

BIRMINGHAM CITY COUNCIL

SUSTAINABILITY AND TRANSPORT O&S COMMITTEE

1430 hours on 8th January 2019, Committee Room 2 – Actions

Present:

Councillor Liz Clements (Chair)

Councillors Zaker Choudhry, Kath Hartley, Timothy Huxtable, Josh Jones, Chaman Lal, and Hendrina Quinnen.

Also Present:

Councillor Waseem Zaffar, Cabinet Member for Transport & Environment

Councillor Robert Alden

Phil Edwards, Assistant Director, Transportation & Connectivity

Sylvia Broadley, Air Quality Manager – Energy & Transport

Cameron McGlennon, Project Consultant, Turner & Townsend

Baseema Begum, Scrutiny Officer

Rose Kiely, Overview & Scrutiny Manager

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

Councillor David Barrie.

3. CLEAN AIR ZONE (CAZ) FULL BUSINESS CASE (FBC) CALL-IN

(See document No. 1)

Councillor Hendrina Quinnen declared a non-pecuniary interest as a resident of the area covered by the CAZ.

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

- The report to cabinet was tabled late and the volume of detail contained within it would not have allowed sufficient time for it to be properly considered by the Executive Members. There were also errors in the report with incomplete information in some sections that meant that Cabinet were not able to access the data and its validity. In addition decisions were taken before the consultation responses were fully processed.
- Lacking key considerations and delegations as set out in the Council's procurement process. The report delegated responsibility to senior officers following cabinet approval therefore it did not have to seek further Cabinet approval. This removes all democratic accountability on the final figures produced. There was a threat of legal action by Client Earth to the proposals received by the Council however there were no assurances by Cabinet what would be done only that they investigate concerns after the decision (to proceed with the proposals) was made.
- Failure to listen to responses to the consultation. With over 10,000 responses – received the majority of those opposed the level of charging. Many residents and businesses raised the financial detriment and how this decision would impact them adversely. Only 25% of individuals and 13% of businesses said it would be positive for them. 13% & 11% respectively thought it would be positive for business in the city. 11.5 % of respondents supported the zone proposed.
- Reasons given for the introduction of CAZ include improving congestion and journey times however it will make things worse for those travelling outside the ring road as people will use this diversion causing more congestion, longer journey times to avoid the zone and an increase in air pollution. As a consequence of the restrictions of coming into the city centre people will choose to shop and work elsewhere affecting economic growth.
- Positive actions to tackle air pollution have been taken elsewhere however other measures have not been modelled or taken into consideration in Birmingham and so we do not know what impact they would have. For example Jewellery Quarter businesses and residents that fall within the CAZ but levels measured in the area do not exceed the levels set and therefore should not be included in the CAZ. To add to this it places an unnecessary financial burden on those residents and businesses in the Jewellery Quarter and is driving away potential customers that may have to pay a charge to shop there.
- The business case is not 'Green Book' compliant. There is a risk of not receiving government funding due to not meeting procurement rules. There is also no information on what would happen if the measures are legally challenged.
- The model used is inaccurate. Although the modelling is complete the data is not and so there is not the accurate information on what will happen outside of the CAZ in terms of exceeding levels of pollution. The Council did not know the exact number of vehicles impacted due to incomplete data. Incorrect car purchase patterns are a risk and affect the model. The final scheme also has an

increase in city centre parking charges worsening the effect on those living in deprived communities that fall within the CAZ. P.95 of the report notes the full mitigations in relation to low wage and income deprived residents but these have not been taken forward. Unclear on how sustainability issues were judged and there is no explanation about what it relates to (and this impacts the scores).

- Only 3 options were considered as part of the options appraisal. CAZ D+ is being put in place to achieve EU directive compliance however the modelling data shows that by using this option the city will still not reach full compliance. The health improvements will only benefit those in the city centre and not those outside for example those living along or working near the ring road.
- In the options appraisal the top 5 risks do not match up with those listed on the risk register. Although it is noted that there may be legal challenges made externally and the possibility of a judicial review (e.g. if Traffic Regulation Orders are deemed to be non-compliant) there is no reference to risk from the public. In addition the risk register was updated 2 months after the consultation ended.
- The parking charges consultation has not been identified as a risk on the risk register. Also the report does not state whether the Joint Air Quality Unit (JAQU) approve of the measures.
- £69m has been earmarked from the government for the introduction of the CAZ. The effect that the CAZ will have on NO₂ levels is very small when compared with levels measured outside of the zone and therefore the City Council should instead consider other (green options infrastructure) to clean the air that will have a continuous and compounding benefit in comparison to charging vehicles that do not meet the required standard. This would mean that as newer vehicles are made and used this will impact favourably on the level of air pollution meaning it would fall even further. It was estimated that this impact would be at least 30% over what the zone will deliver. It is therefore a failure of the report not to have modelled an alternative.
- Green infrastructure and other measures could be implemented within the £69m grant. These options could have been modelled as in London to bring the city as close to compliance as possible. There is also a need to keep pushing forward with modal shift.
- An Urban Freight consolidation centre has been discounted and not considered as a part of a package of measures to achieve cleaner air. This has been implemented elsewhere in the world. The Council has stated that it would be part of a future Clean Air Strategy however this has not been updated since 2011. The Clean Air Strategy was due to have been in place by the end of 2018.
- Although Appendix A of the FBC states that it is the only road charging scheme to meet compliance by 2020 further details show that it will not be compliant in 2020 but will reach full compliance in 2022, 2 years after the zone has been implemented.

- 36% of staff based at the Children's Hospital listed in the case study in Appendix C have vehicles that are non-compliant. 65% of staff have said they will move if a CAZ is introduced. This could mean a significant loss of staff even with a 12 month mitigation period being put in place.
- R17 insinuates that the JAQU do not understand Birmingham issues. There is an error in thinking that those outside of the city do not understand the issues here.
- The CAZ will be decommissioned in 2030 and therefore is only a 10 year scheme. This is a short term solution and not a permanent resolution to achieving cleaner air.

Cllr Huxtable added the following points:

- Air Quality hotspots outside of the CAZ need tracking. Also neighbourhoods such as the Jewellery Quarter where air quality is not an issue but have been included in the CAZ. There are no mitigations for areas outside of the city centre. There is a need to stop cars going into the city centre and solutions such as park and ride should be explored further.
- Investing in park and ride solutions on the fringes of the city to stop vehicles coming into the city centre could be achieved by using funding already allocated by government. This would help the ring road in particular that is already severely congested and with the CAZ could suffer even further as non-compliant vehicles use it to avoid charges.
- Alongside the CAZ charges there are also charges relating to controlled parking zones and the increase in charges to park in the city centre. Therefore some drivers could face triple charges.

Cllr Zaffar responded to the points raised as follows:

- The report was presented to Cabinet late due to continued conversations with DEFRA and JAQU that were being held days before the publication of the report to ensure that proposals contained within the report were acceptable to them. There are minor typos due to the need to complete quickly.
- Other modelling information was not included in the report as it was incomplete. Therefore it was unfair to publish it if not fully completed.
- Have listened to the responses to the consultation and put together a catalogue of mitigation measures especially for poorer communities and businesses. The City Council engaged, consulted and communicated with business improvement districts, businesses and the taxi/private hire community. The proposals on the CAZ were part of a consultation not a referendum.
- Putting in place mitigation and other measures has meant a delay in achieving compliance. However these were necessary to ensure that businesses and residents in the area were not adversely affected and to give them the time to make the necessary adjustments. Only the Mailbox area will not be compliant until 2022.

- Following responses to the consultation the charge for non-compliant vehicles will be £8 per day for cars and £50 for buses and HGVs. There is an exemption for motorbikes and they will not be charged.
- The Children's hospital is supportive of the proposals and has been involved and engaged from the start of the process. There are measures in place to support key workers.
- The city will not be entirely compliant by 2020. However full compliance will be achieved by 2022 and this is in part due to putting in place mitigation and exemptions as there is a need to support some of the poorest communities that live within the CAZ.
- Work on other measures takes more time such as the urban freight consultation. The city had a ministerial directive to reach legal compliance in the shortest time and by 2020.
- The aim is to get people moving in the city and to tackle illegal and unsafe levels of pollution. This requires improvements to public transport and encouraging walking and cycling more. However these measures need investment and are a real challenge as the population grows. Will meet with Cllr Huxtable to investigate park and ride measures further.
- Controlled Parking Zones will be explored further following on from feedback previously received from this Committee. A bid has been made to government to get financial support to introduce and tackle congestion pinch points. There are 10 projects some of which have been completed or are in progress to address concerns on congestion.
- As per the Transport Act 2000 any surplus monies will be reinvested into transport and clean air measures to work towards getting more modal shift. Will work with Cllr Alden and this Committee on green infrastructure options.
- The City's CAZ impacts neighbouring authorities. As such there has been member to member engagement and work with Sandwell and Coventry specifically because of the high level of air pollution in these areas. The Leader and the Chief Executive of Birmingham City Council have also been in dialogue with the other 6 local authorities in the West Midlands. As per the West Midlands Combined Authority (WMCA) constitution it is their role to provide a regional response on the CAZ.
- Modelling undertaken in Nottingham showed that through the investment and measures that they have already put in place they will be compliant without the need to introduce a CAZ.
- The Clean Air Strategy has been delayed from the proposed publication date of autumn 2018 to allow engagement and agreement with opposition members. The strategy will be presented to Cabinet on 22nd January. As part of the strategy there has been engagement with various groups and a clean air summit was held.

- A Clean Air Parents Summit led by the Clean Air Parents Network will be held in February with a firm commitment to start a school exclusion zone process in the next academic year.

Phil Edwards explained:

- The 'Green Book' compliance with regards to the CAZ FBC. As part of a general transport appraisal business case positive net present value and positive cost benefit ratio must be demonstrated on a 2:1 basis. The generation of both of these was not the primary objective of the CAZ business case.
- In terms of the City Council being at risk of a judicial review it was clarified that this is part of a risk with any Traffic Regulation Order made by the City Council and due considerations are worked through to mitigate against this risk. There is however always a risk and this needs to be taken into account and managed appropriately.
- Work being done on the CAZ is not set in isolation. The Council is working with the West Midlands Combined Authority (WMCA) and due consideration of Council strategies and polices already in place has been given. However the scale of the challenge needs to be acknowledged in that a CAZ is needed with other complementary measures in addition to achieve compliance and reduce air pollution. Other measures without the CAZ will not work on their own. Furthermore monitoring will take place on the performance of the CAZ and there will be an option to review.

Sylvia Broadley added:

- In regards to compliance modelling the data for this is complete. Modelling shows a very small increase in pollution levels in localised areas outside of the ring-road. In terms of compliance these areas are being addressed and it is envisaged that 2 will be compliant in 2020 and 1 in 2021. As per the government framework 3 CAZ options were modelled: CAZ C, D and CAZ D+.
- There is a wider support package in place outside of the CAZ measures. This includes changes to the network and relies also on travelling behaviour changes (mode and modal shift) and a reduction in non-compliant vehicles on the road. The modelling done supports the wider package of measures that have an impact outside of the city centre. The focus is specifically on areas of exceedance and hotspots as agreed with JAQU.
- That the risk register and the options appraisal has now been corrected. R.46 – The City Council is continuing to support residents and businesses in the CAZ are in on-going dialogue with Business Improvement Districts, the Freight Transport Association and the Chamber of Commerce alongside other representative organisations of businesses in the city and wider areas.
- With respect to R17 and JAQU being aware of the scale of the issue in Birmingham. There is an issue with national modelling vs. local. The City Council continues to work with JAQU to help their understanding.

Cllr Jones raised the issue of looking at alternatives before the implementation of the CAZ such as a workplace parking levy (as demonstrated in Nottingham) as the

mitigations and exemptions within the CAZ scheme will not support everyone who might be severely affected by it such as businesses that rely heavily on the road network. In addition there was concern that there would be more congestion created outside of the CAZ as vehicles choose to bypass the CAZ to avoid a charge.

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

RESOLVED:-

- 1) The Cabinet Member to provide a response in the next 4 weeks to Cllr Huxtable on the location of physical measures on the highway to replace school crossing patrols as outlined in the budget consultation. Also to provide any further detail on the source of funding to achieve this.

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

None.

5. OTHER URGENT BUSINESS

None.

6. 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 16:15 hours.