

Leicester
City Council

DECISION TIMETABLE:

Cabinet

18th November 2002

**LOCAL AIR QUALITY MANAGEMENT and
THE ADOPTION OF VEHICLE EMISSION CONTROL POWERS**

Report of the Service Director, Regulatory Services

1. Purpose of Report

Further to the report submitted to Cabinet on 5th June 2002, and as then requested, this report updates Members on the direction of Local Air Quality Management, proposed controls on vehicle emissions and linked initiatives.

2. Summary

A report on Stage 4 of the statutory Review and Assessment of air quality (under the provisions of Part IV of the Environment Act 1995) will be completed around the end of 2002 and submitted to public consultation. This report will assess progress with air quality since the Stage 3 report and the impact of changes in knowledge and the physical environment on the predicted pattern of exceedance of the national air quality Objectives in Leicester.

A further Air Quality report is required by the end of 2003. This assessment will be co-ordinated with a range of City Council initiatives taking place in the course of 2003, so that the resultant statutory Air Quality Action Plan both reflects, and where necessary, informs these developments, within a coherent framework.

As a specific action to improve air quality, the City Council will implement powers newly available local authorities which have declared Air Quality Management Areas to control emissions from motor vehicles. This will form part of a wider educational package for the motoring public.

3. Recommendations

Cabinet is asked to approve:

- a) The proposed arrangements for progressing the Air Quality Review and assessment.
- b) The adoption of the powers contained in the *Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002*, by application to the DfT, and their delegation to the Corporate Director.

4. Headline Financial and Legal Implications

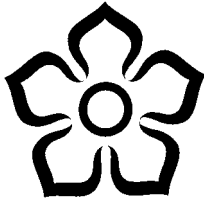
Financial: Funding from within existing budgets and by special funding from DfT and NRF. (See *Financial, Legal and other Implications, Section 1*).

Legal: Adoption / delegation of statutory powers. (See *Supplementary Information, Section 4.2 (a)*, p.6). Minor issue of statutory compliance by the Council. (See *Financial, Legal and other Implications, Section 2*).

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DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



Leicester
City Council

DECISION TIMETABLE:

Cabinet (Item for Decision)

18th November 2002

**LOCAL AIR QUALITY MANAGEMENT and
THE ADOPTION OF VEHICLE EMISSION CONTROL POWERS**

SUPPORTING INFORMATION

Report

1. Background

Following the Environment Act 1995, Stages 1 –3 of Air Quality Review and Assessment were of increasing complexity, the decision to proceed to each stage being based on the findings of the previous one. Stage 3 involved detailed monitoring and modelling of air quality: The Final Report on stages 1 – 3 identified traffic as the primary cause of predicted failure to meet the Air Quality Objectives, in the vicinity of the major road network. Consequently, an extensive Air Quality Management Area was formally designated by the City Council in December 2000.

We are now in Stage 4 of this cyclical process, which aims to:-

- Refine predictions for Leicester of non-compliance with current, statutory Air Quality Objectives (target date- the end of 2005) and identify the causes.
- Evaluate strategies for improving local air quality and guide the development of the statutory Air Quality Action Plan. This can deploy all or any Council functions to improve air quality.
- Monitor progress towards attainment of the current Objectives and re-evaluate long-term Council policy as the Government progressively tightens them.

The Government will then require another round of Review and Assessment to be delivered by the end of 2003 ("Stage 5"). Current work is thus directed towards modelling the impact of various traffic programmes and other Local Air Quality Management initiatives up to the end of 2005. However, it is not at present fully apparent:-

- Whether all will proceed;
- What they will contain in detail; and
- Whether they will be rolled out within the time-horizon of the current Air Quality Objectives, i.e. by the end of 2005.

Since the Air Quality Action Plan may both reflect and inform overall policy, it needs to be based on the most accurate picture possible of what is happening “on the ground”, in the future. It is therefore proposed to co ordinate the ongoing Review and Assessment process with a range of forthcoming and evolving initiatives, including traffic schemes, controls on vehicle emissions and policy documents, such as the Climate Change Strategy. The links are mapped out in more detail in *Appendix 1* of this Report.

2. Sustainability and Environmental Implications

The environment and health are key goals in the Community Plan.

Local Air Quality Management aims to reduce pollution levels so that even vulnerable groups are not adversely affected. Traffic emissions are the main source of these pollutants in Leicester.

To illustrate the problem, the Government has estimated that as many as 24,000 premature deaths occur each year in the UK as a result of poor air quality. For comparison, in 1997, around 327,500 people were injured and about 3,500 died as a result of road accidents. Recent research has shown that even young people who live near to busy roads suffer respiratory ill-effects compared to control groups. Also, a local study has demonstrated that hospital admissions with respiratory symptoms increase during smog incidents.

For this reason, improvement in air quality is an explicit progress indicator in the Local Transport Plan. Conversely, the schemes contained in the LTP, or developments thereof, e.g. the LWT scheme, are vital in delivering the necessary improvements in air quality. Thus, co-ordination of traffic and transport policy with the Air Quality Action Plan is crucial.

Similarly, there are clear synergies between Local Air Quality Management and the Council initiatives and policies aimed at sustainability. Both the need and the opportunity for co-ordination are clear, for example with the Climate Change Strategy, currently under development.

Disadvantaged / excluded groups may live in areas affected by poor air quality and severance of communities. Such groups may suffer from other health disadvantages, making them more vulnerable to the effects of pollution.

3. Proposed Programme for Air Quality Review and Assessment

Stage 4 Air Quality Review and Assessment

As previously reported, this Report will be completed around the end of 2002, followed by a statutory consultation exercise. It is proposed to take stock of the following matters:-

- The degree to which the level and extent of exceedances of the air quality Objectives predicted for the end of 2005 will be affected by revised motor vehicle emission factors. (It will be recalled that delays by the Government in publishing these in turn delayed the Stage 4 process). It is anticipated that the use of these factors will result in a slightly more pessimistic picture than that indicated in the Stage 3 Report (2000). This may in turn result in the need to amend the 2000 Air Quality Management Area Order.
- The extent to which predicted air quality trends have been validated by actual monitoring data over the period since the Stage 3 Report was published. (Expansion of the monitoring network has improved our validation capability).
- The impact of any relevant schemes known to have been authorised and likely to be in place by the end of 2005.

Stage 5 Air Quality Review and Assessment and Air Quality Action Plan

Government guidance prescribes that this phase should be completed by the end of 2003. There is therefore an opportunity to synchronise a range of interdependent initiatives and policy options, which are in progress or which may be placed before Members, in the course of 2003, for example:-

- a. The Local Transport Plan 2001-06
- b. Powers to implement voluntary and statutory vehicle emission controls
- c. The proposed 'Leicester West' scheme
- d. Various proposed "park and ride" sites
- e. The Leicester Regeneration Company Master Plan.
- f. The Leicester Climate Change Strategy

Subject to a number of variables, the key issues through 2003 are tabulated in *Appendix 1* of this report.

4. Controls on Vehicle Emissions

4.1 General

As an integral part of the Council's strategy to improve air quality, an ongoing programme will be launched this financial year, to optimise emissions from motor vehicles in Leicester. The aim will be to modify driver behaviour with respect to the maintenance and use of vehicles through extensive publicity. The City Council will offer free exhaust testing and advice to owners of motor vehicles, without fear of penalty. Publicity will also draw attention to the environmental effects of driver behaviour, for example, leaving engines running unnecessarily while parked, and aggressive driving style.

The statutory powers referred to in this report will then be used during well-publicised roadside testing sessions. It is anticipated that penalties will only be imposed upon a small minority of vehicle owners who fail to comply.

4.2 The Legislation

- a. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 came into force earlier this year, and the city council has been designated for enforcement by the Secretary of State for Transport. (Subject to an executive decision of Cabinet, enforcement will be delegated to the Corporate Director of Environment, Regeneration and Development).
- b. The scheme is designed to improve local air quality by helping to ensure pollutants emitted from vehicles are kept to a minimum. Vehicle owners will be encouraged to have their vehicles properly and regularly serviced in accordance with manufacturers' recommendations.
- c. Vehicles will be stopped by the Police, pulled off the highway to a testing area where trained staff will carry out an emissions test similar to that done at the "MoT" Test. Where a vehicle fails to meet the emission standard, a fixed penalty notice will be issued.
- d. The Regulations specify the amount of £60 for the Fixed Penalty Notice, and conditions under which the vehicle owner may appeal against the Notice.
- e. There are provisions for permitting a reduction or waiving of the Fixed Penalty that mean a large proportion of vehicles failing the test will escape all or part of the fine. The various exemptions are as follows:

Circumstance	Penalty	Evidence required
Fault corrected within 14 days	Penalty reduced by 50%	Driver presents an MOT test certificate
Possession MOT certificate < 6months old	Penalty reduced by 50%	Driver presents an MOT test certificate
Evidence of proper maintenance	Penalty reduced by 50%	Driver presents satisfactory evidence of vehicle maintenance eg service logbook from reputable garage
Fault corrected within 14 days and Possession of MOT certificate < 6months old	Penalty waived	Driver presents evidence of both
Fault corrected within 14 days and Evidence of proper maintenance	Penalty waived	Driver presents evidence of both

4.3 Publicity Strategy

- a. It is anticipated that preparatory publicity will commence before the end of 2002.
- b. Full details of the advisory emission testing events and the forthcoming powers to carry out mandatory emission testing will be fully publicised, to ensure that all motorists are aware of the new requirements.
- c. A high profile publicity strategy is to be worked out fully with the Press Office. This will include coverage in the Mercury, LINK magazine, website and on local radio to raise awareness of the new powers to stop and test vehicles, and the improvements in air quality this can achieve.
- d. Coverage on local radio broadcasts, in particular hourly traffic bulletins, will inform motorists of where advisory emission testing events are being held.
- e. Follow up coverage in the "Mercury" and on radio will be arranged once mandatory testing has commenced, to report on progress and results, and to ensure that profile is maintained.
- f. Advisory emission events will be publicised on the Intranet and website to encourage staff to have their personal vehicles tested.

4.4 Summary of Implementation Proposals

The effectiveness of the scheme in improving air quality lies in self-regulation by motorists; the emphasis will therefore be on education and advice rather than enforcement.

4.4.1 Vehicle Emission Monitoring

- a. As a forerunner to mandatory testing, a series of advisory emission testing events will be organised around the city. At these events no enforcement action will be taken against motorists, instead advice will be given on engine maintenance. A mechanic will be on hand to rectify minor faults that might cause a vehicle to fail the emissions test, free of charge.

- b. Advisory emission testing events will be publicised fully, and will commence in January 2003.
- c. An application has been made for NRF funding, involving an integrated programme targeted at reducing emissions from road traffic in Belgrave and Latimer Wards. As part of this scheme advisory vehicle emission testing will be undertaken. Further events will be held elsewhere in the city; previous voluntary emission testing events have been well supported by motorists.
- d. Mandatory emission testing will then commence in February 2003, with the support of the Police and it is proposed to run a minimum of 12 days mandatory testing days per year.
- e. A testing programme for corporate vehicles will be implemented to identify non-compliant vehicles.

4.4.2 Requiring vehicles to switch engines off when parked

- a. An educational and advisory approach to enforcement will be adopted, focussing particularly on city centre and district centres. The legislation affects all vehicles, including buses, taxis, delivery vehicles and private motor cars. This will be made clear in associated publicity.
- b. The programme will be introduced by working closely with groups such as bus companies and taxi drivers to achieve self-regulation.
- c. Initially advice will be offered to drivers, with enforcement action being used only for persistent and unco-operative drivers.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial implications

Air Quality Review and Assessment is carried on from within existing budgets. Specific funding has been granted by DfT to support vehicle emissions control work; in addition, the outcome of a bid for NRF funding to support complementary educational projects is awaited.

2. Legal implications

As previously reported, not completing Stage 4 of the air quality Review and Assessment by the end of 2001 is a technical breach of statute but the City Council has negotiated with (*then*) DEFRA the completion of the Stage 4 report by the end of 2002. Legal Services were consulted on this matter during preparation of the previous Cabinet Report of 5th June 2005.

The issue of the adoption and delegation of statutory powers to the Director of E, R and D is discussed in *Supplementary Information, Section 4.2 (a)* of this Report.

3. Other implications

OTHER IMPLICATIONS	YES/NO	Paragraph References within Supporting Information
Equal Opportunities	YES	Section 2 (final para. p.4)
Policy	YES	Section 2, <i>passim</i>
Sustainability and Environmental	YES	Section 2, <i>passim</i>
Crime and Disorder	NO	-
Human Rights Act	NO	-
Elderly/People on Low Income	YES	Section 2 (final para. p.4)

4. Background papers – Local Government Act 1972

None.

5. Consultations

None.

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**Appendix 1. Statutory Review and Assessment of Air Quality (Fifth Round, 2003)
Leicester City Council Initiatives Linked to Air Quality**

Initiative	Status
<p>a. The Local Transport Plan</p>	<p>Current Plan runs until 2006, subject to detailed phasing and progress reporting. Air Quality improvement is prescribed as a key progress indicator.</p> <p>In Stage 5 and subsequent phases of Review and Assessment, air quality outcomes of schemes will be modelled in advance, and verified after they are in place.</p>
<p>b. The City of Leicester Local Plan</p>	<p>Now approaching Second Deposit Draft stage: Provision made to include air quality as a significant planning policy issue.</p>
<p>c. Voluntary and statutory testing of vehicle emissions</p>	<p>(See Appendix 5, below, for full details of programme)</p> <p>DfT special funding has been granted to commence this activity during 2002/03. The outcome of an NRF bid for complementary health / education / environment funding is awaited at the time of this report.</p> <p>Initially, a publicity programme will introduce the activity, commencing with free, voluntary vehicle testing and advice, without fear of penalty. The cost- and environmental- benefits of compliant vehicles (and of other aspects of driver behaviour) to motorists themselves, will be pointed out.</p> <p>After advance warning publicity, this will be followed by regular statutory testing to secure rectification of polluting vehicles. Unco-operative motorists / owners will be subject to fixed penalties.</p>
<p>d. Controls on vehicles standing with their engines idling unnecessarily</p>	<p>This is a common cause of complaint to the City Council and of letters to the local press, especially with respect to buses on City centre roads used as bus stations.</p> <p>It is proposed that discussions be held with the bus companies, with the aim of agreeing a protocol for dealing with problem. Legal powers would be used as a back-up.</p>
<p>e. The proposed 'Leicester West' scheme Various proposed "park and ride" sites</p>	<p>This proposal, was placed before Cabinet on 7th November.</p> <p>The air quality effects of various policy options can be modelled, to inform the planning and decision process.</p> <p>At the time of this report only the park and ride site at Birstall has the potential to proceed within the relevant time-scale. The impact of any or all proposed additional sites can be projected.</p>
<p>f. European Projects: HEAVEN</p>	<p>The project is nearing its final phase, and has provided a framework that will be used to support existing policies, in assessing the impact of traffic management strategies on air quality and noise</p>
<p>g. The Leicester Regeneration Company Master Plan</p>	<p>At an advanced stage of development and subject to air quality inputs. Air quality modelling can be used to evaluate the air quality impact of proposals.</p>
<p>h. The Climate Change Strategy</p>	<p>Currently under development in partnership with De Montfort University, for publication in early 2003. This strategy has obvious linkages and overlaps with the Air Quality Action Plan and should be closely integrated with it.</p>
<p>i. Noise mapping of large urban areas.</p>	<p>This is subject to an EC Directive, currently under gestation: This is likely impose a statutory duty on the City Council to map noise exposure levels within the City and to develop a comprehensive Noise Management Plan. A key issue will be traffic noise and areas affected are likely, in many cases, to coincide with areas of poor air quality and other traffic-related problems, i.e. in proximity to busy roads.</p>