

BROMSGROVE DISTRICT COUNCIL

CABINET

9TH JANUARY 2008

AIR QUALITY SCRUTINY REPORT

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Head of Service	Head of Planning and Environment Services
Chairman of Scrutiny Task Group	Councillor P. M. McDonald

1. SUMMARY

- 1.1 To consider the findings and recommendations made by the Air Quality Task Group which are contained within the attached scrutiny report.

2. RECOMMENDATION

- 2.1 Members are requested to consider and approve the attached report and recommendations contained within it.

3. BACKGROUND

- 3.1 At the Meeting of the Scrutiny Steering Board on 12th June 2007, it was decided a Task Group would be established to scrutinise issues relating to air quality and that Councillor McDonald would be appointed as Chairman.
- 3.2 The full terms of reference were approved by the Scrutiny Steering Board at its meeting held on 3rd July 2007 when membership of the Task Group was also agreed.
- 3.3 Further details can be found in the "Terms of Reference" and "Background and Methodology" sections on page 6 of the attached report.
- 3.4 The Scrutiny Steering Board considered and approved the attached report at its meeting held on 4th December 2007 and it was requested that it be submitted to Cabinet for consideration.

4. FINANCIAL IMPLICATIONS

- 4.1 For the majority of recommendations there are either no financial implications or minimal financial implications as outlined in the attached report. All of these costs can be met within the existing budget.

- 4.2 The cost of implementing recommendation 10(b) is approximately £1000 which is an extremely small amount which could be reduced even further to approximately £335 if the Highways Agency and Worcestershire County Council's Highways were prepared to contribute. (The exact amount would depend on the size and wording of the sign.)

5. LEGAL IMPLICATIONS

- 5.1 Recommendation 17 (reminding taxi drivers that it is an offence to leave the engine of their vehicle running whilst unattended (i.e. not sat in the vehicle)) relates to the Road Vehicles (Construction and Use) Regulations 1986 Section 107. As stated in the report, the Council would not necessarily have the authority to issue fixed notices, however, the Task Group would still like to make taxi drivers aware of the offence and that they could be fined.
- 5.2 Other legislation is referred to in the report such as Clean Air Acts of 1956 and 1968 which were repealed and consolidated by the Clean Air Act 1993. However, there are no other legal implications directly related to this report or the attached as many of the recommendations request the Council to carry out further investigation. As part of those investigations, for example recommendation 1 relates to investigating Low Emission Zones (LEZ), all legal implications would need to be identified and considered before any action is taken.

6. COUNCIL OBJECTIVES

- 6.1 This report does link to Council Objectives Environment and Improvement.

7. RISK MANAGEMENT

- 7.1 The risk of not implementing the recommendations contained within the attached scrutiny report is that NO₂ levels may continue to increase and as a consequence people's health will suffer. It is possible that it will be necessary to declare other areas as an Air Quality Management Area (AQMA) if this Council, in partnership with other agencies such as the Highways Agency and Worcestershire County Council, do not ensure air quality issues are being addressed promptly and the Air Quality Task Group wish to assist the Council in making sure this happens.

8. CUSTOMER IMPLICATIONS

- 8.1 Residents living in Bromsgrove District will benefit if the recommendations contained within the attached scrutiny report are implemented, particularly in relation to their health.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no implications directly relating to this report for the Council's Equalities and Diversity Policies.

10. OTHER IMPLICATIONS

Procurement Issues – There are potential procurement issues in relation to the Council purchasing vehicles and/or fuel in the future for Street Scene and Waste Management Services. However, the Task Group is not asking for a decision to be made, only that thorough investigations be carried out.
Personnel Implications – Various personnel implications including: car allowance pay scales (recommendation 20); and home working policy (recommendation 21)
Governance/Performance Management – None
Community Safety including Section 17 of Crime and Disorder Act 1998 – None
Policy – None
Environmental – the topic “air quality” is environmental so there are environmental implications in relation to the whole of the report.

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No – However, has been sent a copy of the attached report for information.
Chief Executive	Yes
Executive Director – Partnerships and Projects	Yes
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	Yes

Please Note: Worcestershire County Council, Highways Agency and Worcestershire PCT were also consulted on specific recommendations which related to them.

11. APPENDICES

Appendix 1 – Air Quality Scrutiny Report including its five appendices.

12. BACKGROUND PAPERS

Minutes of the Task Group Meetings.

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