

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2507

Title: Finalisation of the revised London Local Air Quality Management System

Executive Summary:

MD2438 approved consulting on a revised London Local Air Quality Management (LLAQM) system for the 32 London boroughs and the City of London to manage London's local air quality. This MD seeks approval of revisions to the system, following that consultation.

The revisions to the system will:

- ensure boroughs are taking ambitious action, which is properly co-ordinated at the regional level, and which supports Mayoral objectives including those set out in the London Environment Strategy;
- ensure that London boroughs continue to work towards achievement of World Health Organization safe limits for pollutants even when legal limits are met;
- update information in the guidance documents to reflect new research, policies, and priorities; and
- update Cleaner Air Borough Status (a recognition scheme for boroughs that was introduced under the previous Mayor) so that it is transparent and fair, now promotes continual improvement, and clearly aligns with new LLAQM priorities.

Although there are no direct financial implications to the GLA, approval is being sought by Mayoral Decision as the proposal is considered 'novel, contentious or repercussive'. The LLAQM is an important statutory framework and the proposed revisions have implications for all London boroughs.

Decision:

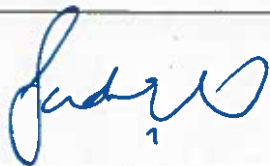
That the Mayor approves the revisions to and publication of the London Local Air Quality Management (LLAQM) system, as attached in Appendix 1 (LLAQM Policy Guidance)

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

24/9/19

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The GLA has consulted on proposals to revise the statutory system for Local Air Quality Management in London, known as London Local Air Quality Management (LLAQM), to be delivered by London's boroughs including the City of London. This system was last revised in early 2016.
- 1.2 The revised LLAQM system is designed to:
 - ensure boroughs are taking ambitious action, which is properly co-ordinated at the regional level, and which supports Mayoral objectives including those set out in the London Environment Strategy;
 - ensure that London boroughs continue to work towards achievement of World Health Organization safe limits for pollutants even when legal limits are met;
 - update information in the guidance documents to reflect new research, policies, and priorities; and
 - update Cleaner Air Borough Status (a recognition scheme for boroughs that was introduced under the previous Mayor) so that it is transparent and fair, now promotes continual improvement, and clearly aligns with new LLAQM priorities.
- 1.3 The legal basis for LLAQM is Part IV of the Environment Act 1995 ("1995 Act", as amended) and statutory guidance from the Secretary of State for Environment, Food and Rural Affairs that boroughs participate in the LLAQM and have regard to guidance issued by the Mayor as regards the exercise of their functions under the Act. The LLAQM framework sets out the Mayor's expectations as to the actions boroughs will take to improve air quality in London and indicates where he would be minded to intervene and use his formal powers of direction under the Environment Act if appropriate action were not taken.
- 1.4 Previous approvals related to this matter are: MDs related to the consultation and initiation of the LLAQM in 2016 (MDs 1506 and 1652), and MD 2438 which obtained permission to consult on revisions to the LLAQM.
- 1.5 Although there are no direct financial implications to the GLA, an MD is considered appropriate because this is a key statutory framework, and the proposed revisions are repercussive in that they have implications for all London boroughs.
- 1.6 Under the arrangements set out in Mayoral Decision Making in the GLA the Executive Director of Development Enterprise and Environment has the primary role in exercising Mayoral powers in relation to the LLAQM and under Part IV of the 1995 Act.

2. Summary of process

- 2.1 This MD is the final stage of over a year of policy development and consultation. The LLAQM review process included consultation and engagement with:
 - boroughs;
 - London Councils;
 - the Department for Environment, Food & Rural Affairs;
 - the Environment Agency; and
 - colleagues in the GLA and TfL.

- 2.3 In autumn 2018 the GLA consulted boroughs informally on extensive revisions to one of the key LLAQM documents – the Action Matrix, which lists actions for boroughs to take locally. Comments and revisions were taken on board at this stage, in order to ensure that the formal consultation ran as smoothly as possible.
- 2.4 There were 18 written responses to the formal 8-week LLAQM consultation, which closed on the 20th May 2019, and none of the respondents voiced any major concerns. Some minor amendments have been made to the LLAQM documents and a summary of the consultation responses has been prepared for publication and is included in Appendix 2. In addition to the formal consultation, boroughs were engaged via a series of face-to-face meetings in the eight months preceding the consultation.

3. Equality comments

- 3.1 The Mayor is subject to the “public sector equality duty” contained in s149 of the Equality Act 2020. This duty requires public bodies to have due regard to three outcomes when exercising their functions: (1) the need to eliminate unlawful discrimination, harassment and victimisation; (2) to advance equality of opportunity between those who share a protected characteristic and those who do not; and (3) to foster good relations between such people.
- 3.2 There is currently significant exposure of the London population to air pollution. Although this exposure is predicted to decline significantly by 2020, current modelling results show that in 2020 there will still be more than 300,000 Londoners living in locations with average NO₂ levels above the EU legal limit value. In contrast, average concentrations of particles (PM₁₀ and PM_{2.5}) were, by 2010, already within EU Limit Values for the annual average concentrations. However, the majority of Londoners live in areas that exceed the World Health Organization health-based limit for PM_{2.5}.
- 3.3 Populations living in the most deprived areas are on average currently more exposed to poor air quality than those in less deprived areas. A recent independent report by Aether published by the GLA showed that those people living in the most deprived areas were on average exposed to 24% more nitrogen dioxide air pollution than those living in the least deprived areas.
- 3.4 This revised LLAQM system should help to promote more effective borough action on air quality, especially in air pollution “hotspots”. It should therefore help towards reducing these health inequalities, in line with the following London Environment Strategy objective:
- *Objective 4.1 Support and empower London and its communities, particularly the most disadvantaged and those in priority locations, to reduce their exposure to poor air quality.*
- 3.5 An Equality Impact Assessment of the new proposals was undertaken and provided with the consultation documents. It assessed all of the proposed amendments and found that in each case the impact would be positive or neutral against the following criteria:
- *Will it improve air quality around areas which may have high concentrations of equality groups who may be disproportionately affected by poor air quality (including around schools, outdoor play areas, care homes, hospitals and deprived areas)?*

4. Other considerations

Impact Assessment

- 4.1 An Integrated Impact Assessment was undertaken by Air Quality Consultants. It makes an overarching assessment of costs and then goes on to assess each of key amendments against the following areas:

Assessment	Question
SEA	Will it help to reduce emissions of priority pollutants (e.g. PM, NO _x , NO ₂)?
SEA	Will it help to achieve national and international standards for air quality?
HIA	Will it reduce the number of people exposed to poor air quality or reduce levels of exposure, particularly for 'at risk' groups?
EqIA	Will it improve air quality around areas which may have high concentrations of equality groups who may be disproportionately affected by poor air quality (including around schools, outdoor play areas, care homes, hospitals and deprived areas)?

- 4.2 It concludes that all amendments are either neutral (such as in the case of monitoring, which will not directly impact concentrations) or positive.

Risks

- 4.3 The key risk identified was related to major objections from boroughs to the proposals. However, this was mitigated through regular communication with borough stakeholders, and collaborative development of proposed changes to the LLAQM. Boroughs were engaged at officer level (through ongoing meetings and events); senior officer level (via the Transport and Environment Committee and a letter from the GLA's Director of Development, Enterprise, and Environment to each of the borough Chief Executives). London Councils and Defra were also notified about the proposals as they developed. This resulted in a successful consultation where no major concerns were raised.
- 4.4. There are no other significant risks.

Mayoral Strategies

- 4.5 The revision of the LLAQM supports the delivery of policies and proposals within the London Environment Strategy, and the Mayor's Transport Strategy, as detailed below:

London Environment Strategy

- Objective 4.1 Support and empower London and its communities, particularly the most disadvantaged and those in priority locations, to reduce their exposure to poor air quality.
- Proposal 4.1.2.b The Mayor will work with boroughs to safeguard the existing air quality monitoring network, and enhance it by exploiting new technologies and approaches such as personal and localised monitoring.
- Objective 4.2 Achieve legal compliance with UK and EU limits as soon as possible, including by mobilising action from London boroughs, Government and other partners.
- Policy 4.2.4 The Mayor will work with the government, the London boroughs and other partners to accelerate the achievement of legal limits in Greater London and improve air quality.
- Proposal 4.2.4.a The Mayor will use the London Local Air Quality Management (LLAQM) framework to assist boroughs and require them to exercise their statutory duties to improve air quality in accordance with that framework and will exercise statutory powers as required.

Mayor's Transport Strategy

- Policy 6 The Mayor, through TfL and the boroughs, and working with stakeholders, will take action to reduce emissions – in particular diesel emissions – from vehicles on London's streets, to improve air quality and support London reaching compliance with UK and EU legal limits as soon as possible. Measures may include retrofitting vehicles with equipment to reduce emissions, promoting electrification, road charging, the imposition of parking charges/levies, responsible procurement, the making of traffic restrictions/regulations and local actions.

5. Financial comments

- 5.1 There are no direct financial implications for the GLA arising from this proposal.

6. Legal comments

- 6.1 London's boroughs (including the City) have local air quality management functions under Part IV of the 1995 Act. The Mayor has wide powers to intervene in the boroughs' exercise of those functions under section 85 of the Act. In particular, under section 85 (6) the Mayor has powers to give directions requiring them to take such steps specified in the directions as he considers appropriate for the implementation of any obligations of the UK under the EU Treaties or any international agreement to which the UK is for the time being a party, so far as relating to the quality of air.
- 6.2 All local authorities in England (including those in London) must have regard to the Secretary of State's guidance when discharging their Part IV functions. National guidance (Policy Guidance LAQM.PG(16)) has been issued by the Secretary of State covering the remainder of England except London. The Guidance states the following in relation to London (see paragraph 1.5):
- *Supervision of the LAQM system in Greater London has been devolved to the Mayor of London, to whom powers to intervene and direct boroughs have been given under Part IV of the Environment Act 1995. The Secretary of State expects London boroughs to participate in the Mayor's London LAQM framework and have regard to any advice or guidance issued by the Mayor of London as to the performance of their functions under LAQM.*
- 6.3 The Mayor's revised LLAQM Guidance therefore facilitates the potential exercise of the Mayor's powers of intervention under section 85 of the 1995 Act and is consistent with the Secretary of State's guidance.

7. Planned delivery approach and next steps

Activity	Timeline
Signing of final MD and launch of revised LLAQM	September 2019
Award of Cleaner Air Borough status to boroughs	Winter 2019

Appendices and supporting papers:

Appendix 1: Final LLAQM Policy Guidance 2019

Appendix 2: Consultation Report

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral**Is the publication of Part 1 of this approval to be deferred? Yes**

If YES, for what reason: To enable the Mayor to announce the launch of the consultation.
Until what date: 2 October 2019.

Part 2 - Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Poppy Lyle has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Debbie Jackson has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Shirley Rodrigues has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 23 September 2019.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Bell

Date

23.9.19

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

23/9/2019.