



# City of Westminster Cabinet Member Report

<b>Meeting or Decision Maker:</b>	Cabinet Member for Environment and City Management
<b>Date:</b>	1 May 2019
<b>Classification:</b>	Open
<b>Title:</b>	City-wide roll out of the pay to park diesel surcharge
<b>Wards Affected:</b>	All
<b>Key Decision:</b>	Yes
<b>Financial Summary:</b>	If the demand downturn for paid for parking reaches a forecast 10%, the additional benefit of city-wide expansion of the diesel parking surcharge is forecast at £2.0m for 2019/20. The actual figure will be lower as the start date of the surcharge will not be at the very start of the financial year. The costs of implementation of a city-wide roll out are considered minimal (circa £65,000), and there are no on-going costs above business as usual parking operational costs.
<b>Report of:</b>	Sara Sutton, Executive Director of City Management and Communities

## 1 Executive Summary

- 1.1 This paper sets out officers' recommendations for the immediate roll out city-wide of the pay to park diesel surcharge (hereafter diesel surcharge), a 50% levy applied to pay to park rates for pre-2015 registration diesel vehicles.
- 1.2 The diesel surcharge has been in place since July 2017 in Parking Zone F (Hyde Park, Marylebone & Fitzrovia). After this trial was deemed successful, the council committed in its 2018 Air Quality Manifesto to consulting on rolling the policy out across the city. From July to September 2018 a public consultation was held to ask how the diesel surcharge should be expanded, what the level of surcharge should be, and whether older petrol vehicles should be included. Over 1300 responses were received, and there is clear support for expanding the 50% surcharge across the whole city with three out of four (75%) respondents to the consultation saying that they supported it.
- 1.3 The diesel surcharge supports Westminster's City for All priorities for a healthier and greener city. It directly relates to the 'Improving Local Air Quality' strand of our Greener City Action Plan, as well as supporting the Greener City Action Plan themes 'Supporting

a sustainable transport system for Westminster' and 'Communicating and encouraging people into environmental action'.

## **2 Recommendations**

That the Cabinet Member for Environment and City Management approves:

- 2.1 The expansion of the diesel surcharge to all Westminster Parking Zones for pre-2015 registration diesel vehicles.
- 2.2 The maintenance of the 50% surcharge on the hourly pay to park rate levied, first piloted as part of the Zone F trial.
- 2.3 The publication of Variation Notices issued under Section 46A of the Road Traffic Regulation Act ("The 1984 Act"), in order to give effect to the recommended change above.
- 2.4 The exclusion at this stage of older (pre-2006) petrol vehicles in the surcharge.
- 2.5 To not apply the diesel surcharge to taxi and coach pay-to-park bays, market trader bays, Parking Cards (scratchcards) or Trades Permits.
- 2.6 To decommission all remaining Payment Terminals city-wide.
- 2.7 To initiate the roll out of these policies in line with the timings set out in this report.

## **3 Reasons for decision**

- 3.1 The proposed policy will improve air quality across the city, through discouraging disproportionately polluting older diesel vehicles from making journeys into and across the city. This policy is in line with the council's commitments to a healthier and greener city set out in City for All and Greener City Action Plan strategies.
- 3.2 The council signalled its commitment to the policy in its April 2018 Air Quality Manifesto, subject to a public consultation. The consultation held July – September 2018 received over 1300 responses, with clear support for expanding the diesel surcharge across the city as quickly as feasible. Support for the diesel surcharge was strongest among Westminster residents. Consultation responses have fed into recommendations 2.1, 2.2 and 2.4 of this report.
- 3.3 Recommendations 2.5 and 2.6 are made on the grounds of practicality and cost. These mirror decisions made with regards the original surcharge trial in Parking Zone F.

## **4 Background and Policy Context**

### **Wider policy positioning**

- 4.1 Poor air quality is one of our residents' top concerns and expanding the diesel surcharge is one of the council's ten air quality commitments, set out in our April 2018 Air Quality Manifesto. Action on air quality is part of the City for All 2018/19 pledges under the Healthier and Greener City theme.

- 4.2 Westminster suffers from some of the worst air pollution in London. London Atmospheric Emissions Inventory (LAEI) 2016 data indicates that in 2013 (the most recently modelled year through the LAEI) over 80% of the total area of Westminster was in exceedance of legal Objective levels for annual mean Nitrogen Dioxide. According to the LAEI, 58% of Westminster's oxides of nitrogen (NOx) and 65% of the city's PM2.5 pollution is attributable to road transport. Breaking this down further, diesel cars are responsible for 7% of Westminster's total NOx emissions and 11.5% Westminster's total PM2.5 emissions.
- 4.3 The evidence on the harmful impacts of air pollution on public health is well established. 2016 research from King's College London attributed around 9,400 premature deaths in London due to the health impacts of Particulate Matter pollution. The Public Health England Outcomes Framework estimates that the fraction of mortality attributable to particulate air pollution in Westminster in 2017 is 6.9%, compared to a London average of 6.5%.
- 4.4 Air pollution has been conclusively linked to a variety of adverse health impacts, including respiratory, cardio-vascular, and neurological illnesses. In addition, there is a body of emerging work related to the indirect impact of pollution on a range of human health, from pollution being linked to lower exam results among school children to incidences of mental health issues in young adults and Alzheimer's in the elderly. As a result, poor air quality is a major public health issue as well as an environmental issue.
- 4.5 In April 2019, the Mayor of London's Ultra Low Emission Zone (ULEZ) will be introduced, adding a daily charge for older diesel vehicles to enter the Congestion Charging Zone. While Westminster was the first borough to introduce a diesel surcharge in 2017, other boroughs including Islington have now introduced borough-wide surcharges (Islington's is a flat £2 fee per transaction). If expanded across the whole city, Westminster's surcharge will cover a wider area than that captured by the ULEZ, and will complement its impact on air pollution in the city.

### **The surcharge trial in Parking Zone F**

- 4.6 On 24 May 2017 the council agreed to pilot a 50% surcharge for all pre-2015 diesels paying to park in F zone (Hyde Park, Marylebone & Fitzrovia) to test its viability before introducing a city-wide diesel surcharge. The pilot came into effect on 26th June 2017. The trial was part of several innovative new ideas to be tested in the ongoing Marylebone Low Emission Neighbourhood (LEN) and was introduced with the backing of the LEN steering group, which comprises residents and local businesses, including major landowners and Business Improvement Districts (BIDs). The 50% surcharge level was chosen to test if it was a significant enough deterrent to try to change consumer behaviour.
- 4.7 Since the introduction of the diesel surcharge in the LEN in June 2017, the percentage of diesel vehicles parking has largely remained unchanged and around 55% of all pay-to-park transactions are from diesel vehicles (across other zones in Westminster the average is 64%). There has however been a significant decline in the percentage of pre-2015 diesels as a percentage of overall transactions; just over 28% (down from 42%) of transactions are now from older diesel vehicles. This pattern of behaviour is observed across the city and not just in F zone where the trial of the surcharge is taking place, which suggests a general trend away from older diesels.

4.8 After 12 months, the amount of older diesel vehicles parking in F zone reduced by 16%, with no obvious displacement to nearby parking zones. It was following the success of the trial that Westminster publicly consulted on expanding the surcharge city-wide.

### **The diesel surcharge consultation**

4.9 Between 27<sup>th</sup> July and 12<sup>th</sup> September 2018, a public consultation asked residents several questions including how the surcharge should be expanded, whether the 50% levy trialled in Zone F was the right amount, and whether older petrol vehicles should also be included in the surcharge. All those who had paid to park in the city in the last two years were contacted as part of the consultation exercise.

4.10 A full analysis of the results of the consultation is appended to this report, and a full consultation response document will be published alongside any final decision on the expansion of the surcharge.

4.11 High level results from the consultation is summarised below. Further analysis of the consultation responses that are summarised in the bullets below can be found in paragraphs 4.10 to 4.12.

- A total of 1,312 consultation responses were received
- Two out of three (66%) respondents live in Westminster, and 75% of those have resident parking permits
- Three out of four (75%) respondents (nearly 1,000 respondents) answered that the diesel surcharge should be extended. Of those, 60% considered that the surcharge should be applied to all zones at once, rather than extending into the central zones first and the remaining zones six months later.
- Just over half (52%) of all respondents were in favour of a 50% or higher surcharge. Residents were more likely to favour a 50% or higher surcharge: 63% of residents think the surcharge should be 50% or higher whilst only 32% of non-residents support a 50% or higher surcharge. Discounting those not answering the specific question, 62% are in favour of a 50% or higher surcharge, with 38% believing the surcharge should be less than 50% or not be introduced at all.
- Regarding the application of a parking surcharge to older (pre-2006) petrol vehicles, 38% considered that the surcharge should not be applied. There was a clear split in respondents who considered that the charge should be applied, between whether it should be applied as soon as possible or when the Mayor of London's Ultra Low Emission Zone begins in April 2019.

4.12 Supporting analysis for the bullet points above can be found in the tables below.

4.13 The percentage of respondents supporting an expansion of the surcharge in some form, and the breakdown of how quickly respondents wanted to see the surcharged expanded:

Consultation Q1. Do you think the council should expand the diesel parking surcharge from zone F to all parking zones in Westminster - or do this in two stages?

Response option	Count	Percentage	Percentage if non respondents removed
All zones at once	571	44%	59%
Central zones now, others in 6 months	401	31%	41%
Did not answer	340	25%	

Table 1: Total responses

Response option	Westminster residents		Non Westminster residents		Total
	Count	Percentage	Count	Percentage	Percentage
All zones at once	451	52%	120	27%	44%
Central zones now, others in 6 months	263	30.3%	138	31%	31%
Did not answer	153	17.6%	187	42%	25%

Table 2: responses split by resident / non resident

4.14 The breakdown in responses relating to the level of the surcharge, showing that over half of respondents were in favour of a 50% or higher surcharge level, with greater support for this among residents:

Consultation Q3. In the Marylebone trial, we set our parking surcharge for older diesel vehicles at an additional 50%, on top of the existing parking charge. Do you think a 50% surcharge is the right figure? If not, what would you think would be a better figure and why?

Response option	Count	Percentage	Percentage if non respondents removed
Think surcharge should be < 50%	425	32.4%	38.2%
Think surcharge should be ≥ 50%	686	52.3%	61.8%
Did not answer or gave no clear indication	201	15.3%	

Table 3: Amalgamated responses

Response option	Westminster residents		Non Westminster residents		Total
	Count	Percentage	Count	Percentage	Percentage
Think surcharge should be < 50%	224	25.8%	201	45.2%	32.4%
Think surcharge should be ≥ 50%	545	62.9%	141	31.7%	52.3%
Did not answer or gave no clear indication	98	11.3%	103	23.1%	15.3%

Table 4: Amalgamated responses for 50% surcharge question by resident and non-resident

4.15 Responses pertaining to the inclusion of older petrol vehicles were more split. In particular there was a strong theme in those responding ‘No’ to including older petrol vehicles referencing the potential income inequality impacts of their inclusion.

*Consultation Q5. It is considered that older petrol vehicles (pre-2006) are just as polluting as newer diesel vehicles. As a result, do you think we should or should not apply a surcharge to older petrol vehicles as well? And if we were to do this, should we do it now or in 2019 to align with the London Mayor’s Ultra Low Emission Zone (ULEZ)?*

Response option	Count	Percentage	Percentage if non respondents removed
Yes - now	460	35%	37%
Yes - later	274	21%	22%
No	495	38%	40%
Did not answer	83	6%	

Table 5: Overall responses

4.16 Analysis of the consultation results shows that the greatest levels of support for introducing the surcharge as quickly as possible comes from residents. Residents are both more likely to be in favour of expanding the surcharge as quickly as possible, and more likely to be in favour of a 50% (or higher) surcharge figure.

4.17 It has not been possible through analysis of the results to identify whether respondents were representing businesses. A small number of respondents mentioned the adverse impact of the surcharge on small businesses and sole traders. The Marylebone LEN steering group, comprising BIDs and larger businesses, responded to the consultation and were strongly in favour of it being extended across the city.

**Key recommendations following the consultation**

4.18 The consultation asked three key questions to respondents, which have informed officers’ recommendations:

1. *To expand the diesel surcharge to the whole of the city as soon as is feasible.* Of those in favour of the surcharge, 59% wanted it to be expanded city-wide as soon as possible. For Westminster residents only, this figure increases to 63%.
2. *To maintain the 50% surcharge levied as part of the Zone F trial.* 52% of all respondents felt the surcharge should be 50% or higher. Among residents only, this figure again increases to 63%.
3. *To not include at this stage older petrol vehicles in the surcharge.* Respondents were split on the potential inclusion of older petrol vehicles (pre-2006), but there was an overall majority in favour of including petrol vehicles in a surcharge at some point, if not immediately. Over 100 respondents noted the potential that those with much older petrol vehicles are less likely to be able to afford compliant vehicles. The potential disproportionate impact of a petrol surcharge on less well-off drivers is the basis for the recommendation not to proceed with a petrol surcharge at this stage.

## 5 Operational roll out of the diesel surcharge

- 5.1 It is estimated that the diesel surcharge can be rolled out to the rest of the City (six parking zones) in twelve weeks, following the cabinet member decision and end of relevant call-in periods.
- 5.2 There are four main activities related to the operation roll out of the surcharge:
1. The Traffic Order Variation
  2. System configurations to allow the DVLA fuel-type look ups to be applied to all parking zones to apply the new charges correctly
  3. Communications related to the new charges
  4. Overlay stickering of on-street signage to display the new tariffs and conditions
- 5.3 It is recommended that the surcharge be introduced zonally over consecutive weekends, with Zones A, D, E and G being followed one week later by Zones B and C. The surcharge is already in place in Zone F.
- 5.4 The proposed timescales for the roll out of the surcharge are set out in Table 6 below.

<b>TASK</b>	<b>Start Date (wk #)</b>	<b>End Date (wk #)</b>
Instruct WSP & agree fee proposals for Traffic Order changes	1	1
Submit Change Request (CR) for RingGo, Passport, Parkeon & Conduent systems config	1	1
Draft Notice of Variation	1	2
Confirm & order new signage overlay stickers	1	3
Confirm on-street needs, update risk assessments, provide packs & brief requirements	1	10
Apply for GIS config (phase 1 zones)	1	11
Update online content	1	12
Apply for GIS config (phase 2 zones)	1	12
Receipt of CR Impact Assessment	3	3
Agree and authorise necessary CR works and costs	4	4
Systems config and testing	4	10
Instruct SmartParking changes	4	10
Instruct Parkopedia changes	4	10
Publish Notice of Variation	8	10
Apply new tariff overlay stickers on-street (phase 1 zones)	10	10
Issue enforcement (kerbside) and consideration (back office) instructions	10	10
Instruct WCC libraries	10	10
Issue user comms (resident permit holders & RingGo/Passport users)	10	10
Bag/decommission Payment Terminals (phase 1 zones)	10	11
Apply new tariff overlay stickers on-street (phase 2 zones)	11	11
Notice of Variation comes into effect (phase 1 zones)	11	11
Systems go-live (phase 1 zones)	11	11
Bag/decommission Payment Terminals (phase 2 zones)	11	12
Notice of Variation comes into effect (phase 2 zones)	12	12
Systems go-live (phase 2 zones)	12	12
Post-go-live snagging	12	15

Table 6: indicative timeframes for surcharge roll out

- 5.5 It is recommended that that the diesel surcharge will not apply to taxi and coach pay-to-park bays, market trader bays, Parking Cards (scratchcards) or Trades Permits. These recommendations are made on the grounds of practicalities and cost. In addition, there are concerns that a surcharge on some of these types of permits and bays would have disproportionate impact on sole traders and market traders.
- 5.6 Additionally, during the trial of the diesel surcharge in Zone F payment terminals were decommissioned. This was due to the prohibitive cost of upgrading these machines to perform a fuel-type look up. As a result it is recommended that alongside the city-wide roll out of the diesel surcharge, all Westminster's remained payment terminals be decommissioned.
- 5.7 The first 12 months of the Zone F trial saw a 16% reduction in older diesel vehicle transactions. However since then the overall number of surcharge eligible vehicles on Westminster's roads will have reduced due to general turnover of vehicles as older vehicles are replaced. The modelled downturn in pay to park revenue, changes in private vehicle fleet composition and the at this stage unknown impact of the Mayor of London's ULEZ mean that it is difficult to establish targets for the impact of the diesel surcharge on parking numbers.
- 5.8 A variety of transaction data, including location, date and time, and vehicle year of registration is currently collected for all parking transactions. This process will allow the outcomes of the diesel surcharge to be assessed on an ongoing basis.

## 6 Financial Implications

- 6.1 The costs of the operational roll out are expected to be around £65,000 as follows:

Item	Cost
Traffic Order Variation	£1,000
System Configuration works	£35,000
Communications: SMS to recent pay to park users	£15,000
Signage overlay stickers	£2,000
On-street works	£10,000

Table 7: Expected costs associated with diesel surcharge roll out

- 6.2 Different parking zones have different tariffs but in the West End a 50% surcharge would mean a £4.90 hourly charge becomes £7.35 for pre-2015 diesel vehicles. In contrast, in the north of the borough (Harrow Road, Queen's Park and Maida Vale) the £1.70 per hour charge would become £2.55. Should the diesel parking surcharge be implemented across the city at 50%, a total of 284 streets in Westminster will have a £7.35 hourly charge for pre-2015 diesel vehicles.

Zone	Tariff p/hr	Diesel surcharge p/hr	New tariff p/hr
A	£3.70	£1.85	£3.70 £5.55 pre-2015 diesels
B	£2.90	£1.45	£2.90 £4.35 pre-2015 diesels
C	£1.70	£0.85	£1.70 £2.55 pre-2015 diesels

D	£2.50	£1.25	£2.50 £3.75 pre-2015 diesels
E	£4.90	£2.45	£4.90 £7.35 pre-2015 diesels
F	£4.90	£2.45	£4.90 £7.35 pre-2015 diesels
G	£4.90	£2.45	£4.90 £7.35 pre-2015 diesels

Table 8: Changes in tariff costs

- 6.3 Diesel surcharge income from the Zone F trial is forecast to be around £0.9m for 2018/19. If extrapolated city-wide a further £2.2m might have been generated over the same 12-month period, assuming a constant profile of diesel vehicle use across all zones.
- 6.4 Including the Zone F trial income, Paid for Parking is forecast to under recover by £1.6m in the next financial year, driven primarily by decline in parking demand. This trend is expected to continue and may be compounded by the introduction of the ULEZ in April 2019, the effects of which are not yet known.
- 6.5 If the diesel surcharge were to be in effect at 1st April 2019, and the demand downturn reaches 10%, the additional benefit of city-wide expansion is forecast at £2.0m for 2019/20. The actual figure will be lower as the start date of the surcharge will not be at the very start of the financial year; for example, estimated revenue from a start date of July 2019 would be £1.5m due to the surcharge being implemented three months into the financial year. All figures would then be offset by the estimated implementation cost of £65,000. The net financial implication of a July 2019 start date would therefore be £1.435m for the financial year 2019/20.

## 7 Legal Implications

- 7.1 The Council's authority to operate and set parking charges is defined by statute. Under Section 46 of the Road Traffic Regulation Act 1984 (the "1984 Act"), the Council has discretion as to the charges it sets (by means of traffic orders or Notices of Variation of charges under Section 46A).
- 7.2 In accordance with Section 55 of the 1984 Act the income the Council receives from on-street parking is placed into the 'Parking Places Reserve Account', which can only be used by the Council for highway improvements and other traffic related measures.
- 7.3 Section 122 of the 1984 Act sets out the considerations which must be taken into account by the Council in exercising its statutory powers, including in relation to parking. In essence, section 122 states:

*(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act so to exercise the functions conferred on them by this Act as (so far as is practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including*

*pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, or, in Scotland the road.*

*(2) The matters referred to in subsection (1) above as being specified in this subsection are—*

*(a) The desirability of securing and maintaining reasonable access to premises;*

*(b) The effect on the amenities of any locally affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run (bb) The strategy prepared under Section 80 of the Environment Act 1995 (national air quality strategy)*

*(c) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;*

*and (d) Any other matters appearing to the local authority to be relevant.*

- 7.4 A number of cases have considered the legal duties of local authorities in relation to the exercise of their powers contained under section 122 of the 1984 Act and two main themes have emerged.
- 7.5 In the leading case of *Cran v London Borough of Camden* (1995) RTR 346 it was established that even though section 122(2)(d) allows a local authority to take into account any other matters appearing to it to be relevant, it does not allow the local authority, in setting the charges for parking, to take account of extraneous financial matters such as the aim of generating revenue for other Council projects, however worthy such projects might be. The Council cannot set or increase its charges with the motive of generating revenue. This decision has been reinforced in subsequent decisions including *Attfield vs London Borough of Barnet* (2013) EWHC 2089 (Admin).
- 7.6 In contrast to the above there are a number of decisions in which the Courts have made clear that the creation of a surplus from increased parking charges will not in and of itself be unlawful providing the primary motivation for or intention of the increase is the achievement of objectives which are consistent with the duty contained in section 122. This principle was established in the case of *Chaumeton v London Borough of Camden* (2015) EWHC 1010 which highlighted the fact that Camden's purpose was not to raise revenue but was to address the problems that come with private vehicular traffic and was thus considered a legitimate purpose. The Court therefore erred in the Council's favour by stating that it had acted in good faith and there was no evidence to support the allegation made by the claimant that the intended purpose of the increases and changes in parking charges, introduced through traffic management orders made on 20 March 2012, was to help the Council raise additional revenue for various purposes, a claim firmly rejected by the Court.
- 7.7 Through the implementation of a diesel surcharge the Council aims to reduce the number of diesel vehicles utilising the city's pay to park bays, particularly those manufactured prior to 2015. In doing so this policy seeks to improve air quality across Westminster. As such this charge facilitates sub clause (d) of the purposes of s122 outlined above.
- 7.8 The changes proposed would necessitate the publication of Variation Notices in a local newspaper pursuant to Section 46A of the 1984 Act, at least 21 days before the increases are due to come into force. The proposed changes as part of the consultation process will also feature on the Council's website.

## **8 Staffing Implications**

8.1 There are no staffing implications resulting from the proposals in this report.

## **9 Consultation and Communication Implications**

- 9.1 A full consultation response document will be published on the council's website as part of the publication of the decision. This document will highlight the overall response levels, the council's position on themes of individual responses, and audience segmentation where available. The consultation response document is appended to this report.
- 9.2 A communications plans for the roll-out of the proposed diesel surcharge will be drawn up to align with the timings set out in Section 5 of this report. It is anticipated that this plan have regard to external policies that may influence council messaging and the public response to the diesel surcharge, namely the introduction of the Mayor of London's ULEZ scheme from 8 April 2019.
- 9.3 The changes to tariffs will be communicated to recent pay to park users by SMS message, which has been costed in paragraph 6.1. All those consultation respondents who provided an email address will also be contacted with details of the new tariffs and a link to the consultation response document. The changes to tariffs will also be communicated more widely through the council's general communications plan outlined in paragraph 9.2 above.
- 9.4 The diesel surcharge is one of the council's top air quality priorities as set out by the April 2018 Air Quality Manifesto. As such the communications plan will position the surcharge within the wider work of the council on air quality, including other policies set out in the Air Quality Manifesto such as the Schools' Clean Air Fund.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact:**

*Adam Webber, Principal Policy Officer (Air Quality), Policy and Strategy  
awebber@westminster.gov.uk, Ext 4546*

### **BACKGROUND PAPERS:**

- Air Quality Manifesto - [https://www.westminster.gov.uk/sites/default/files/air\\_quality\\_manifesto\\_2018\\_0.pdf](https://www.westminster.gov.uk/sites/default/files/air_quality_manifesto_2018_0.pdf)

For completion by the **Cabinet Member for Environment and City Management**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: **Councillor Tim Mitchell**

State nature of interest if any .....

.....  
*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled City-wide roll out of the pay to park diesel surcharge.

Signed .....

Cabinet Member for Environment and City Management

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment: .....  
.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, Executive Director Finance and Resources and, if there are staffing implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

## Appendix A

### Other Implications

#### 1. Resources Implications

- There are no resource implications arising from the proposals in the report.

#### 2. Business Plan Implications

- The proposals in the report are in line with directorate business plans and the council's relevant strategies.

#### 3. Risk Management Implications

- There are no implications of significance arising from this report.

#### 4. Health and Wellbeing Impact Assessment including Health and Safety Implications

- There are positive environmental implications from the proposals in the report due to the discouragement of journeys made by older diesel vehicles throughout the city, which will have a beneficial impact on air quality and on public health. There are no Health and Safety implications to this report.

#### 5. Crime and Disorder Implications

- There are no implications arising from the proposals in the report.

#### 6. Impact on the Environment

- The evidence on the harmful impacts of air pollution on public health is well established. 2016 research from King's College London attributed around 9,400 premature deaths in London due to the health impacts of Particulate Matter pollution. The Public Health England Outcomes Framework estimates that the fraction of mortality attributable to particulate air pollution in Westminster in 2017 is 6.9%, compared to a London average of 6.5%.
- Westminster suffers from some of the worst air pollution in London. London Atmospheric Emissions Inventory (LAEI) 2016 data indicates that in 2013 (the most recently modelled year through the LAEI) over 80% of the total area of Westminster was in exceedance of legal Objective levels for annual mean Nitrogen Dioxide. According to the LAEI, 58% of Westminster's oxides of nitrogen (NOx) and 65% of the city's PM2.5 pollution is attributable to road transport. Breaking this down further, diesel cars are responsible for 7% of Westminster's total NOx emissions and 11.5% Westminster's total PM2.5 emissions. These figures do not represent the cohort of emissions impacted by the diesel surcharge as they are figures for all diesel cars, whereas the surcharge will only impact on pre-2015 diesel vehicles and will also capture emissions from LGVs who use pay to park bays.
- A full Environmental Impact Assessment for these proposals has not been undertaken as there are positive environmental implications arising from these proposals. This is due to the discouragement of journeys made by older diesel vehicles throughout the city, which will have a beneficial impact on air quality.

## **7. Equalities Implications**

- S149 of the Equality Act 2010, also known as the public sector equality duty, requires the Council to have due regard to the need to eliminate discrimination, and advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. It is considered a diesel surcharge would affect all those with or without protected characteristics equally and without prejudice. It is considered that children and young people, older people and some people with disabilities would particularly benefit in health terms from any air quality improvements arising from these proposals. A screening assessment for Equalities Impacts, has been undertaken and is appended to this report.

## **8. Human Rights Implications**

- There are no implications arising from the proposals in the report.

## **9. Energy Measure Implications**

- There are no implications arising from the proposals in the report.