

REQUEST FOR MAYORAL DECISION – MD1506

Title: London Local Air Quality Management System Consultation

Executive Summary:

This request seeks authorisation to undertake a public consultation on the draft proposals for a new system for the 32 London boroughs and the City of London to manage London's local air quality. These changes are being proposed using statutory powers given to the Mayor under Part IV of the Environment Act 1995.

Currently, boroughs are required to comply with a national statutory framework for Local Air Quality Management, but this does not meet the specific challenges and opportunities within London.

The proposed new system will be managed by the GLA and will help to ensure that local authority responsibilities are clear, reflect statutory requirements, and that local action to reduce pollution is more targeted, coordinated and effective. It will also demonstrate that the Mayor is executing his statutory duties to ensure that boroughs are delivering effective local action on air quality.

Decision:

That the Mayor:

1. Approves the draft London Local Air Quality Management (LLAQM) system, as attached in Appendix 1 for consultation.
2. Approves the consultation strategy and timetable set out in section 3.

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:

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

Decision required – supporting report

1. Introduction and background

- 1.1 Local Air Quality Management (LAQM) is the statutory process by which a local authority is required to review the air quality within its area. The main purpose of this system is to ascertain whether air quality objectives prescribed within the Air Quality Regulations 2000 and the Air Quality (Amendment) Regulations 2010 are likely to be met in a certain area and to drive improvements in order to achieve those objectives.
- 1.2 Defra are reviewing the national LAQM framework and recently consulted on proposals to remove the requirements to report on pollutants where limits have been met for many years and to streamline reporting processes. They will also review the current LAQM Guidance to make it more user-friendly. Their new system will be put in place in 2016.
- 1.3 The Mayor has set out his intention to consult on a new bespoke system for LAQM in London, in order to reflect the unique situation and challenges faced by the capital. This will improve and enhance the existing LAQM process while reducing the overall regulatory burden on the London boroughs by removing redundant reporting requirements (e.g. for Benzene, 1,3 Butadiene and Lead).
- 1.4 The Mayor is given powers to intervene to secure boroughs' compliance with their duties under Part IV of the Environment Act 1995. The proposed London LAQM System sets his expectations as to the actions boroughs should take and indicates where he would be minded to exercise his formal powers of direction if necessary. The GLA will continue to provide support and funding to boroughs (e.g. through the Mayor's Air Quality Fund) and this will be integrated into the new LAQM system.

2. Details of the consultation

- 2.1 The GLA plans to consult on proposals to establish a new statutory system for Local Air Quality Management in London, known as London Local Air Quality Management (LLAQM), to be operated by London's boroughs.
- 2.2 There will be an eight week consultation launching in early June, aimed at boroughs and other air quality stakeholders. The consultation document is attached at Appendix 1 to this Form.
- 2.3 The proposed new LLAQM system is designed to:
 - Reflect the unique air pollution situation and challenges faced by London
 - Ensure a more coordinated and consistent approach to improving air quality across the capital, including ensuring better use of local authority planning and public health powers
 - Help ensure that borough air quality resource is protected and enhanced, by ensuring that all local authority responsibilities are clear, statutory and targeted
 - Help ensure that boroughs are complying with their EU and national statutory duties concerning air quality management
 - Create efficiencies by removing unnecessary bureaucracy and by providing tools and templates for boroughs.
- 2.4 The legal basis for the proposed LLAQM is Part IV of the Environment Act 1995. The LLAQM system 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 that Act if appropriate action were not taken.

2.5 The proposals build on the existing national LAQM process but incorporate a number of changes and additions, most notably:

- **Including a requirement for additional London-specific reporting in the annual progress reports** – to provide enhanced evidence to ensure that Boroughs are delivering improvements to air quality as required, and to assess their progress towards becoming a ‘Cleaner Air Borough’.
- **Including a prioritised Action Matrix for boroughs to have regard to when developing action plans** – providing an evidence-based and prioritised Matrix (or “menu”) of possible actions that local boroughs can implement. This will be linked to additional support available through the Mayor’s Air Quality Fund and Local Implementation Fund resources.

LLAQM will also require that boroughs update Action Plans on a regular basis, as under the current system several boroughs have not updated their Action Plans for over ten years.

2.6 In addition to providing an Action Matrix we will provide boroughs with a flexible template to use when developing Action Plans, which will enable more consistency across London as well as reducing the burden on officer time. This will help to ensure more effective, targeted and co-ordinated action, and to ensure that boroughs are maximising the use of local policy levers available to them such as integrating with their schools, planning and public health powers.

2.7. Finally, the new system will also include new procedures to raise the profile of air quality and enhance regional co-ordination and information sharing.

3. Consultation strategy and timetable

3.1 The consultation will be an online form on London.gov which outlines the key proposals and asks for specific feedback on each of these, including:

- a) Removal of reporting requirements for four pollutants where limit values have been consistently met
- b) Role for local authorities in working towards reductions in PM_{2.5}
- c) Streamlining of reports
- d) Air Quality Management Areas
- e) Requirement to consider and report on air quality focus areas
- f) Action Planning
- g) Accountability and Responsibility
- h) Monitoring
- i) Cleaner Air Borough Status

3.2 The target audience for the consultation is London boroughs, although it will also be of interest to other air quality stakeholders and pressure groups.

3.3 The consultation will be promoted via: a press release; an email to borough officers; presentations at officer events and a presentation to the Transport and Environment Committee.

3.4 The implementation timetable is:

Activity	Timeline
Launch of 8 week consultation	mid June 2015
Close of consultation	mid August 2015
Publication of summary of consultation responses and final proposal approved by the Mayor (a separate MD will be prepared to record this decision)	September 2015
Circulation of draft LLAQM Technical and Policy Guidance to boroughs for informal comments	September 2015
Publication of final Technical and Policy Guidance and formal launch of LLAQM	November/December 2015
First new statutory reports required from boroughs	April 2016

4. Objectives and expected outcomes

- 4.1 A key priority is improving and enhancing the existing LAQM process while reducing the overall regulatory burden and cost to the London boroughs. This can be achieved by stopping unnecessary reporting where boroughs are fulfilling their statutory obligations or have met legal limits for pollutants for a number of years, and by providing stronger guidance and templates, which will reduce the amount of staff time needed to draw up proposals for action.
- 4.2 These 'saved' resources could then be refocused where they can have the greatest impact; delivering improvements on the ground to reduce emissions, concentrations and exposure to particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO2) as well as to more generally raise awareness about air pollution.
- 4.3 We estimate that for those boroughs that are currently fulfilling their statutory duties there would be a net reduction in officer time needed to deliver the new LAQM arrangements in London, as well as an increase in effective, targeted and coordinated action to improve air quality.

5. Equality comments

- 5.1 The most significant equalities implication from poor air quality is that areas of poor air quality are often also areas where there are higher levels of economic deprivation. These areas also often contain large number of people from ethnic minority groups. Any equalities impacts will be assessed as part of the consultation process and taken into account in accordance with the GLA's public sector statutory equalities duty when decisions are made by the Mayor about final proposals.
- 5.2 This new LLAQM system should help to facilitate action to improve air quality in local hotspots, so it should therefore help towards reducing health inequalities. This links with the Mayors Health Inequality Strategy Commitment 22: Improve the air quality of London's existing homes and neighbourhoods, especially those in the areas with the poorest levels of health.

6. Other considerations

- 6.1 The consultation proposals for the LLAQM system are consistent with the following Mayoral Strategies, and his powers under Part IV of the Environment Act 1995

MAQS

- Policy 3: Identifying priority locations and improving air quality through a package of local measures
- Policy 14: The Mayor will assist boroughs in carrying out the exercise of their statutory duty to improve air quality in London

Mayor's Transport Strategy

- Proposal 94: Introducing targeted local measures at poor air quality priority locations to reduce emissions and improve local air quality

Mayors Health Inequality Strategy

- Commitment 22: Improve the air quality of London's existing homes and neighbourhoods, especially those in the areas with the poorest levels of health.

Environment Act 1995

- Section IV sets out various statutory duties on the Mayor, including safeguarding the operation of LAQM in London.

7. Impact Assessment

7.1 An Impact Assessment of the proposals is being finalised and will be made available to the public at the consultation.

7.2 The headline findings of the Impact Assessment are as follows:

- Over 3 years the new proposals will save London boroughs up to £148,800 through streamlining of requirements.
- The main benefits of the system were assessed to result from improved coordination and resources leading to more effective action to reduce air pollution by local authorities.
- No significant risks or costs were identified as being likely to result from implementation of the new system.

8. Financial comments

8.1 There are no direct financial implications to the GLA in the approval of the draft London Local Air Quality Management (LLAQM) system and the consultation strategy and timetable.

9. Legal comments

No other legal implications require reporting at this stage.

10. Investment & Performance Board

We have been advised by the Performance Team that only the final proposals need to go to the IPB. Final proposals will be available in early Autumn.

Appendices and supporting papers: Appendix 1: LLAQM Outline and Consultation Questions

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) 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 approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES – until the commencement of public consultation, expected to be by 20 June 2015

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be 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 have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Patrick Feehily has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Matthew Pencharz has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

CHIEF OF STAFF:

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

Signature

Date