

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

15 JUNE 2016
ALL WARDS

BIRMINGHAM CLEAN AIR ZONE UPDATE

1 Summary

- 1.1 In February 2016 a report was brought before this Committee detailing the Air Quality Plans produced by Government in December 2015 and of Government's intent to mandate a Clean Air Zone (CAZ) for Birmingham.
- 1.2 A recommendation from the February report was that an update report would be brought before this Committee within four months. This was logged as minute number 691(ii) and this report seeks to discharge that outstanding minute.
- 1.3 This report seeks to update Committee on progress with the CAZ, although Members are asked to be mindful that as there is constant activity items may have changed / been updated since the report was submitted. Any significant changes / updates will be reported verbally at Committee.

2 Recommendations

- 2.1 That this report discharges minute number 619(ii) from the Committee of 17 February 2016.
- 2.2 That a further update / progress report be brought to this Committee when the scoping study is complete.

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3 Legislative Position and Health Effects

- 3.1 The Committee Report of 17 February 2016 detailed the legislative position around air quality and health effects arising from the same. There are no updates relevant to these items.

4 Government's Proposal – A Clean Air Zone for Birmingham

- 4.1 The Committee Report of 17 February 2016 explained how the Government's Air Quality Plans identified six cities¹ as being non-compliant with air quality targets beyond 2020 and how, to address this non-compliance, Government are mandating the introduction of Clean Air Zones (CAZ) within each city. A CAZ is an area where only the cleanest vehicles are encouraged and action is focussed to improve air quality.
- 4.2 For Birmingham the CAZ will restrict access to buses, coaches and heavy goods vehicles (HGVs) that are less than Euro VI for NO_x, and to vans and Hackney carriages that are less than Euro VI (diesel) and Euro 4 (petrol) for NO_x.
- 4.3 This means that vehicles which do not meet the required standard will be precluded from accessing the zone or be subject to a penalty fine should they enter the zone.
- 4.4 Current thinking with regards to the zone is that it will likely need to encompass the middle ring road (A4540), as this is a 'natural' cordon and the problem areas lie within.
- 4.5 Furthermore, the above standards are believed to be insufficient to deliver full compliance by 2020 within Birmingham and as such additional local measures will need to be undertaken. These measures will be a combination of improved signage and rerouting, switching to different forms of transport (e.g. use of Park and Ride), road improvements and infrastructure for alternative fuels for the introduction of Liquid Petroleum Gas (LPG), Compressed Natural Gas (CNG), Electric and Hydrogen Fuel Cell vehicles. Some of these items are already under consideration by the City Council.
- 4.6 Scoping studies will be undertaken, led by the Local Authority but funded by Government, to identify the most appropriate local measure(s) to take forward to fill the compliance gap including further helping understand the scale of the problem and who may be affected.

5 CAZ Development Update

- 5.1 Officers from the City Council have been in regular correspondence with Defra to develop the CAZ. These correspondences have included:

¹ London, Birmingham, Leeds, Nottingham, Derby and Southampton

- Weekly teleconferences where progress either way can be discussed, tracked and maintained.
- On 18 February representatives from all the cities attended a CAZ meeting at Defra's Nobel House offices in London where discussions took place around how the various CAZ could be introduced, best practice from the London Low Emission Zone, modeling, financing and other related subject matters.
- On 17 May an Air Quality Workshop for senior Council officials is scheduled to be held at Defra's Nobel House offices in London.
- On 25 May an Air Quality Workshop for Officers of all the mandated cities is scheduled to be held at the Environmental Health offices at Manor House in Birmingham.

5.2 The current position, at the time of writing this report, is as follows:

- City Council officers have produced all necessary information as requested by Defra as they arise in the weekly teleconferences.
- We are awaiting the first draft of the guidance on scoping studies to be issued by Defra, this to include the policy, the procedure, and the outline for tenders.
- Once the first draft is issued the Cities will need to respond and provide comments to steer the draft to a final issue.
- Environmental Health are reviewing the areas of non-compliance identified by Defra, by looking to better understand the modeling inputs, with a view to hopefully reducing the areas to more clearly defined road links, from which actual interventions can be considered.
- The process described in the point above would be assisted through discussion with the contractors who produced this model for Defra. We have requested a meeting through Defra and are awaiting their response.
- Both Environmental Health and Transportation Strategy are working to review and update their own respective models to assist in the actual scoping work, once the final guidance is issued.
- Both Environmental Health and Transportation Strategy are reviewing the options for utilizing existing infrastructure to support the CAZ scoping studies, and possible end-phase deployment e.g. through the Urban Traffic Control scheme ANPR cameras.
- Defra are continuing to explore how funding for the CAZ Scoping Study will be released.
- Other direct matters under consideration include the timeline for introduction, the legislative vehicle for deployment of the CAZ, discussions with legal experts, etc.
- There are many other related work items that are feeding into and drawing from the CAZ work e.g. discussions with the ITA, development of a Taxi Emissions Policy, work with Centro and the bus companies, developing policy through the LETCP², etc.

² Low Emissions Towns and Cities Programme

- 5.3 During the presentation to the report in February the question was raised as to whether private hire vehicles would be covered within the CAZ by the criteria for taxis. This has been answered within a report taken to this Committee by the Head of Licensing in April, wherein it was confirmed that the CAZ would cover both Hackney Carriage and private hire vehicles, and further, Committee made the decision to set a vehicle emission policy for private hire and Hackney Carriage vehicles in line with the CAZ requirements.
- 5.4 The types of vehicles being considered for the CAZ remains unchanged, namely buses, HGV, LGV and taxis, although it is reiterated that even with a CAZ covering these vehicles types there will be a compliance gap and the scoping study will attempt to identify how that gap can be filled.
- 5.5 The area being considered for the CAZ has not changed and remains as being the A4540 ring road, although this is subject to change pending what may arise from the scoping study.

6 Implications for Resources

- 6.1 The resources employed in carrying out the work detailed in this report are partly delivered by Defra in the form of grant and anticipated support funding, whilst Officer time will be contained within this Committee's budget.
- 6.2 Colleagues within Transportation are developing a Project Definition Document to cover the CAZ workstream, this to consider funding for certain work items through the Future Council programme.

7 Implications for Policy Priorities

- 7.1 The management of air quality contributes to fulfilling the policies of Birmingham 2026: Our vision for the future and supports the strategic outcomes set out in the Council Business Plan for 2015+, specifically that of a Prosperous City - where local entrepreneurs can thrive; inward investment is attracted; there is a highly skilled workforce. A smart, green and sustainable city with excellent connectivity.
- 7.2 The work undertaken by Environmental Health also supports the Regulation and Enforcement Division's mission statement to provide 'fair regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors'.
- 7.3 The investigation and delivery of a Clean Air Zone supports the 20 year transport strategy set out within Birmingham Connected, the goal of which is to create a transport system for everyone, one that puts people first and delivers better connections for citizens and businesses; one that improves daily lives by making travel more accessible, more reliable, safer and healthier.

7.4 A link between poor air quality and social deprivation has been established with the more inner city wards suffering the greatest amount of pollution. Consideration of CAZ to limit pollution within the city centre is a worthy endeavor, although care must be taken to ensure that the knock on effects of any restrictions are considered so as to avoid transferring the vehicles and the associated pollution to other sensitive areas.

8 Public Sector Equality Duty

8.1 Air pollution has the potential to affect all members of society but can have specific impacts on pregnant women and the unborn child. The concerns about such are widely known and health advice is issued accordingly by relevant medical professionals.

8.2 The approach taken to address air quality is such as to protect all members of society and does not discriminate against any group.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Report to Licensing and Public Protection Committee entitled "Government Air Quality Plans December 2015", dated 17 February 2016