

BIRMINGHAM CITY COUNCIL

SUSTAINABILITY AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE

WEDNESDAY, 10 JULY 2019 AT 10:30 HOURS
IN ROOM M93, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES

To receive any apologies.

4 REQUEST FOR CALL IN - CLEAN AIR ZONE: CHARGING ORDER AND INDICATIVE ALLOCATION OF NET PROCEEDS

- (A) The public Executive decision record
- (B) The relevant form for the "Request for Call-In" lodged by Councillors Majid Mahmood and Zhor Malik.
- (C) The public report considered by the Cabinet in reaching its decision.

5 REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

To consider any request for call in/councillor call for action/petitions (if received).

3 - 96

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

7 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

Details

Status	Decision Proposed
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Title

Clean Air Zone: Charging Order and Indicative Allocation of Net Proceeds
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Urgent Decision - Not in Forward Plan	No
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Details for Agenda Sheet

Report of Director, Inclusive Growth.

(Report was marked 'To Follow')

Implementation Date (not before meeting on)

Tue 25 Jun 2019

Purpose

Enables BCC to gain consent and therefore enforce the CAZ starting from 1 st January 2020
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Key Portfolio

Transport and Environment

Include item on Forward Plan/ Key Decision

Yes

Decision Maker**Reason For Key Decision**

significant effect on 2 or more Wards

Relevant Documents**Is Private**

No

Directorate

Inclusive Growth

Other Information**Private Reason****Decision Outcome**

On 25 June 2019, Cabinet:-

- i. Approved the making of the Birmingham Clean Air Zone Charging Order 2019 (the Charging Order) substantially in the form provided as Appendix A to the report, to take effect no earlier than the 1st July 2020;
- ii. Agreed to delegate authority to the Assistant Director Transport and Connectivity jointly with the City Solicitor (or their delegate) to agree and authorise any non-material changes to the Charging Order prior to making, in consultation with the Leader, Cabinet Member for Transport and Environment, and the Cabinet Member for Finance and Resources;
- iii. Authorised the City Solicitor to seal and make the Clean Air Zone Charging Order including any changes to the version of the Order provided as Appendix A to the report as may be necessary in accordance with decision (ii) above;
- iv. Approved the indicative allocation of net proceeds resulting from the implementation of the CAZ to the priority uses, projects and programmes set out in paragraph 7.3.4 to the report, noting that specific project approvals will be undertaken in accordance with the Council's Gateway and Related Financial Approval Framework;
- v. Authorised the City Solicitor to negotiate, execute, seal and complete all necessary documentation to give effect to the above decisions.

THE DEADLINE FOR CALL IN IS 1600 HOURS ON TUESDAY 2 JULY 2019.

On Monday 1 July 2019 at 0947 hours, a request for call-in was submitted by Councillors Majid Mahmood and Zhor Malik. No action on the decision can be taken until the request for call-in has been considered by the relevant Overview and Scrutiny Committee within 15 days of the decision being posted.

Rating	Yes
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Is the Decision Maker Aware of the Decision	No
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Is the Head of Services Aware of the Decision	No
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Is Decision County Wide	No
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Would the recommended decision be contrary to the budget and policy framework	No
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Decision Maker Role

Decision Options

Additional Information

Reg 10

Reg 11

Decision Criteria

This Decision does not contain any decision criteria records.

Wards

Balsall Heath West; Bordesely & Highgate; Bordesely Green; Edgbaston; Ladywood; Nechells; Newtown; Soho & Jewellery Quarter; Sparkbrook & Balsall Heath East

Topics

This Decision does not contain any Topic records



Appendix 2: Request for Call In – Pro-forma

To:

Committee Services, Room 315, Council House.

E-Mail: LESCommitteeServicesAll@birmingham.gov.uk (marked "For the attention of Dave Smith")

Date:

01/07/2019

Please arrange for a meeting of the

Sustainability and Transport or Health

O&S Committee

to be called to discuss the following executive decision:

Title:

CLEAN AIR ZONE: Charging Orders & Indicative Allocations of Net proceeds

Taken By:

CABINET

On:

25/06/2019

Reason for request:

(a) Is the Executive decision within existing policy?

1. the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies; ☐
2. the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees; ☐
3. the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive); ☐

(b) Is the Executive decision well-founded?

4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision; ☒
5. the Executive appears to have overlooked some relevant consideration in arriving at its decision; ☐
6. the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do; ☒
7. the decision appears to be particularly "novel" and therefore likely to set an important precedent; ☐
8. there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council. ☐



(c) Has the Executive decision been properly taken?

9. the decision appears to give rise to significant legal, financial or propriety issues; ☐

10. the notification of the decision does not appear to have been in accordance with council procedures; ☐

(d) Does the Executive decision particularly affect a District?

11. the decision appears to give rise to significant issues in relation to a particular District. ☒

Councillor



(Signed)

MAJID MAHMOOD

(Print Name)

Councillor



(Signed)

Zhor Mando

(Print Name)

Late Report

Report to:	CABINET
Report of:	Director Inclusive Growth
Date of Decision:	25th June 2019
SUBJECT:	CLEAN AIR ZONE: CHARGING ORDER AND INDICATIVE ALLOCATION OF NET PROCEEDS
Key Decision: Yes / No	Relevant Forward Plan Ref: 006457/2019
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member:	O&S Chair approved <input type="checkbox"/>
Relevant O&S Chair:	Councillor Waseem Zaffar: Transport and Environment Councillor Tristan Chatfield: Finance and Resources Councillor Liz Clements: Sustainability and Transport
Wards affected:	All wards affected

REPORT

*** To be completed for all late reports, ie. which cannot be despatched with the agenda papers ie. 5 clear working days' notice before meeting.**

Reasons for Lateness

The cabinet papers relating to the CAZ charging order included confirmation that the launch date for the CAZ was to be postponed, which is due to Government delays in the delivery of key digital systems required to make the zone operational and enforceable. It was important to manage this announcement with a wide group of stakeholders as well as the other impacted city – Leeds.

Reasons for Urgency

The CAZ Charging Order is to be published in June 2019

Birmingham City Council

Report to the Cabinet

Date: 25th June 2019



Subject: **CLEAN AIR ZONE: CHARGING ORDER AND INDICATIVE ALLOCATION OF NET PROCEEDS**

Report of: **Director Inclusive Growth**

Relevant Cabinet Member: Councillor Waseem Zaffar: Transport and Environment
Councillor Tristan Chatfield: Finance and Resources

Relevant O & S Chair(s): Councillor Liz Clements: Sustainability and Transport
Councillor Sir Albert Bore: Resources

Report author: Phil Edwards, Assistant Director Transport & Connectivity
Telephone No: 0121 303 6467
Email Address: Philip.edwards@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006457/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 Following a successful business case submission to the Department for Environment, Food and Rural Affairs (DEFRA) to implement a Clean Air Zone (CAZ), grant funding of £14.215m (Implementation Fund) and £37.975m (Clean Air Fund) was accepted by the Council in March 2019. Government approval of the business case was accompanied by a Ministerial Direction, which required the Council to implement the approved scheme for a CAZ and supporting measures to achieve air quality compliance in the shortest possible time and by 2021 at the latest.

- 1.2 Bringing forward air quality compliance to 2021 was based upon a 2nd January 2020 commencement date for the CAZ as set out in the business case, with Government responsible for delivering a 'vehicle checker' to enable vehicle owners to obtain a definitive position as to their vehicles emissions standard, and subsequently compliance or non-compliance in respect of the CAZ. In addition, Government was to develop and implement a Payment, Settlement and Reconciliation (PSR) system, which would allow for the payment of charges by vehicle owners and match and reconcile payments in respect of compliance and date of entry into the CAZ. The system would also enable Government to send the Council a schedule of non-compliant vehicles that had entered the CAZ and failed to pay the charge to trigger the issue of a Penalty Charge Notice (PCN) once a cross check of local exempt vehicles had been undertaken.
- 1.3 Through the programme management arrangements put in place to work collaboratively with Government to deliver the CAZ, a delay to the delivery of the vehicle checker has been announced by the Joint Air Quality Unit (JAQU), which will see delivery following testing and commissioning in December 2019 rather than October 2019 as originally planned. In the context of a 2nd January 2020 commencement date for the CAZ, it is not considered acceptable to residents, businesses and visitors to the city to have a matter of weeks if not days to make key choices about their travel behaviour or upgrade their vehicle to a compliant standard. On this basis, it is proposed that the commencement date for the CAZ be delayed to no earlier than 1st July 2020, with air quality compliance subsequently moving back to 2022.
- 1.4 In terms of the PSR system referenced above, JAQU is currently looking for the reconciliation element of the system to be delivered by local authorities rather than Government, as ultimately local authorities will hold all payments. Whilst a formal change control has yet to be received from JAQU, it is estimated that development and delivery of this system could take upto 12 months from the point of local authorities receiving a detailed technical specification. Additional funding would also be required from JAQU in respect of confirmed scope changes and the need for local authorities to put in place a customer help desk to deal with payment queries.
- 1.5 Whilst the Council has asked JAQU to investigate procuring the reconciliation system for all local authorities set to introduce a CAZ as originally planned, it must be recognised that any formal change control or delay in the receipt of the technical specification could pose a further risk to the 1st July 2020 commencement date and associated achievement of air quality compliance in the shortest possible time.
- 1.6 Notwithstanding the above challenges, it is proposed that the Council working closely with Government and other CAZ cities continues to drive forward the clean air agenda and achieve air quality compliance in the shortest possible time. This includes commencing necessary exemption and mitigation processes to offset social and economic impacts identified as part of the Equalities Assessment

process. As such, this report seeks authority to make and implement the necessary Birmingham CAZ Charging Order (the Charging Order). In doing so, approval is sought to exercise the powers conferred on the Council by the Transport Act 2000 and all other powers enabling it to make the Order.

- 1.7 The Charging Order is the legal instrument that allows the Council to implement a CAZ and introduce charges for non-compliant vehicles entering or passing through it. The Charging Order has been drafted in accordance with the requirements of the Transport Act 2000.
- 1.8 The draft Charging Order is provided as Appendix A to this report and includes: the boundary of the CAZ; the scope of vehicles concerned; required emissions standards; charges for non-compliant vehicles; exemptions and penalty charges for non-payment. Should Cabinet not approve the implementation of the Charging Order, it is unlikely that clean air compliance will be achieved in the shortest possible time, with a resultant risk of incurring significant but as yet unspecified fines.
- 1.9 This report also sets out a proposed indicative allocation of net proceeds resulting from the implementation of the CAZ in accordance with Part 3 of the Transport Act 2000. Schedule 12 paragraph 8 requires that net proceeds of a charging scheme shall be applied by a local authority “for the purpose of directly or indirectly facilitating the achievement of local transport policies of the authority”. This requirement was further embedded within reports to Cabinet on the 26th June 2017 and 11th December 2018 relating to air quality and the CAZ respectively.

2 Recommendations

- 2.1 Approves the making of the Birmingham Clean Air Zone Charging Order 2019 (the Charging Order) substantially in the form provided as Appendix A to this report, to take effect no earlier than the 1st July 2020.
- 2.2 Delegates authority to the Assistant Director Transport and Connectivity jointly with the City Solicitor (or their delegate) to agree and authorise any non-material changes to the Charging Order prior to making, in consultation with the Leader, Cabinet Member for Transport and Environment, and the Cabinet Member for Finance and Resources.
- 2.3 Authorises the City Solicitor to seal and make the Clean Air Zone Charging Order including any changes to the version of the Order provided as Appendix A as may be necessary in accordance with recommendation 2.2 above.
- 2.4 Approves the indicative allocation of net proceeds resulting from the implementation of the CAZ to the priority uses, projects and programmes set out in paragraph 7.3.4 of this report, noting that specific project approvals will be undertaken in accordance with the Council’s Gateway and Related Financial Approval Framework.
- 2.5 Authorises the City Solicitor to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.

3 Background

- 3.1 As a result of ongoing breaches of legal NO₂ limits the Government has identified Birmingham as one of 28 UK cities that must take action to achieve clean air compliance in the shortest possible time. The Council has developed a proposal, which supports the Government's industrial strategy so that it can deliver reduced emissions in a way that best meets the needs of communities and local businesses.
- 3.2 Following a successful business case submission to DEFRA to implement a CAZ, grant funding of £14.215m (Implementation Fund) and £37.975m (Clean Air Fund) was accepted by the Council in March 2019. Government approval of the business case was accompanied by a Ministerial Direction, which required the Council to implement the approved scheme for a CAZ and supporting measures to achieve air quality compliance in the shortest possible time and by 2021 at the latest.
- 3.3 Bringing forward air quality compliance to 2021 was based upon a 2nd January 2020 commencement date for the CAZ as set out in the business case, with Government responsible for delivering a 'vehicle checker' to enable vehicle owners to obtain a definitive position as to their vehicles emissions standard, and subsequently compliance or non-compliance in respect of the CAZ. In addition, Government was to develop and implement a Payment, Settlement and Reconciliation (PSR) system, which would allow for the payment of charges by vehicle owners and match and reconcile payments in respect of compliance and date of entry into the CAZ. The system would also enable Government to send the Council a schedule of non-compliant vehicles that had entered the CAZ and failed to pay the charge to trigger the issue of a Penalty Charge Notice (PCN) once a cross check of local exempt vehicles had been undertaken.
- 3.4 As set out in paragraph 1.3 there are delays in the delivery of the vehicle checker by Government that necessitate pushing back the commencement date for the CAZ to no earlier than 1st July 2020 so as to give residents, businesses and visitors to the city sufficient time to make travel behaviour choices or to upgrade to a compliant vehicle. This would resultantly push air quality compliance back to 2022.
- 3.5 As set out in paragraphs 1.4 and 1.5, there is a further risk to the commencement date for the CAZ relating to the delivery of the reconciliation element of the PSR system by local authorities rather than Government as planned. Whilst a formal change control has yet to be received from JAQU, it is estimated that development and delivery of this system could take up to 12 months from the point of local authorities receiving a detailed technical specification. Additional funding would also be required from JAQU in respect of the changed scope and the need for local authorities to put in place a customer help desk to deal with payment queries.
- 3.6 Whilst the Council has asked JAQU to investigate procuring the reconciliation system for all local authorities set to introduce a CAZ as originally planned, it must be recognised that any formal change control or delay in the receipt of the technical specification could pose a further risk to the 1st July 2020

commencement date and associated achievement of air quality compliance in the shortest possible time.

3.7 The Charging Order is the legal instrument that allows the Council to implement the CAZ and introduce charges for non-compliant vehicles entering it. The Charging Order has been drafted in accordance with the approved business case submission to DEFRA and the necessary requirements of the Transport Act 2000.

3.8 The Charging Order in Appendix A details:

The Boundary: Once the order is made, the Charging Order will contain the plans delineating the precise CAZ boundary. At the current time the plans are shown separately in Appendix B.

The scope of the vehicles included within the CAZ: The proposed CAZ D with additional measures will impose charges on all non-compliant vehicles (except motorcycles).

The required emissions standards: As per Government guidance a vehicle is classed as non-compliant if it falls below Euro 4 for petrol vehicles and Euro 6 for Diesel vehicles.

The charges for non-compliant vehicles and penalty charges for non-payment: As per the legislation, penalty charges will be reduced if paid within 14 days as per the table below:

Vehicle	Car	LGV	HGV	Bus	Taxi
CAZ Charge	£8.00	£8.00	£50.00	£50.00	£8.00
Penalty Charge	£120.00	£120.00	£120.00	£120.00	£120.00
Penalty Charge (discounted)	£60.00	£60.00	£120.00	£120.00	£60.00

The exemptions: The local exemptions are set out in detail in Appendix C. These include all of the exemption categories referred to in Table 3.0 of the report to Cabinet dated 11 December 2018, with the exception of GP offices and care homes due to these medical facilities not offering an emergency out of hours service.

In addition, the following standard vehicle categories are exempt:

- Specialist emergency vehicles (ambulance, fire and police);
- Vehicles with a historic tax class;
- Military vehicles;
- Showman's vehicles;
- Recovery vehicles;

- Special vehicles;
- Agricultural and similar vehicles, and
- Vehicles within the disabled tax class.

The mechanisms for payment: The Charging Order has been drafted in advance of the finalisation by Government of the national payment portal which will govern the payment process and which is still under development. As such the Charging Order retains some discretion on exactly how payment provisions will operate to allow for the requirements of the payment portal when finalised.

The spending objectives: In the event that net proceeds are generated from the implementation of the CAZ, it is proposed that they are allocated in accordance with Part 3 of the Transport Act 2000. Schedule 12 paragraph 8 requires that net proceeds of a charging scheme shall be applied by a local authority “for the purpose of directly or indirectly facilitating the achievement of local transport policies of the authority. This requirement was further embedded within reports to Cabinet on the 26th June 2017 and 11th December 2018 relating to air quality and the CAZ respectively. Further detail in respect of priorities is provided below.

- 3.9 As noted in 3.8 above, certain provisions in the Charging Order may need to be changed prior to the making of the Order as greater detail becomes available from Government on the national payment portal. However, these changes are envisaged to be minor and will only impact on specific clauses of the Charging Order. As a result, it is proposed that any such changes be delegated to the Assistant Director Transport and Connectivity jointly with the City Solicitor (or their delegate) in consultation with the Leader, Cabinet Member for Transport and Environment, and the Cabinet Member for Finance and Resources.
- 3.10 In accordance with Department for Transport (DfT) guidance, the scheme will use a number of signs to provide advance warning of the CAZ, signal the start and end of the CAZ boundary, and signal where a camera is located. An example of the possible signage is shown below:



4 Options considered and Recommended Proposal

- 4.1 Approve the Charging Order in line with the recommendations in this report – this will enable the implementation of the CAZ to progress to enable air quality compliance in the shortest possible time.
- 4.2 Do not approve the Charging Order in line with the recommendations in this report – should the Council not approve the implementation of the Charging Order, it is unlikely that clean air compliance will be achieved in the shortest possible time, with a resultant risk of incurring significant but as of yet unspecified fines.

5 Consultation

- 5.1 A statutory public consultation was undertaken by the Council between July and August 2018. This was reported to Cabinet in September 2018.
- 5.2 The implementation of a CAZ has and continues to be governed by a cross-directorate Brum Breathes Project Board and cross-directorate Executive Board (chaired by the Cabinet Member for Transport and Environment and attended by Directors/Assistant Directors from all directorates). In addition, a Members working group has been established for all wards within the CAZ boundary, with this group chaired by the Member of Parliament for Ladywood.
- 5.3 Detailed discussions with JAQU have taken place and are continuing as part of the programme management arrangements put in place for CAZ cities.
- 5.4 The allocation of net proceeds resulting from the implementation of the CAZ has been considered by relevant portfolio holders including the Leader and Cabinet Member for Transport and Environment, and officers from Transport for West Midlands.
- 5.5 Officers from Legal and Governance Services, Finance and Procurement have been involved in the preparation of this report, with specialist external legal support engaged in terms of the drafting of the Charging Order.

6 Risk Management

- 6.1 The CAZ is now proposed to commence no earlier than 1st July 2020, with good progress being made in terms of programmes of capital works, exemptions and mitigations packages, and Council back-office systems.
- 6.2 JAQU is responsible for production and implementation of a charging portal, payment, settlement and reconciliation system and a vehicle compliance database and checker that will enable the timely commencement of the CAZ. As described above, there are currently delays to these activities and the strong likelihood that the reconciliation and possibly certain other system elements may be passed to the Council for delivery. These would represent a change in scope and lead to additional costs not included within the approved business case. In addition, such delays will result in air quality compliance being pushed back into 2022. It should be noted that any further changes in scope could result in further delays and costs.

- 6.3 A Senior Responsible Officers (SRO) group has been established to manage risks in this respect, with membership comprising of senior JAQU civil servants and senior officers from both the Council and Leeds City Council (who are also taking forward a CAZ).
- 6.4 The Council has requested in writing formal change controls from Government and has sought additional funding to cover any costs not included in the approved business case. Appropriate acknowledgement has been sought from JAQU to protect the Council from any subsequent legal action by third parties arising from delays in achieving air quality compliance.
- 6.5 Overall programme risks are managed through the Brum Breathes Project Board and Executive Board, while monthly dashboard reports are scheduled for ongoing consideration at Council Management Team.
- 6.6 An update report will be brought to Cabinet in February 2020 to provide a holistic view of progress and address any scheme revisions. Other reports will be brought forward as required.
- 6.7 A risk register is provided as Appendix D to this report.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The recommendations of this report are fully consistent with the Council Plan 2018-2022, with clean air a key corporate priority.
- 7.1.2 Improving air quality is a key ambition of the Birmingham Health and Wellbeing Strategy and supports the delivery of policies included in the Birmingham Connected Transport White Paper, which in turn, supports delivery of the Birmingham Development Plan and the West Midlands Combined Authority's Movement for Growth.

7.2 Legal Implications

- 7.2.1 The Charging Order has been drafted in accordance with statutory powers pursuant to Part III and Schedule 12 of the Transport Act 2000, The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013, and of all other enabling powers. The Charging order is the legal instrument that practically implements the Full Business Case for the CAZ and sets out the requirement for road users who are subject to charging in the CAZ as well as a plan for applying any of the net proceeds.
- 7.2.2 The Air Quality Standards Regulations 2010 ("the Regulations") have brought Directive 2008/50/EC of the European Parliament and of the Council on Ambient Air Quality and Cleaner Air for Europe into UK Law. Regulation 26 of the Regulations required the Secretary of State to draw up and

implement an air quality plan to achieve the relevant limit or target value of pollutants in ambient air within the shortest possible time.

- 7.2.3 The Government's Air Quality Plan (the UK Plan for Tackling roadside Nitrogen Dioxide Concentration) was published in July 2017 and required Local Authorities to set out their initial plans for improving air quality by the end of October 2017 and their final plan by the summer of 2018.

7.3 Financial Implications

- 7.3.1 Government funding to implement the CAZ comprising £14.215m (Implementation Fund) and £37.975m (Clean Air Fund) was accepted by the Council in March 2019. Expenditure will be approved in accordance with the Council's Gateway and Related Financial Approval Framework and the delegations approved by Cabinet on the 11th December 2018. Any change controls will be managed in accordance with the Council's standard governance procedures and the grant conditions set out by Government in providing the above grant awards.
- 7.3.2 Subject to the approval and making of the Charging Order, the Council will be able to charge non-compliant vehicles entering the CAZ and associated penalty charges in the event of non-payment (as detailed in section 3.8). In accordance with the Transport Act 2000 the first call on such revenue resources will be CAZ operating costs as set out in the full business case approved by Cabinet on the 11th December 2018.
- 7.3.3 After funding operating costs it is estimated that £82.174m of net proceeds will be available between 2020/21 and 2030/31. This figure is considered to be a prudent estimate by assuming net proceeds of 65% of the annual forecasts shown in the full business case approved by Cabinet on the 11th December 2018. This prudent approach allows for variations from annual forecasts for income and expenditure and aligns with a similar methodology applied by the Greater Birmingham and Solihull Local Enterprise Partnership's Enterprise Zone in respect of forecast business rates growth income.
- 7.3.4 Part 3 of the Transport Act 2000, section 12, paragraph 8 requires that net proceeds of a charging scheme shall be applied by a local authority "for the purpose of directly or indirectly facilitating the achievement of local transport policies of the authority". Further to reference to the Council's transport policies and consultation with, relevant portfolio holders and Transport for West Midlands the projects and initiatives below have been given the indicative allocation totalling £75.700m of net proceeds. to the below projects.
- Controlled Parking Zones to mitigate localised impacts of the CAZ;
 - Gap funding for the Hydrogen Bus Pilot;
 - City centre pedestrianisation and public realm improvements;

- Enhanced programme of bus priority, walking and cycling schemes;
- Creation of Clean Air City Fund, with a proposed annual allocation of £20,000 to each ward (£40,000 for two member wards) for use against a defined catalogue of measures to aid sustainable transport and improve air quality;
- New transformational transport plans for the period up to 2050; and
- Match funding contributions towards new or upgraded public transport projects.

7.3.5 The net proceeds will be monitored through the quarterly financial reporting processes to Cabinet, with annual programming revised or updated as part of the annual Transportation and Highways Capital Programme report to Cabinet, similarly to reporting of net surplus bus lane enforcement income.

7.4 Procurement Implications (if required)

7.4.1 Procurement arrangements have previously been agreed by Cabinet.

7.4.2 It should be noted that any changes in scope may require additional Procurement approvals.

7.5 Human Resources Implications (if required)

7.5.1 Human resource implications have been previously agreed by Cabinet, with new posts or agency worker requests actively being handled by the Council's Review Board in accordance with normal practise.

7.5.2 It should be noted that any changes in scope may have an impact on additional Human Resources, with these to be handled in accordance with normal practise.

7.6 Public Sector Equality Duty

7.6.1 The Council has a statutory equality duty to ensure that no dis-benefits are introduced to any persons who share a protected characteristic. The CAZ programme will have an impact on a variety of aspects including the health and well-being and financial capacity of those working, living and visiting the city. The scheme will have an impact upon air quality, congestion, ease of travel, within the city and also the capacity of the city's roads which will see an increased volume of traffic in some areas. As such, an Integrated Impact Assessment (IIA) has been undertaken during the feasibility phase which consists of an Equality Impact Assessment (EIA) and a Health Impact Assessment (HIA). As described below:

- Equality Impact Assessment: the purpose of this piece of work is to assess the impacts to the various socio economic groups which inhabit the city. The assessment shows that the largest impact will be to lower income families and those with disabilities. As part of the CAZ programme a number of mitigation measures have been developed

which will aim to reduce the impact on the people who fall into these groups.

- Health Impact Assessment: the purpose of this piece of work assesses the implications of introducing the various schemes on the health and well-being of those people who live, work and visit the city, highlighting the particular impacts on identified vulnerable groups such as, children and disabled people. The output of this assessment showed that the overall health impact would be positive, with areas of high income deprivation benefitting most. This is partly due to the improvement in vehicle emissions and the indirect benefits of the modal shift towards active travel.

7.6.2 Equality Assessment (EQUA210) is provided as Appendix E, as submitted as part of the full business case to Government. This document is being kept under review.

8 Appendices

- 8.1 Appendix A: Clean Air Zone Charging Order
- 8.2 Appendix B: Clean Air Zone Charging Order Plans
- 8.3 Appendix C: Local Exemptions
- 8.4 Appendix D: Risk Register
- 8.5 Appendix E: Equality Assessment

9 Background Documents

- 9.1 Tackling Air Quality in Birmingham, Cabinet Report, 26th June 2017.
- 9.2 Birmingham Clean Air Zone submission of a Preferred Option Business Case to Government, Cabinet report 10th September 2018.
- 9.3 Joint Cabinet Member/Chief Officer report “Joint Air Quality Unit Early Measures Fund for Local NO2 Compliance – Application for and acceptance of funding” 19th September 2018.
- 9.4 Birmingham Clean Air Zone Submission of Full Business Case and Request to Proceed with Implementation, Cabinet Report, 11th December 2018.
- 9.5 Clean Air Zone: Grant Acceptance – Report of the Cabinet Member for Transport and Environment jointly with the Chief Finance Officer and Director Inclusive Growth, March 2019.

PROTOCOL

PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.

If there is no adverse impact then that fact should be stated within the Report section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in section 4.4 of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 2
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions
(in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty (as an appendix).

EQUALITY ACT 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race

- (g) religion or belief
- (h) sex
- (i) sexual orientation

Appendix C – Local Exemptions

Target Group	Local Exemption	Duration
Commercial Vehicles registered within the CAZ	LGV/HGV/Coaches registered within the CAZ (max 2 vehicles per company).	1 year from commencement
Commercial Vehicles with an existing finance agreement	LGV/HGV/Coaches registered in the Birmingham City area travelling to the CAZ with an existing finance agreement beyond 2020 since at least 10 th September 2018 (max 2 vehicles per company).	1 year from commencement
Residents of the CAZ (private vehicles registered within the CAZ).	Private non-compliant vehicles registered within the CAZ.	2 years from commencement
Individuals travelling into the CAZ for work.	Individuals with non-compliant vehicles registered outside of the CAZ who travel into the CAZ for work and who meet the income criteria.	1 year from commencement
Hospital visitors	Visitors to specified hospitals in the CAZ in accordance with the criteria.	1 year from commencement
Community and schools vehicles.	Vans and mini buses registered as providing essential community and school transport services classified as section 19 and section 22 operators, registered for operation in Birmingham.	All Years

Appendix D – Risk Register

Risk No	Risk description	Risk mitigation	Current Risk			Additional steps to be taken
			Likelihood	Impact	Prioritisation	
1.	Combined database of vehicle number plates and emission standards enabling users to check if their vehicle meets the required Euro Emission Standards delivery by JAQU is further delayed beyond December 19 which will impact CAZ Commencement	Alternative Vehicle Checkers can be used as a guide however the Council cannot confirm the accuracy of such checkers for the Birmingham CAZ, nor guarantee definitive emissions/compliance standards.	High	High	Red	Continued liaison with JAQU to understand the extent and impact of the delay through the SRO Group.
2.	Delay in achieving Clean Air Compliance by the agreed deadline of 2021 resulting in significant, as yet unspecified fines and potential legal action by third parties.	Working with JAQU to mitigate delays in implementation and ensure all other measures, mitigations and exemptions are put in place.	High	High	Red	Continued liaison with JAQU to mitigate delays in implementation Acknowledgement required from Government to protect the Council from any subsequent action by third parties. Request made in writing.
3.	Change in responsibility from Government delivering a Payment, Settlement and Reconciliation(PSR) system to the Council delivering a local system	Change Control Request submitted to JAQU to identify full details of potential changes. Review alternative options for a PSR system to be delivered locally and necessary	High	High	Red	Letter sent to JAQU requesting a formal Change Request document defining the parameters of the change Additional funding may be required from JAQU to cover any additional costs

		procurement routes.				Acknowledgement required from Government to protect the Council from any subsequent action by third parties. Review of procurement frameworks to source necessary technical expertise.
4.	Additional resources may be required to deal with payment queries regarding payments to Payment.gov site which is now not being delivered by JAQU	Reviewing available options to setup and manage a local Help Desk and seeking additional resources from JAQU	Medium	High	Red	Guidance from JAQU required and liaison at SRO group.
5.	CAZ infrastructure delivered by the Council may not be fully in place by January 2020.	Robust Project Management in place to ensure target dates are met, along with 2 tier project and executive boards. Business partnering panel established to expedite reporting processes.	Low	Low	Green	Project progress tracked against key milestones and reported to Council Management Team
6.	Potential risk that public transport services will have insufficient capacity upon commencement of the CAZ.	Work with Public Transport providers and TfWM to address potential capacity issues	Low	Medium	Green	Continue to work with Public Transport providers and TfWM during development of plans
7.	Potential scope changes may present budget challenges.	Detailed financial profiling on budget spend against planned. Securing additional resources from JAQU	Medium	High	Amber	Quarterly financial reports to JAQU and Brum Breathes Programme Board Additional funding may be required from JAQU to cover

						any additional costs Request for resources put in writing to Government.
8.	Negative publicity resulting from the implementation of a Clean Air Zone	Key Stakeholders mapped, Communications Plan in place. Business Breathes website operational and engagement events planned	<i>Medium</i>	<i>Low</i>	<i>Green</i>	Dedicated Brum Breathes web site being developed. On-going engagement with affected groups.

TRANSPORT ACT 2000

Birmingham Clean Air Zone Charging Order 2019

Made []

Coming into force *In accordance with articles 1 and 2*

ARRANGEMENT OF INSTRUMENT

THE ORDER

1. Citation and commencement
2. The Scheme

SCHEDULE TO THE ORDER

BIRMINGHAM CLEAN AIR ZONE CHARGING SCHEME

1. Interpretation
2. Designation of roads in respect of which charges are imposed
3. Relevant vehicles
4. Compliant vehicles
5. Non-chargeable vehicles
6. Emissions standards required of compliant vehicles
7. Imposition of charges
8. Amount of charge payable by purchase of a licence
9. Payment of charges
10. Register of compliant and non-chargeable vehicles
11. Penalty charge for non-payment of charge
12. Immobilisation of vehicles
13. Removal, storage and disposal of vehicles
14. Duration of scheme
15. Transitional provisions – temporary non-chargeable vehicles
16. Ten and five year plans for net proceeds

ANNEXES TO THE SCHEME

1. Deposited plans
2. Non-chargeable vehicles
3. Emissions standards for compliant vehicles
4. Transitional provisions – temporary non-chargeable vehicles
5. Part 1 – the Council's general plan for applying its share of the proceeds of this Scheme during the opening ten year period

Part 2 – The Council's detailed programme for applying its share of the proceeds of this Scheme during the opening five year period

Whereas—

- (1) It appears to Birmingham City Council desirable, for the purposes of facilitating the achievement of Birmingham City Council's and the West Midlands Combined Authority's local transport policies, that it should make the following Order:
- (2) Appropriate persons have been consulted in accordance with section 170 of the Transport Act 2000:

Now, therefore, Birmingham City Council, in exercise of the powers conferred on it by Part III and Schedule 12 of the Transport Act 2000, Parts 2 and 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order is made on the [] day of [] 2019 and comes into force on the same day and may be cited as the "Birmingham Clean Air Zone Charging Order 2019".

The Scheme

2.—(1) The Scheme in the Schedule to this Order ("the Scheme") has effect in accordance with paragraphs (2) and (3).

(2) The Scheme, other than article 7 of the Scheme, comes into force on the day following the day on which this Order is made.

(3) Article 7 of the Scheme shall come into force on such date, not being earlier than 1 July 2020, as may be appointed by the Council in accordance with paragraph (4).

(4) The Council shall cause to be published in a newspaper circulating in the Birmingham area notice of the appointment of a date under paragraph (3), and the date so appointed shall not be earlier than the expiration of 28 days after the publication of the said notice.

(5) The notice referred to in paragraph (4) shall include the following particulars:

- (a) the date appointed under paragraph (3);
- (b) the general effect of article 7 of the Scheme coming into force on that date; and
- (c) details of a place at which this Order may be inspected and the times when it may be inspected.

**THE COMMON SEAL of
BIRMINGHAM CITY COUNCIL**

was hereunto affixed in
the presence of:

Authorised signatory:

SCHEDULE TO THE ORDER

Article 2

BIRMINGHAM CLEAN AIR ZONE CHARGING SCHEME

Interpretation

1.—(1) In this Scheme—

- (a) “1994 Act” means the Vehicle Excise and Registration Act 1994;
- (b) “approved retrofit scheme” means the Clean Vehicle Retrofit Accreditation Scheme and such other accreditation scheme or schemes as may from time to time be specified by the Council;
- (c) “business” includes a trade, profession or employment and includes an activity carried on by a body of persons, whether corporate or unincorporated;
- (d) “business premises” means premises that the Council is satisfied, by the production of such evidence as it may reasonably require, are permanently occupied for the purposes of carrying on a business;
- (e) “charge” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;
- (f) “charging day” means the period of twenty four hours from midnight to midnight;
- (g) “Class M₁” vehicles are those falling within class M_{1(a)} and class M_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (h) “Class M₂” vehicles are those falling within class M_{2(a)} and class M_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (i) “Class M₃” vehicles are those falling within class M_{3(a)} and class M_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (j) “Class N₁” vehicles are those falling within class N_{1(a)} and class N_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (k) “Class N₂” vehicles are those falling within class N_{2(a)} and class N_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (l) “Class N₃” vehicles are those falling within class N_{3(a)} and class N_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (m) “Clean Air Zone” means the area shown shaded yellow on the Clean Air Zone Plan, the boundaries of which are defined on the Clean Air Zone Boundary Plans;
- (n) “Clean Air Zone Boundary Plan” means a deposited plan specified in Part 2 of Annex 1 defining part of the boundary of the Clean Air Zone by showing areas within the Clean Air Zone as shaded yellow;
- (o) “Clean Air Zone Plan” means the plan corresponding with sheet A of Part 1 of Annex 1;
- (p) “commencement date” means the date appointed by the Council under article 2(3) of the Order;
- (q) “commercial vehicle” means—
 - (i) a relevant vehicle of Class M₂ other than a taxi or private hire vehicle, or any relevant vehicle of Class M₃, Class N₂ or Class N₃; and
 - (ii) a relevant vehicle of Class N₁ that the Council is satisfied is owned by a company or a sole trader;
- (r) “compliant vehicle” has the meaning given by article 4;
- (s) “compression ignition engine” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder or combustion space;
- (t) “compression ignition vehicle” means a vehicle powered wholly or partly by a compression ignition engine;
- (u) “Council” means Birmingham City Council;

- (v) “deposited plans” means the portfolio of plans comprising the Clean Air Zone Plan, the Clean Air Zone Boundary Plans and the Clean Air Zone Key Plan—
 - (i) deposited at the offices of the Council at Transport and Connectivity, Inclusive Growth Directorate, Birmingham City Council, 1 Lancaster Circus, Birmingham B2 2GA (Satnav B4 7DJ); and
 - (ii) consisting of the plans bearing the sheet numbers or letters, dates and revision numbers specified in Annex 1 to the Scheme;
- (w) “designated road” means one of the designated roads specified in article 2(2);
- (x) “electric vehicle” means a vehicle—
 - (i) which is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 20G (electrically propelled vehicles) of Schedule 2 to that Act; or
 - (ii) which the Council is satisfied operates wholly by means of an electrically powered propulsion system that draws its motive power from either a hydrogen fuel cell or from a battery that can be fully recharged from an external source of electricity and has tailpipe CO₂ emissions of 0 grams per kilometre;
- (y) “Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;
- (z) “ESC test” means a test as described in section 2.12 of Annex I to Council Directive 88/77/EEC and carried out using the procedure described in Appendix 1, Annex III of that Directive;
- (aa) “ETC test” means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive or a test carried out by means of a chassis dynamometer using a test cycle that the Council is satisfied replicates so far as practicable the standard ETC test cycle;
- (bb) “Euro 4” means the emissions limit values set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;
- (cc) “Euro 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (dd) “Euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (ee) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- (ff) “licence” means a licence purchased under article 9;
- (gg) “local road” means any road in respect of which the Council is the local traffic authority;
- (hh) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (ii) “National Payment Body” means a body charged with receiving road user charges made pursuant to clean air zone charging schemes and administering the National Payment Portal;
- (jj) “National Payment Portal” means the standardised payment system developed by Government through which payment of road user charges in clean air zones nationwide will be administered;
- (kk) “non-chargeable vehicle” is to be construed in accordance with article 5 and Annexes 2 and 4;
- (ll) “NO_x” means oxides of nitrogen;
- (mm) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- (nn) “positive ignition engine” means an internal combustion engine in which combustion is initiated by a localised high temperature in the combustion chamber produced by energy supplied from a source external to the engine;
- (oo) “positive ignition vehicle” means a vehicle powered wholly or partly by a positive ignition engine;
- (pp) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

- (qq) “reference mass” in relation to a vehicle means the mass of the vehicle with bodywork and, in the case of a towing vehicle, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids and tools, and spare wheel if fitted, and with the fuel tank filled to 90% and the other liquid containing systems, except those for used water, to 100% of the capacity specified by the manufacturer), increased by a uniform mass of 100 kilograms;
 - (rr) “register” means the register or registers of compliant and non-chargeable vehicles to be maintained by the Council and the National Payment Body under article 10;
 - (ss) “registered keeper” means—
 - (i) in relation to a vehicle registered in the United Kingdom, the person in whose name the vehicle is registered under the 1994 Act; or
 - (ii) in relation to any other vehicle, the person by whom the vehicle is kept;
 - (tt) “relevant vehicle” has the meaning given by article 3;
 - (uu) “retrofitted” means adapted so as to meet the standards required of a compliant vehicle—
 - (i) in accordance with an approved retrofit scheme; or
 - (ii) in such other manner as the Council is satisfied, by the production of such evidence as it may reasonably require, is of equivalent efficacy to an accredited retrofit scheme;
 - (vv) “sole trader” means an individual who is self-employed and registered for self-assessment within the meaning of section 9 of the Taxes Management Act 1970;
 - (ww) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
 - (xx) “Type I test” means a test as described in section 5.3 of Annex I to Council Directive 70/220/EEC (test for simulating/verifying the average tailpipe emissions after a cold start) and carried out using the procedure described in Annex III of that Directive;
 - (yy) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
 - (zz) “WHSC” means the World Harmonised Steady state Driving Cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
 - (aaa) “WHTC” means the World Transient Steady state Driving cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations.
- (2) In this Scheme—
- (a) a reference in any provision to an instrument of the European Community is to that instrument—
 - (i) as amended at the commencement date, if the instrument concerned is in force at that date; or
 - (ii) as amended at the date of its repeal, if that instrument has been repealed before the commencement date;
 - (b) a reference in any provision to an authorised person is to a person authorised by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
 - (c) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council is taken to include a reference to that person.

Designation of roads in respect of which charges are imposed

- 2.—(1) Charges are imposed by this Scheme in respect of the designated roads.
- (2) The designated roads are all local roads within the Clean Air Zone.

Relevant vehicles

- 3.—(1) A relevant vehicle is a vehicle of a class specified in paragraph (2) that is not—

- (a) a compliant vehicle; or
- (b) a non-chargeable vehicle.

(2) The classes of vehicle specified for the purpose of paragraph (1) are Class M₁, Class M₂, Class M₃, Class N₁, Class N₂ and Class N₃.

Compliant vehicles

4. A vehicle is a compliant vehicle if—

- (a) the vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme; and
- (b) particulars of the vehicle are for the time being entered in the register.

Non-chargeable vehicles

5. Annex 2 to this Scheme, which specifies categories of non-chargeable vehicles, has effect.

Emissions standards required of compliant vehicles

6. A vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme if the Council is satisfied that the vehicle is—

- (a) an electric vehicle;
- (b) a positive ignition vehicle that meets the standards specified for that vehicle in Table 1 of Annex 3 (Euro 4/IV Standards For Positive Ignition Vehicles); or
- (c) a compression ignition vehicle that meets the standards specified for that vehicle in Table 2 of Annex 3 (Euro 6/VI Standards For Compression Ignition Vehicles).

Imposition of charges

7.—(1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(1) is imposed in respect of any relevant vehicle of Class M₃, Class N₂ or Class N₃ for each charging day on which it is at any time used on one or more designated roads.

(2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed in respect of any relevant vehicle of Class M₁, Class M₂ or Class N₁ for each charging day on which it is at any time used on one or more designated roads.

Amount of charge payable by purchase of a licence

8.—(1) The cost of a charge imposed by article 7(1) is £50 per charging day.

(2) The cost of a charge imposed by article 7(2) is £8 per charging day.

Payment of charges

9.—(1) A charge imposed by article 7 must be paid by the purchase of a licence in accordance with the provisions of this article.

(2) A licence must be issued in respect of a particular vehicle and for a single charging day.

(3) A vehicle referred to in paragraph (2) must be identified by its registration mark, and—

- (a) the purchaser of a licence must specify the registration mark of the vehicle in respect of which that charge is paid;
- (b) a licence will not be valid in respect of any vehicle having a registration mark different from the mark so specified.

(4) A licence may only be purchased—

- (a) on the charging day concerned;

- (b) on the charging day immediately following that charging day; or
- (c) on a day falling within such period of days immediately preceding the charging day concerned as the Council may, in accordance with the requirements of the National Payment Portal, specify on its website.

(5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with the requirements of the National Payment Portal, specify on its website as being acceptable.

(6) Where a licence is purchased otherwise than in cash and payment is not received (whether because a direct debit, credit card or debit card payment is declined, or otherwise) before the end of the charging day following the charging day to which the licence relates, the charge to which the licence relates will be treated as not paid and the licence will be void.

Register of compliant and non-chargeable vehicles

10.—(1) The Council and the National Payment Body will maintain one or more registers which will together identify compliant vehicles and non-chargeable vehicles (“the register”) for the purposes of articles 4 and 5 and Annexes 2 and 4 which require particulars of such vehicles to be entered in the register.

(2) An application to enter particulars of a vehicle on the register—

- (a) must include all such information as the Council or the National Payment Body may reasonably require; and
- (b) must be made by such means as the Council or the National Payment Body may accept.

(3) If the Council or the National Payment Body is satisfied that a vehicle—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it will enter particulars of the vehicle in the register.

(4) If the Council or the National Payment Body is satisfied that a vehicle, particulars of which are entered in the register, no longer—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it may remove the particulars of the vehicle from the register.

(5) Where the registered keeper of such a vehicle is aware that the vehicle has ceased or will cease to—

- (a) comply with the standards required of a compliant vehicle; or
- (b) fall within a class of non-chargeable vehicle,

the registered keeper must notify the Council or the National Payment Body of the fact and the Council or the National Payment Body may remove the particulars of the vehicle from the register forthwith, or from the date notified to the Council or the National Payment Body as the date on which it will cease to be such a vehicle.

(6) Nothing in this article prevents the making of a fresh application under paragraph (2) for particulars of a vehicle to be entered in the register after they have been removed from it in accordance with any provision of this article.

Penalty charge for non-payment of charge

11.—(1) A penalty charge will be payable in lieu of the charge imposed under article 7 for each charging day as respects which—

- (a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7; and
- (b) that charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 9.

(2) A penalty charge payable by virtue of paragraph (1) must be paid within the period (“the payment period”) of 28 days beginning with the date on which a penalty charge notice is served under regulation 7 of the Enforcement Regulations and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) is £120 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount will be reduced by one half to £60.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Enforcement Regulations, the amount of the penalty charge to which it relates will be increased by one half to £180.

Immobilisation of vehicles

12.—(1) Provided that—

- (a) none of the circumstances in paragraph (2) of Regulation 25 of the Enforcement Regulations apply; and
- (b) the conditions in paragraph (3) of that Regulation apply,
an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that Regulation.

(2) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme —

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (a), will be released—
 - (i) if all outstanding penalty charges are paid to the Council; and
 - (ii) if a penalty charge of £70 for the release of the vehicle from the immobilisation device is so paid.

Removal, storage and disposal of vehicles

13.—(1) Provided Regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in, and subject to the provisions of, Regulation 28 of the Enforcement Regulations.

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (1) the Council or the custodian may (whether or not any claim is made under Regulation 30 or 31 of the Enforcement Regulations) recover from the person who was the keeper of the vehicle when the vehicle was removed—

- (a) all penalty charges that are outstanding in relation to the vehicle;
- (b) a penalty charge of £200 for its removal;
- (c) a penalty charge of £40 for each complete day or part of a day on which it has been held by the Council or a custodian; and
- (d) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Duration of scheme

14. This Scheme will remain in force indefinitely.

Transitional provisions – temporary non-chargeable vehicles

15. Annex 4 to this Scheme which contains transitional provisions specifying classes of temporary non-chargeable vehicles has effect.

Ten and five year plans for net proceeds

16.—(1) Part 1 of Annex 5 to this Scheme constitutes the general plan, under paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening ten year period.

(2) Part 2 of Annex 5 to this Scheme constitutes the detailed programme, under paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening five year period.

DRAFT

ANNEX 1 TO THE SCHEME
DEPOSITED PLANS

Article 1(1)

PART 1 – CLEAN AIR ZONE PLAN

<i>(1)</i> <i>Sheet</i>	<i>(2)</i> <i>Plan title</i>	<i>(3)</i> <i>Date</i>	<i>(4)</i> <i>Revision</i>
A	Clean Air Zone Plan		
B	Clean Air Zone Key Plan		

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

<i>(1)</i> <i>Title & Sheet No.</i>	<i>(2)</i> <i>Date</i>	<i>(3)</i> <i>Revision</i>
Clean Air Zone Boundary Plan, Sheet 1 of 18		
Clean Air Zone Boundary Plan, Sheet 2 of 18		
Clean Air Zone Boundary Plan, Sheet 3 of 18		
Clean Air Zone Boundary Plan, Sheet 4 of 18		
Clean Air Zone Boundary Plan, Sheet 5 of 18		
Clean Air Zone Boundary Plan, Sheet 6 of 18		
Clean Air Zone Boundary Plan, Sheet 7 of 18		
Clean Air Zone Boundary Plan, Sheet 8 of 18		
Clean Air Zone Boundary Plan, Sheet 9 of 18		
Clean Air Zone Boundary Plan, Sheet 10 of 18		
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Clean Air Zone Boundary Plan, Sheet 12 of 18		
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Clean Air Zone Boundary Plan, Sheet 15 of 18		
Clean Air Zone Boundary Plan, Sheet 16 of 18		
Clean Air Zone Boundary Plan, Sheet 17 of 18		

Clean Air Zone Boundary Plan, Sheet 18 of 18		
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DRAFT

NON-CHARGEABLE VEHICLES

Historic Vehicles

1. A vehicle is a non-chargeable vehicle if—

- (a) it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that Act; or
- (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have been treated as an exempt vehicle in accordance with paragraph 1A(1) of Schedule 2 to the 1994 Act,

and particulars of the vehicle are for the time being entered in the register.

Military vehicles

2.—(1) A vehicle is a non-chargeable vehicle if—

- (a) it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces; or
- (b) the Council is satisfied the vehicle is used for naval, military or air force purposes and not registered under the 1994 Act, while it is being used on a road by a member of a visiting force or a member of a headquarters or organisation,

and particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph “member of a visiting force” and “member of a headquarters or organisation” have the meaning given in paragraph 1(2) of Schedule 5 to the Road Vehicles (Registration and Licensing) Regulations 2002.

Emergency service vehicles

3.—(1) A qualifying emergency service vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying emergency service vehicle if—

- (a) it is a non-chargeable vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle—
 - (i) paragraph 3A (police vehicles);
 - (ii) paragraphs 4 and 5 (fire engines etc.);
 - (iii) paragraphs 6 and 7 (ambulances and health service vehicles);
 - (iv) paragraph 10 (mine rescue vehicles);
 - (v) paragraph 11 (lifeboat vehicles); or
- (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen within sub-paragraph (a).

Agricultural and similar vehicles

4.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register—

- (a) paragraph 20A (vehicles used between different parts of land);
- (b) paragraphs 20B, 20C and 20D (tractors and certain agricultural vehicles);
- (c) paragraphs 20E (mowing machines);

- (d) paragraph 20F (steam powered vehicles);
- (e) paragraph 20H (snow ploughs); and
- (f) paragraph 20J (gritters).

(2) If the Council is satisfied, in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, that had the vehicle been registered under the 1994 Act it would have fallen within sub-paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

Disabled vehicles

5.—(1) A vehicle that is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 19 or 20 (vehicles for disabled people) of Schedule 2 to that Act is a non-chargeable vehicle.

(2) If the Council is satisfied, in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, that had the vehicle been registered under the 1994 Act it would have fallen within sub-paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

Recovery vehicles

6.—(1) A qualifying recovery vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying recovery vehicle if—

- (a) it is licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act; or
- (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act.

Showman's vehicles

7.—(1) A showman's vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) "showman's vehicle" means any vehicle that—
 - (i) is registered under the 1994 Act and is a "showman's vehicle" or "showman's goods vehicle" within the meaning of section 62 of the 1994 Act; or
 - (ii) is registered in a country other than the United Kingdom, in accordance with that country's rules governing the registration of such vehicles, in the name of a person following the business of a travelling showman and used solely by that person for the purposes of his business and no other purpose.

Special vehicles

8.—(1) A special vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) "special vehicle" means—
 - (i) a vehicle registered under the 1994 Act that falls to be treated as a "special vehicle" within the meaning of Part IV of Schedule 1 to the 1994 Act;
 - (ii) a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom in respect of which the Council is satisfied that, had it been registered

under the 1994 Act, it would have fallen to be treated as a “special vehicle” within the meaning of Part IV of Schedule 1 to the 1994 Act; or

(iii) a vehicle of a type specified in an Order under section 44 of the Road Traffic Act 1988.

Community transport vehicles

9.—(1) A qualifying community transport vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying community transport vehicle if it is a vehicle of Class M₂ or M₃ being used pursuant to a community transport permit.

(3) In this paragraph “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985.

EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

1.—(1) A vehicle meets the standards set out in Tables 1 and 2 if the Council is satisfied that—

- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table;
- (b) the vehicle has been retrofitted so that the limit values for the emission of NO_x specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table; or
- (c) in respect of all other vehicles, the Council is satisfied that the limit values for the emission of NO_x specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.

(2) The Council will be satisfied that the vehicle has been retrofitted to meet the limit values referred to in paragraph (1)(b) if that vehicle has been certified as having been retrofitted in accordance with an approved retrofit scheme.

Table 1 — EURO 4/IV STANDARDS FOR POSITIVE IGNITION VEHICLES

<i>(a)</i> Row No.	<i>(b)</i> Vehicle Class	<i>(c)</i> Maximum mass of vehicle, where relevant (kg)	<i>(d)</i> Reference mass of vehicle, where relevant (kg)	<i>(e)</i> EC emissions standard	<i>(f)</i> Limit values for NO _x	<i>(g)</i> Appropriate test
(1)	M ₁	not exceeding 2,500		Euro 4	0.08g/km	Type I
(2)	M ₁	exceeding 2,500	not exceeding 1,305	Euro 4	0.08g/km	Type I
(3)	M ₁	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	M ₁	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	M ₂	not exceeding 2,500		Euro 4	0.08g/km	Type I
(6)	M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(7)	M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	M ₂	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	M ₂	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	M ₂	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC

(10)	N ₁ sub-class (i)		not exceeding 1,350	Euro 4	0.08g/km	Type I
(11)	N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	N ₁ sub-class (iii)		exceeding 1,760	Euro 4	0.11g/km	Type 1
(13a)	N ₂		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	N ₂		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	N ₂		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	M ₃ , N ₃			Euro IV	3.5g/kWh	ETC

Table 2 — EURO 6/VI STANDARDS FOR COMPRESSION IGNITION VEHICLES

(a) Row No.	(b) Vehicle Class	(c) Maximum mass of vehicle, where relevant(kg)	(d) Reference mass of vehicle, where relevant (kg)	(e) EC emissions standard	(f) Limit values for NO _x	(g) Appropriate tests
(1)	M ₁		not exceeding 2610	Euro 6	0.08g/km	Type I
(2)	M ₁		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	M ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(4)	M ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(5)	M ₃ , N ₃			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(6)	N ₁		not exceeding 1,350	Euro 6	0.08g/km	Type I
(7)	N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(8)	N ₁ sub-class (iii)		exceeding 1,760	Euro 6	0.125g/km	Type 1
(9)	N ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(10)	N ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC

TRANSITIONAL PROVISIONS –
TEMPORARY NON-CHARGEABLE VEHICLES**Resident's vehicles**

1.—(1) During the resident's vehicles transitional period the Council will treat a qualifying resident's vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph "resident's vehicles transitional period" means the period of two years beginning with the commencement date.

(3) A vehicle is qualifying resident's vehicle if it is a relevant vehicle of Class M₁ or Class N₁ other than a commercial vehicle, a taxi or a private hire vehicle, and the Council is satisfied that—

- (a) the registered keeper of the vehicle is a qualified resident and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in sub-paragraph (4);
- (b) the registered keeper of the vehicle is the employer of a qualified resident or the vehicle is hired by or leased to the qualified resident by their employer, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident; or
- (c) the registered keeper of the vehicle is a company that has leased or sold the vehicle to the qualified resident, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident.

(4) In this Scheme "qualified resident" means an individual in respect of whom the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that the individual's only or main residence is at premises situated in the Clean Air Zone.

(5) Where a qualified resident ceases to reside at the premises in relation to which the Council was satisfied that the requirement in sub-paragraph (4) was met but resides at other premises in the Clean Air Zone, that person shall cease to be a qualified resident unless that person has notified the change of residence to the Council and the Council is satisfied that the requirement in sub-paragraph (4) is met in relation to those other premises.

Those travelling into the Clean Air Zone for work

2.—(1) During the CAZ workers transitional period the Council will treat a qualifying CAZ worker's vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph "CAZ workers transitional period" means the period of one year beginning with the commencement date.

(3) A vehicle is a "qualifying CAZ worker's vehicle" if it is a relevant vehicle of Class M₁ or Class N₁ other than a taxi or private hire vehicle and the Council is satisfied that—

- (a) the registered keeper of the vehicle is a qualified CAZ worker and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in sub-paragraph (4)(a);
- (b) the registered keeper of the vehicle is the employer of a qualified CAZ worker or the vehicle is hired by or leased to the qualified CAZ worker by their employer, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified CAZ worker and members of the qualified CAZ worker's household residing at the same address as the qualified CAZ worker; or

- (c) the registered keeper of the vehicle is a company that has leased or sold the vehicle to the qualified CAZ worker, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified CAZ worker and members of the qualified CAZ worker's household residing at the same address as the qualified CAZ worker.
- (4) An individual is a "qualified CAZ worker" if the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that:
- (a) the individual's only or main residence is at premises situated outside the Clean Air Zone;
 - (b) the individual works for more than 21 hours per week at business premises situated in the Clean Air Zone; and
 - (c) the individual's income for the tax year ending on 5 April 2019 was no greater than £30,000.
- (5) In this paragraph—
- (a) "income" means—
 - (i) "earnings" within the meaning of section 62 of the Income Tax (Earnings and Pensions) Act 2003 ("the 2003 Act");
 - (ii) earned income derived from carrying on a trade profession or vocation; and
 - (iii) any other taxable income not falling within sub-paragraphs (i) and (ii), excluding any chargeable gain computed in accordance with Part II of the Taxation of Chargeable Gains Act 1992;
 - (b) section 29 of the 2003 Act shall apply for the purposes of determining whether, in relation to an employee within the meaning of section 4 of the 2003 Act, earnings are "for" a particular tax year.
- (6) Where a qualified CAZ worker ceases to reside or work at the premises in relation to which the Council was satisfied that the requirements in sub-paragraph (4) were met but resides or works at other premises, that person shall cease to be a qualified CAZ worker unless that person has notified the change of residence or business premises to the Council and the Council is satisfied that those requirements are met in relation to those other premises.
- (7) At no time may more than one qualifying CAZ worker's vehicle be entered in the register in relation to any one individual who is a qualifying CAZ worker.

Commercial CAZ vehicles

- 3.—(1) During the commercial CAZ vehicles transitional period the Council will treat a qualifying commercial CAZ vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.
- (2) In this paragraph "commercial CAZ vehicles transitional period" means the period of one year beginning with the commencement date.
- (3) A vehicle is a commercial CAZ vehicle for the purposes of this paragraph and paragraph 4 of this Annex if the vehicle is a commercial vehicle that the Council is satisfied is—
- (a) owned by a qualified business; and
 - (b) kept at or operating out of qualifying business premises for the use of the qualified business.
- (4) A vehicle is a qualifying commercial CAZ vehicle if it is one of the qualified business's two cleanest non-compliant commercial CAZ vehicles.
- (5) For the purposes of sub-paragraph (4) a vehicle will be considered cleaner than another vehicle if its date of first registration is more recent than the other vehicle.
- (6) In this paragraph—
- (a) "qualified business" means a company or sole trader that the Council is satisfied, by the production of such evidence as it may reasonably require, occupies qualifying business premises;
 - (b) "qualifying business premises" means business premises situated within the Clean Air Zone.

Commercial vehicles subject to finance agreements

- 4.—(1) During the financing transitional period the Council will treat any commercial vehicle—
- (a) that meets the conditions specified in sub-paragraph (2); and
 - (b) particulars of which are for the time being entered in the register, as if it were a non-chargeable vehicle.
- (2) The conditions referred to in sub-paragraph (1)(a) are that the Council is satisfied, by the production of such evidence as it may reasonably require, that—
- (a) the owner of the vehicle had on or before 10 September 2018 entered into a contractual arrangement for financing the purchase or leasing of the vehicle concerned; and
 - (b) one or more payments pursuant to that contractual arrangement are due on or after the commencement date;
 - (c) the vehicle is—
 - (i) a commercial CAZ vehicle within the meaning of paragraph 3 of this Annex; or
 - (ii) regularly kept overnight in the Clean Air Zone for the primary purpose of carrying on a business in the Clean Air Zone.
- (3) In this paragraph—
- (a) “financing transitional period” means the period beginning with the commencement date and ending on the earlier of—
 - (i) the date on which the payment for the purchase of the vehicle concerned is completed and the contractual arrangement referred to in sub-paragraph (2) ceases to apply; and
 - (ii) the date falling one year after the commencement date;
 - (b) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website.

Visitors to specified hospitals

5.—(1) During the specified hospital visitor's transitional period the Council will treat a specified hospital visitor's vehicle as if it were a non-chargeable vehicle.

(2) In this paragraph "specified hospital visitor's transitional period" means the period of one year beginning with the commencement date.

(3) A vehicle is a specified hospital visitor's vehicle on any charging day if—

- (a) it is a private vehicle;
- (b) the Council is satisfied that it is used on the charging day concerned for the purposes of—
 - (i) transporting a patient to or from a specified hospital; or
 - (ii) visiting an inpatient in a specified hospital; and
- (c) particulars of the vehicle are entered in the register before the end of the second charging day following the charging day concerned.

(4) An application to enter particulars of a specified hospital visitor's vehicle on the register shall be made by such means and accompanied by such details relating to the specified hospital, the vehicle and its use the as the Council may reasonably require.

(5) In this paragraph—

- (a) "private vehicle" means any vehicle other than a taxi, a private hire vehicle, a bus or a coach;
- (b) "bus" means a vehicle used for carrying passengers for hire or reward and operated pursuant to a licence granted under section 14 of the Public Passenger Vehicles Act 1981;
- (c) "coach" means any vehicle of Class M₂ or Class M₃ other than a bus, taxi or private hire vehicle, used for carrying passengers for hire or reward; and
- (d) "specified hospital" means—
 - (i) Birmingham Children's Hospital;
 - (ii) Badger Medical centre; or
 - (iii) Bath Row Medical Practice.

PART 1 –
THE COUNCIL'S GENERAL PLAN FOR APPLYING ITS SHARE OF THE PROCEEDS OF THIS
SCHEME DURING THE OPENING TEN YEAR PERIOD

It is proposed that the Scheme will commence no earlier than 1st July 2020 and this general plan covers the ten year period running from the commencement date of the Scheme with particular reference to the early part of this period.

The revenue generated by the Scheme will in the first place be used to cover the cost of operation, including the maintenance of cameras, operational staff etc. It is not intended that the Scheme should generate substantial net proceeds after covering these costs. Government policy is that the level of any charges should not be set as a revenue raising measure and the purpose of the Scheme is not to generate revenue but to encourage improved air quality. The more vehicles that are compliant with the Scheme, the less revenue Scheme will generate.

In the event that net proceeds are generated from the Scheme over the opening ten year period, these proceeds would be applied, in such proportions as may be decided by the Council, to directly or indirectly facilitate the achievement of the Council's local transport policies in accordance with the following high level spending objectives:

- supporting the delivery of the ambitions of the Scheme and promoting cleaner air;
- supporting active travel and incentivising public transport use;
- supporting zero emission and sustainable infrastructure and actions in and around the city to improve air quality.

PART 2 –
THE COUNCIL'S DETAILED PROGRAMME FOR APPLYING ITS SHARE OF THE PROCEEDS OF
THIS SCHEME DURING THE OPENING FIVE YEAR PERIOD

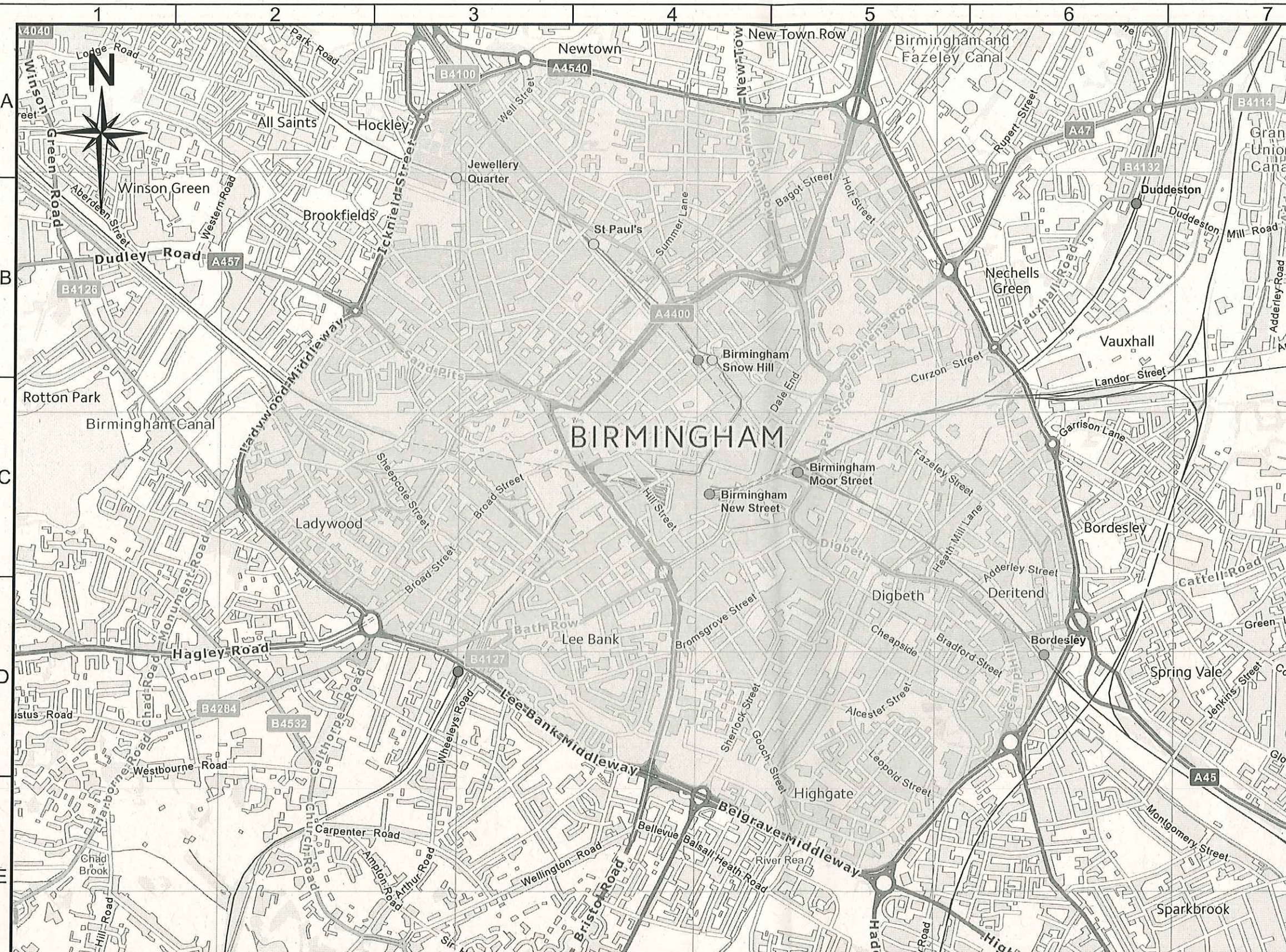
The Council's detailed programme for applying any net proceeds during this period will depend to a great extent on:

- the level of net proceeds generated;
- how quickly compliance with Scheme standards will be achieved across the various sectors and therefore which sectors will still require support to meet those standards;
- what other work will already have been implemented via other means and what the demand for further support is;
- how long the Scheme stays in place and when compliance with relevant air quality standards will be achieved.

If these factors are as anticipated, then the net proceeds of the scheme will be used to facilitate the delivery of the following of the Council's local transport policies programmes:

- the Council's Transport Plan 2050 policies to increase the use of active transport, public transport and low emissions vehicles and to implement the most appropriate sustainable infrastructure and technology along the most polluted roads; and
- to deliver this broad policy objective net proceeds will be used to help facilitate:
 - new cleaner fuel technology uses;

- improvements in City Centre pedestrianisation and public realm – the Council will prioritise bus patronage, walking and cycling through further bus priority schemes, additional cycling schemes and pedestrianizing areas of the public realm where appropriate;
 - improvements in connectivity through rail, bus, metro, cycling and walking;
 - car parking policies to manage demand for travel by car through availability, pricing and restrictions.
- the Clean Air City fund, which will focus on a localised catalogue of measures that can be employed to deliver the right solution for the right area. These include but are not limited to:
 - cycle bays;
 - school traffic exclusion plans;
 - sustainable transport measures;
 - parking restrictions.



Clean Air Zone Plan

Key:-

Clean Air Zone



TRANSPORTATION AND CONNECTIVITY
1 LANCASTER CIRCUS, BIRMINGHAM, B4 7DQ



SCHEME

CLEAN AIR ZONE

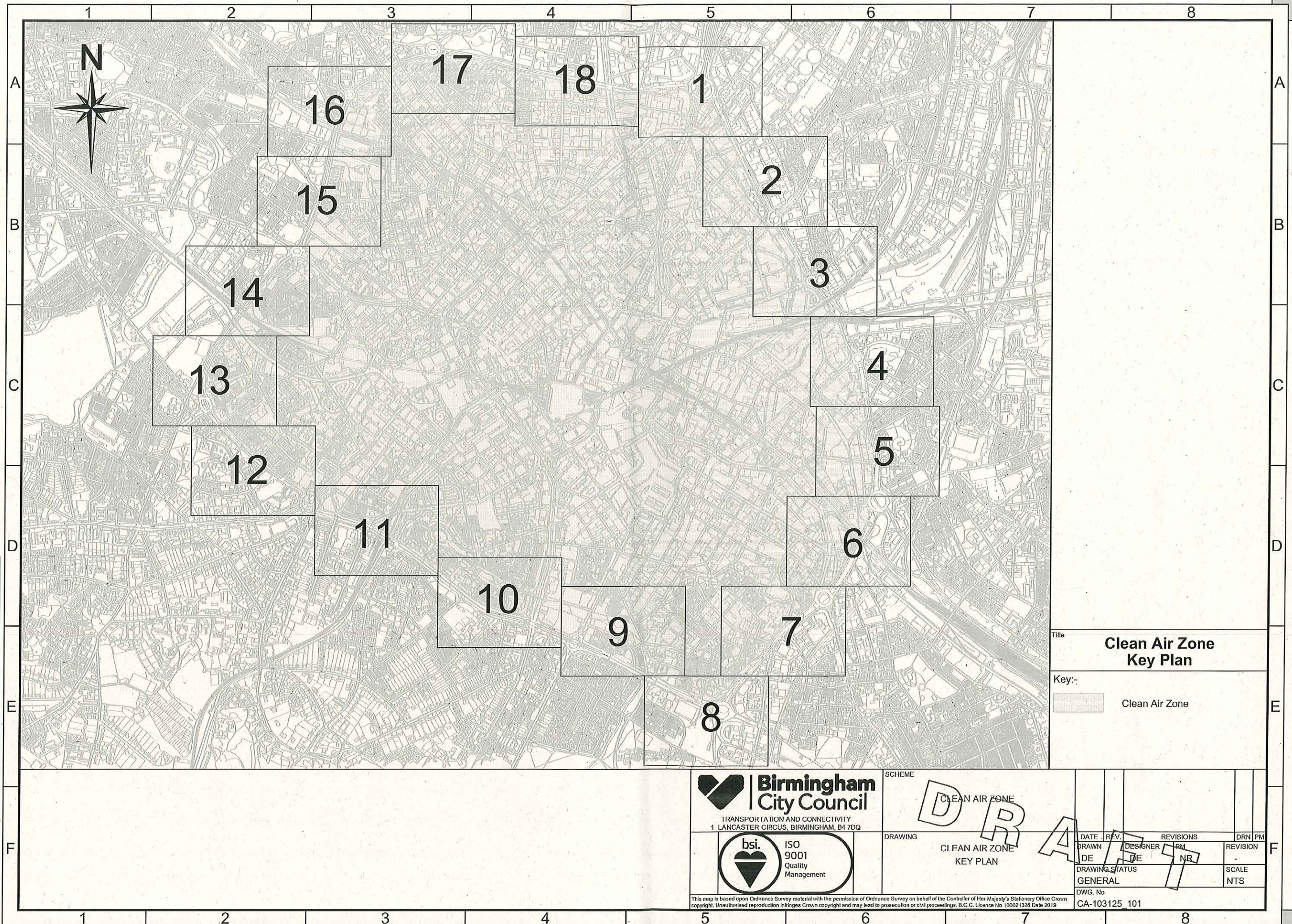
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CLEAN AIR ZONE PLAN

DATE	REV.	DESIGNER	REVISIONS	DRN	PM
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CA-103125_100					




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Title **Clean Air Zone Key Plan**

Key:-

 Clean Air Zone

 **Birmingham City Council**

TRANSPORTATION AND CONNECTIVITY
1 LANCASTER CIRCUS, BIRMINGHAM, B4 7DQ

 **bsi. ISO 9001 Quality Management**

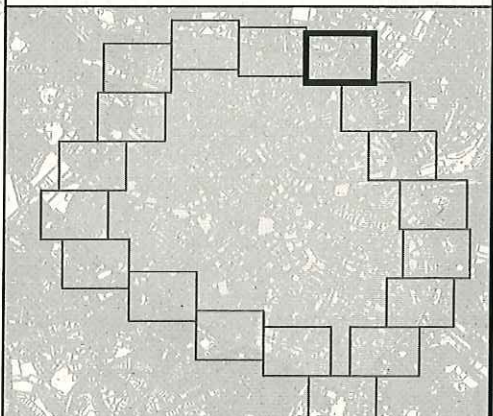
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A3



Title

Clean Air Zone Boundary Plan
Sheet 1 of 18

Key:-

- Clean Air Zone
- Clean Air Zone Boundary

Birmingham City Council
TRANSPORTATION AND CONNECTIVITY
1 LANCASTER CIRCUS, BIRMINGHAM, B4 7DQ

bsi. ISO 9001 Quality Management

SCHEME

CLEAN AIR ZONE

DRAWING

CLEAN AIR ZONE BOUNDARY PLAN
SHEET 1 OF 18

DATE	REV.	DESIGNER	REVISIONS	DRN	PM

DRAWING STATUS

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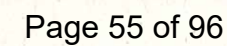
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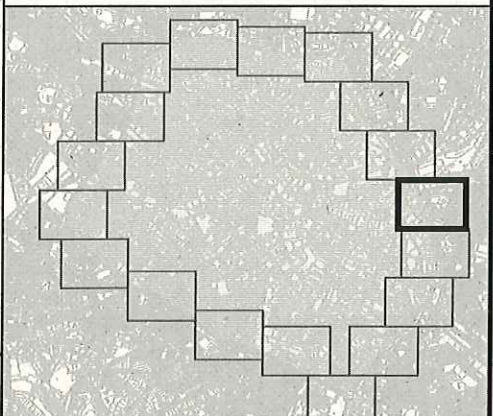
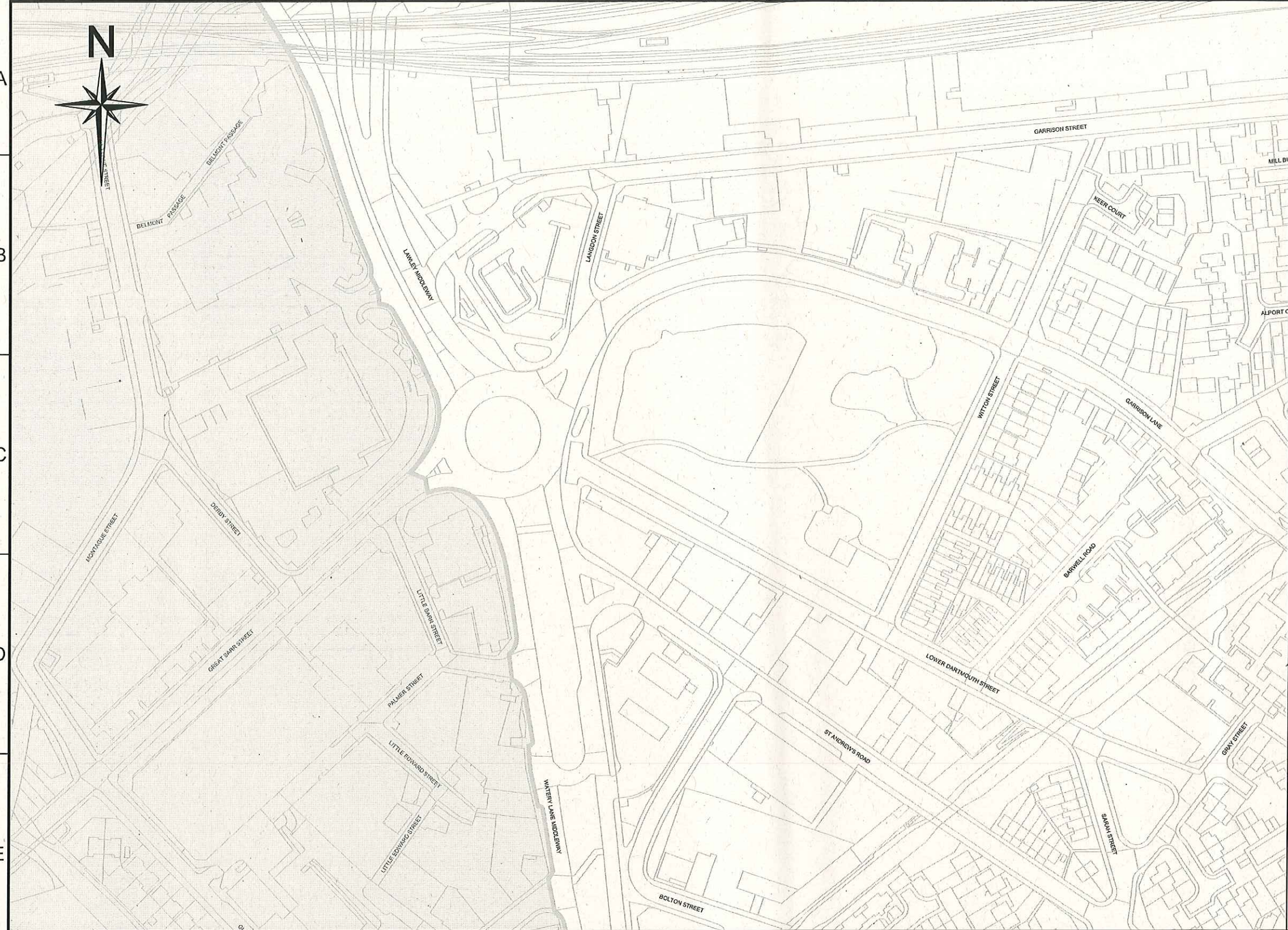
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Title

Clean Air Zone Boundary Plan
Sheet 4 of 18

Key:-

- Clean Air Zone
- Clean Air Zone Boundary

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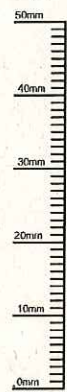
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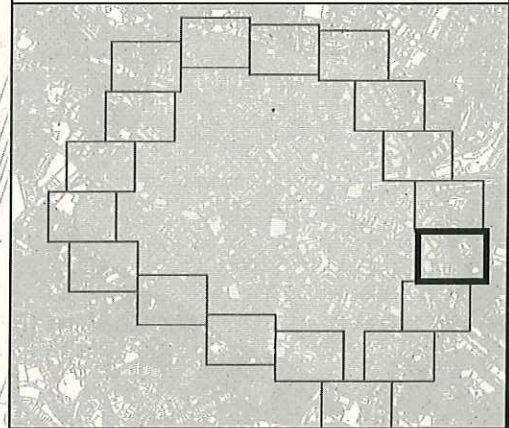
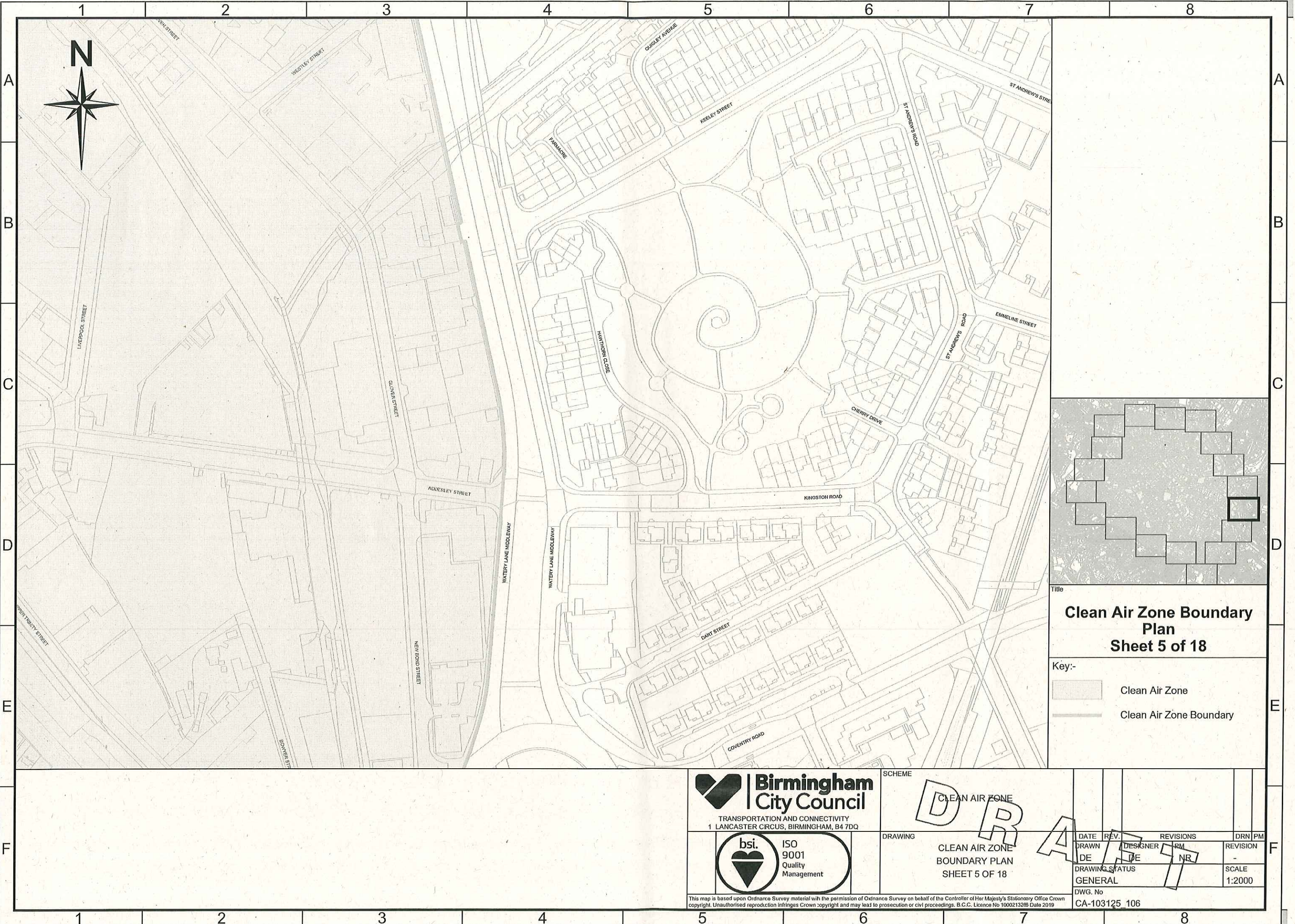
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CLEAN AIR ZONE
BOUNDARY PLAN
SHEET 4 OF 18



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Title
Clean Air Zone Boundary Plan
Sheet 5 of 18

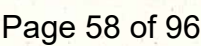
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 Clean Air Zone Boundary

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1 LANCASTER CIRCUS, BIRMINGHAM, B4 7DQ

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Quality Management

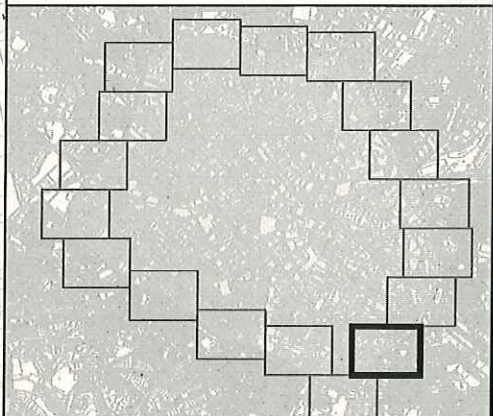
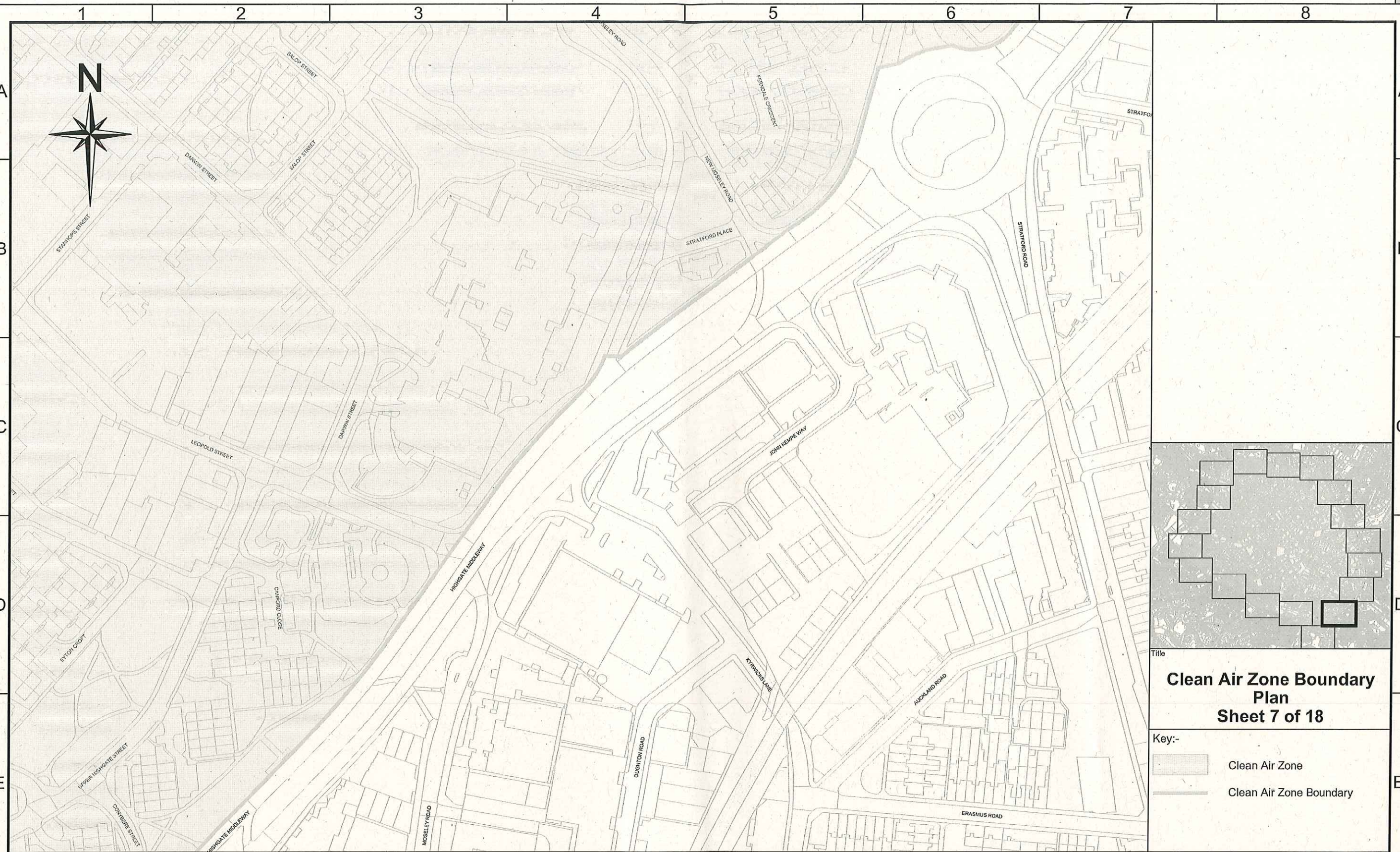
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Clean Air Zone Boundary Plan
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Key:-
Clean Air Zone
Clean Air Zone Boundary

Birmingham City Council
TRANSPORTATION AND CONNECTIVITY
1 LANCASTER CIRCUS, BIRMINGHAM, B4 7DQ

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DRAWING
CLEAN AIR ZONE
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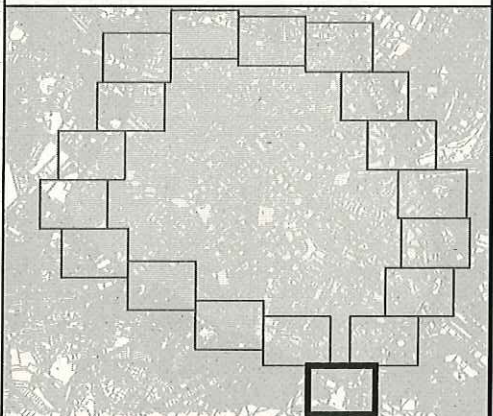
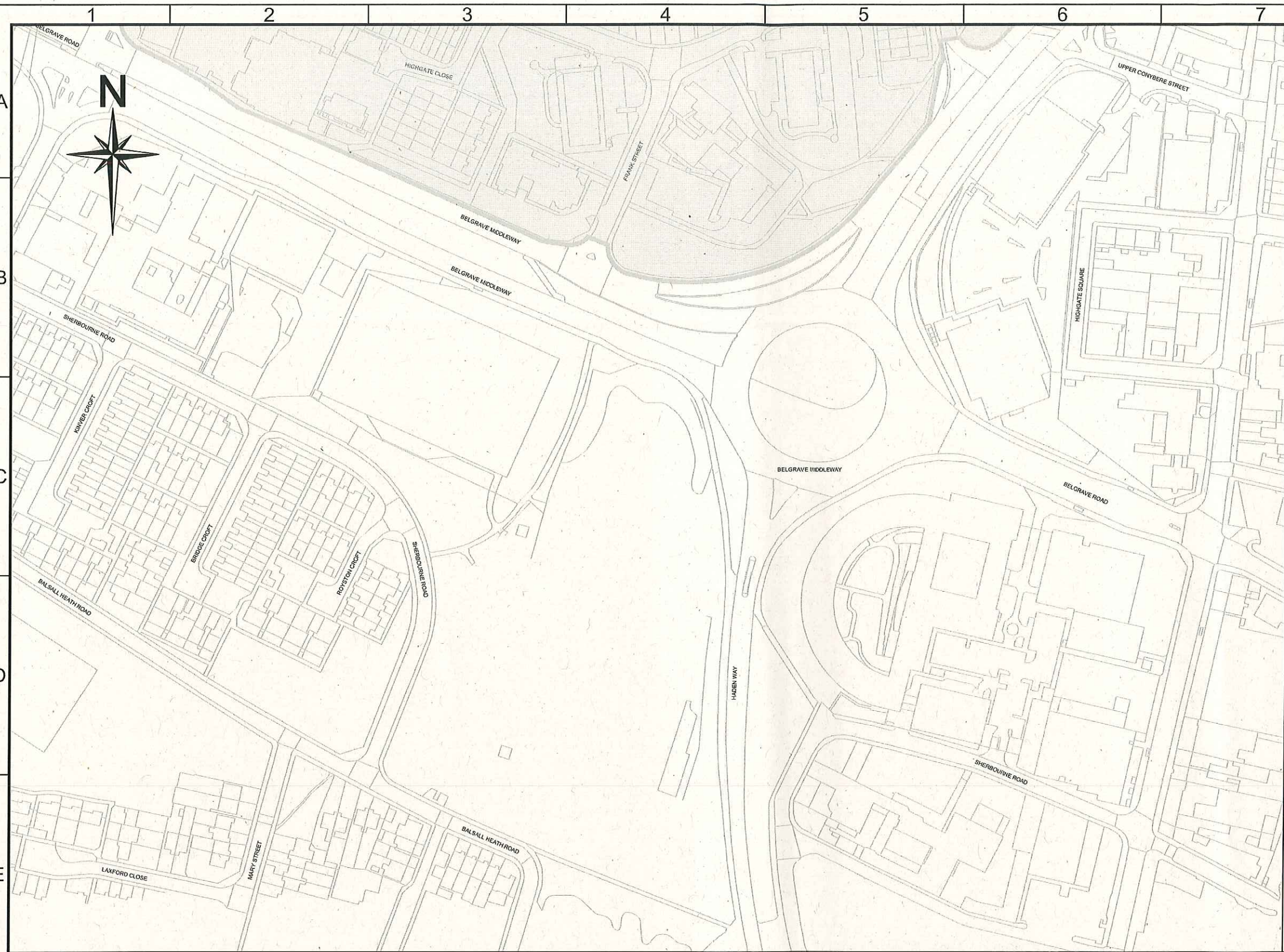
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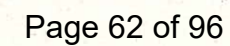
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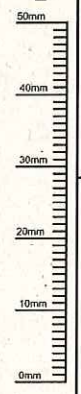
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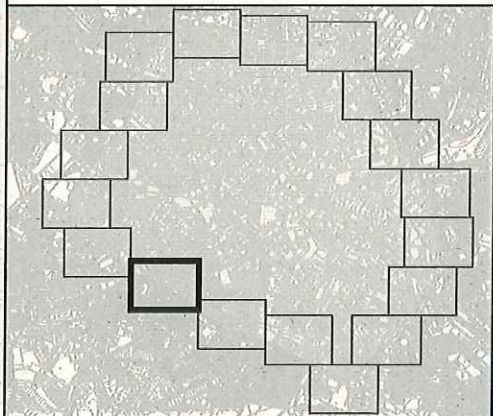
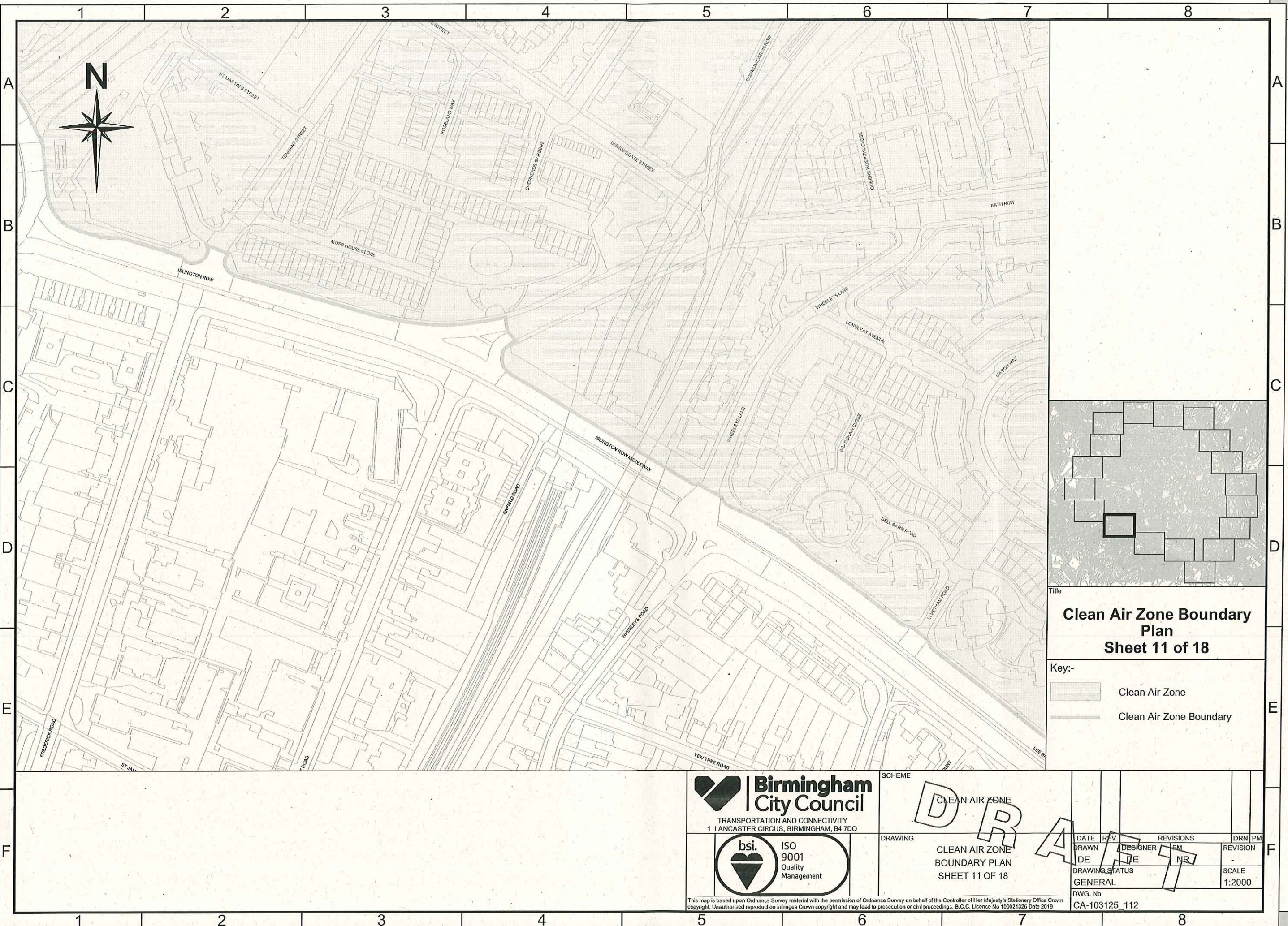
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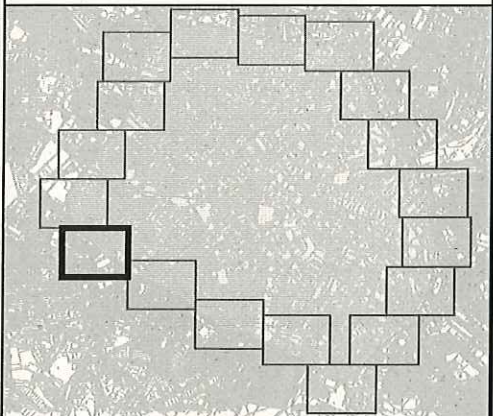
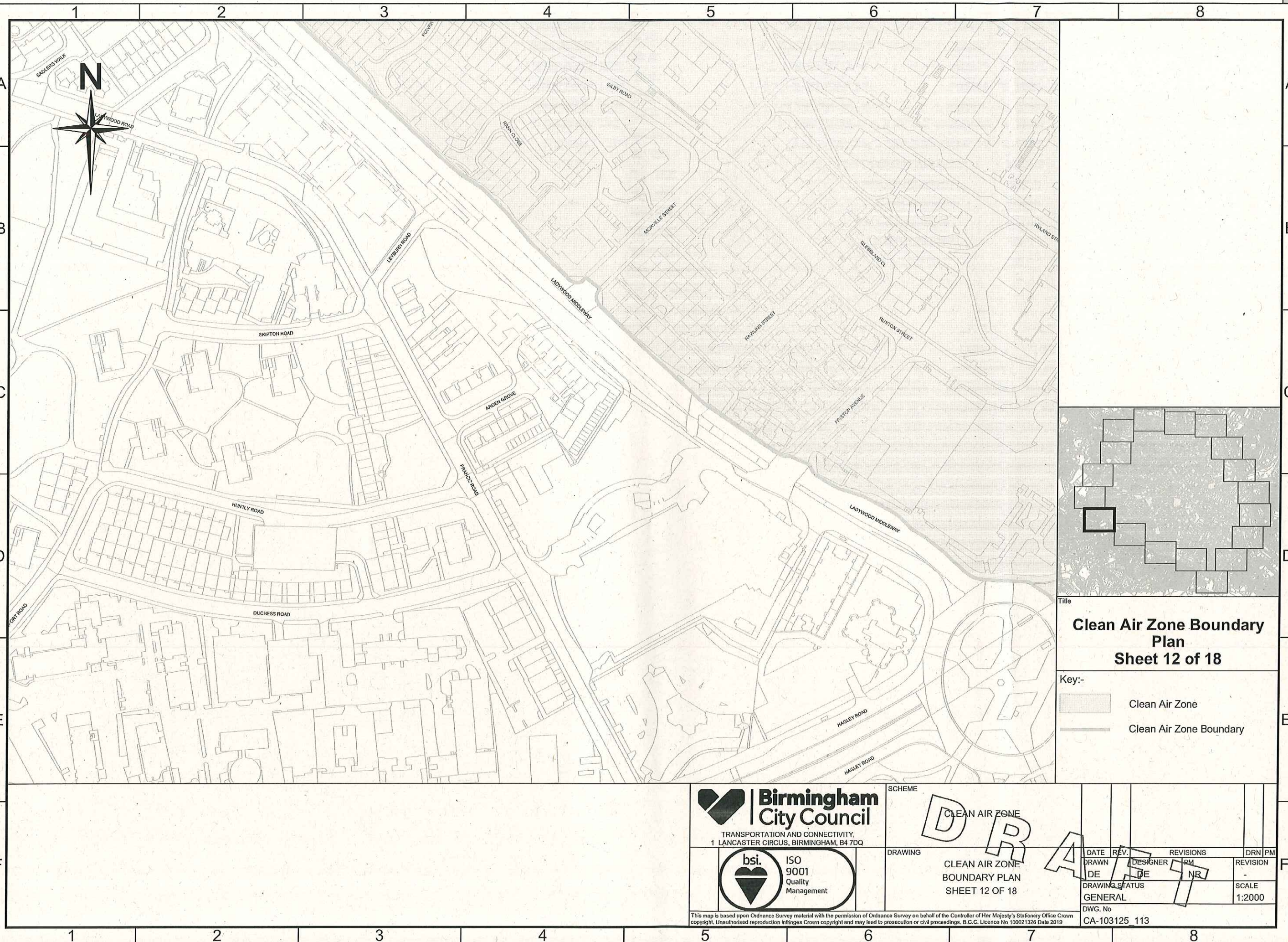
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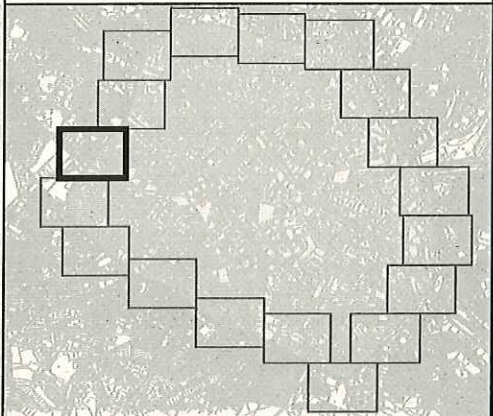
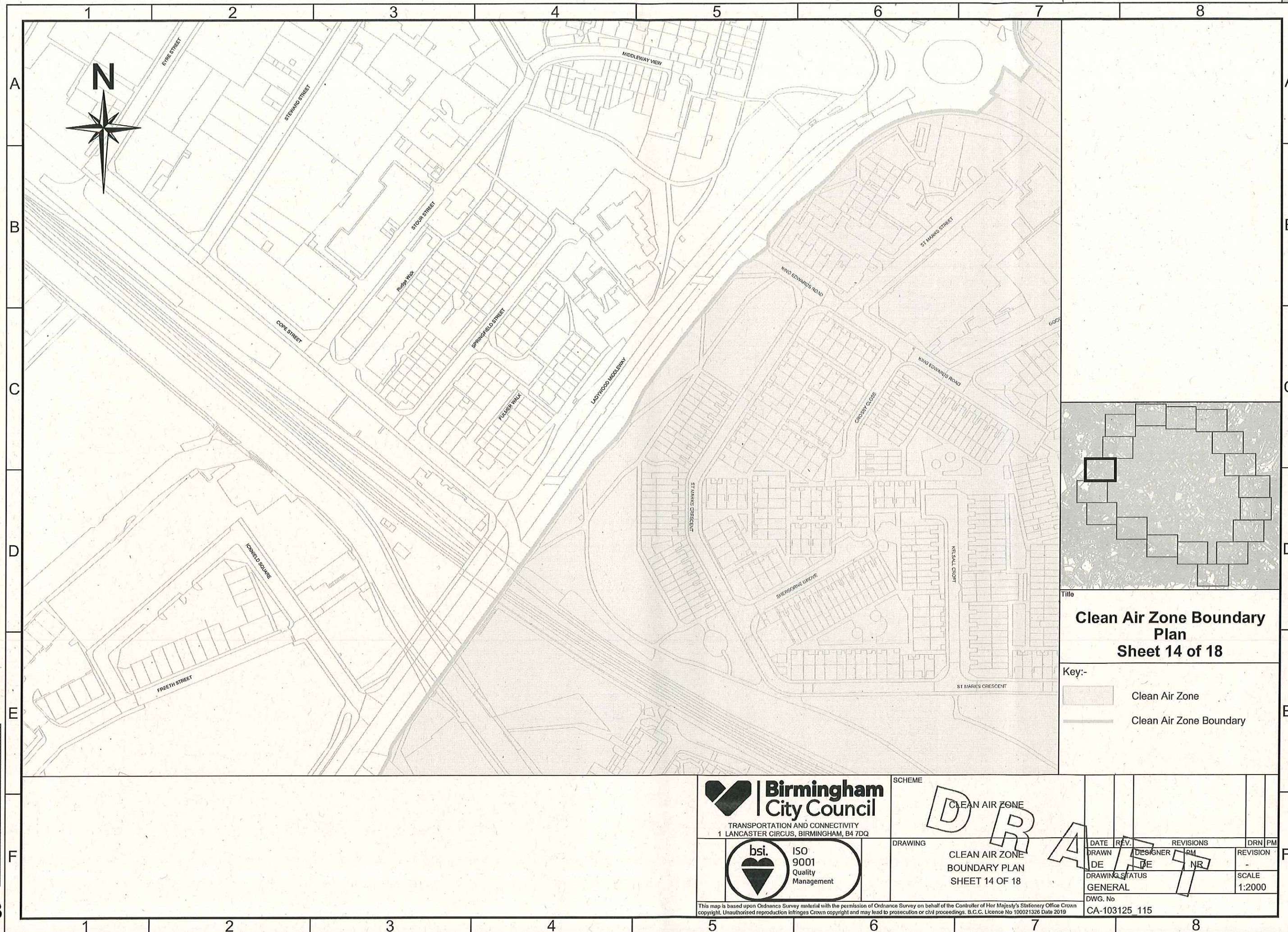
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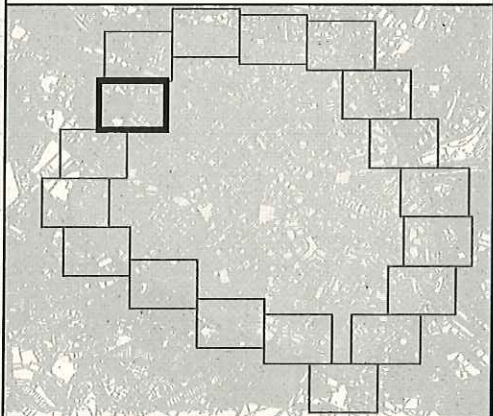
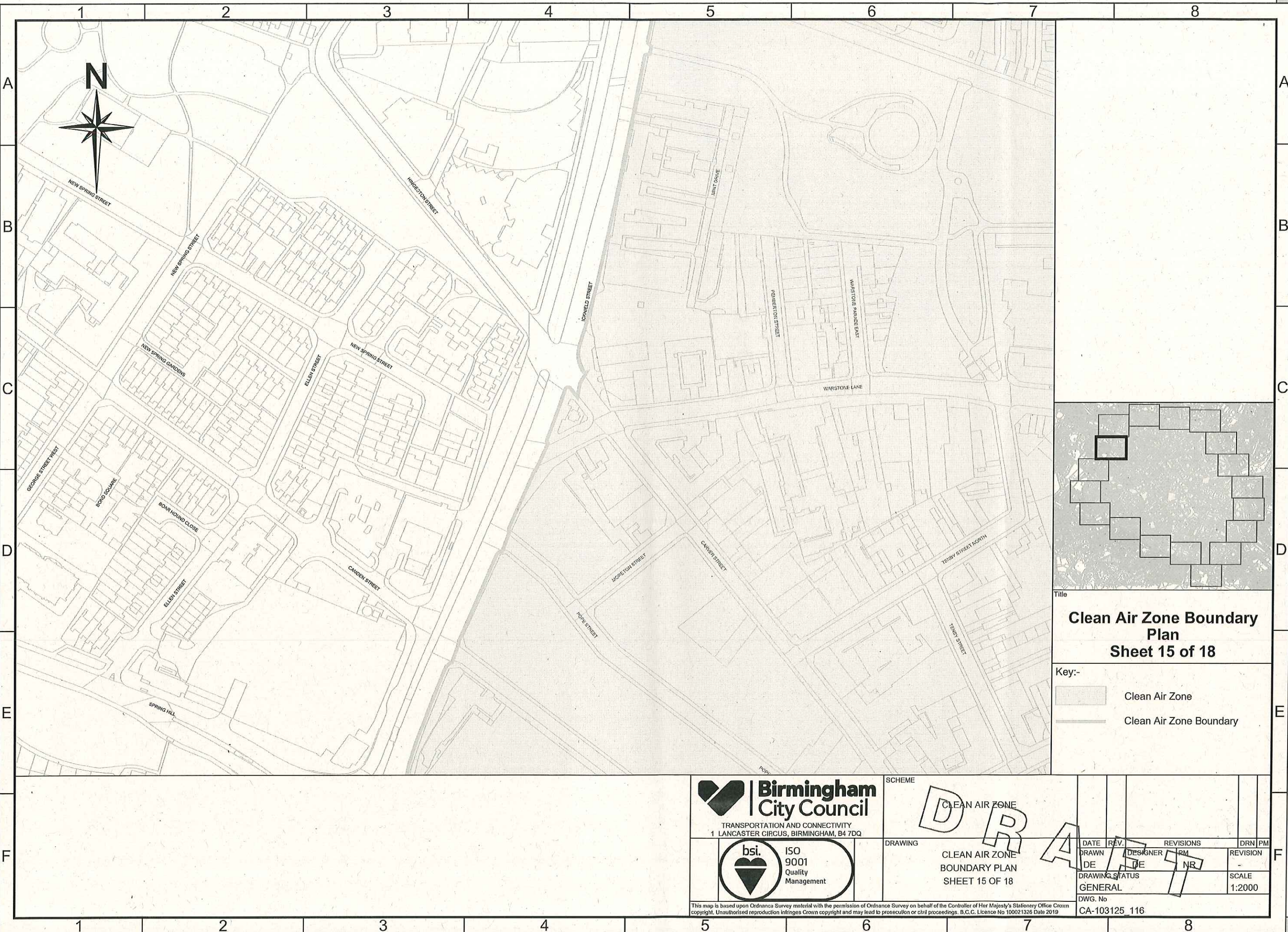
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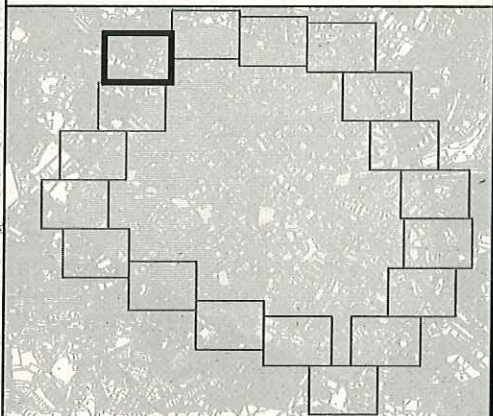
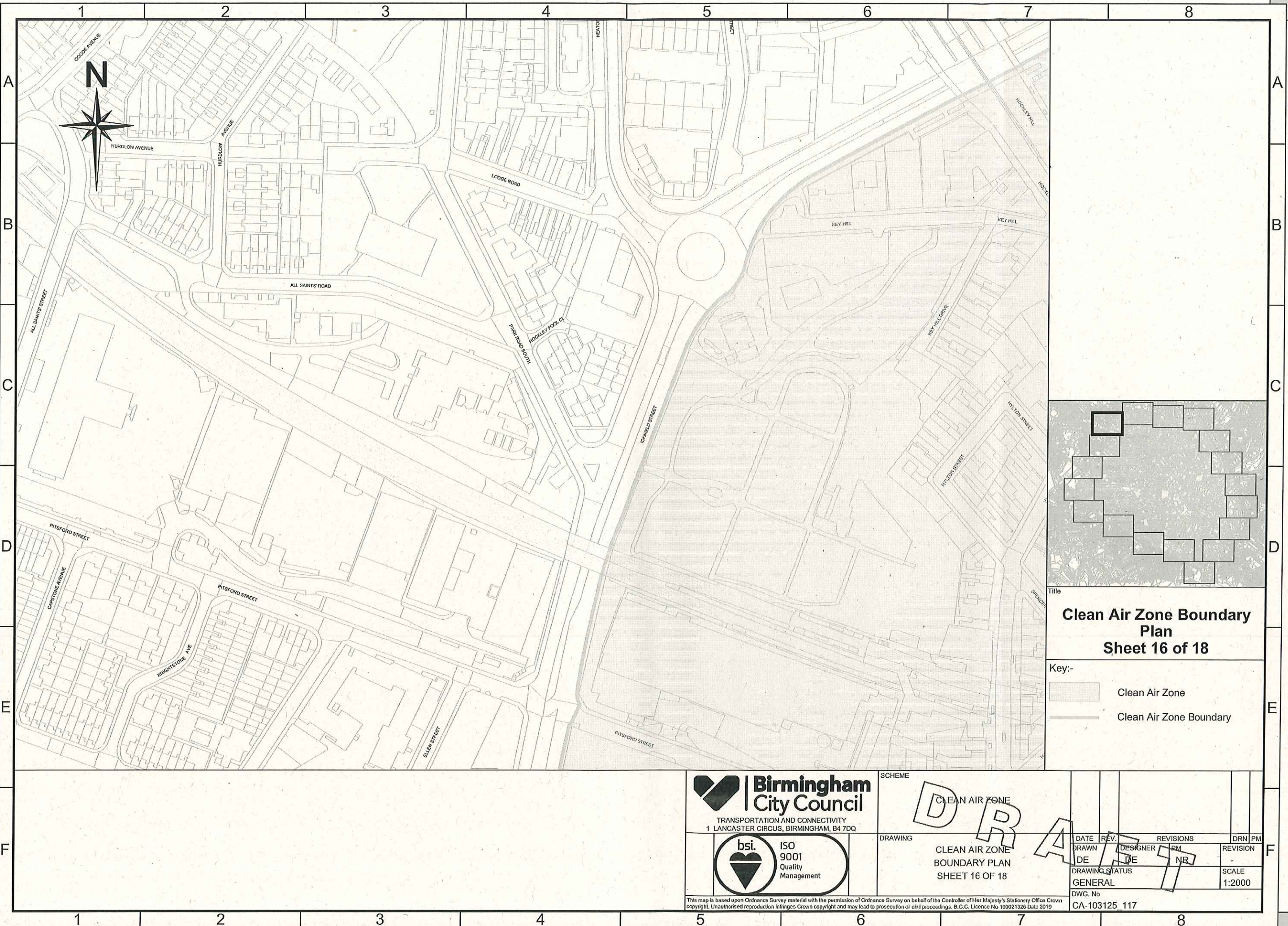
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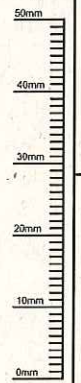
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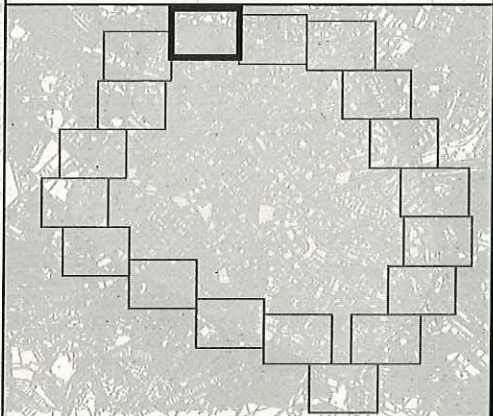
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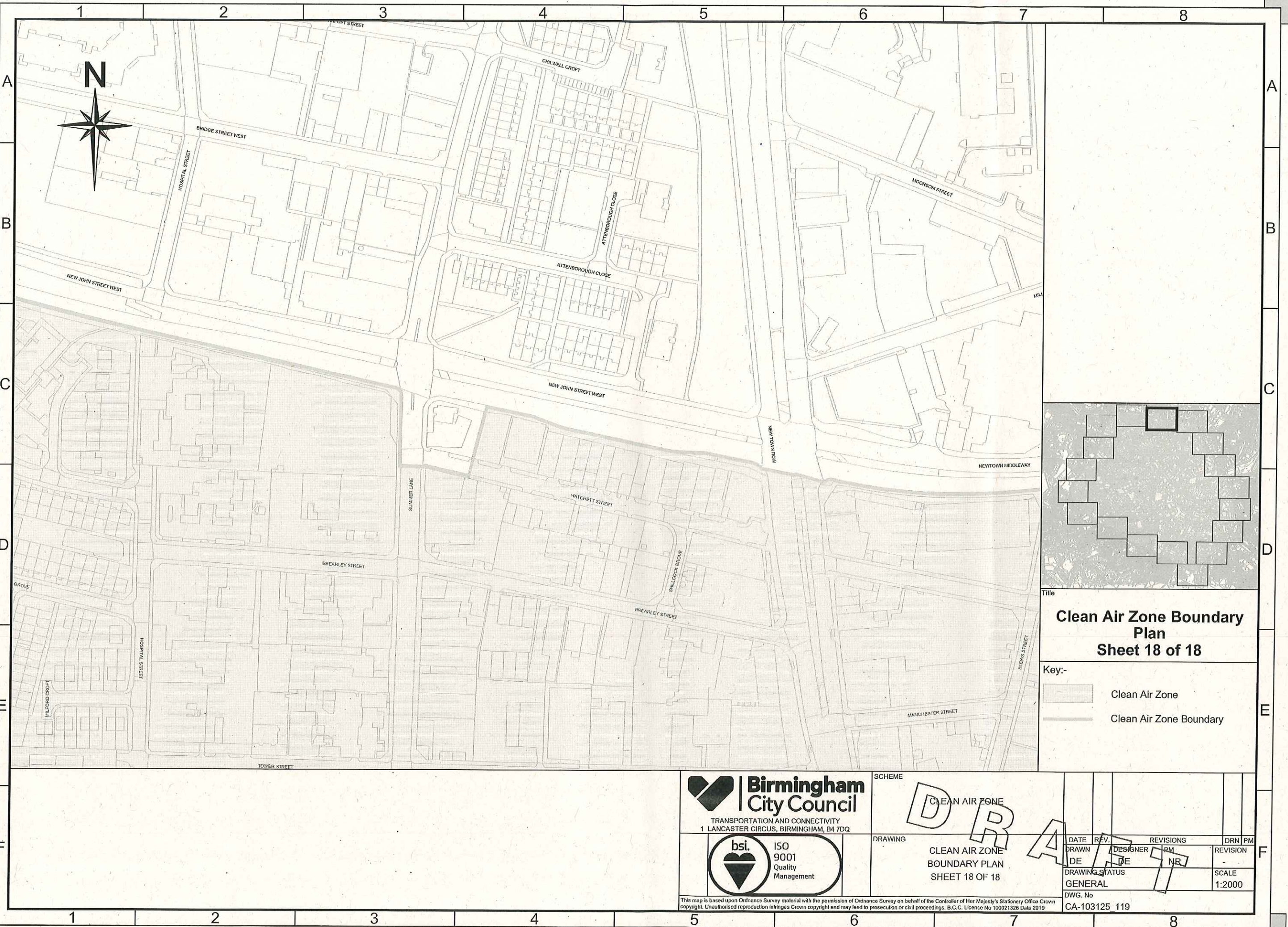
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Title of proposed EIA	Birmingham Clean Air Zone submission of FBC and request to proceed with implementation
Reference No	EQUA210
EA is in support of	New Function
Review Frequency	Annually
Date of first review	11/12/2019
Directorate	Economy
Division	Transport Policy
Service Area	
Responsible Officer(s)	<input type="checkbox"/> Naomi R Coleman
Quality Control Officer(s)	<input type="checkbox"/> Janet L Hinks
Accountable Officer(s)	<input type="checkbox"/> Philip Edwards
Purpose of proposal	To request permission to proceed with implementation of Birmingham Clean Air Zone, aligned to the Full Business Case
What sources of data have been used to produce the screening of this policy/proposal?	Survey(s); Consultation Results; Interviews; relevant reports/strategies; Statistical Database (please specify); relevant research; Other (please specify)
Please include any other sources of data	Distributional Impact Appraisal (DIA), Health Impact Assessment (HIA)
PLEASE ASSESS THE POTENTIAL IMPACT ON THE FOLLOWING PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Service Users / Stakeholders; Employees; Wider Community
Age details:	

Children, young people and the elderly can be more vulnerable to air pollution and would be more likely to adversely affected by any reduction in the availability of community transport servicing schools and community centres within the CAZ. Self evidently such groups are far more reliant on public transport than the general population. They could also be adversely affected by the increased cost of community transport particularly if this prevented them accessing schools and community centres within the CAZ, or if it prevented families of patients at Birmingham Children's Hospital from visiting them during their stay.

A high proportion of elderly people have limited mobility and therefore could be adversely affected by implementation of the CAZ if it were to result in the reduction in availability of community transport and taxis, and also the potential increase in cost of community transport and private vehicle travel.

A Defra commissioned study in 2006 showed that there is a tendency for higher relative mean annual concentrations of NO₂ and PM10 in the most deprived areas of the country. In areas which exceed emissions standards, the correlation is stronger. The most vulnerable human receptors include young people and the elderly. A report published by the Royal College of Physicians finds that children living in high pollution areas are four times more likely to have reduced lung function when they become adults (Royal College of Physicians, 2016.).

The entire CAZ has a very low proportion of people over the age of 65 by LSOA relative to distribution across England

and Wales and there is no variation in the proportion of people over the age of 65 within the CAZ. The areas with greater proportions of elderly people are in the Sutton Coldfield area in the northern part of Birmingham and the Northfield/Selly Oak areas to the south. This suggests that the elderly population is unlikely to be disproportionately affected by changes incurred within the CAZ.

Where transport is not provided by the school or local authority, then there could be a differential adverse impact on children attending special educational needs schools if the introduction of the CAZ discourages or prevents families from accessing these schools. However, based on School Travel Plan monitoring within the CAZ area the level of trips to school by non-car modes is generally quite high.

There are also several community centres within the CAZ that have been identified as providing services used principally by children and which may require transport to and from the premises. These include St Martin's Youth Centre and community centres associated with schools in the CAZ area such as Al-Rasool School and St George's Academy

Community transport vehicles are typically older and liable to incur the CAZ charge. As community centres are typically funded either partially or fully by charitable donations, they are unlikely to have sufficient cash reserves to upgrade to a compliant vehicle. Therefore, they may have to either increase the cost or reduce the availability of their travel services as a result of the CAZ charge. This would have a differential adverse impact on children using these services.

BCC Procurement contracts for SEN and Community transport specify the requirement for CAZ compliant vehicles from 1st Jan 2020.

However, where Community Organisations or Charities operating BCC Special Educational Needs (SEN) and Community Section 19 transport contracts within the Clean Air Zone, or continue to provide their own section 19 transport operations within the Clean Air Zone- they will be exempt from the CAZ charge for the foreseeable future.

Birmingham Licenced taxis that undertake BCC SEN and Community transport services or any other BCC transport contracts are excluded from exemption, as they are already required to be CAZ compliant by 31st December 2018 in order to meet the Birmingham Licensing Authority policy criteria. Likewise, any other external Local Authority licensed taxi vehicle used to service a contract procured by BCC to deliver SEN and Community Transport (whether section 19 or other) would need to meet CAZ compliance standards of Euro 6 diesel or Euro 4 petrol as a minimum.

All facilities of importance within the air quality modelling area for the preferred CAZ option would experience a decrease in NO₂ concentrations to some degree. The degree of increase or decrease in NO₂ concentrations has been modelled to show impacts following implementation of the preferred CAZ option relative to locations of facilities of importance to children as described above. The greatest decreases in average NO₂ concentrations are generally seen within the CAZ areas itself and surrounding major arterial roads as they extend out of the CAZ, which is also where

Protected characteristic: Disability

Disability details:

average NO₂ concentrations are highest under the Do Minimum scenario.

By introducing exemptions, the residual effect is anticipated to be neutral as affected vehicles would be exempted.

Service Users / Stakeholders; Employees; Wider Community

The presence of a higher disability ratio may indicate a higher proportion of people sensitive to air quality due to some long term illnesses (especially respiratory). The disabled are also more likely to have concerns over personal security, i.e. more reluctant to travel via taxi or public transport and will therefore be more heavily reliant on private transport.

The CAZ includes areas where there are a high proportion of disabled residents based on the comparative illness and disability ratio component of the Index of Multiple Deprivation. The central north section as well as the southern west part of the CAZ includes the highest proportion of disabled residents in the CAZ. There is only a small section within the centre with a low proportion of disabled residents.

The 2011 Census reported that 9% of the population of Birmingham (98,181 people) reported a long term health problem or disability that was significantly limiting their day-to-day activities. A similar percentage of the population reported their day-to-day activities were slightly limited by a health problem or disability. The official labour market statistics state that the total number of people claiming

disability living allowance in Birmingham is 43,920 (approximately 4% of the population).

The population of the young, the old and disabled exhibit a higher proportion of persons who are more sensitive to poor AQ are known to be more sensitive to poor air quality and the implementation of the Clean Air Zone will have positive impacts for those in the CAZ area and the wider city.

There are a number of exemptions and mitigations which will be available to support disabled people who live or need to travel into the Clean Air Zone and who would be adversely affected by the charges. These will be specifically targeted towards residents, low income groups and those visiting medical facilities.

Vans and mini buses registered as providing essential community and school transport services and those classified as section 19 (disabled transport) operators in Birmingham will also be exempt for the operational life of the CAZ.

The reliance on Wheelchair Accessible Hackney Carriages is also noted and proposals to support the uptake of compliant models of these vehicles is also proposed to ensure the continued availability of this service..

Vehicles within the disabled passenger vehicle tax class will be exempt from paying a charge in a Clean Air Zone. As noted vehicles registered as providing essential community and school transport classified as section 19 operators in Birmingham will also be exempt for the operational life of the CAZ.

Protected characteristic: Gender

Gender details:

Service Users / Stakeholders; Employees; Wider Community

There is a very low proportion of female residents throughout the majority of the CAZ. There is a higher proportion of female residents in a small section in the southern part of the CAZ (Digbeth area) and one area, north east of the centre which includes a high proportion of female residents. This is in the vicinity of the Birmingham Children's Hospital and the high proportion of female residents is assumed to be due to the presence of key worker accommodation on the hospital site. Much of the remaining CAZ area has a low proportion of female residents by LSOA relative to distribution across England and Wales.

Notwithstanding the above, the DIA has identified that there could be a disproportionate and differential impact on women, who as a group are more frequent users of taxis and have a more negative perception or experience of alternative modes of public transport and active travel modes (walking and cycling).

Specific mitigation measures are not being proposed on the basis of gender. However a number of the mitigation measures being proposed will serve an indirect benefit to women; the mitigation for taxis, PHV etc (M1a, b & c) would help mitigate potential impacts on women by maintaining availability of taxis and PHV. Also, exemptions for key workers likely to benefit women, who are disproportionately represented in these roles (nursing, care workers etc).

Protected characteristics: Gender Reassignment

Gender reassignment details:

Service Users / Stakeholders; Employees; Wider Community

The DIA notes that "There are potential differential impacts on security [in relation to people with gender reassignment] as a consequence of some public attitudes which may affect transport preferences. However, the scale of this issue is not known and based on anecdotal evidence."

It was difficult to find sufficient evidence or studies to provide robust research on this. However it is considered that people with this protected characteristic are more likely to experience, or be concerned about, antisocial behaviour or hostility towards them which may influence whether they are comfortable using public transport or would be more likely to use taxis or own vehicles.

By assumption, therefore, any reduction in PHV and taxis may adversely affect people with this protected characteristic, so the mitigation measures to support the PHV and taxis are beneficial to gender reassignment by helping to ensure that people do not leave the taxi and PHV businesses, therefore ensuring the continued availability of this form of transport for people who do not feel safe using public transport.

Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

Not Applicable

It is not considered that the introduction of a CAZ will negatively impact individuals who are married or in a civil partnership.

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

Service Users / Stakeholders; Employees; Wider Community

There are health inequalities associated with pregnancy and air quality. The DIA notes that there is emerging evidence on the links between high levels of emissions and effects on the unborn child. Evidence shows that air pollution can affect the growth of the unborn baby and may be linked to premature birth or even still birth. It is estimated that traffic-related air pollution exposure (particularly exposure to PM) of pregnant women accounts for more than one-fifth of all cases of low birth weight at term. Low birth weight is associated with low lung function, COPD, cardiovascular disease and early death in adulthood. Air pollution can also harm placental development, which affects the development of the unborn child and has been associated with several chronic diseases, including heart disease, obesity and type 2 diabetes. Poor foetal growth is linked to abnormal development of the kidneys, and to hypertension and kidney disease in later life.

It is thought that the introduction of a Clean Air Zone will have a positive impact to pregnant women and those on maternity leave with small children.

A specific mitigation measure is not proposed for this group, however, it is noted that there are potential impacts related to accessibility to key facilities e.g. the Children's Hospital and specific mitigation measures to support visitors and patients are proposed.

Protected characteristics: Race

Race details:

Service Users / Stakeholders; Employees; Wider Community

Compared to England and Wales, much of Birmingham has a high proportion of its population that identifies as Black, Asian and Minority Ethnic (BAME). There is a generally high

concentration of Birmingham's BAME population to be within the central part of Birmingham, with the highest concentrations to the east (Hockley, Winson Green and Handsworth areas) and west of the CAZ (Sparkbrook, Small Heath and Bordesley Green areas). The areas with the lowest proportion of BAME population are the Sutton Coldfield area in the northern part of Birmingham and the Northfield/Selly Oak areas to the south, but these still comprise populations in the top 40% proportion of BAME population compared to England and Wales as a whole.

There are however high proportions of LSOAs within the CAZ with high levels of income deprivation and BAME communities. Key issues are therefore likely to relate to travel within the CAZ and the proportion of residents within the CAZ that have non-compliant vehicles who would not be able to avoid the zone.

The DIA notes that the impact on the taxi trade could have consequential impacts for BAME and low income communities, since a very high proportion of taxi drivers are from communities with high proportion of non-white residents and income deprived residents. Since taxis in Birmingham are all wheelchair accessible, whereas currently none of the private hire taxis are, a reduction in this type of vehicle will have an adverse impact on disabled people who may depend on them for access.

As such, a number of mitigation measures being proposed are targeted at providing support for drivers of both Hackney Carriages and Private Hire Vehicles as detailed in the initial Equality Impact Assessment below.

Protected characteristics: Religion or Beliefs

Religion or beliefs details:

There would be an overall beneficial health impact within the study area under the preferred CAZ option and all other options, however, the magnitude of benefit would be greatest under the preferred CAZ option. When income distribution is considered relative to England and Wales, residents of those LSOAs which fall within quintile one for income deprivation would experience a disproportionately greater amount of the benefits associated with reductions in atmospheric concentrations of all three pollutant types (NO₂, PM10 and PM2.5) than those within less deprived quintiles.

Service Users / Stakeholders; Employees; Wider Community

According to the 2011 census, Christianity was the highest represented religion in Birmingham with 46% of residents saying they were Christian. Whilst 22% of the population was Muslim and 19% had no religious beliefs.

The majority of people classifying themselves in one of the White or Black ethnic groups said that they were Christian, whereas the Muslim community was predominantly made up from the Asian population. In general, the Muslim population are concentrated closer to the city centre area with the Christian group generally further out towards the council boundary.

Within the proposed CAZ area there are 30 registered places of worship, including Roman Catholic, Presbyterian, Church of England, Greek Orthodox Churches, Synagogues, Mosques and Sikh Temples. Most are of a size that suggests their catchment is highly localised. However, Birmingham

Central Mosque is an exception with a capacity of 20,000 and regularly attracts more than 4,000 worshippers for Friday services, suggesting that it attracts a significant number of visits from outside the CAZ area on a regular basis. Other places of worship with a significantly larger than average capacity (greater than 500 spaces) within the CAZ area include the Anglican, Greek Orthodox and Catholic Cathedrals, Camp Hill Seventh Day Church, Ladywood Seventh Day Adventist Church and Birmingham City Church.

The DIA includes an analysis of the distribution of different faith populations across Birmingham. This did not indicate any pronounced issues regarding the distribution of populations and the CAZ. Therefore the analysis looked more closely at the location of large places of worship that would require people to travel across the CAZ boundary.

Mitigation measures are not being proposed specifically for faith groups as there is no direct correlation between religion and ability to comply with the requirements of the Clean Air Zone.

A mitigation measure is proposed to minimise the impact to those who travel into the CAZ regularly, successful applicants for this mitigation measure will be prioritised by income, thus indirectly supporting those of a lower income who travel into the CAZ for worship.

Further measures to work with faith and community groups on travel planning is also included within the proposed mitigations.

Protected characteristics: Sexual Orientation

Not Applicable

Sexual orientation details:

It is not considered that the CAZ scheme is likely to disadvantage individuals based on their sexual orientation.

However, similar to gender reassignment, any reduction in PHV and taxis may adversely affect people with this protected characteristic, so the mitigation measures to support the PHV and taxis are beneficial by helping to ensure that people do not leave the taxi and PHV businesses, therefore ensuring the continued availability of this form of transport for people who do not feel safe using public transport.

Please indicate any actions arising from completing this screening exercise.

The mitigations and exemption packages are detailed in the Initial Equality Impact assessment below.

Please indicate whether a full impact assessment is recommended

YES

What data has been collected to facilitate the assessment of this policy/proposal?

A Distributional Impact Appraisal and a Health Impact Assessment were completed as detailed in the Initial Equality Impact Assessment below. These documents should be read together with this EIA.

Consultation analysis

A public consultation on the Clean Air Zone proposals was launched on Wednesday 4th July 2018 and ran for 6 weeks until Friday 17th August 2018.

The consultation questionnaire asked for details about the respondents so we would be able to know how well people with each protected characteristic were represented among the respondents. The consultation report (published as part of the report to Cabinet on September 10th 2018) provided an overview of the of the overall demographics of those who

responded compared to the general population. This suggested favourable levels of engagement from different communities across the city.

The aim of the consultation process was to seek feedback from individuals and organisations on the proposals for a Class D Clean Air Zone (CAZ) for Birmingham. Specifically identifying:

- Feedback and thoughts on all aspects of the CAZ proposals (including the principle of the proposals);
- Develop a better understanding of the impact that the proposals would have on individuals and organisations;
- What support/mitigation is needed for particular groups of people/organisations; and
- Suggestions for any further measures which were not included.

A press release was issued on 4 July and information was provided at the Council meeting on 10 July.

The Council, along with its partners, used a number of different channels of communication available to them to spread the word about the Clean Air Zone. This included:

- Existing stakeholder and community networks;
- Existing email and other electronic communications (corporate BCC, departmental and schools);
- Public drop-in sessions;
- Roadside signage on approach to the CAZ area
- Radio and press advertising
- Public transport user messages, e.g. on bus stops
- Printed flyers delivered to all residential and commercial properties in and near to the proposed CAZ

- Traditional media (press release/media briefing);
- Social media activity including Facebook and Twitter; and
- Stakeholder events.

Whilst engaging with businesses and organisations the Council encouraged them to raise awareness of the Clean Air Zone with their clients, suppliers and other business contacts.

A face to face drop-in session for Councillors was held alongside a Full Council meeting on the 10 July with a presentation and materials pack available for Ward Forums on request.

Other response channels included:

Be Heard - Responses were primarily collected online via Be Heard; with a survey for individual citizens and a separate survey for businesses/organisations

For those people who did not wish to or were not able to respond to the questionnaire online, paper copies and consultation summary documents were available in all 37 libraries across Birmingham. In addition to this, technical documents were available at the Library of Birmingham and available upon request for those who could not access the document online. Paper copies of the questionnaire were also sent in the post to individuals upon request.

Email correspondence - All email correspondence was logged, acknowledged and responded to where relevant and appropriate.

Dedicated phone line - A dedicated phone line was available throughout the consultation during office hours,

with a voicemail available outside of these times. All calls received were logged in the correspondence log and dealt with accordingly.

Public drop-in sessions - Twelve face to face public drop-in sessions were held in multiple locations across Birmingham. The events each attracted different amounts of people, with an average of 33 attendees per event.

Two specific drop-in events were also held for Birmingham City Council staff at Woodcock Street and Lancaster Circus.

Stakeholder Communication - Four stakeholder seminars were held within the city centre for organisations and businesses wishing to find out more information about the proposals and to feedback their concerns, comments and ideas. An invitation email was sent using the existing BCC corporate and departmental databases to approximately 26,000 businesses and organisations inviting them to register interest in the stakeholder seminars.

Taxi /Private Hire events - Five events specifically for taxis and private hire drivers were held by the licencing team for taxi drivers to come and talk to Council officers about its Clean Air Zone proposals and to find out what specific concerns were for taxi drivers. An invitation was sent by the licencing team to the taxi reps, inviting their members to any of the five events.

Key strategic stakeholder meetings - In addition to the public drop-in sessions and stakeholder seminars officers attended meetings and events during the consultation with key stakeholders including:

- Retail Business Improvement District
- Greater Birmingham Chambers of Commerce
- Freight and Transport Association (FTA)
- Full Council Meeting
- Solihull Council
- West Midlands Bus Operators Panel
- West Midlands Bus Alliance Board
- Central Mosque
- Northfield Ward Meeting
- Sandwell Council
- Hammersons
- Taxi Trade Liaison Meeting
- Motorcycle Action Group
- Showmen's Guild
- RMT Union
- Citizen UK

Adverse impact on any people with protected characteristics.

As detailed within each characteristic analysis.

Could the policy/proposal be modified to reduce or eliminate any adverse impact on any particular group(s)? The mitigations and exemption packages are detailed in the Initial Equality Impact assessment below.

How will the effect(s) of this policy/proposal on equality be monitored?

The City Council propose to undertake some qualitative monitoring and evaluation of travel behaviours to understand the impacts of the mitigation measures and exemptions and help to interpret and explain the findings from the traffic monitoring and air quality. The proposed method for doing so is by commissioning a consultant, research group or university team via a competitive tendering process to undertake a Cohort Study. The Cohort Study would be recruited through targeted sampling of

What data is required in the future to ensure effective monitoring of this policy/proposal?

people eligible for the mitigation measures and exemptions as well as some general population sampling to assess the impact of the CAZ on different groups, and provide a comparison to understand the additional impact that the mitigation and exemption measures have on travel behaviour.

To be determined by the Cohort Study as detailed above.

Are there any adverse impacts on any particular group(s)

Yes

If yes, please explain your reasons for going ahead.

As detailed in the Initial Equality Impact Assessment below.

Initial equality impact assessment of your proposal

Birmingham City Council has a duty under S149 of the Equalities Act to pay due regard to the need to eliminate discrimination, harassment and victimisation and to ensure an equality of opportunity to those who share a protected characteristic and those who don't. Additionally the City Council has a duty to foster good relations between persons who share relevant protected characteristics and those who don't. The authority must give proper regard to all the goals in Section 149 of the Equalities Act in the context of the function that it is exercising, and at the same time, pay regard to any countervailing factors which, in the context of the function being exercised, it is proper and reasonable for the authority to consider.

As such, Birmingham City Council has commissioned a distributional impact appraisal, together with a health impact assessment, to identify how the impacts of a proposed Clean Air Zone (CAZ) would be distributed across Birmingham's diverse population and business communities. These impacts

include positive health benefits as well as financial impacts. The outputs of this work together with responses received as part of the consultation have been used to develop a package of measures to reduce the impact on individuals and businesses most likely to be adversely impacted by the Clean Air Zone proposals. The mitigation measures and exemptions are set out in further detail in section 5.0 of this document.

Social and Equality Impacts

Income deprivation has been considered at lower super output level (LSOA)¹ relative to England and Wales, and relative to Birmingham. Compared to England and Wales as a whole, there are high levels of income deprivation within the CAZ and Birmingham in general. Owners of non-compliant vehicles resident within the CAZ and in close proximity to the CAZ (such as Nechells, Aston, Perry Barr, Tyburn, Soho and Sparkbrook) are potentially the worst affected financially by the proposed scheme, as due to their geographical location they would be least able to avoid entering and exiting the CAZ for everyday car journeys. There is a higher rate of non-compliant cars associated with areas of income deprivation. It should also be noted that there is a relatively high proportion of households within the CAZ that have no access to a car. The adverse impacts therefore would be distributed among those households that are dependent on car use and which have non-compliant vehicles. It is notable that low income households across Birmingham are also among those who would benefit

most from the effects of the CAZ in terms of reduced journey times and reduced petrol consumption due to reduced congestion around the city centre as well as from the health benefits of the proposed scheme.

Other social groups potentially adversely affected by the CAZ proposals would be those dependent on community transport and taxis, as without mitigation these forms of transport could be adversely affected to the extent that their availability decreases (see below). People vulnerable to these impacts would include the disabled, the elderly, women and children. There are some key community facilities within the CAZ whose users could be adversely affected by the combination of CAZ charges and parking charges. Examples include staff and families of children who are patients of the Birmingham Children's Hospital, and congregants of those larger or more unique places of worship within the CAZ. Mitigation or exemption will be offered to visitors of select medical facilities within the CAZ however it is not possible to provide mitigation to cover all key community facilities without adversely affecting the rate of achieving compliance. Visitors to community facilities are not provided for under the package of mitigation measures and exemptions therefore individuals will be required to plan their travel appropriately.

Business Impacts

The analysis has shown that some transport dependent businesses are more likely to have compliant fleets than others and so the impact of the CAZ would be distributed

unequally across businesses. Taxi businesses would be faced with high upfront costs and few choices of response to the CAZ. Other types of business less able to afford the impacts of the CAZ appear to be private hire taxi companies, van companies with fleets that are owned by individuals rather than registered to the company, and SME HGV operators. A very high proportion of businesses within the CAZ are SMEs. Since all would be dependent on transport to some extent, any increase in costs from their suppliers as a result of entering the CAZ are likely to be passed on to these businesses, who in general would have less capacity to cope with increased costs than larger businesses. A number of the mitigation measures and exemptions are targeted at SMEs, Commercial Vehicle Fleets, taxis and private hire taxi companies to ensure that they are catered for and the impact is minimised.

Health Impacts

Health impacts would result from the reduction in air pollutants (particularly NO₂ and fine particles (PM10 and PM2.5) as well as behavioural changes from switching to active modes of transport (walking and cycling) and improved environmental conditions. Analysis has shown that income deprived communities would proportionately receive higher health benefits than the population as a whole, meaning that the CAZ would help address a health inequality associated with the more deprived communities typically being exposed to more air pollution. Spatial analysis of where the main air quality changes would occur have shown

that there would be a 26% improvement in NO2 pollution concentrations around schools and nurseries which are currently within the areas at greater risk of illegal levels of air pollution.

One of the aims of the CAZ is to nudge behavioural change, so that people use more active modes of travel where they can. Although it is not possible to quantify the likely level of change of the CAZ, across a population the increase in physical activity could contribute to significant improvements in overall public health.

Mitigation

The City Council has paid due regard to the need to achieve the goals set out in the Equalities Act (see above), and where there is risk of an adverse impact to a protective group, this has been identified and considered in the development of the mitigation measures and exemptions. A targeted package of mitigation measures and exemptions has been developed to ensure that those impacted are catered for where possible and that the City Council's duties under the Equality Act are fulfilled. The mitigation measures and exemptions are set out below.

Mitigation Measures:

- M1a - Mobility support for individuals working within the CAZ area;
- M1b - Mobility support for individuals who regularly enter the CAZ area;

- M2a - Hackney carriage support package;
- M2b - Council Hackney Carriage leasing scheme;
- M2c - Private hire vehicle upgrade support;
- M3 - Free miles for ULEV LGVs;
- M4 - HGV & Coach compliance fund;
- M5 - Marketing and engagement campaign; and
- M6 - Residents parking scheme.

Exemptions:

- Commercial vehicles registered within the CAZ, LGVs, HGVs and coaches registered in the CAZ will receive a 1 year exemption (max 2 vehicles per company);
- Commercial vehicles with a pre-existing finance agreement, LGV/HGV/Coaches registered in the Birmingham area travelling to the CAZ with an existing finance agreement beyond 2020 will receive a 1 year exemption (max 2 vehicles per company);
- Residents of the CAZ - Individuals with non-compliant vehicles registered in the CAZ will be exempted for 2 years;
- Individuals travelling into the CAZ for work, Individuals with a non-compliant vehicle who work within the CAZ and satisfy the income criteria will be exempt for 1 year;
- Visitors to select medical facilities within the CAZ will be exempt for the duration of their stay; and
- Vans and mini buses registered as providing essential community and school transport services and those classified as section 19 operators in Birmingham will be exempt for the operational life of the CAZ.

The implementation of all measures is dependent upon the necessary funds being agreed and released by Government. In the event that not all measures are funded by Government the City Council will consider how revenue can be best used

	to ensure that the groups most significantly impacted are catered for.
Consulted People or Groups	As detailed under Consultation Analysis
Informed People or Groups	As detailed under Consultation Analysis
Summary and evidence of findings from your EIA	<p>The impacts of introducing a Clean Air Zone include positive health benefits as well as financial impacts. Financial impacts are two-fold; positive impacts include generation of a revenue stream for the city council which will be used to fund future transport initiatives that will result in further improvements to air quality. However, financial burden will be placed on those who are eligible to pay the CAZ charge. The impacts of this will be mitigated as much as reasonably possible via the implementation of a set of mitigation measures and exemptions.</p> <p>It has been identified that the most significantly impacted protected characteristics are Age, Disability, Pregnancy and Maternity and Race., Some impacts are positive rather than adverse, particularly for Pregnancy and Maternity. The mitigation measures and exemptions help to address any adverse impacts. It has also been noted that there could be possible impacts for Gender and Religion or Belief particularly linked to those on lower incomes. It is anticipated that individuals with these characteristics, will benefit from the various exemptions and mitigations .</p>

It is important to stress that the implementation of a Clean Air Zone will have positive health impacts on a number of characteristics, particularly Age and Pregnancy and Maternity. It will also help address health inequality associated with more deprived communities typically being exposed to more air pollution.

Evidence for these impacts has been drawn from extensive consultation, a distributional impact appraisal and a health impact assessment, as detailed above. These documents should be read together with this EIA.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

Quality Control Officer comments

Decision by Quality Control Officer

Submit draft to Accountable Officer?

Decision by Accountable Officer

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

Please print and save a PDF copy for your records

Attachments

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No

Agreed to procueed for final approval 61218

Proceed for final approval

Yes

Approve

06/12/2018

Yes

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