

Merton Council - call-in request form

1. Decision to be called in: (required)

Emissions Levy – The introduction of a diesel surcharge for all types of resident and business parking permits

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	X
(b) due consultation and the taking of professional advice from officers;	X
(c) respect for human rights and equalities;	X
(d) a presumption in favour of openness;	X
(e) clarity of aims and desired outcomes;	X
(f) consideration and evaluation of alternatives;	X
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	X
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	



4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

We – the signatories – are in favour of the principle that the polluter should pay. We fully recognise the seriousness of the air pollution problem in Merton and would wish to see this urgently addressed. We also recognise that diesel vehicles are now widely accepted as being the most polluting vehicles. We agree that the council should therefore encourage a transition away from diesel/petrol towards electric cars. However, we are concerned about the implementation and effectiveness of the specifics of this proposed policy and would question the motivation of the decision making process on the following grounds:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);

The decision to proceed with the emissions levy is disproportionate to the desired outcome. The claimed outcome is a reduction in diesel pollution in the borough and the council claims this could be done by targeting diesel car owners who live in Controlled Parking Zones (CPZs) and have purchased a permit. Nowhere in the reports to Cabinet or the Sustainable Communities scrutiny panel does it state categorically that specifically reducing the number of Merton residents living in a CPZ and purchasing a permit for their diesel vehicle would cause a drop in air pollution. The air pollution maps presented to the scrutiny panel and Cabinet clearly show that the residential areas where most of these CPZ and diesel owners live continue to have low pollution levels.

The decision does not establish the principal sources of the air pollution in Merton. It is not clear what proportion of air pollution is coming from the vehicles affected and what proportion is emanating from either diesel vehicles in other parts of the borough without a CPZ or from vehicles simply travelling through the borough but whose owners live elsewhere.

This policy as proposed is a blunt instrument which doesn't appear necessarily to target the behaviour which is causing the borough's air pollution problems. The levy simply penalises residents with a diesel car who live in a CPZ regardless of how much they actually drive their vehicle. It also unfairly penalises those who have no off road parking at their property since they will have to buy a permit. If two residents have diesel

cars, but one needs to buy a permit and the other doesn't, this says nothing about how much each of them drives around and how polluting each of them is.

Nor does it say anything about how many non- Merton residents with diesel cars drive through Merton. Merton is often described as a commuter borough in that people are often travelling through or starting journeys here. Many of the hotspots are on the major roads (often managed by Transport for London) or those residential streets which people use as shortcuts. The people using these roads are contributing towards air pollution in the borough and yet this policy imposes no penalty on them for this.

As was raised in pre-decision scrutiny, there is no mechanism proposed to charge on through users, including heavy goods vehicles etc., nor even to charge all diesel vehicle owners in Merton. The risk is that this levy will have no significant impact on air pollution on the key road networks in the borough where air pollution is worst and therefore is a disproportionate measure to impose on a minority of residents.

(b) due consultation and the taking of professional advice from officers;

It has not been demonstrated by the Cabinet that there has been any consultation on this. It was slipped in as a potential idea in the MTFIS in 2015/16 with no details provided and the majority of Members most likely did not know about it.

More worryingly, the public has no idea this will hit them from April 2017. This is deeply unreasonable and not fair to residents.

At pre-decision scrutiny, Members agreed that officers needed to give further consideration to how the diesel levy is going to be communicated as there was concern about residents not being given sufficient notice of at least a year to allow them to change their behaviour before the surcharge is imposed (see 4.3). There is no evidence in the report to Cabinet that this work has been done and, if it has, that Cabinet considered it in reaching a decision.

Moreover, it appears that the Cabinet has not taken the professional advice of the authors of the TTR study appended to the Cabinet report. This clearly recommended consultation on any proposals to raise awareness among residents and yet no such consultation has taken place prior to a decision being reached.

(c) respect for human rights and equalities;

There has been no impact assessment and review of how only certain areas of people will be disproportionately affected. What assessment has

been made on the elderly or disabled who may need their cars for example?

At 8.1 the report states there are no human rights, equalities and community cohesion implications and yet this policy clearly targets residents in the west of the borough more than those in the east since it is clearly acknowledged that the majority of the CPZs are located in the west of Merton. Again this demonstrates a lack of fairness.

This decision also risks having a disproportionate impact on those residents on low incomes since they may have an older and more polluting vehicle and yet cannot easily or quickly afford to upgrade their vehicle to one which would not be subject to this proposed surcharge.

(d) a presumption in favour of openness;

This decision has not been open, the details are vague and the relevant consultation and engagement with residents that is recommended in the TTR study to determine what would be most effective in altering the behaviour of diesel vehicle drivers in the borough has not occurred. The risk is that the perception of residents is that this decision has been taken predominantly in order to generate revenue for the council and to deliver on the savings proposal included in the MTFS.

(e) clarity of aims and desired outcomes

The Cabinet Member says this is about reducing air pollution, but the report itself details where in the borough the air pollution is worst, and there is no detail on specific clean air measures the council will spend the money on. It all just appears to go in the general funds of the E&R department to spend on whatever transport or environmental items it determines. The report should have set down precisely what anti-pollution measures would be implemented with this additional revenue, i.e. new tree planting, cycle and walking infrastructure improvements, pollution abatement outside key school sites etc.

It appears from the report that the key aim and outcome is to fill a budget gap. The predicted revenue projected in the 2015/16 budget round indicated £250,000, but this new plan will raise £516,000 alone in its first year, rising towards £900,000 in 2019/20. This is a gross change of outcome that no one knew about beforehand. It also differs hugely to what was said at the Sustainable Communities panel meeting in September 2016. Price points of around £50 were spoken of then, and £0 for electric vehicles.

The TTR study makes clear that the authors cannot say what the optimum level of the surcharge would be to influence behaviour change without further behavioural analysis and consultation which has not been undertaken. Yet the report shows that the level of levy determined by the Cabinet is higher than other boroughs in London with similar schemes despite the TTR study clearly saying that it should be in line with other

boroughs.

This again casts doubt on the aims of the Cabinet decision, which looks more like it will penalise people unfairly without offering the correct incentives to change residents' behaviour and reduce air pollution.

Also, the TTR proposals are all predicated on no charge for zero and low emissions vehicles yet the Cabinet has rejected making permits for electric vehicles free which undermines the stated aim and outcome of the whole scheme.

(f) consideration and evaluation of alternatives;

No significant thought or effort seems to have been given to alternatives. There are other areas the council could focus on to bring down high levels of air pollution, instead of targeting residents who are unlikely to be able to avoid this additional charge by the council – at least not initially – without a considerable capital outlay themselves.

2.6 refers to other direct controls that councils can use to influence change in vehicle choice but it isn't made clear what these are.

There is no reason given for imposing a blanket surcharge on all diesel vehicle owners living in a CPZ when it is clearly acknowledged that brand new diesel vehicles are considerably cleaner than older ones. Why has a more targeted approach not been adopted?

At 3.1, only two alternative options are listed and yet there are other possibilities such as introducing a zero emissions zone or imposing the surcharge on ownership of diesel vehicles across the borough rather than only on parking permits. None of these appear to have been explored in the report of recommendations to Cabinet.

It is also not clear why the Cabinet has not given serious consideration to the adoption of a more thorough and complete emissions system taking into account petrol vehicles too (as has happened in a number of other London boroughs). If the prime aim of this decision were to tackle air pollution across the borough, surely this would have been a more holistic approach. Yet no reasons are given as to why the Cabinet has delayed that for 2 years. This delay causes a lack of clarity for vehicle owners in CPZs as it makes it difficult for them to plan their next vehicle purchase given that the comprehensive emissions system is still at least two years away. Understandably they would not wish to purchase a vehicle that in 2 years' time is again caught by additional charges and so they may conclude that it is better simply to retain their existing, polluting vehicle until such a system has been introduced.

Similarly, there is no clear rationale set out for why the Cabinet has rejected the idea of free permits for electric vehicles. This again suggests the policy is a revenue raising measure as much as a serious attempt to tackle air pollution

We believe the council should fully investigate other options that are less of a blunt tool and will have a greater impact on the air pollution issues facing the borough before confirming this decision hence the reason for the call in.

5. Documents requested

All papers provided to the Director of Environment and Regeneration/Director of Corporate Services and relevant Cabinet Members prior to, during and subsequent to the decision making process on the emissions levy and the refusal to make parking permits for electric vehicles free.

All emails, reports and associated documentation relating to the decision on the emissions levy and the refusal to make parking permits for electric vehicles free provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers.

Meeting notes of all meetings between officers / Cabinet Members and any third parties on the emissions levy and the refusal to make parking permits for electric vehicles free.

Any correspondence between the council and organisations lobbying on the emissions levy and the refusal to make parking permits for electric vehicles free.

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to the emissions levy and the refusal to make parking permits for electric vehicles free.

The risk analysis conducted in relation to the emissions levy and the refusal to make parking permits for electric vehicles free.

Detailed financial analysis of the emissions levy, and in particular the impact on council revenue over the medium term.

Detailed financial analysis of the refusal to make parking permits for

electric vehicles free, including how much money is currently generated by electric vehicles' parking permits and how much this would be if the permits were a) free and b) £25.

Analysis undertaken of a) the age and b) the emissions level of the vehicles impacted by the proposed emissions levy in CPZs compared to the age and the emissions level of all vehicles recorded on Merton's roads in general (including red routes and outside of CPZs).

All analysis undertaken to address the 4 recommendations outlined at the conclusion of the TTR study (shown on page 27 of the Cabinet report).

A breakdown of:

- All other direct controls that councils have to influence change in vehicle choice (as per 2.6)
- Precise details of how the revenue generated from the proposed emissions levy will be spent
- Other methods by which the council could raise residents' awareness of the impact of emissions from their vehicles on local air quality

6. Witnesses requested

Cllr Ross Garrod, Cabinet Member for Street Cleanliness and Parking

Cllr Judy Saunders, former Cabinet Member for Street Cleanliness and Parking

Chris Lee, Director of Environment and Regeneration, LB Merton

John Hill, Head of Public Protection, LB Merton

Paul Walshe, Head of Parking and CCTV Services, LB Merton

Lisa Hawtin, Kevin Turpin, Anna Savage and Jason Andrews, Authors of the Transport & Travel Research Ltd. proposal prepared in partnership with the London Borough of Merton

Representative of Wimbledon Union of Residents' Associations (WURA)

Sally Gibbons, Chair of the Edge Hill Residents' Association

Representatives of The Alliance of British Drivers; the RAC Foundation;
and the AA

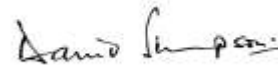
7. Signed (not required if sent by email):



Cllr Daniel Holden



Cllr Abdul Latif



Cllr David Simpson

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864