

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD1652

Title: Finalisation of the London Local Air Quality Management system

Executive Summary:

This request seeks authorisation to finalise the new system for the 32 London boroughs and the City of London to manage London's local air quality.

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

The new London LAQM has been publically consulted on twice and is now ready for publication.

Concurrently to the development of the London system, Department for Environment, Food, Rural Affairs (DEFRA) have reviewed the national system and London is no longer part of the revised national LAQM, which was finalised in April 2016. The Secretary of State expects London boroughs to participate in the new London LAQM system and to have regard to the Mayor's guidance. As Defra's new system is now in place and requests London boroughs follow the London system, it is imperative that the London system is finalised as soon as possible to provide complete coverage across England.

The new London LAQM 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:

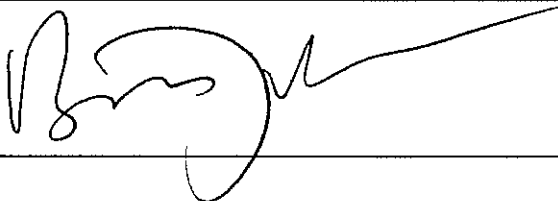
That the Mayor approves the implementation of the final London Local Air Quality Management (LLAQM) system set out in this form and guidance, and publication of the new LLAQM Policy guidance attached.

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:

27.4.2016

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 LAQM was previously managed nationally by Department for Environment, Food, Rural Affairs (DEFRA) but GLA has developed its own bespoke system to reflect the unique circumstances in London. The London system has been under review since early 2015 and has been out to two public consultations. The consultations on the London LAQM were approved via MD 1506.
- 1.3 DEFRA has also reviewed the national LAQM framework and finalised this new system on the 6th April 2016. This system applies in England but excludes London. The Secretary of State has, however, formally advised London boroughs in statutory guidance that they should participate in the London LAQM system and have regard to Mayoral guidance issued under it (see paragraph 8.3, below). It is therefore important that the London element is brought into operation as soon as possible to provide complete coverage across England.
- 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 London LAQM (LLAQM) 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.
- 1.5 The key components of the new system are:
 - Streamlined reporting processes, freeing up officer time to deliver action on air quality.
 - Provision of templates and tools to assist with action planning, monitoring, and other elements of Local Air Quality Management. This includes an "Action Matrix" which assesses and prioritises a range of actions that boroughs can take to improve air quality.
 - A Cleaner Air Borough accreditation for boroughs which fulfil the criteria (to be re-assessed annually).
 - An annual compendium of action that has been taken by boroughs across London, to help improve information sharing.
 - Integration of Planning into LAQM – allowing oversight of where and how London Plan air quality requirements are being translated at the local level and highlighting the importance of this area of work.
 - An annual report to the London Councils' Transport and Environment Committee highlighting air quality action and achievements at the borough level.

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 extensive consultation and engagement with:

- Boroughs
- London Councils
- GLA colleagues in Planning and Transport
- TfL colleagues in Public Health, TfL Planning, Transport and Legal, who have provided legal advice throughout the process
- The Environment Agency
- Defra

2.3 In spring 2015 we consulted on the proposals, the new template and tools, and the Impact Assessment.

2.4 There were 36 responses to this consultation and these informed the development of the LLAQM Policy and Technical Guidance.

2.5 In January 2016 an eight week consultation opened on the Policy and Technical Guidance. There were only a few minor comments on these documents.

3. Objectives and expected outcomes

3.1 The expected outcomes are:

- Improved and enhanced LAQM process which reduces the overall regulatory burden and cost to London boroughs.
- Enhanced co-ordination of borough air quality work, with regional platforms to share information and identify best practice, and common problems.
- Formal linking of LLAQM with funding streams such as the Mayor's Air Quality Fund, to ensure a joined up approach to Local Air Quality Management, and to be used as a "carrot" to encourage boroughs to fulfil their statutory duties.

4. Equality comments

4.1 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.

4.2 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.

5. Other considerations

5.1 The LLAQM is consistent with the following Mayoral Strategies, and his powers under Part IV of the Environment Act 1995

Mayor's Air Quality Strategy

- 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

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

6. Impact Assessment

6.1 An Impact Assessment was undertaken into the proposals and was made available to the public at the first consultation.

6.2 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.

7. Financial comments

7.1 There are no direct financial implications to the GLA in the publication of the final London Local Air Quality Management (LLAQM) system, as attached in Appendix 1 (LLAQM Policy Guidance).

8. Legal comments

8.1 The basic statutory framework is put in place for local air quality management by national Air Quality Regulations and Part IV of the Environment Act 1995 ("the 1995 Act", as amended, and "Part IV functions"). This remains in place and is applicable to London's 32 boroughs and the City of London.

8.2 All local authorities in England 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. However, this statutory guidance states the following in relation to London:

8.3 *"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."*

8.4 The establishment of the London LAQM system reflects the fact that the Mayor has broad powers of intervention under section 85 of the 1995 Act. These include conducting an air quality review in any borough's area to identify any part where air quality standards and objectives are not being met, as well as the power to issue directions to require an authority to take action to address the issue (see section 85(3) and (4)). Specifically, under section 85(5), the Mayor may give directions to boroughs requiring them to take such steps specified in the directions as he considers appropriate for the implementation of any European Union air quality obligations (e.g. under relevant EU directives). This is particularly relevant in the context of the current breach of NO₂ air quality objectives and limit values under the EU Ambient Air Quality Directive (2008/ 50/ EC) in parts of London.

8.5 The purpose of the new London LAQM system is to put in place a framework that gives confidence to boroughs and the Secretary of State that they are properly fulfilling their Part IV duties. Proper participation in the LLAQM system and compliance with the relevant Mayoral advice and guidance should render statutory intervention by the Mayor unnecessary.

9. Investment & Performance Board

9.1 There are minimal additional costs from the new LLAQM. It therefore does not require IPB approval.

10. Planned delivery approach and next steps

10.1 The LLAQM has already been extensively publicised and consulted on amongst stakeholders. No concerns were raised about the draft Policy and Technical Guidance. This is simply the final stage in signing off the new system.

10.2 The LLAQM will not be subject to any press announcement. The documents for the new system will be placed on the GLA website, an email will go to borough officers, and a letter will go from Executive Director Fiona Fletcher-Smith to borough Chief Executives informing them about the finalisation of new LLAQM alongside some other borough air quality updates.

10.3 It is crucial to ensure sign off as soon as possible because as of April 6th 2016 London is no longer part of the national LAQM system.

Activity	Timeline
MD signed	Week commencing 25 th April
Inform Defra that the LLAQM has been finalised	Week commencing 25 th April
MD published; Policy and Technical Guidance and Tools uploaded to the LLAQM page on London.gov; emails sent to borough officers	Week commencing 9 th May
Letters sent to Chief Executives of the boroughs	Week commencing 9 th May

Appendices and supporting papers: Appendix 1: LLAQM Policy Guidance 2016

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? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

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 *M. D. Ollé*

Date 25.4.16

CHIEF OF STAFF:

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

Signature *Edmund ...*

Date 25:04:2016