

Report for: Cabinet 12 November 2019

Title: Haringey's Air Quality Action Plan 2019-24 and authorisation of fixed penalty notices for idling

Report authorised by: **Stephen McDonnell – Director of Environment and Neighbourhoods**

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Ward(s) affected: All

**Report for Key/
Non-Key Decision:** Key decision

1. Issue Under Consideration

- 1.1. Haringey is required to have an Air Quality Action Plan (AQAP) as part of the Council's duty to manage local air quality. The AQAP sets out the commitment and actions Haringey will take to improve air quality between 2019 and 2024.
- 1.2. Schedule 11 of the Environment Act 1995 requires Local Authorities to consult on their AQAP with a range of persons and organisations. It was agreed on the 2nd April 2019 by Cabinet that the draft AQAP could go for public consultation which has now taken place and the results of which can be found in report attached in Appendix A.
- 1.3. The associated sanction of issuing fixed penalty notices to drivers who commit an idling offence by keeping their engine running whilst stationary is also being considered because (i) the AQAP consultation showed many respondents favoured stricter enforcement measures for idling, and (ii) it is a condition for participating in the Pan London Anti-Idling Project funded by the Mayor of London.

2. Cabinet Member Introduction

- 2.1. The Air Quality Action Plan 2019-24 lays out the Council's current and future ambitions to reduce air pollution. As with much of London, improving air quality is a key priority in Haringey because of the negative effect it has on our residents, particularly older, disabled residents and our children. The air quality agenda affects all aspects of the Council's work and our activities go hand in hand with our commitments to combatting climate change, developing walking, cycling and the wider use of public transport.

3. Recommendations

3.1. Cabinet are asked to:

- Consider the outcome of the consultation on the draft AQAP set out in Appendix A of the report and the Equality Impact Assessment screening tool set out in Appendix C.
- Approve the revised Air Quality Action Plan 2019 - 24 in Appendix B; and
- Approve the use of fixed penalty notices pursuant to the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 to sanction drivers who have committed a stationary idling offence.

4. Reasons for Decision

4.1. Air Quality Action Plan 2019-24

4.2. A copy of the amended AQAP following consultation is attached to this report as Appendix B. The consultation is summarised in section 7 below. The draft AQAP 2019-2024 has been developed with consideration to priority 3 – Place of the Borough Plan 2019-23, in that it will help to deliver an environment that is safe, clean, green and where people can lead active and healthy lives.

4.3. Like other London Boroughs, Haringey was declared an Air Quality Management Area (AQMA) in 2001 due to air quality levels for two key pollutants exceeding statutory limits - Nitrogen Dioxide (NO₂) and fine particulates (PM₁₀).

4.4. Under Part 4 of the Environment Act 1995, Haringey is required to provide an AQAP to address the areas of poor air quality identified within the AQMA.

4.5. There is strong evidence that NO₂ and PM₁₀ are harmful to health in the following ways:

- **Short term exposure:** - is associated with worsening symptoms of pre-existing lung disease and asthma, as well as increased risk of cardiovascular events such as myocardial infarctions and stroke;
- **Long term exposure:** - is associated with an increased risk of developing cardiovascular disease, cancer, reduced lung function and low birth weights (higher risk of complications);
- **Vulnerable Groups** – age, the very young and old are high risk groups as well as those with pre-existing conditions i.e. diabetes, respiratory disease and obesity. Poor diet, deprivation and proximity to pollution sources also have an impact on health inequalities.

4.6. NO₂ is created when fuel is burnt, the main sources have been combustion engines, heating plants and construction plant/vehicles.

4.7. PM₁₀ is made up from a variety of substances i.e. soot, dust and secondary particles formed by the reaction of other pollutants in the air. The main sources of particulate matter are combustion engines, biomass heating plants (wood fuelled), brake and tyre wear, construction activity and HGVs.

4.8. The AQAP 2019-24 aims to tackle these areas of poor air quality. It sets out 25 actions and commitments, developed under the following seven broad themes in order of priority, that propose to reduce air pollution in Haringey over the next five years:

- **Monitoring and other core statutory duties:** maintaining monitoring networks is critical for understanding where pollution is most acute, and what measures are effective to reduce pollution. There are also a number of other very important statutory duties undertaken by local authorities, which form the basis of action to improve pollution;
- **Emissions from developments and buildings:** emissions from buildings account for about 15% of the Nitrogen Oxides (NOX) emissions across London so are important in affecting Nitrogen Dioxide (NO2) concentrations;
- **Public health and awareness:** raising increased awareness can drive behavioural change to lower emissions as well as to reduce exposure to air pollution;
- **Delivery servicing and freight:** vehicles delivering goods and services are usually light and heavy-duty diesel-fuelled vehicles with high primary NO₂ emissions;
- **Borough fleet actions:** our fleet includes light and heavy-duty diesel-fuelled vehicles such as minibuses and refuse collection vehicles with high primary NO₂ emissions. Tackling our own fleet means we will be leading by example;
- **Localised solutions:** these seek to improve the environment of neighbourhoods through a combination of measures; and
- **Cleaner transport:** road transport is the main source of air pollution in London. We need to help facilitate a change to walking, cycling and ultra-low emission vehicles (such as electric).

4.9. The plan brings together and references several policies and strategies across the Council including:

- Haringey Transport Strategy
- Haringey Carbon Reduction Strategy
- Haringey Development Plan
- Parks and Open Spaces Strategy
- Low Emission Vehicle Strategy Parking Permits Strategy (Ongoing)

4.10. In response to the consultation, most respondents favoured traffic reducing interventions such as pedestrianisation, road closures, temporary and permanent car free days as well as green infrastructure. The consultation is summarised in section 7 below.

4.11. Fixed penalty notices for idling

4.12. The Council has power to authorise the imposition of fixed penalty notices on drivers who commit an idling offence, i.e. leaves their engine running while stationary and fails to stop the engine running when requested to do so.

4.13. This had not previously been recommended because research had shown that few fixed penalty notices were served in boroughs where officers have been authorised to issue such notices. Therefore, it did not appear the most cost-effective means of reducing air pollution. However, this position has been reviewed in light of the points outlined below.

4.14. Idling was one of the most discussed problems by respondents to the AQAP consultation, with 10% of respondents requesting stricter enforcement measures around schools and other common places for idling. The results of the consultation are summarised in section 7 below.

- 4.15. Fixed penalty notices would be a useful tool as well as a positive message in tackling idling because they would give more weight to existing measures used to promote behavioural change. For example, the Council encouraged drivers to switch off their engines at school gates during Clean Air Day in June 2019. The schools involved were Bounds Green and Coleridge Primary School. The Council has also sent letters to bus and coach companies and mini cab operators within the borough advising them of the health risks associated with idling and requesting that they remind staff not to leave their engines running whilst stationary. It is likely that these measures would be taken more seriously by drivers if officers were authorised to enforce them by way of fixed penalty notices.
- 4.16. The key implication associated with enforcement for idling would be infrastructure and staffing costs.
- 4.17. To help assist, Haringey along with 27 other London Boroughs will take part in a pan-London anti-idling project funded by the Mayors Air Quality Fund (MAQF), coordinated by City of London Corporation and London Borough of Camden. The Fund (£500,000) will provide 2 full time project officers to deliver the following within Haringey:
- Idling action events,
 - Workshops for schools; and
 - Engage with businesses who have their own fleets
- 4.18. Enforcement to combat idling is a condition of participation in the project. For the purpose of the project, enforcement would include:
- A website page outlining fines and penalties, and a Council contact to report idling.
 - Ideally, introducing an order to allow for higher fines than the regulatory minimum (as per Westminster, Islington etc.). Although this is not essential, it is likely that this will make the process easier and more viable for boroughs. The Idling Project will share resources to assist.
 - Press release outlining the commitment to enforce against idling and detailing the fines (to be undertaken as a single borough or collectively).
 - Dedicated officer/s (as per Westminster's Marshalls scheme) or idling enforcement formally incorporated into the role of street marshals/traffic wardens etc. This does not mean they will be required to routinely enforce to the detriment of their day-to-day roles but, at a minimum, there must be a capability and a public commitment to enforce so that idling problems and complaints can be dealt with effectively.
- 4.19. Each borough will be required to provide the following Enforcement Monitoring data annually:
- The number of staff undertaking on-street enforcement as part of their role.
 - The number of idling drivers spoken to by these officers (even if not fined).
 - Number of penalty notices served.
 - Idling complaints received. This will be recorded in complaints software.
- 4.20. Match funding from boroughs will consist of:
- Purchasing consumables for the idling action days (leaflets, car stickers etc).
 - Officer time for supporting the idling behaviour change project.
 - Officer time for the enforcement work (this could be street enforcement officers/traffic wardens etc as per above).
- 4.21. Therefore, it is recommended that officers be authorised to impose fixed penalty notices because it is now clear that the cost implications would be lower (given the

funding from the Mayor of London), residents appear to favour such stricter enforcement measures and it would strengthen the Council's ability to tackle this source of air pollution.

5. Alternative options considered

5.1. The development of an AQAP is a statutory requirement and therefore there are no lawful alternative. The proposed draft plan integrates a number of key strategies and Council services, that all have an impact on air quality and therefore it is considered the best option.

5.2. Three options have been considered with regard to taking enforcement action against drivers who commit stationary idling offences: i) do nothing ii) continue to encourage behaviour change using existing measures but without enforcement by way of fixed penalty notices iii) authorise the issue of fixed penalty notices as well as encouraging behaviour change. The reasons why options i) and ii) are not recommended are set out in 5.3 and 5.4. below.

5.3. Do nothing

- Whilst issuing fixed penalty notices against drivers who commit stationary idling offences is unlikely to have significant effect on air quality by itself, it is nevertheless part of a tool kit for changing the behaviour of drivers. Traffic is the main cause of poor air quality in Haringey and so changing drivers' habits is an important step towards improving air quality. In order to change the culture and behaviour of drivers, idling can be tackled through a variety of measures.
- The consultation showed that addressing idling is an important issue for Haringey residents. If the Council does nothing, it would not be doing all it reasonably can to tackle air quality issues related to traffic, which is the biggest source of poor air quality in Haringey and a significant concern for its residents.

Therefore, this option is not recommended.

5.4. Continue to encourage behaviour change using existing measures but without enforcement by way of fixed penalty notices.

- The AQAP (2019-2024) includes a range of measures to tackle air quality within the Borough. Measures include education / behaviour change.
- Haringey, like many other local authorities, has encouraged behavioural change in order to reduce idling. Some of our recent actions are outlined in paragraph 4.12 above and similar action could be continued in the future without the use of fixed penalty notices. However, whilst these actions will have some effect, if officers are authorised to issue fixed penalty notices, this will give more weight to such requests for drivers to switch their engines off whilst stationary and so would be likely to make the existing measures more effective.

Therefore, this option is not recommended.

6. Background information

6.1. The Haringey AQAP 2019-24 replaces the previous plan which ran from 2011-18. In essence the new plan builds on some of the more effective actions contained within the old plan as well as introducing new ones such as:

- The addition of new/more air quality monitoring points throughout the borough, particular near those school most affected by pollution.
- Development of a School Street Action Plan.
- Considering pollution from canal boats
- Developing guidance for assessment of accumulative air quality impact at major development sites.
- Reassessment of the smoke control zones and promotion of the zones by way of an awareness campaign.
- Inclusion of air quality measures in all major strategies/policies throughout the Council.
- Replacing at least 84% Council fleet with ULEV by 2021 provided suitable replacement vehicles are available.

6.2. It is a legal requirement for Local Authorities to work towards the air quality objectives by formulating an action plan under Part IV of the Environment Act 1995 and relevant regulations made under that Act. The Council is also expected to meet the requirements of the Mayor of London's London Local Air Quality Management statutory process¹. This is because the Mayor has power to direct the Council to act in respect of air quality and the Council must comply with any such direction.

6.3. The Mayor of London has stated in the London Local Air Quality Management policy guidance 2016 that he expects air quality action plans to be updated at least every 5 years.

6.4. It is an offence to leave a vehicle's engine idling unnecessarily whilst stationary, by virtue of regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986/1078. There are exceptions in the legislation where it is deemed necessary to leave a vehicle's engine idling whilst stationary and therefore not an offence. For example:

- Owing to the necessities of traffic e.g. when vehicles are queuing at traffic lights;
- Where an engine is being run so that a defect can be traced and rectified e.g. when a broken-down vehicle is being attended to by a breakdown / recovery agent;
- Where machinery on a vehicle requires the engine to be running e.g. where the engine has to be on to defrost the windscreen in winter, or to power equipment on a refuse vehicle;
- Where a vehicle is propelled by gas produced by the functioning of plant carried on the vehicle.

6.5. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 give the Council power to authorise for any officer of the Council, and any other persons authorised, to stop idling offences in its area by requiring a driver to stop their engine running and to issue a fixed penalty notice. Officers should first warn drivers and allow them the opportunity to switch off their engines. Fixed penalty notices should only be given if the driver fails to comply.

6.6. A fixed penalty notice must be issued as soon as reasonably practicable and not later than 24 hours after the commission of the stationary idling offence. The notice must give information about the relevant person and vehicle, the way in which the penalty can be paid, the consequences of not paying and steps that can be taken to request a waiver or reduction of the penalty or a hearing. The amount of the fixed penalty notice is set by

¹ LLAQM Policy and Technical Guidance. <https://www.london.gov.uk/what-we-do/environment/pollution-and-air-quality/working-boroughs>

legislation at £20 increasing to £40 if not paid within the period for paying the penalty (which must be at least 28 days).

- 6.7. All authorised personnel must receive training to ensure they are fully conversant with and follow the provisions of guidance issued under the 1995 Act at all times when carrying out enforcement work.
- 6.8. All enforcement personnel must be able to produce evidence of their authorisation by Haringey Council and so would be issued with identity badges with a unique personal identification code and have access to a communication network (e.g. a mobile phone or radio) to summon assistance if required. Haringey can retain income generated from fixed penalty notices.
- 6.9. If approval to issue fixed penalty notices is agreed, publicity will be carried out and enforcement officers will be trained. The use of fixed penalty notices would be expected from April 2020.

7. Statutory and Public Consultation

7.1. The public consultation took place between 28th May and the 30th July 2019.

7.2. The Council used a variety of public consultation techniques:

- An online questionnaire available in accessible formats was launched on the Council's website on the 28th of June;
- Information leaflets and questionnaires were available at all major libraries;
- Local Press i.e. Haringey People, Haringey and Enfield Independent
- Members Newsletter
- Schools Newsletter
- 3 public, 2 elected members and 2 specialist groups (Transport Forum and Climate Change Forum) workshops were delivered to provide opportunities for further stakeholder engagement and:
- Regular tweets to encourage attendance of workshops and completion of questionnaire.

7.3. The Environment Act 1995 and the London Local Air Quality Management Framework also required that we consult key statutory parties and agencies during the development of our AQAP. The following parties were contacted directly by email.

- Local MPs and Members
- Secretary of State
- Environment Agency
- Transport for London
- All neighbouring local authorities, in particular the North London Cluster Group
- Bodies representing local business interests and other organisations such as North London Chamber of Commerce and Enterprise
- Local schools and colleges

7.4. The Greater London Authority (GLA) (including the Mayor of London) were consulted during the development and consultation stages of the plan. They stated that it would appear that a lot of work has clearly gone into it and there are some good actions. They however, wanted more defined targets in relation to the Council's fleet and the localised solutions. These amendments have been made and agreed with the GLA.

- 7.5. A full analysis of the responses and comments made during the consultation are provided in the report attached as Appendix A.
- 7.6. A summary of the results of the consultation revealed that the proposed measures are generally acceptable and that a combination of complementary initiatives are key to creating a positive impact in both the short and longer-term air quality in Haringey:
- 7.7. All the responses were considered as required by Schedule 11 of the Environment Act 1995 and the plan amended as appropriate. Some of the measures and actions suggested by the respondents as part of the consultation were rejected in part because of factors including costs, effectiveness, timescales and feasibility of implementation or simply because these were considered outside the scope or responsibility of the local authority.

Monitoring and other core statutory duties: - Generally, respondents wanted more monitoring especially around schools and major developments with easy to understand data publicly available in hotspot areas. These comments were accepted, and the plan was changed to include some additional monitoring points and the supplying of monitoring data to London Air Quality Network. We are also scoping the possibility of presenting moderate and high pollution levels on the Clear Channel digital signs currently in Wood Green and hopefully broadening out to High Road Tottenham. Further specific suggestions were made that air quality monitoring should be carried out to assess the impact of GLA's low emission zones e.g. Wood Green and Tottenham High Road/Seven Sisters where only cleaner buses are being deployed. The impact assessment was deemed outside the responsibility of Haringey Council therefore not accepted. It should be noted however, that existing monitoring carried out may show any improved air quality in general.

- 7.8. **Emissions from developments and buildings:** - Respondents wanted Haringey to require all new developments to provide green space equivalent to 15% of the area, require zero emissions and reduce vehicle movements on major development sites where possible. Many of these suggestions are already considered by Haringey's Planning Strategy therefore no changes were made to the action plan. Furthermore, from 1st January 2020, all constant-speed engines. e.g. generators will be required to meet EC Emissions Stage V as part of the NRMM requirement, therefore no further modifications of the action plan were considered warranted.
- 7.9. **Public Health and Awareness Raising:** - A more direct public health campaign was suggested with more specific points i.e. idling, school audits, more liveable neighbourhood schemes and inviting the public to co-design activities. The Council is already putting more emphasis into education, raising awareness and promoting behaviour change. Most of the suggestions from the respondents were made around school actions were considered actionable and the plan was amended to include the school street action plan.
- 7.10. **Delivery Servicing and Freight:** - Respondents wanted cargo bikes to be promoted for local deliveries, workplace parking levies, enforcement for anti-idling and details on how Haringey will work with adjoining boroughs to minimise delivery traffic. Some of these suggestions were accepted and the Plan was amended to include a possible Low Emission Business Neighbourhood depending on additional funding being found. Some of the actions and measures suggested were rejected due to lack of appropriate funding or feasibility of implementation include for example: (1) Investing in renewable energy so we rely less on fossil fuels to power our homes, schools and businesses in Haringey; (2) customise GPS navigator to show the level of pollution in cars and on the hotspots being

transited and (3) incentivise deliveries to high street stores to outside of peak times to reduce emissions when people are at work.

7.11. **Borough Fleet:** - Comments included a reduction in the number of borough fleet and replacement of the most polluting vehicles with hydrogen, electric or hybrids. Clear commitment to incentivise walking and cycling for work purposes as opposed to low emission vehicles. The Transport Strategy present the Council's vision on traffic in the borough and already incorporates most of the above suggestions. The plan was amended to give more specific targets i.e. replacing all internal fleet with ULEV by 2021 and incentives to encourage a progressive replacement of passenger transport was added to the plan following comments from the GLA.

7.12. **Localised Solution:** - Comments included implementation of Controlled Parking Zones (CPZs) similar to that in Islington, remove the term 'trial' from road closures around schools and implement school streets for every school even on main roads. The School Street Action Plan was incorporated into the plan, but no further changes were made because the Transport Strategy already present the Council's vision on traffic in the borough. Transport and parking related comments not actioned upon by the AQAP will be followed up in a Transport Planning Policy Statement due for publication.

7.13. **Cleaner transport:** - Comments and suggestions included additional and improved infrastructure for cyclists, viable alternatives to cars i.e. car sharing, cycling and public transport, commitment to at least one car free day per year. Other suggestions included getting the public to assist with the anti-idling project, enforcement for idling, green schemes around school and the introduction of low traffic neighbourhoods throughout the borough. Many of the suggestion are already covered within the Transport Strategy, the Healthy Street Everyday project and the anti-idling project funded by the Mayor of London which requires a number of car free activities and a commitment to enforcement by the end of 2019.

7.14. A total of 248 general public consultees responded to the AQAP consultation:

- 84% were Haringey residents;
- 1% Haringey Businesses
- 8% Work in Haringey
- 5% Regular visitors
- 2% Other

7.15. Eleven consultation responses were received from statutory stakeholders.

7.16. The majority of respondents most interested in air quality were age between 30-44:

- 0% <24
- 5% 24-29
- 40% 30-44
- 30% 45-59
- 7% 60-64
- 12% 65-74
- 2% 75-84
- 1% 85 -94
- 2% did not provide an answering to this question

7.17. Response were from a variety of people including:

- 4% Deafness or partial loss of hearing
- 0% Developmental disorder
- 2% Mental ill health

- 2% Physical disability
- 2% Other disability
- 1% Learning disabilities
- 4% Long term illness or condition
- 46% No disabilities
- 39% did not provide an answer to this question.

7.18. 85% of the respondents said air pollution is very important, and

7.19. 41% agreed that the seven actions identified by priority will meet the needs of the borough and help reduce pollution. However, 21% did not know, which suggest that many residents are either indifferent or not aware of air pollution issues and hence more education and promotion would be helpful.

7.20. 33% suggested that the proposed priority ranking of actions was inappropriate. There were several responses that suggested the draft AQAP did not put enough emphasis on protecting and improving public health, and in particular, reducing children's exposure to harmful NO₂ and PM₁₀s. Tacking idling across the borough and around schools especially was one of the main topics of responses. Suggestions included:

- Assist anti-idling projects by supplying business card size stickers with messages e.g. 'please switch off your engine, help to save a child's life' for public use;
- Get bus drivers to switch off engines at stands e.g. Tottenham Lane;
- Penalties for drivers parking on double yellow lines while waiting for their children;
- Enforce and fine drivers for vehicle idling around schools;
- Education and campaign against idling;
- Reduce cars and emissions near playgrounds;
- Introduce low traffic neighbourhoods all over the borough especially around schools and decrease the amount of road traffic that passes through Haringey.

7.21. These comments have all been taken into consideration and incorporated in the plan where feasible.

7.22. Comments and responses related to other service areas and have been passed on for consideration/implementation, accordingly, as outlined in the consultation responses in Appendix A.

8. Contribution to strategic outcomes

8.1. The AQAP aligns with the Borough Plan's vision and objectives to actively manage and drive improvements in air quality across the borough. Improving air quality and reducing exposure to pollutants contributes to positive outcomes across all the key priorities:

- Priority 1 - Housing - a safe, stable and affordable home for everyone, whatever their circumstances, by ensuring all new developments are air quality neutral, energy efficient and incorporate and well-located green space and infrastructure to reduce pollution such as bicycle storage.
- Priority 2 - People - our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential, by working with Public Health to promote modal shift to alternative transportation and improving air quality around schools.

- Priority 3 - Place - a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green, by reduce pollution on the whole.
- Priority 4 - Economy - a growing economy which provides opportunities for all our residents and supports our businesses to thrive by considering the implementation of low emission business neighbourhoods which will help reduce costs; and
- Priority 5 - Your Council - the way the Council works, by working in partnership with our internal and external stakeholder and ensuring all major strategies and policies are integrated within the plan.

8.2. The Borough Plan also considers equality principles, partner statements and promotes key pledges for our relationships with residents, business and the voluntary and community sector.

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

9.1. Finance

9.2. This report recommends of the adoption of the Air Quality Action Plan 2019-2024 and to approve the use of fixed penalty notices for drivers whom commit stationary idling offences.

9.3. The costs incurred to date relating to the development of this plan and the consultation process has been contained within existing budgetary resources.

9.4. The full AQAP is detailed in Appendix B which details the all of the actions and identifies the funding requirements particularly the high dependency upon further external funding in order to be able to fully implement these measures.

9.5. Officers will continue to identify external funding sources and where appropriate use of s106 funding to deliver the outcomes outlined in the action plan and the GLA have shown a very keen interest in supporting this work.

9.6. The extent of Council's ability to deliver its Air Quality strategic objectives will be significantly dependent on the external funding that it receives.

9.7. The monitoring of the financial expenditure for agreed capital and revenue projects supporting these strategies will be included in the regular Council wide monitoring procedures and will be subject to the normal approval process.

10. Procurement

10.1. This report recommends of the adoption of the Air Quality Action Plan 2019-2024.

10.2. The costs associated with implementing this decision are mostly staff related any future agreed actions will be funded from current service resources.

10.3. Officers will continue to identify external funding sources and where appropriate use of s106 funding to deliver the outcomes outlined in the action plan.

10.4. The monitoring of the financial expenditure for agreed capital and revenue projects supporting these strategies will be included in the regular Council wide monitoring procedures and will be subject to the normal approval process.

11. Legal

- 11.1. Air quality standards and objectives are set out in the Air Quality (England) Regulations 2000. The Council has a duty to review the quality of air within their area under Part IV, section 82 of the Environment Act 1995.
- 11.2. Where the relevant standards and objectives are not being met, the Council has a duty to designate an air quality management area and prepare an action plan under sections 83 and 84 of the Environment Act 1995. It may revise that action plan from time to time,
- 11.3. The action plan must include the time(s) within which the Council proposes to implement its measures and include proposals submitted by the Mayor of London for the exercise of the Mayor's powers, by virtue of sections 84 and 86A of the Environment Act 1995.
- 11.4. Where preparing an action plan, by virtue of section 90 and schedule 11 of the Environment Act 1995 the Council must consult the Mayor of London, the Secretary of State, the Environment Agency, the Highway Authorities for the area, neighbouring local authorities, appropriate public authorities exercising functions in the vicinity, bodies representing local business interests, and other bodies or organisations as considered appropriate.
- 11.5. The Council must have regard to the guidance issued by the Mayor of London. The Mayor of London also has broad powers to direct the Council to act in respect of air quality, and the Council must comply with any such direction under section 85 of the Environment Act 1995.
- 11.6. By virtue of schedule 2 paragraph 11 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853, the discharge of any function relating to the management of air quality can be the responsibility of either the full Council or the executive, depending on the choice of the individual Council. The Council has decided that such decisions should be made by the executive, as set out in Part 3 Section D of the Council's constitution: Local Choice Functions.
- 11.7. As set out in the body of the report, the Council has power to authorise officers and other persons to impose fixed penalty notices for vehicle idling under regulations 6, 12 and 13 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
- 11.8. Functions relating to such fixed penalty notices are not specified as a function that may or must be the responsibility of full Council. Therefore, they are functions that must be responsibility by the Council's executive by virtue of section 9D of the Local Government Act 2000.

12. Equality

- 12.1. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.

- 12.2. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/belief, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.
- 12.3. Air pollution is associated with a number of adverse health impacts and it is recognised as a contributing factor in the onset of heart disease and cancer. There is a strong association between air pollution and equalities issues. Air pollution particularly affects the most vulnerable in society, including children and older people, and those with long-term health conditions. Moreover, areas with poor air quality are also often the less affluent areas, in which BAME communities constitute a relatively high proportion of the resident population
- 12.4. The Air Quality Action Plan will improve outcomes for individuals and groups who share protected characteristics including age, race and ethnicity, and disability. By taking action to mitigate the effects of air pollution, the Council is working to address a known inequality in terms of environmental quality.
- 12.5. An Equality Impact Assessment has been undertaken to support the Haringey Air Quality Action Plan. The Assessment provides further details on how the strategy will support work to tackle inequalities, such as those relating to health in Haringey. (See Appendix C)

13. Use of appendices

- Appendix A – Consultation Report
- Appendix B – Amended Air Quality Action Plan 2019-24
- Appendix C – EQIA

14. Local Government (Access to Information) Act 1985

- 14.1. Haringey Air Quality Action Plan 2010-2018:
https://www.haringey.gov.uk/sites/haringeygovuk/files/air_quality_action_plan_2010_-_2018.pdf
- 14.2. Report for Cabinet meeting on 2 April 2019 on the consultation for the draft Air Quality Action Plan 2019-2024:
https://www.minutes.haringey.gov.uk/documents/s107945/Cabinet_report%20AQAP%20FINAL13.03.19.pdf
- 14.3. Mayor of London's London Local Air Quality Management Policy Guidance 2016:
https://www.london.gov.uk/sites/default/files/llaqm_policy_guidance_llaqm.pg_16.pdf
15. External links – Haringey Council is not responsible for the contents or reliability of linked web sites and does not necessarily endorse any views expressed within them. Listing should not be taken as endorsement of any kind. It is your responsibility to check the terms and conditions of any other web sites you may visit. We cannot guarantee that these links will work all of the time and we have no control over the availability of the linked pages.