



Local Air Quality Management Call for Evidence - Designation of Relevant Public Authorities

January 2021

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The District Councils' Network (DCN) is a cross-party member led network of 187 district councils. We are a Special Interest Group of the Local Government Association (LGA) and provide a single voice for district councils within the Local Government Association. District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area. District councils have a proven track record of building better lives and stronger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy. By tackling homelessness and promoting wellbeing, district councils ensure no one gets left behind by addressing the complex needs of today whilst attempting to prevent the social problems of tomorrow.

Summary

District councils are responsible for air quality management and preparing action plans in respect of air quality management areas under the Environment Act 1995. This forms an important part of their environmental health responsibilities. However districts lack some of the principal tools that can be used to change and influence behaviours and can have the greatest impact on the main causes of poor air quality – such as the introduction of road charging schemes and workplace parking levies. In shire counties, these powers are held by county councils.

We welcome the provisions in Schedule 11 to the Environment Bill which continue, in the new section 83A, the preparation of action plans by district councils. As with other statutory duties placed on councils, DEFRA needs to ensure that adequate funding is provided to enable discharge of these duties, including any new burdens arising from the changes made by the Environment Bill.

However we are not convinced that the provisions in the new sections 85A and 85B and the amendments to section 86 provide a comprehensive framework that will ensure county councils implement measures using their powers, such as road charging schemes and/or workplace parking levies.

While the county council's contribution to an action plan will be provided by it, it seems that there is no mechanism for a district council to leverage the county

council's elements within an action plan – for example if a county council declines to use its powers at all or proposes to do so in a limited way that will not improve air quality sufficiently. The Secretary of State has powers to intervene under section 86(6) but there is no explicit mechanism on the face of the legislation for the district council to initiate this process. Conversely, any unhappiness by the county council with a district council's plan has to be referred under the new section 83A(8) to the Secretary of State for resolution and a direction.

In response to the questions in the call for evidence, our answers are given below.

Answers to call for evidence

We are seeking information on which relevant public authorities or bodies should be considered for designation under the amended 1995 Act [new Section 81A] as follows:

5. Which bodies beyond local Government should be considered for designation? These should be bodies that are relevant to reducing air pollution and meeting local air quality objectives.

- All types of local government should be included e.g. town and parish councils, combined authorities.
- All providers of or commissioners of public services – schools, health services etc
- Bus companies, where services are commissioned by a council or combined authority
- Operators of energy from waste plants, where the services are commissioned by a waste disposal authority

6. (For each body you consider to be relevant) Why do you think they should be designated? Please provide evidence to support this (e.g. data on the contribution of the relevant public authority to local air pollution management)

- All these bodies do or could be responsible for activities that produce pollutants, particular from vehicle fleets and transport, but also from other sources such as heating plants for buildings and energy from waste plants
- Services with influence over behaviours in community

7. What actions could be taken to reduce local air pollution by the relevant authority? Please only consider actions that are within the control of the authority

- Direct shift and reduction in vehicle use or emission of other pollutants
- Influence of behaviours in community

8. Can you provide any examples, in the context of air quality action plans where engagement of relevant bodies: a. has been effective b. has been ineffective and/or difficult? Please consider how designation would improve collaboration in the future, in terms of local action plan design and especially delivery of measures to reduce air pollution.

We would refer to the responses from individual member councils on this issue. As a matter of general principle, we prefer a statutory framework that places a clear requirement on certain bodies to cooperate with district councils.

9. In respect of bodies which may be considered relevant to local air quality, are there alternatives to designation that would be more effective in obtaining relevant and proportionate engagement with LAs?

We feel that it is preferable to rely on a statutory rather than voluntary framework to ensure involvement of relevant bodies.

10. Is there any further evidence you would like to share with us that you feel is relevant?

No.