

LAMMIN Brenda

To: Councillors All Members; Directors Group; Service Heads; PARRY Nerys; SCHOLLES Dave; PORTER Tom; NORTHEY Steve; PITMAN Roger; GODDARD Laura; FRANKLIN Jeremy; LUBBOCK Jane; SPENCER Paul; TALLON Eddie

Cc: JONES Pat H; CRISTOFOLI Angela; LDS Committee

Subject: City Executive Board 1 April - additional information

NOTE: HARD COPIES OF THIS DOCUMENT HAVE BEEN SENT TO EXECUTIVE BOARD MEMBERS. SOME SPARES WILL BE AVAILABLE AT THE MEETING

Speakers

No Council members have registered to speak at this meeting (as required in Board procedure 12.9).

Item 3 - Public Questions

None.

Item 10 - Annual Lettings Plan Allocations Percentages

I attach an exempt from publication appendix to this report, setting out legal implications for the Board to consider.

Item 13 - Local Air Quality Management - Low Emissions Zone

I attach a supplement to the above report. The report and supplement were submitted to County Member Decisions (CMD) on 26th March and Roger Pitman was invited to attend and jointly present the report

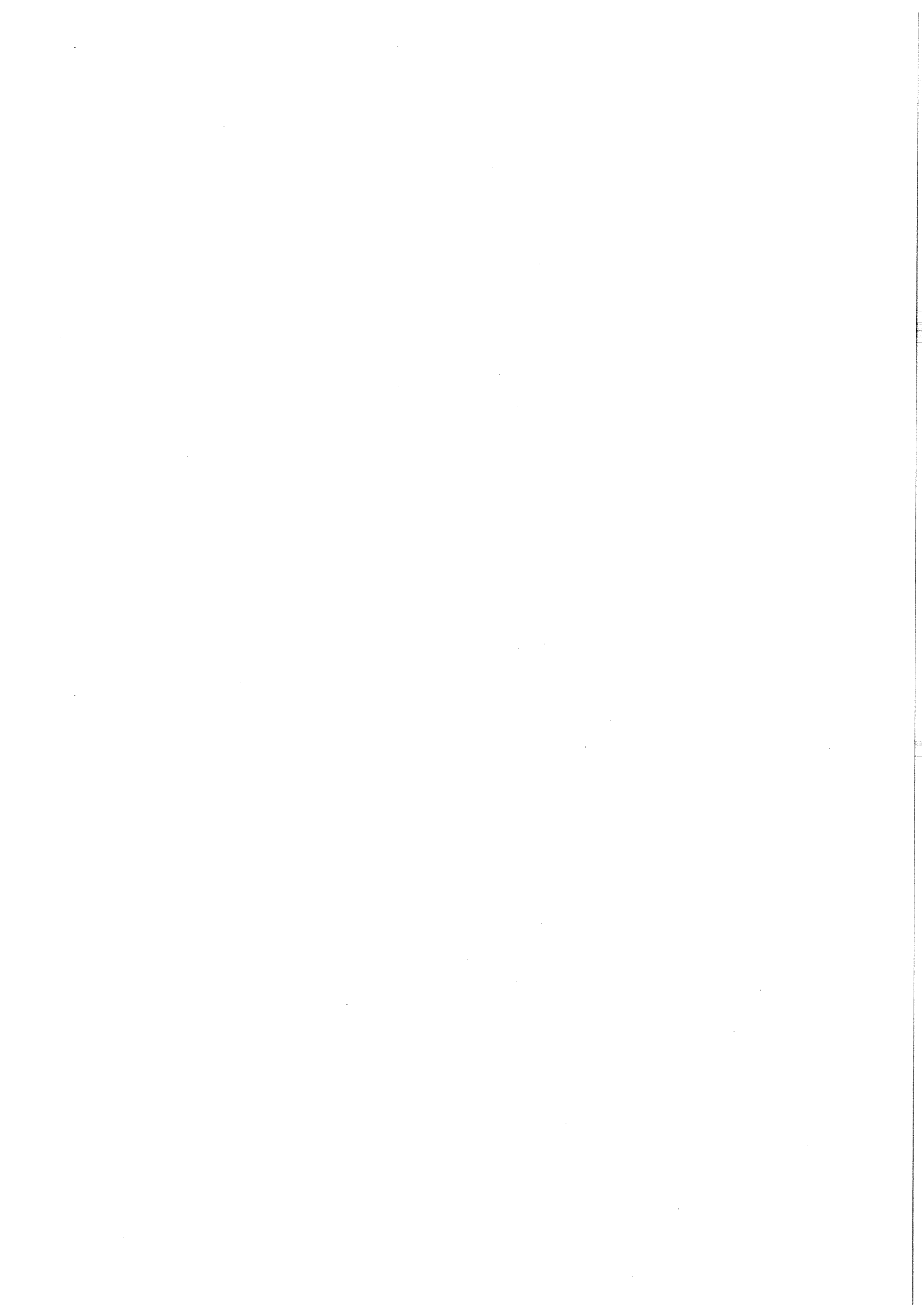
The recommendations in the report were carried, with an additional resolution, instructing officers to: "Carry out a detailed assessment of the impact of the proposed LEZ on low frequency bus services, particularly subsidised services or services whose commercial viability is uncertain".

The report was well received, the value of joint working with the County Council was stressed, along with the future need to monitor the impact of the scheme, in relation to further developments in central Oxford. The development of the city centre traffic emissions model was highlighted as a valuable tool that has been developed to enable the current assessments to take place, and it's value in the assessment of future developments in the city centre.

The value of setting the LEZ within the framework of the statutory Bus Quality Partnership was highlighted, providing some flexibility of approach with the bus companies, and likely to be agreeable to the Traffic Commissioner.

Item 14 - Oxford City Council Cultural Strategy 2009/12

I attach a minute of the Communities and Partnership Scrutiny Committee on 22 January which relates to a slightly earlier version of the Cultural Strategy. The Board is asked to take account of the Scrutiny Committee's comments and recommendations.



Division(s): Isis, West Central Oxford,
East Oxford

ITEM CMD

CABINET MEMBER DECISIONS – 26 MARCH 2009

Oxford City Centre Low Emission Zone

Report by Head of Transport

Background

1. Levels of nitrogen dioxide in parts of Oxford city centre exceed national air quality objectives. In response to this, Oxford City Council designated an Air Quality Management Area (AQMA) in September 2001 covering part of the city centre. The designated area was extended in September 2003. In the next few months, the city council proposes to extend the city centre AQMA further and consolidate it with AQMAs in other parts of the city into a single city-wide AQMA. A plan showing the proposed revised extent of the city centre part of this city-wide AQMA is at annex 1.
2. In 2006, the city and county councils jointly agreed an Air Quality Action Plan for Oxford city centre. Road traffic is the main source of nitrogen oxides (NO_x) in the city centre, so the plan is focused on reducing emissions from traffic. One of the measures in the plan predicted to deliver a substantial reduction in traffic emissions is the introduction of a low emission zone (LEZ) – a defined area that vehicles may not enter unless they meet certain emissions standards.

Low emission zone feasibility study

3. The city and county councils have been working on a feasibility study for a low emission zone since 2007. The aim of this study has been to establish: a) whether a low emission zone would deliver sufficient air quality benefits to justify the considerable investment required by those needing to comply with it; b) to which vehicle types the low emission zone should apply; c) what emission standard would be effective and reasonable; and d) from what date that standard should apply.
4. The LEZ feasibility study has considered a range of options. Detailed reports have been produced at each stage of the study. Those with a direct interest in the implementation of an LEZ have been consulted at each stage. A joint steering group, comprising city and county council officers and councillors, has considered the recommendations at each stage of the study and narrowed down the options.

5. The study has taken into account the effects of other factors affecting air quality in the city centre. These factors include trends in vehicle emissions that would continue with or without an LEZ, planned developments such as the Westgate shopping centre, and planned transport schemes that are expected to affect traffic flows. Bus routeing changes resulting from Stage 1 of Transform Oxford - the county council's proposals to transform the transport and pedestrian experience in Oxford city centre – have been included in the assessment.
6. The study has considered the compliance costs borne by individuals and companies operating vehicles in the city centre. This has focused primarily on the costs to the bus companies, because significant increases in their costs are likely to be passed on at least in part to passengers.

Low emission zone study – overall conclusions

7. The LEZ study has concluded that an LEZ for Oxford city centre should:

- (a) Apply only to public service buses and coaches

The main source of NOx in most streets in central Oxford is buses and coaches.

An LEZ applying to vehicles other than public service buses and coaches would need to be established using a traffic regulation *order* (TRO). The implementation, administration and enforcement of this would be highly complex and expensive, and would have to be undertaken by the city and/or county council.

An LEZ applying only to public services buses and coaches could be established using a traffic regulation *condition* (TRC) or under the provisions of the Local Transport Act 2008. A TRC would be implemented, administered and enforced by the Traffic Commissioner at little or not cost to either the city or county council. A bus and coach-based LEZ implemented through the provisions of the Local Transport Act would require more involvement from the councils than a TRC, but is nevertheless administratively manageable because it would still only involve a small number of organisations (unlike an all-vehicles LEZ).

The extra benefit of an LEZ applying to all vehicles would be small, and limited to a few streets, so the considerable extra cost and enforcement difficulties associated with an all-vehicles LEZ cannot be justified.

- (b) Apply to ALL public service buses and coaches operating in the city centre

Public transport operators compete in a commercial environment for business, so any LEZ applying to some operators and not others would give an unfair competitive advantage to those operators to which it did not apply.

- (c) Set a standard for NOx emissions only (not NOx and particulate matter)

Although both nitrogen dioxide and particulate matter affect health, the main problem in Oxford city centre is nitrogen dioxide pollution. LEZ options setting a standard for both pollutants were assessed, but rejected because i) a particulate matter based standard could *worsen* NOx emissions; ii) a NOx-based standard would also improve particulate matter emissions.

- (d) Be achieved on a voluntary basis (e.g. bus quality partnership agreement with operators) if possible.

Both councils are committed to working in partnership with bus operators in Oxford. A voluntary agreement would reduce set-up costs and allow greater flexibility to review and amend standards in light of post-implementation experience.

- (e) Be achieved through a traffic regulation condition or under a provision of the Local Transport Act 2008 if voluntary agreements fail.

- (f) Require buses and coaches to meet the Euro V standard

The study assessed the impacts of both a Euro IV and Euro V standard on emissions and bus operators' compliance costs.

A Euro V standard, applying to all buses and coaches, would deliver the required NOx reductions in central Oxford. A Euro IV standard would not deliver the required reductions.

A Euro V standard results in the most equitable distribution of compliance costs for the main commercial bus operators in Oxford; i.e. the compliance costs they each would bear is roughly proportionate to the size of their fleets. Other options are less equitable in this respect.

Low emission study – conclusions on Transform Oxford Stage 1 NEED TO CHECK AND AMEND IN LIGHT OF AEA's ASSESSMENT

8. The LEZ study has concluded that the bus routing changes associated with Transform Oxford Stage 1 would deliver some major improvements in air quality in those streets where buses are reduced or eliminated. However, air quality will, as would be expected, worsen in those streets where the number of buses increases as a result of the routing changes. Nevertheless, the overall effect of Transform Oxford

is positive, partly because those streets in which air quality is predicted to worsen have much lower pedestrian flows than those streets in which air quality is expected to improve.

9. These improvements are not sufficient to remove the need for further action to improve air quality in Oxford city centre, so the study recommends that an LEZ is still progressed.

LEZ compliance year

10. The city and county councils must specify a year by which they expect bus operators to comply with Euro V standard. All of the operators already have some vehicles that comply. To meet the standard across their entire fleet, the bus companies must close the gap between their current compliance level and the target compliance level of 100%.
11. The LEZ steering group has considered the following options for closing this gap:
 - a) 100% gap closure by 2013
 - b) 50% gap closure by 2011, 100% gap closure by 2013
 - c) 33% gap closure by 2011, 66% gap closure by 2013, 100% gap closure by 2015.
12. Further detailed consultation is needed with the bus companies on these options to establish which option is most appropriate and achievable.

Integration with other transport initiatives

13. It is vital that proposals for a Low Emission Zone are not progressed in isolation from other transport initiatives. Two major initiatives that are currently particularly relevant are Transform Oxford (county council proposals to transform the transport and pedestrian experience in Oxford city centre) and the county council's related work with the bus operators to establish new quality agreements (including new initiatives such as joint ticketing arrangements).

How the project supports LTP2 objectives

14. Improving air quality is an objective of LTP2. The Oxford city centre air quality action plan was published as part of LTP2, and included support for the investigation of a low emission zone.

Financial Implications (including Revenue)

15. Further consultation and work on an implementation strategy is required in 2009/10. This is expected to cost no more than £50,000, and can be funded from LTP2 and transport revenue budgets.

RECOMMENDATION16. **The Committee is RECOMMENDED to:**

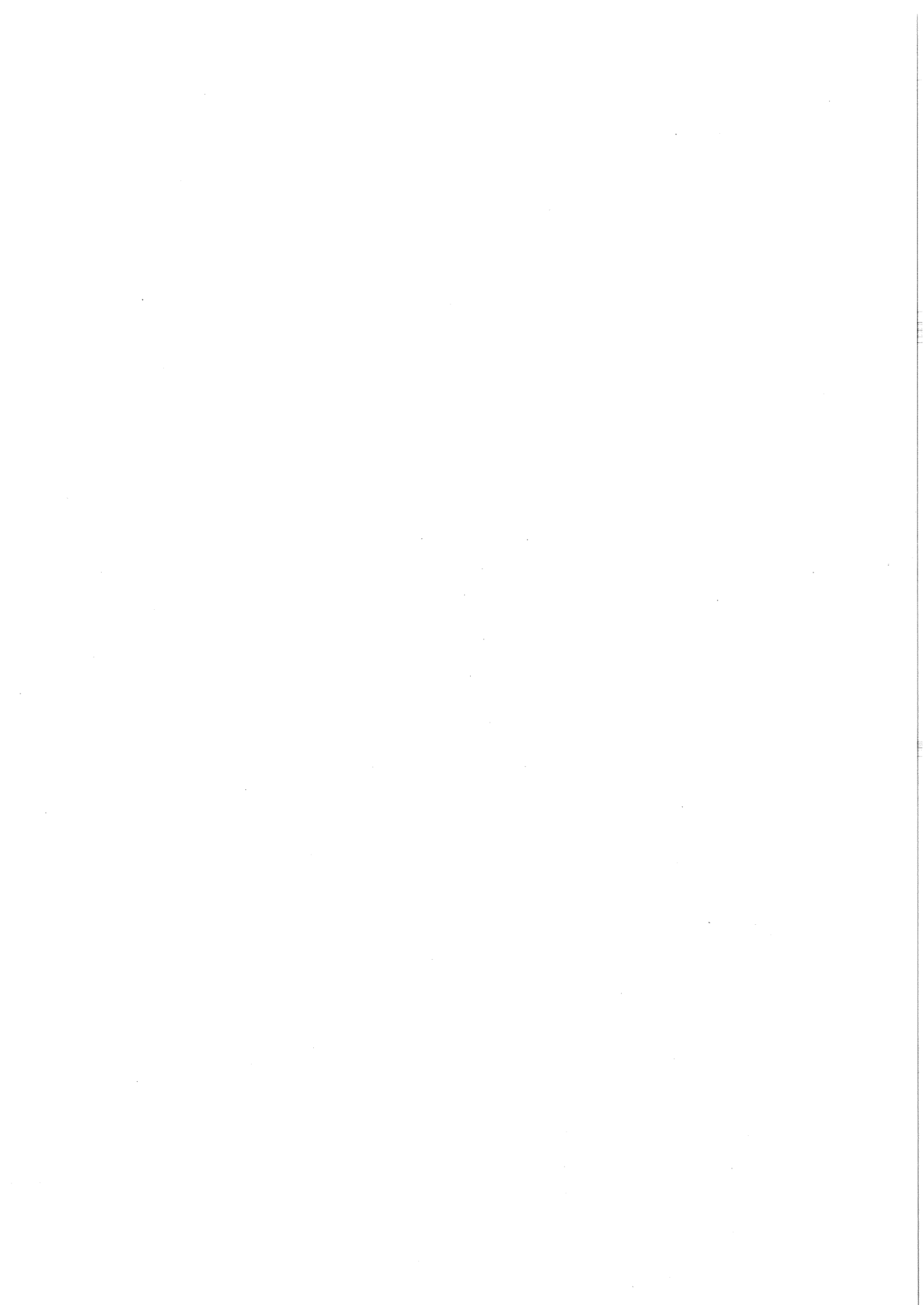
- (a) **Endorse the conclusions of the Low Emission Zone study, as outlined in paragraphs 7 – 9**
- (b) **Authorise officers to consult the bus companies on the three options for the compliance year(s) in paragraph 11, noting that the latest year by which 100% compliance must be achieved is 2015**
- (c) **Authorise the Low Emission Zone steering group to consider the bus companies' consultation responses and agree a compliance year option for implementation**
- (d) **Authorise officers to work with the bus companies to establish through voluntary means a Low Emission Zone based on the compliance year agreed by the Low Emission Zone steering group**
- (e) **Authorise officers to apply to the Traffic Commissioner to introduce a Traffic Regulation Condition to establish a Low Emission Zone, or establish an LEZ under the provisions of the Local Transport Act 2008, if it does not prove possible to establish a Low Emission Zone as described in recommendation (d) through voluntary means**
- (f) **Instruct officers to ensure that proposals for a Low Emission Zone are progressed as part of an integrated package of bus quality improvements in Oxford.**

Steve Howell
Head of Transport

Background papers: LEZ Stage 1 and Stage 2 Reports, AEA Technology

Contact Officer: Martin Krafft
Tel 01865 815786

February 2009



COMMUNITIES AND PARTNERSHIP SCRUTINY COMMITTEE

Thursday 22nd January 2009

55. OXFORD CITY COUNCIL CULTURAL STRATEGY (2009/12)

The Head of City Development submitted a report (previously circulated, now appended). Melbourne Barrett (Executive Director, City Regeneration), Michael Crofton-Briggs (Head of City Development) and Laura Worsfold (Arts Officer – Strategic Development) attended the meeting and answered questions from members of the Committee. Councillor Mary Clarkson (Board Member for Culture and Heritage) was also in attendance

The main points raised were: -

- The administration had decided to focus the revised Cultural Strategy on a narrower field, which did not include sport, arguing that it was better to focus on a specific area that could realistically be achieved. There were concerns that this was not acceptable when there was no timetable set for the production of a comparable strategy for leisure and sports development to cover the areas no longer included in the Cultural Strategy, particularly bearing in mind the fact that the Audit Commission had initially looked at this in the round, including sport and leisure.
- There was concern that narrow strategies would lead to an old style silo mentality within the Council and what was needed was to break down artificial barriers by working across service areas.
- There was a good deal of discussion of matters that were on the cusp between sport and culture (dance, healthy lifestyle, etc.) and it was acknowledged there was always going to be a difficulty in defining culture in a way that would be satisfactory to all.
- There was particular concern that there was no mention of the provision of a skate park facility, despite a Council resolution on that issue, and members asked for a timetable for how that matter would be progressed.
- There should be an introduction to set the context for where we are now and how we arrived at this position.
- There did not appear to be any mention of museums and this important omission should be rectified.

- The issue of lack of space for creative workers (e.g craft workshops) should be addressed more fully. Laura Worsfold said that consideration was being given to using developer contributions to provide creative workspaces rather than works of art, and the West End development should give good opportunities for more creative workspaces.
- Councillor Clarkson said that more work was needed on the Strategy before it was submitted to Council and that it was still possible to make further amendments to the document.

Resolved to advise the City Executive Board of the above comments and in particular that the Committee:-

- (1) Notes the distinction being made between culture and leisure/sport and asks that a timetable be published for the preparation of a comparable strategy for leisure and sports development that deals with the issues removed from the earlier draft of the Cultural Strategy;
- (2) Notes the situation regarding the skate park and asks for more information as a matter of urgency on how that matter is to be progressed, in accordance with an earlier Council resolution;
- (3) Understands that there will be further significant revisions prior to the Cultural Strategy is submitted to Council for adoption, including the addition of mention of museums, and asks that the action plan also be amended to give a more realistic timetable for actions.

NOT FOR PUBLICATION by virtue of Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972

Appendix 1 (to report on Annual Lettings Plan)- LEGAL IMPLICATIONS

Background

Whilst a Council can decide its own allocations policy it must give 'reasonable preference' to certain groups such as homeless people, people in temporary or insecure accommodation, people in overcrowded or unsanitary conditions, and those with medical/welfare needs). (See Housing Act 1996 S.167). How it meets these 'reasonable preferences' and the mechanics of the scheme are up to each Council.

Allocations can only be made in accordance with the published policy. The annual lettings plan forms part of Oxford City Council's overall allocations policy.

Risks

That the proposed annual lettings plan brings an increased risk of judicial challenge because it proposes less preference for homeless applicants

Reasoning

A lettings plan might not breach requirements to give reasonable preference to statutory groups, but much depends on the particular details and justifications. The CLG Code of Guidance on allocations is silent on annual lettings plans.

If an applicant is assessed as high priority under OCC's allocations policy they have an expectation that those with lower priority awards will not be housed before them. However, under the proposed lettings scheme a priority applicant is precluded from bidding for certain properties (despite their priority) if they are designated as, for example, non-homeless only or non-transfer only. It could be seen as OCC giving a reasonable preference with one hand (the banding part of the scheme) and denying it with another (the annual lettings plan part).

General concerns aside (about lettings plans), a reduction in the percentage split for 4 bed properties maybe justified by the relatively small percentage of homeless families who require 4 bed properties. However, the limited homeless need could also suggest there is no need for an annual lettings plan setting percentages for 4 beds.

Reduced homeless acceptances might sometimes justify a reduction in the 2 and 3 bed homeless allocation, but where the 50% threshold is breached a priority homeless applicant would have less than 50% chance of being able to bid for an available property. This might not equate with the statutory requirement to give them reasonable preference. Whilst a 50% figure is not a guarantee of avoiding judicial challenge, a figure lower than this will increase the risk.

The proposals give additional priority to transfer applicants (at expense of homeless applicants) even though not all transfer applicants will come within the reasonable preference groups. Further, there is also a cumulative (and rising) risk of successful legal challenge in that OCC has reduced the percentage of lets for homeless applicants in previous years.

Head of Legal and Democratic Services.