

Leicester  
City Council

**WARDS AFFECTED**  
All Wards

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet**

**5th June 2002**

---

### **Environment Act 1995 - Local Air Quality Management**

---

#### **Report of the Director of Environment, Regeneration and Development**

##### **1. Purpose of Report**

This Report updates Members on progress with Local Air Quality Management work.

##### **2. Summary**

In December 2000 the City Council completed the third stage of a review and assessment of local air quality, declaring an Air Quality Management Area, within which emissions of nitrogen dioxide and PM10 particles must be reduced. Stage 4, looking closely at the problem, identifying sources, and producing an action plan, should have been completed by December 2001. Information required from Central Government to complete Stage 4 has only recently become available, and this has delayed progress with stage 4 work.

Central Government is introducing regulations, extending roadside emissions testing powers to local authorities that have designated Air Quality Management Areas. It has also invited relevant local authorities to bid for funding to offset the costs of implementing these powers. This report seeks member support for the submission of such a bid with a view to implementing these powers in the City. This would form part of a package of measures which would:-

- a. Be "motorist friendly", with the emphasis on education and self regulation.
- b. Include a large measure of voluntary, penalty-free testing and simple remediation.
- c. Have statutory sanctions as a backup to deal with a small minority of anti-social vehicle users.
- d. Form an important element within the statutory Air Quality Action Plan by making a significant impact on air quality within the City.

### **3. Recommendations**

It is recommended that:

- a) Work should be directed towards completing the Stage 4 Review and Assessment of air quality within 2002, and that a letter to that effect be sent to DEFRA.
- b) A bid is submitted to DTLR for funding, with a view to implementing roadside vehicle emissions testing powers within the City on a motorist friendly basis as detailed in paragraph 2 of the report.

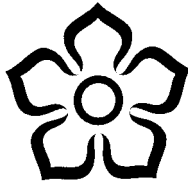
### **4. Headline Financial and legal Implications**

Financial Implications: There no additional financial implications associated with Stage 4 work; this is currently being undertaken within existing budgets. In relation to the implementation of roadside vehicle emissions testing powers by local authorities, pilot schemes have shown that this cannot be funded solely from fines generated. Therefore the Government has made £4 million available to local authorities in 2002-03 for this work and has invited bids to be submitted by 1st May 2002 and 1st November 2002. Detailed costings are currently being prepared by officers which will form the basis for a such a bid.

Legal implications: Failure to complete Stage 4 of the statutory Review and Assessment of air quality by 29th December (i.e. 12 months after the AQMA came into effect) is technically a breach of statute. However, DEFRA have indicated that they are prepared to allow an extension, provided that an estimate of completion date is given to them.

### **5. Report Author/Officer to contact:**

Evan Davies / Neil Cooper, Pollution Control Group, Ex. 6411/ 6439



Leicester  
City Council

**WARDS AFFECTED**  
All Wards

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet**

**5th June 2002**

---

### **Environment Act 1995 - Local Air Quality Management**

---

## **SUPPORTING INFORMATION**

### **1. Report**

#### **1.1 Progress with Local Air Quality Management Work**

1.1.1 The Environment Act 1995 required all Local Authorities to undertake a Review and Assessment of air quality, to identify projected failures to meet statutory air quality objectives. The City Council completed the initial stages of the process in December 2000, determining that air quality is likely to breach Statutory Objectives for PM10 particles and nitrogen dioxide in the City centre and along the main radial roads. On 29th December 2000, the affected area was designated an Air Quality Management Area (AQMA) by the Council, one of the first in the UK.

1.1.2 The next step ("Stage 4") is to carry out a more detailed assessment within the AQMA, focusing on individual roads and junctions, and taking into account any additional information that has become available. The information gained will guide the drafting of the statutory Air Quality Action Plan, which sets out how the Council will use its various powers to work toward attainment of the air quality Objectives by the end of 2005.

1.1.3 This stage of the Assessment should have been completed by the end of 2001, with the Action Plan being in place by summer 2002. However various difficulties have arisen:

- a) Up-to-date data which is vital to the modelling work has only been delivered by DEFRA in the last month. This comprises revised emission factors for motor vehicles over the relevant period.
- b) As Members will be aware, the timetable for the Leicester West Transport Scheme proposal has had to be reviewed. Work is in hand to clarify which major traffic and

transport schemes are likely to proceed, and be in place, within the time frame of the current air quality Review and Assessment, i.e. by the end of 2005.

1.1.4 The present Stage of Review and Assessment will be a significant influence on Council policy, via the Air Quality Action Plan. It is therefore important that inputs to the relevant modelling are as close as possible to the situation as it will really exist at the end of 2005. For this reason, it is felt that more priority should be given to making the best possible prediction of the shortfall, if any, in air quality in 2005, than to meeting the prescribed deadline.

1.1.5 Correspondence with DEFRA has indicated, not unreasonably, since they are partly responsible for the delay, that this will be acceptable, provided some estimate of completion date is given. It is anticipated that the City Council can complete this stage of the work in 2002.

1.1.6 Since Leicester was well ahead of most local authorities in completing the previous stages within deadline, Leicester's timescales for completion Stage 4 will still be broadly in line with most other authorities. Various contacts are in hand with comparable cities in the Midlands and elsewhere, to exchange up-to-date information on how Air Quality Action Plans are being approached and on the nature and scale of measures being considered.

## **1.2 Enforcement of Vehicle Emissions Regulations by Local Authorities**

1.2.1 The Government is laying before Parliament the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, enabling Local Authorities that have declared an AQMA to apply to the Secretary of State for Transport, Local Government and the Regions (DTLR) for powers to conduct roadside emissions tests of vehicles. Trained Local Authority personnel will be able to carry out a roadside check of any vehicle using approved equipment, and take enforcement actions against the driver. The power to stop vehicles remains with the police and the policing costs associated with this work would have to be met by the local authority.

1.2.2 A fixed penalty Notice will be served on the driver of any vehicle failing the test. Drivers may appeal against the Notice, and the penalty may be reduced/waived under specified circumstances (DTLR estimate that over 50% of fines will be reduced). Local Authorities will retain income generated from fixed penalties, likely to be £60 each. Unpaid fixed penalty notices are pursued through the County Court system. Penalties remaining unpaid after 28 days will be increased to £90.

1.2.3 Although penalties are retained by the local authority, the cost of testing and enforcement will exceed income. Local Authorities have therefore been invited to bid for additional funding from DTLR to offset the difference between costs and income. A proposal can be put the Leicestershire Air Quality Forum to submit a joint bid for funding: This would spread the costs and continue the spirit of close local liaison, which has been a feature of local air quality management work to date. Officers are currently working to prepare costings for this work, which will form a basis for our bid.

1.2.4 Some of the local authorities who piloted these new testing powers aimed to undertake 200 days of enforcement testing per annum and this is reflected in draft Government guidance. This level of activity would entail a virtually permanent testing presence on the City roads, and would offer several disadvantages:-

- a. Unrealistic resource implications for Local Authorities.
- b. The potential impracticability of maintaining the required level of police commitment, in the face of other priorities.
- c. The risk of adverse public and media perceptions of the exercise through a “heavy-handed” approach.

1.2.5 Guidance issued by DEFRA emphasizes that maximum publicity must be given to the implementation of roadside checks, explaining the reasons for the test, details of penalties, and the means by which motorists can ensure compliance. Also, as stated above, a range of exemptions means that a large proportion of motorists failing the test can escape all or part of any penalty.

1.2.6 Nonetheless for the above reasons, the Government’s suggested approach has been widely criticised and it is recommended that, in Leicester, an approach is adopted which is clearly orientated towards education and encouraging self-regulation. Publicity would include events where motorists can voluntarily have their vehicle tested without fear of a penalty, and have the opportunity to correct excessive emissions. It is intended that no motorist is “surprised” to be stopped, or be unaware of the reason for the test.

1.2.7 An alternative, more “motorist-friendly” model investigated by officers is that adopted by Middlesbrough Council, one of the pilot authorities: This is to undertake far fewer enforcement testing days (e.g. 12 to 24 per annum) but to complement this with a higher level of educational and promotional work incorporating voluntary testing events (e.g. 24 to 48 per annum). This type of event has proved popular with the public in the past, with up 200 vehicles being tested per day. With police support only be required for enforcement testing days, problems of securing policing resources may be reduced. The Middlesbrough experience showed that many vehicles could be rectified cheaply and quickly at the roadside, or at a nearby garage, and this facility was offered to motorists, in collaboration with the local motor-trade. Something along these lines would be explored for Leicester, as part of the overall package.

1.2.8 With this in mind, the submission package for DEFRA has been supplemented by an application for NRF funding, for a wide-ranging educational programme, aimed at reducing vehicle emissions within the city. If both of these bids were to be successful it would enable a balanced scheme of education, backed-up by enforcement, to be introduced within existing budgets.

1.2.9 This is commended to Members as being a cost-effective and publicly acceptable compromise between a draconian regime and the need to improve the air quality on the City’s major roads.

1.2.10 Any such scheme could then be reviewed in the light of the findings of stage 4 of the local air quality management work together with experiences of implementing the scheme within the city. This could then influence future decisions about the implementation of testing powers within the City and associated bids for Government funding in 2003-04. On a longer-term basis, these powers would complement the introduction of a Low Emission Zone within the Local Transport Plan framework.

1.2.11 Naturally, there is also the option NOT to undertake any roadside vehicle emission testing. However, with local authorities having urged Government to provide the powers and resources needed to fulfill their local air quality management responsibilities, this could be viewed as a missed opportunity. Furthermore, these powers provide a means of improving local air quality by identifying and remedying "gross polluters": the 25% of vehicles that are alleged to be responsible for 75% of the pollution. Guidance suggests that emission testing schemes can reduce overall vehicle emissions 7%; if such an achievement can be achieved, there would be tangible health benefits for local residents, reducing the need for more onerous transport measures that might impact on law-abiding motorists.

## **2. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **2.1 Financial Implications**

There no additional financial implications associated with Stage 4 work; this is currently being undertaken within existing budgets. In relation to the implementation of roadside vehicle emissions testing powers by local authorities, pilot schemes have shown that this cannot be funded solely from fines generated. Therefore the Government has made £4 million available to local authorities in 2002-03 for this work and has invited bids to be submitted by 1st May 2002 and 1st November 2002. Detailed costings are currently being prepared by officers which will form the basis for a such a bid.

### **2.2 Legal Implications**

Failure to complete Stage 4 of the statutory Review and Assessment of air quality by 29th December (i.e. 12 months after the AQMA came into effect) is technically a breach of statute. However, DEFRA have indicated that they are prepared to allow an extension, provided that an estimate of completion date is given to them.

### **2.3 Other Implications**

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	NO	
Policy	YES	Section 1.1
Sustainable and Environmental	YES	Section 1.1
Crime and Disorder	NO	
Human Rights Act	NO	
Elderly/People on Low Income	NO	

**3. Background Papers – Local Government Act 1972**

**4. Consultations**

The Leicestershire Constabulary will be consulted prior to the submission of a bid for funding for vehicle emissions testing in the city.

**5. Report Author**

Evan Davies / Neil Cooper, Pollution Control Group, Ex. 6411/ 6439