE OF FUTURE MEETINGS**

Future meeting dates of the 2018/19 municipal year of were noted.

## **10. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS (IF ANY)**

None.

## **11. OTHER URGENT BUSINESS**

None.

## **12. 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.

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The meeting ended at 1247 hours.