

TRAFFORD COUNCIL

Report to: Executive
Date: 24 October 2022
Report for: Decision
Report of: Executive Member for Climate Change and Transport Strategy

Report Title

Clean Air Scrutiny Committee.

Summary

To establish a Greater Manchester Joint Scrutiny Committee to scrutinise decisions of the Clean Air Charging Authorities Committee and the Clean Air Administration Committee.

Recommendation(s)

It is recommended that Executive:

- Agree to the establishment of a GM Clean Air Joint Scrutiny Committee;
- Agree the Terms of Reference of the GM Clean Air Joint Scrutiny Committee as set out in Appendix A;
- Appoint a member and a substitute to the GM Clean Air Joint Scrutiny Committee;
- Delegate to that member and substitute member of the GM Clean Air Joint Scrutiny Committee, the authority to discharge jointly the functions of the GM Clean Air Scrutiny Committee, such functions as detailed in the report which includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

Contact person for access to background papers and further information:

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Background Papers:

- 31 January 2021, report to GMCA: GM Clean Air Plan: Consultation
- 31 July 2020, report to GMCA: Clean Air Plan Update
- 29 May 2020, report to GMCA: Clean Air Plan Update
- 31 January 2020, report to GMCA: Clean Air Plan Update

- 26 Jul 2019, report to GMCA: Clean Air Plan Update
- 1 March 2019, report to GMCA: Greater Manchester's Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside - Outline Business Case
- 11 January 2019, report to GMCA/AGMA: Clean Air Update
- 14 December 2018, report to GMCA: Clean Air Update
- 30 November 2018, report to GMCA: Clean Air Plan Update
- 26 October 2018, report to GMCA: GM Clean Air Plan Update on Local Air Quality Monitoring
- 15 November 2018, report to HPEOS Committee: Clean Air Update
- 16 August 2018, report to HPEOS Committee: GM Clean Air Plan Update
- UK plan for tackling roadside nitrogen dioxide concentrations, Defra and DfT, July 2017

Implications:

Relationship to Policy Framework/Corporate Priorities	The Clean Air Plan aligns closely with our priorities on Health & Well-being and Green & Connected Places.
Relationship to GM Policy or Strategy Framework	The Clean Air Plan is a GM wide initiative, led by Transport for Greater Manchester on behalf of the ten districts
Financial	None as a consequence of this report
Legal Implications:	Overview and Scrutiny is a function of local authorities in England and Wales prescribed within the Local Government Act 2000 and the Localism Act 2011.
Equality/Diversity Implications	None as a consequence of this report
Sustainability Implications	None as a consequence of this report
Carbon Reduction	None as a consequence of this report
Resource Implications e.g. Staffing / ICT / Assets	None as a consequence of this report
Risk Management Implications	None as a consequence of this report
Health & Wellbeing Implications	None as a consequence of this report
Health and Safety Implications	None as a consequence of this report

1.0 Background

1.1. The ten Greater Manchester Districts and GMCA established the Clean Air Administration Committee in March 2021 and delegated to the committee:

- the GMCA's and the Constituent Authorities' functions under sections 82 to 84 of the Environment Act 1995
- the GMCA's functions in relation to the Greater Manchester Clean Air Plan (including the taking of action likely to promote or improve the economic, social or environmental well-being of Greater Manchester in connection with it and the use of grants made by the Secretary of State under section 31 of the Local Government Act 2003 to implement that plan).
- the Constituent Authorities functions under the Greater Manchester Clean Air Plan including those under Part 3 of, and Schedule 12 to, the Transport Act 2000 and regulations made thereunder (excluding any decision thereunder that must be taken jointly by charging authorities) including, but not limited to:
- action required under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2020 (other than the making of the joint local charging scheme);
- the exercise of their powers under sections 176, 177 and 192 of the Transport Act 2000;
- the application of the Constituent Authorities' shares of any net proceeds of a joint local charging scheme made by them.

1.2 The discharge of such functions includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

- 1.3 The Clean Air Charging Committee was established in October 2021 by the ten districts with the following functions:

The Committee shall have power to take all such decisions of the Constituent Authorities (as charging authorities) that must be taken jointly under Part 3 of, and Schedule 12 to, the Transport Act 2000 and any regulations made thereunder.

This includes, but is not limited to:

- Making and varying a joint local charging scheme order;
- Decisions of the charging authority under such a joint local charging scheme and the Road User Charging Schemes (Penalty charges, Adjudication and Enforcement) (England) Regulations 2013.

2.0 Scrutiny

- 2.1 Scrutiny committees ensure that members of an authority who were not part of the decision making committee could hold that committee to account for the decisions and actions that affect their communities.
- 2.2 Decisions of both clean air committees are currently subject to scrutiny by each member district. However, as the two Committees are jointly exercising the functions of the member authorities it is proposed that the scrutiny arrangements for clean air are also exercised jointly by establishing a joint GM Clean Air Scrutiny Committee.
- 2.2 Proposed Terms of Reference for the GM Clean Air Scrutiny Committee are attached at Appendix A.
- 2.3 The Clean Air Scrutiny Committee will enable decisions to be scrutinised more effectively and efficiently and on a Greater Manchester basis and across both clean air Committees.

Other Options

The authority could not agree the establishment of a joint GM scrutiny committee for clean air and/or it could not appoint a member for that joint scrutiny committee.

If the authority does not agree to the establishment of the GM Clean Air Scrutiny Committee and it does not appoint a member for that GM Clean Air Scrutiny Committee, the authority will need to continue to scrutinise the two clean air committees on an individual basis.

Consultation

None required

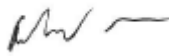
Reasons for Recommendation

To enable the establishment of the GM Clean Air Scrutiny Committee and to appoint a member and a substitute member of the authority as members of the GM Clean Air Scrutiny Committee.

Key Decision (as defined in the Constitution): No
If Key Decision, has 28-day notice been given? N/A

Finance Officer Clearance PC
Legal Officer Clearance DS

CORPORATE DIRECTOR'S SIGNATURE



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

Appendix A

Clean Air Scrutiny Committee – Terms of Reference

General

The Clean Air Scrutiny Committee (“the Scrutiny Committee”) is a joint committee created by the ten Greater Manchester local authorities (“the Constituent Authorities”) under section 101(5) of the Local Government Act 1972.

Membership of the Scrutiny Committee

The membership of the Scrutiny Committee shall be ten, consisting of one member appointed by each of the Constituent Authorities and one member of the Greater Manchester Combined Authority. The Constituent Authorities shall also each nominate a substitute member to attend and vote in their stead. Membership must reflect (as far as reasonably practicable) the political balance of the whole GM area.

Role of the Committee

The Scrutiny Committee’s role and function is as follows:

1. To review or scrutinise decisions made, or other actions taken by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
2. To review or scrutinise decisions made, or other actions taken, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
3. To make reports or recommendations to the Clean Air Charging Authorities Committee or the Air Quality Administration Committee concerning the discharge of their functions;
4. To Call-In decisions made by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
5. To Call-In decisions made, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
6. Any three members of the Scrutiny Committee can call in a decision of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee.

7. If the Scrutiny Committee does Call-In a decision it can:
 - (a) Direct that a decision is not to be implemented while it is under review or scrutiny by the Scrutiny Committee; and
 - (b) Recommend that the decision be reconsidered.
8. To establish formal sub committees or informal task and finish groups if they wish.
9. Attendance
 - Members of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee;
 - Officers exercising delegated functions of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee;must attend meetings of the Scrutiny Committee, if invited, to answer questions.
10. Other people may be invited to attend meetings of the Scrutiny Committee, but are not obliged to attend.

Operation of the Scrutiny Committee

11. The Committee shall appoint a Chair at its first meeting.
12. The Quorum of the Committee shall be two thirds of its members (7 members).
13. Each member shall have one vote.
14. The Chair shall not have a casting vote.
15. Unless required by law, decisions shall be made by a simple majority.
16. The Committee will meet as often as required.

