

Delegated Cabinet Member Key Decision Report

Decision Maker and Portfolio area:	Cllr A Chadderton, Cabinet Member Neighbourhoods and Cllr A Jabbar, Cabinet Member Finance and Low Carbon
Date of Decision:	7 July 2021
Subject:	Greater Manchester's Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside – Collaboration Agreement
Report Author:	Carol Brown
Ward (s):	All

Reason for the decision:	1.1	The purpose of this report is to seek authorisation to sign the Memorandum of Understanding: Collaboration on the Greater Manchester Clean Air Plan GM collaboration agreement, attached as Appendix 1.
Summary	1.2	In March 2018 the Secretary of State issued a Direction under the Environment Act 1995 requiring Oldham Council to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide in the shortest possible time. Oldham Council complied with this Direction by the production of a feasibility study submitted to the Government's Joint Air Quality Unit (JAQU) in July 2018. Oldham Council is also required to address the exceedances that have been identified within its boundary during the Target Determination exercise. Oldham Council confirmed in its supplemental plan that the exceedance identified in Oldham was being addressed as part of the Greater Manchester plan. This has been acknowledged by Government.
	1.3	Oldham Council has therefore been developing the study collectively with the other 9 Greater Manchester local authorities and the GMCA, and coordinated by TfGM in line with Government direction and guidance and an Outline Business Case (OBC) was duly submitted in March 2019.

- 1.4 Ministerial feedback was received in July 2019 along with a further direction under the Environment Act 1995 which requires all ten of the Greater Manchester local authorities to take steps to implement a plan to deliver compliance with the requirement to meet legal limits for nitrogen dioxide in the shortest possible time.
- 1.5 The ministerial letter that accompanied the July 2019 direction requested from GM further options appraisal information (including transport and air quality modelling as well as due regard to economic, financial and deliverability considerations) to be submitted prior to statutory consultation.
- 1.6 Oldham Council along with the other 9 Greater Manchester local authorities is now subject to a Ministerial direction dated 16 March 2020.. Under this direction Oldham Council along with the other 9 Greater Manchester local authorities is under a legal duty to ensure that the GM CAP (Charging Clean Air Zone Class C with additional measures) is implemented so that NO2 compliance is achieved in the shortest possible time and by 2024 at the latest and that human exposure is reduced as quickly as possible.

Recommendation	Cabinet Member Neighbourhoods and Cabinet Member Finance and Low Carbon are recommended to approve the final form of the collaboration agreement.
Implications:	Consultation will inform the final business case and follows a conversation with the public and other stakeholders.
<i>What are the financial implications?</i>	The GMCA is being funded by central government for the GM CAP and JAQU have confirmed that the New Burdens Doctrine will apply. As such, it is currently anticipated that all costs in relation to the GM CAP will be funded via central government and there will be no financial impact on the Council. This position will be kept under review. (James Postle)
What are the procurement implications?	None
<i>What are the legal implications?</i>	Legal comments are addressed in the body of the report. (Colin Brittain)
<i>What are the Human Resources implications?</i>	None
Equality and Diversity Impact Assessment <i>attached or not required because (please give reason)</i>	N/A

What are the **property** implications? None

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

Reason(s) for exemption from publication:

A full Equality Impact Assessment will be undertaken as part of the overall submission of a final business case.

Reason why this Is a Key Decision Affects more than 1 ward.

Key Decision Reference NC-11-20

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from

Report Author Sign-off:	Carol Brown
Date:	30.06.21

Signed: Deputy Chief Executive

Hockwood.

Date: 7 July 2021

Signed: Cabinet Member for Neighbourhoods

A handwritten signature in black ink, appearing to be 'D. White', with a long horizontal flourish extending to the right.

Date: 07/07/2021

Signed: Cabinet Member for Finance & Low Carbon

A handwritten signature in black ink, appearing to be 'A. Allan', with a large circular flourish on the left side.

Date: 06/07/2021