



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE LEADER AS PORTFOLIO HOLDER FOR FINANCE AND CORPORATE POLICY

TOPIC – AIR QUALITY: PROCUREMENT OF GOODS AND SERVICES

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Head of Legal and Democratic Services, the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

Contact Officers:

Case Officer:

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Democratic Services Officer:

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SUMMARY

- The Council is required by the Environment Act 1995 to monitor air quality within its area, and where levels are found to be exceeding prescribed objectives, to undertake monitoring of air quality and to set out a plan on how to make improvements in air quality.
- The Council currently monitors for Nitrogen Dioxide (NO₂) as an annual mean and has a single static air quality monitoring station which continuously gathers detailed NO₂ data for this purpose.
- A recent source apportionment report commissioned from an independent Environmental Consultant identified that Winchester was close to or was exceeding the NO₂ hourly mean in St George's Street, Romsey Road and Chesil

Street and recommended that three Air Quality Management Areas (AQMAs) be given specific consideration.

- In order to be in a position to determine compliance or otherwise with the hourly standard, the Council needs to be able to monitor continuously and accurately for NO₂ in at least two locations, namely St George's Street and either Romsey Road or Chesil Street.
- The current air quality monitoring equipment located within the City Centre AQMA has been in place since 2006 and is becoming old and degraded. It is in need of replacement.
- The Head of Environmental Health and Licensing has already started a procurement process in line with the Council's Contracts Procedure. However, having considered the requirements of the specification, officers varied the 60:40 cost/quality evaluation ratio specified in the Procedure, adopting a model with a 50:50 ratio, for cost/ability to deliver. It is on this basis that the Head of Environmental Health and Licensing has received four bids.
- Approval is therefore requested for the variation of the evaluation ratio so that the contract can be awarded. The contract value is approximately £40,000.
- This procurement process is necessary to ensure that the Council has the right equipment in place to provide the ongoing monitoring information required to inform policy-making and action to improve air quality in the centre of Winchester.
- A separate opportunity will be published in late August 2016 for a consultant to support officers in producing a new Air Quality Action Plan for the Council. This will be on a 'fixed price' basis, based on the experience of the commissioning officers. Consequently, officers seek to vary the evaluation ratio for this process in a similar way.
- Both of these measures are important in helping to deliver the High Quality Environment outcome of the Council's Community Strategy, and will support a positive impact on the health and wellbeing of residents in line with the Council's Active Communities outcome.

DECISION

1. That a Direction under Contract Procedure Rule 3.2 be made and the Assistant Director (Economy and Communities) be authorised to enter into a contract for the supply of air quality monitoring equipment based on the evaluation model published in the original specification on the South East Business Portal as follows:
 - 50% cost and value for money

- 30% capacity to deliver; and
 - 20% experience, stability and reliability.
2. That the Assistant Director (Economy & Communities) be similarly authorised under Contract Procedure Rule 3.2 to advertise a commission for consultancy support for the new Air Quality Action Plan based on the following ratio:
- 50% capacity to deliver
 - 20% experience, stability and reliability
 - 30% value for money

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Background

Under the Environment Act 1995 local authorities are required to monitor air quality within their area, and where levels are found to be exceeding prescribed standards, they must, by Order, declare an Air Quality Management Area (AQMA).

In November 2003 the Council, declared an AQMA for Nitrogen Dioxide and Particulate Matter PM₁₀ and set up two static air quality monitoring stations, to continuously gather data on these two parameters. In accordance with government guidance the two sites reflect a road side and a 'background' location. In addition the City's AQMA has 26 NO₂ diffusion tubes which provide a less accurate but nevertheless valid trending data on NO₂ in a greater number of locations.

The Council is required to produce a comprehensive 'Updating and Screening Assessment' (USA) to the Department of Environment Food and Rural Affairs (DEFRA), the purpose of which is to appraise the most recent data sets and determine trends in air quality and to inform overall progress on whether the City's air quality was meeting relevant air quality objectives.

The 2013 USA identified that in 3 city locations the annual mean for NO₂ was exceeding 60µg/m³ which according to government guidance demonstrates a greater likelihood that those locations are exceeding the 1 hour NO₂ objective. As such it was recommended that the current AQMA remain and that a more detailed modelling assessment be undertaken for St George's Street and Romsey Road.

As a result the Council commissioned environmental consultants Bureau Veritas to undertake a detailed modelling assessment for NO₂ within the AQMA and this report, which was issued in February 2016, verified that Winchester was close to or was exceeding the NO₂ hourly mean in St George's Street, Romsey Road and Chesil Street and recommended that three AQMAs be declared for these three areas.

Officers are of the view that the current AQMA already encompasses these three areas and that as such the Council retains the existing AQMA, but in addition to declaring for the annual NO₂ objective that in addition the Council declare for and report on the hourly NO₂ standard. This will be addressed in a progress and options report which will be presented to Cabinet in October 2016.

The current air quality monitoring equipment located within the city's AQMA has been in place and is in need of replacement.

Officers have also determined that since 2003 the background site has never exceeded either the hourly or annual mean NO₂ objectives and it has been agreed that this site is no longer required and that it be decommissioned.

However in order to be in a position to determine compliance or otherwise with the hourly standard at the roadside, the Council needs to be in a position to continuously and accurately monitor for NO₂ in at least two locations, namely St Georges Street and either Romsey Road or Chesil Street.

This need to 'upgrade' air quality monitoring equipment comes at a time when the Council is in the process of reviewing its current Air Quality Action Plan and will be required to validate the progress of any measure implemented.

The production of a new Air Quality Action Plan has been a Portfolio Plan target for several years now. With high levels of political and community interest in this work – including questions raised during the recent public examination of Local Plan Part 2 - officers are keen to see the Plan delivered as soon as possible. Procuring some consultancy support will ensure that the Council is able to meet its commitment to producing the Plan in 2016/17, and this will provide reassurance to both the Local Plan inspector and to lobby groups outside the Council.

RESOURCE IMPLICATIONS:

The Head of Environmental Health and Licensing has already started the procurement process for the equipment , as stated earlier in this Decision Notice. Four tenders have been received, ranging between £37,000 and £49,000.

Officers had already identified funding from within existing budgets to pay for the procurement and ongoing maintenance of the air quality monitoring equipment.

The fee of £10,000 for the consultant to support the development of the Air Quality Action Plan has been allocated from the Economy & Communities commissioning budget, which is routinely used to fund key actions such as this in the annual Portfolio Plans.

CONSULTATION UNDERTAKEN ON THE DECISION

As previously stated, the monitoring of air quality against the prescribed objectives is a statutory duty until such time as Winchester City Council is able to 'un-declare' on its AQMA,

The proposal to replace the old equipment and install a new air monitoring station has been discussed with the Assistant Director for Economy and Communities as well as the Portfolio Holder for Environment Health and Wellbeing. Stakeholders from interest groups participating in the development of the new Air Quality Action Plan are keen to see the new monitoring equipment in place, and also support the early completion of the new Air Quality Action Plan. The draft Action Plan will itself be subject to consultation, subject to approval of the progress and options report being presented to Cabinet in October 2016.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

N/A

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

None

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

None

Approved by: (signature)

Date of Decision: 30 August 2016

Councillor Stephen Godfrey – Leader and Portfolio Holder for Finance and Corporate Policy

Appendices:

None