

**GREATER MANCHESTER CLEAN AIR CHARGING
AUTHORITIES COMMITTEE**

DATE: Wednesday, 13th October, 2021

TIME: 1.30 pm – 2.00 pm

VENUE: Mechanics Institute, John Tocher Room - 103 Princess Street, Manchester M1 6DD

AGENDA

Annual Meeting Business

1. APOLOGIES

2. APPOINTMENT OF CHAIR

To seek a nomination for the Chair to the GM Clean Air Charging Authorities Committee for the 2021/2022 municipal year.

3. APPOINTMENT OF VICE CHAIR

To seek a nomination for the Vice-Chair to the GM Clean Air Charging Authorities Committee for the 2021/2022 municipal year.

BOLTON	MANCHESTER	ROCHDALE	STOCKPORT	TRAFFORD
BURY	OLDHAM	SALFORD	TAMESIDE	WIGAN

4. MEMBERSHIP OF THE GM CLEAN AIR CHARGING AUTHORITIES COMMITTEE 2021/22

To note the appointment of the following members by the GM Local Authorities and the GMCA to the GM Clean Air Charging Authorities Committee for the 2021/22 municipal year:

District	Member	Substitute
Bolton	Adele Warren (Con)	Anne Galloway (Con)
Bury	Alan Quinn (Lab)	Nathan Boroda (Lab)
Manchester	Vacancy	Vacancy
Oldham	Abdul Jabbar (Lab)	Steve Williams (Lab)
Rochdale	Sara Rowbotham (Lab)	Vacancy
Salford	Mike McCusker (Lab)	Rodger Jones (Lab)
Stockport	Tom McGee (Lab)	Jude Wells (Lab)
Tameside	Allison Gwynne (Lab)	Laura Boyle (Lab)
Trafford	Stephen Adshead (Lab)	Jane Slater (Lab)
Wigan	Paul Prescott (Lab)	Joanne Marshall (Lab)

5. MEMBERS CODE OF CONDUCT AND ANNUAL DECLARATION OF INTEREST FORM 1 - 14

To be completed by members of the Committee and returned to the Governance & Scrutiny Officer.

6. TERMS OF REFERENCE 15 - 16

To note the Terms of Reference of the Clean Air Charging Authorities Committee.

ORDINARY BUSINESS

7. CHAIR'S ANNOUNCEMENTS AND URGENT BUSINESS

8. DECLARATIONS OF INTEREST 17 - 20

To receive declarations of interest in any item for discussion at the meeting. A blank form for declaring interests has been circulated with the agenda; please ensure that this is returned to the Governance & Scrutiny Officer at least 48 hours in advance of the meeting.

9. **GM CLEAN AIR PLAN – SHOWMEN’S VEHICLES EXEMPTION** 21 - 26
Report of Simon Warburton, Transport Strategy Director, TfGM.
10. **GM CLEAN AIR PLAN - CLEAN AIR ZONE DAILY CHARGE REFUND POLICY** 27 - 32
Report of Simon Warburton, Transport Strategy Director, TfGM.
11. **GM CLEAN AIR PLAN – A628/A57, TAMESIDE – TRUNK ROAD CHARGING SCHEME** 33 - 38
Report of Simon Warburton, Transport Strategy Director, TfGM.
12. **DATES OF FUTURE MEETINGS**

For copies of papers and further information on this meeting please refer to the website www.greatermanchester-ca.gov.uk. Alternatively, contact the following

Governance & Scrutiny Officer: Ninoshka Martins

✉ ninoshka.martins@greatermanchester-ca.gov.uk

This agenda was issued on 05.10.21 on behalf of Julie Connor, Secretary to the Greater Manchester Combined Authority, Broadhurst House, 56 Oxford Street, Manchester M1 6EU

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GM CLEAN AIR CHARGING AUTHORITIES COMMITTEE

Date: 13 October 2021
Subject: Members' Code of Conduct and Annual Declaration Form
Report of: Liz Treacy, Monitoring Officer, GMCA

PURPOSE OF REPORT:

To remind Members that the GMCA's Member Code of Conduct sets out high expectations with regard Members' conduct. As Members are co-opted on to a GMCA Committee the GMCA's code applies to them when they are acting in this capacity.

RECOMMENDATION:

Members are requested to:

1. Note the GMCA's Member Code of Conduct (Appendix A) and to complete an annual register of interest form (Appendix B).

CONTACT OFFICER:

Ninoshka Martins, Governance & Scrutiny Officer, GMCA
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Appendix A

SECTION A: CODE OF CONDUCT FOR MEMBERS

Part 1 General Provisions

1 Introduction and Scope

- 1.1 The Greater Manchester Combined Authority is determined to promote and maintain high standards of conduct by its Members, Co-opted Members and those councillors from Greater Manchester's districts appointed to roles in which they act on behalf of the GMCA. The GMCA has adopted a Code of Conduct for Members in line with its obligations under section 27(2) of the Localism Act 2011.
- 1.2 This Code mandatorily applies to those acting as Members of the GMCA (including the **directly elected** Mayor and Substitute Members), voting Co-opted Members of the GMCA's committees or Appointed Members of Joint Committees, and references to "official capacity" are to be construed accordingly.
- 1.3 Compliance with this Code is a statutory requirement for those identified in paragraph 1.2. To promote good governance the GMCA strongly recommends voluntary compliance with the Code by non-voting Co-opted Members of the GMCA's committees and by elected members from Greater Manchester's ten districts when they otherwise act for or represent the GMCA. Where a member is only subject to the Code through voluntary compliance (as described in this paragraph) they will not in law be subject to the statutory obligations relating to member conduct under Chapter 7, Part 1 of the Localism Act 2011 nor can the conduct of such a member, insofar as it concerns that member's GMCA role, amount to any of the criminal offences referred to in this Code. However, the conduct of a member who has agreed to voluntarily be subject to the Code may be considered under the GMCA's arrangements for determining whether a member has breached the Code.
- 1.4 In this Code – 'meeting' means any meeting of:
- the GMCA; or
 - any of the GMCA's Committees or Sub-Committees, Joint Committees or Joint Sub-Committees.
- For the purposes of this Code "Committee" includes any Fire Committee that may be established by the Mayor.
- 1.5 This Code does not have effect in relation to a member's conduct other than where it is in that member's official capacity.
- 1.6 This Code will be reviewed every two years by the GMCA's Standards Committee or earlier if required by a change in legislation.

2 General Principles

- 2.1 The Code and the associated guidance are based on the following general principles.
- 2.2 Members must behave according to the highest standards of personal conduct in everything they do when acting as a Member or voting Co-opted Member (or in the case of those voluntarily subject to compliance with the Code in accordance with paragraph 1.3 above, where they are otherwise acting on behalf of the GMCA). They must observe the following principles of conduct, some of which are set out in law. The seven principles of Standards in Public Life known as the Nolan Principles underpin the provisions of the GMCA's Code of Conduct for Members. They are set out in paragraphs 2.3 to 2.9 below.
- 2.3 Selflessness: holders of public office should act solely in terms of the public interest.
- 2.4 Integrity: holders of public office **must avoid** placing themselves under any obligation to **people or** organisations that might try inappropriately to influence them in the work. **They should not act or take decisions on order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.**
- 2.5 Objectivity: **Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.**
- 2.6 Accountability: Holders of public office are accountable for their decisions and must submit themselves to whatever scrutiny is appropriate to **ensure this.**
- 2.7 Openness: Holders of public office should **act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.**
- 2.8 Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 2.9
- 2.10 Leadership: Holders of public office should **exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.**Where those covered by this Code act as a representative of the GMCA:
- (a) on another relevant authority, they must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, they must comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.

2.11 It is an individual's responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the GMCA. A failure by a Member coming within the scope of paragraph 1.2 above to declare a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and/or disqualification from office for a period of up to 5 years.

3 General Obligations for Members

3.1 You must not:-

- a. Do anything which may knowingly cause the GMCA to breach the Equality Act 2010;
- b. Bully or be abusive to any person;
- c. Intimidate or attempt to intimidate any person who is or is likely to be:
 - a complainant
 - a witness, or
 - involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the GMCA's Code of Conduct; or
- d. do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the GMCA.

3.2 You must not:

- a. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i. You have the consent of a person authorised to give it;
 - ii. You are required to do so by law;
 - iii. The disclosure is made to a third party for the purpose of obtaining professional **legal** advice, provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure:
 - is reasonable and in the public interest; and
 - is made in good faith and in compliance with the reasonable requirements of the GMCA; **and I have consulted with the Monitoring Officer prior to its release or**
- b. **Do not improperly use knowledge gained solely as a result of your role as a Councillor for the advancement of yourself, friends, family members, employer or business interests**
- c. Prevent another person from gaining access to information to which that person is entitled by law.

3.3 You must not conduct yourself in such a way which could reasonably be regarded as bringing your office or the GMCA into disrepute.

3.4 You:

- a. must not use or attempt to use your position as a Member improperly to **the advantage or disadvantage** for myself or any other person, ; and
- b. must, when using or authorising the use by others of the resources of the GMCA:
 - act in accordance with the GMCA’s reasonable requirements;
 - ensure that such resources are not used improperly for political purposes (including party political purposes) **or be conducive to, the discharge of the functions of the GMCA or of the office to which I have been appointed;** and
- c. must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.5 When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- a. The GMCA’s Treasurer (section 73 officer); or
- b. The GMCA’s Monitoring Officer

where that officer is acting pursuant to his or her personal statutory duties.

3.6 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the GMCA.

LOCALISM ACT 2011

GREATER MANCHESTER COMBINED AUTHORITY (GMCA) CODE OF CONDUCT FOR MEMBERS

Register of Members' and Substitute Members' Disclosable Pecuniary Interests (in accordance with Sections 30 and 31 of the Localism Act 2011 and the relevant authorities (disclosable pecuniary interests) Regulations 2012 (S.I 2012 No.1464) and Members and Substitute Members personal interests in accordance with paragraph 2.1 of the GMCA's Code of Conduct for Members.

I, _____

Member of the GMCA's Waste and Recycling Committee give notice that I have set out at Part 1 below under the appropriate heading the disclosable personal interests that I am required to notify to the GMCA's Monitoring Officer in accordance with Sections 30 and 31 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and/or by virtue of Rule 16 of the GMCA's Procedure Rules and that I have set out at PART 2 below the personal interests which I am required to notify to the GMCA's Monitoring Officer under Paragraphs 7.1 and 7.2 of the Code of Conduct for Members adopted by the GMCA at its meeting on the 27 July 2012 and have put 'NONE' where I am not required to notify any disclosable personal interests or personal interests under any heading.

I am aware that in accordance with Section 30(3) of the Localism Act 2011, I am required to notify at Part 1 both my own disclosable personal interests and also any disclosable personal interests of:

1. my spouse or civil partner,
2. a person with whom I am living as husband and wife, or
3. a person with whom I am living as if we were civil partners

("my partner"), where I am aware that my partner has the disclosable personal interest.

PART 1

DISCLOSABLE PECUNIARY INTERESTS

1. Any employment, office, trade, profession, or vocation carried out for profit or gain

Member	
Partner	

NB: You need to include details of any employment or business in which you or your Partner are engaged. Employees should give the name of their employer. You should give the name of any company of which you or your Partner are a partner or remunerated director. Where you or your Partner hold an office, give the name of the person of the body which appointed you or your Partner (in the case of a teacher in a maintained school – the local education authority; in the case of an aided school – the school’s governing body)

2. Sponsorship

NB: You must declare any payment or provision of any other financial benefit (other than from the GMCA) made or provided to you in respect of any expenses incurred by you in carrying out your duties as a Member / Substitute Member of the GMCA, or towards your election expenses, within the period of 12 months ending with the day on which you give your notification to the GMCA’s Monitoring Officer for the purposes of Section 30(1) of the Localism Act 2011 and/or by virtue of Rule 18 of the GMCA’s Procedure Rules. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Contracts with the GMCA

Member	
Partner	

NB: You should describe all contracts of which you are aware, which are made between the GMCA and

- (i) either yourself or your Partner or*
- (ii) a body in which you or your Partner have a beneficial interest (being a firm in which you or your Partner is a partner, or a body corporate of which you or your Partner is a director, or in the securities of which you or your partner have a beneficial interest),*

which are not fully discharged and which are contracts under which goods or services are to be provided or works are to be executed.

Please note that the reference to “securities” means “shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

4. Land in the area of the GMCA

Member	
Partner	

*You should include any land (including houses, buildings or parts of buildings and any interests as mortgagee) within the GMCA’s boundaries in which you or your Partner, either alone or jointly, have a proprietary interest for your or your Partner’s benefit. You should give the address or brief description to identify it. **If you live within the GMCA’s boundaries you should include your home under this heading** either as owner, lessee or tenant. You should also include any property from which you or your partner receive rent, or of which you or your partner are the mortgagee.*

5. Licences to occupy land

Member	
Partner	

NB You should include any land (including buildings or parts of buildings) within the GMCA's boundaries which you or your Partner have a right to occupy for 28 days or longer (either alone or jointly with others). You should give the address or a brief description to identify it.

6. Corporate tenancies

Member	
Partner	

NB: You should list here any tenancies of properties of which you are aware, where the landlord is the GMCA and the tenant is a body in which you or your Partner have a beneficial interest (being a firm in which you or your Partner is a partner, or a body corporate of which you or your Partner is a director, or in the securities of which you or your partner have a beneficial interest).

Please note that the reference to "securities" means "shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

7. Securities

Member	
Partner	

NB: You should list here any beneficial interest of you or your Partner in securities of a body where –

- (a) that body (to your knowledge) has a place of business or land within the GMCA's boundaries; and
- (b) either –
 - (i) the total nominal value of the securities held by you or your Partner exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your Partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Please note that the reference to "securities" means "shares, debentures, debenture stock, Loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society"

PART 2
PERSONAL INTERESTS

1. Bodies to which you are appointed or nominated by the GMCA

*NB: You should record here details of your **position of general control or management**, in any –*

- Body to which you have been appointed or nominated by the GMCA as its representative.*

2. Interests in charities, societies and other bodies

*NB: You should record here details of your **position of general control or management**, in any –*

- Public authority or body exercising functions of a public nature;*
- Company, industrial and provident society, charity, or body directed to charitable purposes. (Freemasons should include here membership of the Masonic Grand Charity)*
- Body whose principal purposes include the influence of public policy, including party associations, trade union or professional association.*

3. Gifts and hospitality

You should list here any person from whom you have received a gift(s) or hospitality with an estimated value of at least £100 (including multiple gifts and/or hospitality with an aggregate value of at least £100 from the same person). You should provide a description of the gift(s) or hospitality and the person you believe to be the source of the gift(s) and hospitality (including accumulative gifts and/or hospitality).

You should list any such gifts or hospitality which you have received within whichever is the shortest of the period of 3 years or the period since you were first elected as a Member / Substitute Member of the GMCA.

I recognise that it can be a CRIMINAL OFFENCE under Section 34 of the Localism Act 2011 to:-

1. fail to comply with the obligation to notify the GMCA's Monitoring Officer of any disclosable pecuniary interests as required by Section 30(1) of the Localism Act 2011;
2. provide information in relation to disclosable pecuniary interests that is materially false or misleading, and
3. fail to comply with the obligation to notify the GMCA's Monitoring Officer of any further disclosable pecuniary interests that require notification in accordance with Sections 30(2) and 30(3) of the Localism Act 2011.

I authorise this information to be made available in the GMCA's Public Register of Member's / Substitute Member's Interests which will be published on the GMCA's website as required by Section 29(6)(b) of the Localism Act 2011.

Signed:

Date:

OFFICE USE ONLY

RECEIVED

Signed GMCA

Date

Clean Air Charging Authorities Committee – Terms of Reference

General

The Clean Air Charging Authorities 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 and Part 4 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

Membership of the Committee

The membership of the committee shall be ten, consisting of the lead executive member for clean air of each of the Constituent Authorities from time to time. The Constituent Authorities shall also each nominate a substitute executive member to attend and vote in their stead.

Role of the Committee

To enable decisions to be taken that are required to be taken jointly by the Constituent Authorities’ as charging authorities in relation to the Greater Manchester Clean Air Zone.

Powers to be discharged by the Committee

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.

Operation of the Committee

- The Committee shall appoint a chair at its first meeting;
- The Quorum of the Committee shall be 8 members;
- Each member shall have one vote;
- The Chair shall not have a casting vote;
- Unless required by law, decisions shall be made by a simple majority.

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Declaration of Councillors' Interests in Items Appearing on the Agenda

Name and Date of Committee.....

Agenda Item Number	Type of Interest - PERSONAL AND NON PREJUDICIAL Reason for declaration of interest	NON PREJUDICIAL Reason for declaration of interest Type of Interest – PREJUDICIAL Reason for declaration of interest	Type of Interest – DISCLOSABLE PECUNIARY INTEREST Reason for declaration of interest

Please see overleaf for a quick guide to declaring interests at GMCA meetings.

Quick Guide to Declaring Interests at GMCA Meetings

Please Note: should you have a personal interest that is prejudicial in an item on the agenda, you should leave the meeting for the duration of the discussion and the voting thereon.

This is a summary of the rules around declaring interests at meetings. It does not replace the Member's Code of Conduct, the full description can be found in the GMCA's constitution Part 7A.

Your personal interests must be registered on the GMCA's Annual Register within 28 days of your appointment onto a GMCA committee and any changes to these interests must notified within 28 days. Personal interests that should be on the register include:

1. Bodies to which you have been appointed by the GMCA
2. Your membership of bodies exercising functions of a public nature, including charities, societies, political parties or trade unions.

You are also legally bound to disclose the following information called Disclosable Personal Interests which includes:

1. You, and your partner's business interests (eg employment, trade, profession, contracts, or any company with which you are associated).
2. You and your partner's wider financial interests (eg trust funds, investments, and assets including land and property).
3. Any sponsorship you receive.

Failure to disclose this information is a criminal offence

Step One: Establish whether you have an interest in the business of the agenda

1. If the answer to that question is 'No' then that is the end of the matter.
2. If the answer is 'Yes' or 'Very Likely' then you must go on to consider if that personal interest can be construed as being a prejudicial interest.

Step Two: Determining if your interest is prejudicial

A personal interest becomes a prejudicial interest:

1. where the wellbeing, or financial position of you, your partner, members of your family, or people with whom you have a close association (people who are more than just an acquaintance) are likely to be affected by the business of the meeting more than it would affect most people in the area.
2. the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

For a non-prejudicial interest, you must:

1. Notify the governance officer for the meeting as soon as you realise you have an interest.
2. Inform the meeting that you have a personal interest and the nature of the interest.
3. Fill in the declarations of interest form.

To note:

1. You may remain in the room and speak and vote on the matter

If your interest relates to a body to which the GMCA has appointed you to, you only have to inform the meeting of that interest if you speak on the matter.

For prejudicial interests, you must:

1. Notify the governance officer for the meeting as soon as you realise you have a prejudicial interest (before or during the meeting).
2. Inform the meeting that you have a prejudicial interest and the nature of the interest.
3. Fill in the declarations of interest form.
4. Leave the meeting while that item of business is discussed.
5. Make sure the interest is recorded on your annual register of interests form if it relates to you or your partner's business or financial affairs. If it is not on the Register update it within 28 days of the interest becoming apparent.

You must not:

Participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, participate in any vote or further vote taken on the matter at the meeting.

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GM Clean Air Charging Authorities Committee

Date: 13th October 2021
Subject: GM Clean Air Plan – Showmen’s Vehicle Exemption
Report of: Simon Warburton, Transport Strategy Director, TfGM

PURPOSE OF REPORT:

This report sets out a proposal to remove the requirement for owner or registered keeper of a Showman’s vehicle to be registered with the Showmen’s Guild in order to be eligible for the Showmen’s vehicle exemption to the GM CAZ. The proposal is made as this condition may exclude some vehicle owners on the basis of a membership to an industry body, rather than on their vehicle type. For all other exemptions, the vehicle is exempt due to a tax classification, permit or a specific age or type of vehicle (e.g., LGVs and minibuses adapted for a disabled user, Heritage buses and Driver training buses).

RECOMMENDATIONS:

The Clean Air Charging Committee is requested to:

1. Agree that the GM Clean Air Plan Policy is updated so that membership to the Showmen’s Guild is not a requirement for the Showmen’s vehicle exemption.
2. Agree that owners or registered keepers of a Showman’s vehicles need to apply for this exemption, as there is no national database of these vehicles.

CONTACT OFFICERS:

Eamonn Boylan – Chief Executive, GMCA and TfGM

eamonn.boylan@greatermanchester-ca.gov.uk

Simon Warburton – Transport Strategy Director, TfGM

simon.warburton@tfgm.com

Liz Treacy – GMCA Solicitor and Monitoring Officer

liz.treacy@greatermanchester-ca.gov.uk

Megan Black – Interim Head of Logistics & Environment

megan.black@tfgm.com

BOLTON

BURY

MANCHESTER

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Equalities Impact, Carbon and Sustainability Assessment:

The GM CAP is a place-based solution to tackle roadside NO₂ which will have a positive impact on carbon.

Risk Management:

Initial risk register set out in Clean Air Plan OBC (March 2019).

Legal Considerations:

The legal consideration has been set out in the GMCA report of the GM Clean Air Plan, published on 21 June 2021¹

Financial Consequences – Revenue:

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Financial Consequences – Capital:

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Number of attachments to the report: 0 (zero)

Comments/recommendations from Overview & Scrutiny Committee:

Not applicable

BACKGROUND PAPERS:

- 21 September, report to AQAC: GM Clean Air Plan – Clean Air Zone: Camera and Sign Installation
- 21 September, report to AQAC: GM Clean Air Plan – Bus Replacement Funds
- 25 June 2021, report to GMCA: GM Clean Air Final Plan
- 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

¹ <https://democracy.greatermanchester-ca.gov.uk/documents/s15281/GMCA%20210621%20Report%20Clean%20Air%20Plan%20-%20FINAL%20FINAL.pdf>

- 30 November 2018, report to GMCA: Clean Air Plan Update
- 15 November 2018, report to HPEOS Committee: Clean Air Update
- 26 October 2018, report to GMCA: GM Clean Air Plan Update on Local Air Quality Monitoring
- 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

TRACKING/PROCESS
Does this report relate to a major strategic decision, as set out in the GMCA Constitution? No
EXEMPTION FROM CALL IN
Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency? N/A
GM Transport Committee N/A
Overview & Scrutiny Committee N/A

1. BACKGROUND

- 1.1 The Government has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) levels following the Secretary of State issuing a direction under the Environment Act 1995. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) are working together to develop a Clean Air Plan to tackle NO₂ Exceedances at the Roadside, herein known as Greater Manchester Clean Air Plan (GM CAP).
- 1.2 The core goal of the GM CAP is to address the legal requirement to achieve compliance with the legal Limit Value (40 µg/m³) for NO₂ identified through the target determination process in Greater Manchester in the “shortest possible time” in line with legislation and Government guidance.
- 1.3 The Secretary of State has issued a direction to the 10 local authorities in Greater Manchester in March 2020 that requires them to take steps to implement the local plan for NO₂ compliance, so that compliance with the legal limit for nitrogen dioxide is achieved in the shortest possible time, and by 2024 at the latest, and so that exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.
- 1.4 An eight-week statutory consultation on the GM CAP proposals took place in Autumn 2020. A report that set out the Greater Manchester Final Clean Air Plan and policy following a review of all the information gathered through the GM CAP consultation and wider data, evidence and modelling work has been agreed by the ten GM Local Authorities.

- 1.5 This includes the GM Clean Air Plan Policy, that outlines the boundary, discounts, exemptions, daily charges of the Clean Air Zone as well as the financial support packages offered towards upgrading to a compliant vehicle, including the eligibility criteria to be applied.

2. INFORMATION

- 2.1 In the agreed GM Clean Air Plan Policy², a permanent exemption is listed for Showmen's vehicles. The exemption is described as:

Fairground/funfair vehicles which are registered with the Showmen's Guild, in the tax classification of Showman's HGV or Showman's Haulage under the DVLA Special Vehicles Tax Class and meet the definition of a 'showman's vehicle' or a 'showman's goods vehicle' within the meaning of section 62 of the VERA³.

- 2.2 It sets the rationale for the exemption as:

This group of vehicles includes a range of specialist and/or novel or adapted vehicles, where it may generally not be practical to upgrade to a vehicle compliant with the standards of the GM CAZ.

- 2.3 And provides further information of:

GM will need to be notified of the vehicles eligible for exemption registered with the Showmen's Guild, as there is no national database of these vehicles.

- 2.4 The inclusion of the Showmen's Guild membership was derived from looking at best practice from other schemes⁴ and feedback from the Guild.

- 2.5 Section 62 of the VERA states that:

"showman's goods vehicle" means a showman's vehicle which—

(a) is a goods vehicle, and

(b) is permanently fitted with a living van or some other special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered under this Act,

"showman's vehicle" means a vehicle—

(a) registered under this Act in the name of a person following the business of a travelling showman, and

(b) used solely by him for the purposes of his business and for no other purpose.

- 2.6 This report sets out a proposal to address the requirement for owner or registered keeper of a showman's vehicle needs to be registered with the Showmen's Guild. This proposal is made as it may exclude some vehicle owners on the basis of lack of membership to an industry body, rather than on their vehicle type. For all other exemptions, the vehicle is exempt due to a tax classification, permit or a specific age

²https://assets.ctfassets.net/tlpgbvy1k6h2/2VNncClzejAvGh3CrVn0oo/827368f3971b13b9d79525c7c7a6009/4/GM_Clean_Air_Plan_Policy_following_Consultation.pdf

³ Vehicle Excise and Registration Act 1994

<https://www.legislation.gov.uk/ukpga/1994/22/section/62?view=plain>

⁴ The Birmingham CAZ exemption conditions for Showman's vehicles include membership information: <https://www.brumbreathes.co.uk/info/29/exemptions-3/21/apply-exemption/11>

and type of vehicle (e.g., LGVs and minibuses adapted for a disabled user, Heritage buses and Driver training buses).

3. SHOWMEN'S VEHICLES

3.1 In late August 2021, TfGM met with members of the North West Section of the Showmen's Guild to discuss the vehicles exempt under the Showmen's Guild exemption and the process for exempting vehicles in the GM CAZ. In that meeting a number of issues were raised:

- The role of the Showmen's Guild in the exemption.
- The vehicles covered in the exemption; and
- Previous case law surrounding Showmen's vehicles – in which it was found that a magistrates' court had been correct to find that a lorry carrying a trailer and two refreshment kiosks that was used by a member of the Showmen's Guild at shows and fairs fell within the definition of a showman's goods vehicle within the Vehicle Excise and Registration Act 1994 and therefore was exempt from being tested as a goods vehicle under the Road Traffic Act 1988 and did not need to be taxed as a goods vehicle under the Vehicle Excise and Registration Act 1994. (Vehicle and Operator Services Agency v Kayes⁵).

3.2 Feedback from the Showmen's Guild on the exemption was that the vehicles included in the Showman's HGVs or Showman's Haulage Vehicle tax classes were mainly HGVs, and that many of their LGVs would not then be in scope for an exemption.

3.3 There has also been correspondence from the Society of Independent Roundabout Proprietors, an industry body whose members all operate heritage funfair rides and games throughout the UK. The Society of Independent Roundabout Proprietors did not respond to the 2020 consultation and reported to TfGM that they have an exemption for the London ULEZ in place and enquired about the exemption for their vehicles in the GM CAZ.

3.4 To be consistent with other exemptions (e.g., the Disabled Tax Class vehicles and Specialist HGVs) the proposal is that GM Clean Air Plan Policy is updated so that membership to the Showmen's Guild is not a requirement for the Showman's vehicle exemption. This would provide equity to non-Showmen's Guild members with Showman's vehicles, it would then be for all owners or registered keepers of Showman's vehicles need to apply for this exemption, as there is no national database of these vehicles.

4. RECOMMENDATIONS

4.1 The recommendations are set out at the front of the report.

⁵ <https://www.bailii.org/ew/cases/EWHC/Admin/2012/1498.html>

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GM Clean Air Charging Authorities Committee

Date: 13th October 2021
Subject: GM Clean Air Plan – Clean Air Zone daily charge refund policy
Report of: Simon Warburton, Transport Strategy Director, TfGM

PURPOSE OF REPORT:

To outline the reasons that vehicle owner could apply for a refund of a Clean Air Zone (CAZ) daily charge; the position of the Government's Joint Air Quality Unit (JAQU) who along with DVLA provide the CAZ Central Service and central payment portal; and the approach taken by Bath and Birmingham in their charging schemes. The report also sets out the fees incurred in the processing of the refund transaction.

RECOMMENDATIONS:

The Clean Air Charging Committee is requested to:

1. Agree that Clean Air Zone daily charge User Error Refund requests will be allowable as long as they are requested before the journey date, so in the pre-journey window of 6 calendar days ahead of the journey date, with an administrative fee of £3.10.
2. Agree that Clean Air Zone daily charge Service Error or a Hybrid Error Refund requests are processed at no charge once the Service or Hybrid Error is agreed by DVLA.

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BOLTON
BURY

MANCHESTER
OLDHAM

ROCHDALE
SALFORD

STOCKPORT
TAMESIDE

TRAFFORD
WIGAN

Equalities Impact, Carbon and Sustainability Assessment:

The GM CAP is a place-based solution to tackle roadside NO₂ which will have a positive impact on carbon.

Risk Management:

Initial risk register set out in Clean Air Plan OBC (March 2019).

Legal Considerations:

The legal consideration has been set out in the GMCA report of the GM Clean Air Plan, published on 21 June 2021¹

Financial Consequences – Revenue:

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Financial Consequences – Capital:

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Number of attachments to the report: 0 (zero)

Comments/recommendations from Overview & Scrutiny Committee:

Not applicable

BACKGROUND PAPERS:

- 21 September, report to AQAC: GM Clean Air Plan – Clean Air Zone: Camera and Sign Installation
- 21 September, report to AQAC: GM Clean Air Plan – Bus Replacement Funds
- 25 June 2021, report to GMCA: GM Clean Air Final Plan
- 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
- 15 November 2018, report to HPEOS Committee: Clean Air Update
- 26 October 2018, report to GMCA: GM Clean Air Plan Update on Local Air Quality Monitoring
- 16 August 2018, report to HPEOS Committee: GM Clean Air Plan Update

¹ <https://democracy.greatermanchester-ca.gov.uk/documents/s15281/GMCA%20210621%20Report%20Clean%20Air%20Plan%20-%20FINAL%20FINAL.pdf>

- UK plan for tackling roadside nitrogen dioxide concentrations, Defra and DfT, July 2017

TRACKING/PROCESS
Does this report relate to a major strategic decision, as set out in the GMCA Constitution? No
EXEMPTION FROM CALL IN
Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency? N/A
GM Transport Committee N/A
Overview & Scrutiny Committee N/A

1. BACKGROUND

- 1.1 Greater Manchester is to introduce a charging Clean Air Zone (CAZ) category C which will target the most polluting commercial vehicles including heavy goods vehicles, buses, out of town taxis and private hire vehicles from May 2022, and coaches, minibuses and GM Licensed taxi and private hire vehicles from 2023.
- 1.2 Owners of vans, private hire vehicles, hackney carriages, HGVs, buses, and coaches which do not meet emissions standards will pay a daily charge to travel in the Zone (private cars, motorbikes and mopeds are not included).
- 1.3 The Clean Air Zone Charge will be £7.50 per day for taxis, private hire vehicles, £10 per day for minibuses and light goods vehicles and £60 per day for heavy goods vehicles, buses, and coaches.
- 1.4 Payments will be made via the Central government payment portal, which is being run by the Government's Joint Air Quality Unit (JAQU). The payment window for journeys in/within a CAZ is set by JAQU as follows:
 - a pre-journey window of 6 calendar days ahead of the journey date;
 - The date of the journey within the CAZ; and
 - A retrospective window of 6 calendar days following the day of the journey within the CAZ.
- 1.5 As part of the development of the GM Clean Air Zone GM needs to decide its local approach to dealing with requests for refunds that may be made by vehicle owners.
- 1.6 This paper outlines the reasons that vehicle owner could apply for a refund; the position of the Government's Joint Air Quality Unit (JAQU) who along with DVLA provide the CAZ Central Service and central payment portal; the approach taken by Bath and Birmingham in their charging schemes and sets out the fees incurred in the processing of the refund transaction.

2. INFORMATION

- 2.1 There are three possible scenarios where a refund may be requested by a vehicle owner which JAQU have categorised as follows:
- 1) User Error: the user either mistakenly pays for CAZ/vehicle/date(s), or they decide that they will not be travelling into the CAZ on the paid for date.
 - 2) Service Error: there is a system/service error which is beyond the user's control i.e., DVLA records incorrectly list vehicle as non-compliant.
 - 3) Hybrid Error: where there is a combination of user error which is not picked up by the system, for example, duplicate payments or payments made for non-chargeable/compliant vehicles.
- 2.2 JAQU have set out that Service Errors (scenario 2) should always be eligible for refund. They also advise that they have configured the central payment portal so that Hybrid errors (scenario 3) have been designed out. However, should a Hybrid error occur this should also be eligible for a refund.
- 2.3 JAQU also determined that User Error (scenario 1) refunds will only be allowable as long as they are requested before the journey date, so in the pre-journey window of 6 calendar days ahead of the journey date.
- 2.4 It has been agreed by JAQU that an administrative fee can be applied to refunds. Authorities need to decide their local approach to dealing with User Error refunds and the administrative fee that will apply to all refunds.

3. THE APPROACH OF BATH AND BIRMINGHAM

3.1 The table below sets out the approach taken in Bath and Birmingham to dealing with requests for refunds that may be made by vehicle owners.

Refund Scenario	Bath	Birmingham
Policy	“You can apply for a refund if you have paid for a journey in advance, but then choose not to enter the zone on that day. You must apply for a refund before the journey date. We cannot give refunds on the day of travel or afterwards.”	Will only issue a refund if “Your vehicle details were incorrect on the GOV.UK vehicle checker and you have paid to drive in the zone”.
User error	Refund, £2.50 admin fee	No refund
Service error	Refund, £2.50 admin fee	Refund, no admin fee
Hybrid error	Refund, £2.50 admin fee	Refund, no admin fee

4. GM CAZ PROCESSING REFUND TRANSACTIONS

4.1 The fees Greater Manchester would incur in the processing of the refund transaction are:

- £0.11 plus either 0.45% of transaction value for debit cards or 0.78% of transaction value for the processing original charge by the Gov.Pay Payment Service Provider (Stripe).
- £0.48 for the transaction of the original charge made (Egis)
- £2 for the Charging Clean Air Zone (CCAZ) processing fee (JAQU)²
- £0.48 for the transaction of the refund (Egis)
- £0.00 for the refund processing by the Gov.Pay Payment Service Provider (Stripe)

4.2 The total cost to GM for administering refunds will be:

Vehicle Type	Payment made by Debit Card	Payment made by Credit Card
Taxi / PHV (£7.50 Daily Charge)	£3.10	£3.12
LGV / Minibus (£10 Daily Charge)	£3.11	£3.14
HGV, Bus, Coach (£60 Daily Charge)	£3.34	£3.54

5. RECOMMENDATIONS

5.1 The recommendations are set out at the front of the report.

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GM Clean Air Charging Authorities Committee

Date: 13th October 2021

Subject: GM Clean Air Plan – A628/A57, Tameside – Trunk Road Charging Scheme

Report of: Simon Warburton, Transport Strategy Director, TfGM

PURPOSE OF REPORT:

To seek agreement that all ten Greater Manchester local authorities (the charging authorities for the Greater Manchester Clean Air Zone) request the Secretary of State to make a trunk road charging scheme on sections of the A628/A57 part of the Strategic Road Network (SRN) in Tameside

RECOMMENDATIONS:

The Clean Air Charging Committee is requested to:

1. Agree that all ten GM charging authorities, as the local traffic authorities, request the Secretary of State to make a trunk road charging scheme on sections of the A628/A57 part of the Strategic Road Network (SRN) in Tameside pursuant to section 167(2) Transport Act 2000.

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STOCKPORT

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Equalities Impact, Carbon and Sustainability Assessment:

The GM CAP is a place-based solution to tackle roadside NO₂ which will have a positive impact on carbon.

Risk Management:

Initial risk register set out in Clean Air Plan OBC (March 2019).

Legal Considerations:

The legal consideration has been set out in the GMCA report of the GM Clean Air Plan, published on 21 June 2021¹

Financial Consequences – Revenue:

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Financial Consequences – Capital:

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Number of attachments to the report: 0 (zero)

Comments/recommendations from Overview & Scrutiny Committee:

Not applicable

BACKGROUND PAPERS:

- 21 September, report to AQAC: GM Clean Air Plan – Clean Air Zone: Camera and Sign Installation
- 21 September, report to AQAC: GM Clean Air Plan – Bus Replacement Funds
- 25 June 2021, report to GMCA: GM Clean Air Final Plan
- 31 January 2021, report to GMCA: GM Clean Air Plan: Consultation
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¹ <https://democracy.greatermanchester-ca.gov.uk/documents/s15281/GMCA%20210621%20Report%20Clean%20Air%20Plan%20-%20FINAL%20FINAL.pdf>

- 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
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- 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

TRACKING/PROCESS
Does this report relate to a major strategic decision, as set out in the GMCA Constitution? No
EXEMPTION FROM CALL IN
Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency? N/A
GM Transport Committee N/A
Overview & Scrutiny Committee N/A

1. BACKGROUND

- 1.1 The Government has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) levels following the Secretary of State issuing a direction under the Environment Act 1995. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) are working together to develop a Clean Air Plan to tackle NO₂ Exceedances at the Roadside, herein known as Greater Manchester Clean Air Plan (GM CAP).
- 1.2 The core goal of the GM CAP is to address the legal requirement to achieve compliance with the legal Limit Value (40 µg/m³) for NO₂ identified through the target determination process in Greater Manchester in the “shortest possible time” in line with legislation and Government guidance.
- 1.3 The Secretary of State has issued a direction to the 10 local authorities in Greater Manchester in March 2020 that requires them to take steps to implement the local plan for NO₂ compliance, so that compliance with the legal limit for nitrogen dioxide is achieved in the shortest possible time, and by 2024 at the latest, and so that exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.

- 1.4 An eight-week statutory consultation on the GM CAP proposals took place in Autumn 2020. A report that set out the Greater Manchester Final Clean Air Plan and policy following a review of all of the information gathered through the GM CAP consultation and wider data, evidence and modelling work has been agreed by the ten GM Local Authorities. This includes the GM Clean Air Plan Policy, that outlines the boundary, discounts, exemptions, daily charges of the Clean Air Zone as well as the financial support packages offered towards upgrading to a compliant vehicle, including the eligibility criteria to be applied.

2 INFORMATION

- 2.1 The GMCA GM Clean Air Final Plan report of 25 June 2021² detailed that the ten GM Authorities continue to ask the Government to direct Highways England to tackle NO₂ exceedances on the Strategic Road Network (SRN) in the same way GM Authorities are having to take action on the local road network.
- 2.2 In particular it set out that Tameside MBC has highlighted to Ministers that the inconsistency in the Government's approach is leaving many residents unprotected, particularly, around the A628/A57, a strategically important trans-Pennine route that passes through the villages of Hollingworth and Mottram as a single carriageway. This route, managed by Highways England, will be left with NO₂ exceedances that are not being addressed, despite the area being declared as part of GM's Air Quality Management Area.
- 2.3 As previously reported to GMCA on 25 August 2020, Tameside MBC were notified that Government ministers have agreed to consider extending Greater Manchester's Clean Air Zone (CAZ) charges to the sections of the A628/A57 which form part of the Strategic Road Network, within the proposed CAZ boundary. The extension of any charges to the A628/A57 was subject to a full assessment of the potential impacts, to be led by National Highways³. This assessment covered air quality impacts on other roads, safety impacts, carbon impacts, as well as wider issues for National Highways, such as operational and network issues.
- 2.4 The report outlined that on 9 June Ministers wrote to the Leader of Tameside MBC to advise that following consideration of assessment provided by National Highways, Ministers have agreed to the inclusion of the identified section of the A57 and A628 within the Greater Manchester charging Clean Air Zone and that Government will work collaboratively with Tameside MBC, TfGM and National Highways to establish the most appropriate solution for the charging mechanism to be applied on this section of the Strategic Road Network within the current legislation and timeframe available.

² Also considered by the GM Authorities through their own constitutional decision-making arrangements.

³ On 19 August 21 it was announced that Highways England changed its name to 'National Highways' reflecting the new focus the company has on delivering the government's £27bn strategic roads investment programme, while also continuing to set highways standards for the whole UK.

- 2.5 The 10 GM Authorities in their consideration of the GM Clean Air Final Plan report all noted the Ministers' agreement to include the sections of the A628/A57 in Tameside which form part of the Strategic Road Network within the Greater Manchester's Clean Air Zone (CAZ) and their request for Tameside MBC, TfGM, and Highways England⁴ to establish the most appropriate solution for the charging mechanism to be applied on this section of the Strategic Road Network (SRN).
- 2.6 Section 165 of the Transport Act 2000 (TA 2000) provides that a joint local charging scheme may only be made in respect of roads for which any of the charging authorities are the local traffic authority. This therefore excludes roads forming part of the SRN.
- 2.7 Section 163(3) TA 2000 defines a 'trunk road charging scheme' as one made by the Secretary of State. Under section 167(2)(a) of the TA 2000 a trunk road charging scheme may only be made by the Secretary of State in respect of roads for which they are the traffic authority. Under section 167(2)(b) of the TA 2000 a trunk road charging scheme may only be made in respect of a road if local traffic authorities request the Secretary of State to make the trunk road charging scheme.
- 2.8 The Committee is requested to formally agree that all the GM charging authorities, as the local traffic authorities, request the Secretary of State to make a trunk road charging scheme on sections of the A628/A57 part of the Strategic Road Network (SRN) in Tameside pursuant to section 167(2)(b) of the Transport Act 2000.

3. RECOMMENDATIONS

- 3.1 The recommendations are set out at the front of the report.

⁴ Now National Highways

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