



Glasgow City Council
City Administration Committee

Item 8

13th October 2022

Report by Councillor Angus Millar, City Convener for Climate,
Glasgow Green Deal, Transport and City Centre Recovery

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**LOW EMISSION ZONE: UPDATE AND WORKPLAN TOWARDS GENERAL
ENFORCEMENT**

Purpose of Report:

To provide Committee with background on the Glasgow Low Emission Zone, details of the LEZ final scheme design, information on the workplan leading to general enforcement on 1 June 2023 and to seek approval of the approach to time-limited exemptions.

Recommendations:

It is recommended that Committee;

- 1) Notes the contents of this report
- 2) Notes the commitment to ongoing communications with relevant stakeholders
- 3) Agrees the proposed actions regarding time-limited exemption for non-funded taxi operators

Ward No(s):

Citywide:

Local member(s) advised: Yes No consulted: Yes No

1 Glasgow Low Emission Zone – Background

- 1.1 Scientific consensus, reinforced by an ever-increasing body of evidence, demonstrates that exposure to air pollution is harmful to people's health in terms of premature mortality and morbidity. Whilst mainly related to respiratory and cardiovascular disease, it is widely accepted that outdoor air pollution causes damage to human health across a range of conditions, from pre-birth to old age.
- 1.2 The Health and Environment Working Group report, commissioned as part of the review of the Cleaner Air For Scotland Strategy (CAFS), reviewed the best available data for air pollution impacts on health in a Scottish context. It concluded that around 2000 deaths in Scotland could be attributed annually to outdoor pollution levels. Adverse impacts in terms of public health are focused on those areas, such as Glasgow city centre, where elevated levels of air pollution are most prevalent. Globally, air pollution is now considered the most serious of all environmental health problems.
- 1.3 Glasgow City Council undertakes monitoring of air pollution levels across the city and significant progress has been made in improving the air quality experienced by residents and visitors. The city has previously declared Air Quality Management Areas (AQMA) for four areas in respect of exceedances of the air quality objectives, including one which covered the whole of the City of Glasgow. Improvements have resulted in the objectives being met in recent years with the exception of areas within the city centre AQMA where levels of nitrogen dioxide (NO₂) are still of concern. Some areas of exceedance are experiencing NO₂ levels around 50% above the objective and action is needed to sufficiently reduce this in an acceptable timescale.
- 1.4 GCC introduced Scotland's first Low Emission Zone (LEZ) in 2018 which targeted emissions from the bus fleet and required progressive improvements in the number of cleaner buses entering the city centre. However, extensive modelling of options highlighted that bus fleet improvements would not be sufficient on their own to achieve compliance with the air quality objectives in the city centre.
- 1.5 At its meeting on [28th September 2017](#), the City Administration Committee (CAC) agreed to a set of proposals for phase 2 of the LEZ and identified key elements of Glasgow's journey towards this goal. Since that date, the Environment, Sustainability, Carbon Reduction and City Policy Committee (ESCR) has considered updates on the progress of the LEZ on [20th March 2018](#) and [11th June 2019](#) which detailed the introduction of Phase 1 of the LEZ and progress in the development of Phase 2.
- 1.6 A further LEZ update was considered on [6th October 2020](#) noting the revised timescale for introduction of Phase 2 due to the impacts of the pandemic on the legislative program. The meeting of [8th June 2021](#) considered the detail of the preferred scheme design and sought approval to take this design to statutory public consultation.

- 1.7 The results of the public consultation were presented on [23rd November 2021](#), including the independent consultant's report on the findings. The report also detailed the intention to make minor amendments to the scheme boundary, based upon the feedback received, and proceed to formal publishing of the final scheme design.
- 1.8 The paper detailing the LEZ final scheme design and intention to undertake Ministerial Submission was presented to ESCR on [7th March 2022](#) and the City Administration Committee on [10th March 2022](#). This received Committee approval but was "called in" for further examination on the 23rd March 2022 at the Finance and Audit Scrutiny Committee where the decision to approve at CAC was upheld.
- 1.9 The [LEZ final scheme design](#) was submitted to Scottish Ministers for final approval, which was received on 19th May 2022. The LEZ therefore came into effect on 31st May 2022.
- 1.10 A version of this paper was presented to the Net Zero and Climate Progress Monitoring City Policy Committee on [20th September 2022](#) where its submission to CAC for approval of the recommendation about time limited exemptions was agreed.

2 LEZ Scheme Design

- 2.1 The Glasgow LEZ will cover the area of the city centre bounded by the M8 motorway to the north and west, the River Clyde to the south and High St / Saltmarket to the east. A [full map](#) and [street listing](#) are available at the included links.
- 2.2 Glasgow City Council committed to improving air quality through enforcement of the LEZ at the earliest opportunity and therefore adopted a one year grace period, which is the minimum permissible in legislation, meaning enforcement of entry restrictions will begin on 1st June 2023. A further year's grace period for vehicles registered to residents within the LEZ, reflecting their restricted options in respect of choosing to enter the LEZ was also adopted. Therefore, enforcement of entry restrictions for vehicles which fall within this category will begin on 1st June 2024.
- 2.3 The Glasgow LEZ will apply to all vehicle types, with the exception of motorbikes and mopeds, and those vehicle types or uses considered exempt in Regulations. To enter the zone, petrol vehicles must meet the Euro 4 emission standard (generally vehicles first registered from 2006 onward). Diesel vehicles must meet the Euro 6 emission standard (generally vehicles first registered from September 2015 onwards). This is the minimum standard which modelling has shown has the ability to help achieve the air quality objectives and affects only the most polluting vehicles.
- 2.4 Vehicles that have been retrofitted with a suitable emissions abatement system, such that their tailpipe emissions now meet or exceed the relevant emissions

standard for their vehicle type as detailed above, will be permitted access to the LEZ. Such retrofitted vehicles must be suitably accredited by an independent scheme such as the Clean Vehicle Retrofit Accreditation Scheme (CVRAS). Vehicles which have undergone repowering, either through the installation of a new engine or other power type, will also be permitted access to the LEZ, should the repowering result in emissions which meet or exceed the above emissions standards.

- 2.5 Penalty charges for non-compliant vehicle entry into an LEZ in Scotland are set at a national level as seen in [The Low Emission Zones \(Emission Standards, Exemptions and Enforcement\) \(Scotland\) Regulations 2021](#). The initial penalty charge is set at £60 and is reduced by 50% if paid within 14 days. Where repeat entry by the same vehicle is detected within a 90 day period, this penalty charge rate will double, doubling again on each subsequent entry up to a maximum determined by vehicle type. Where no subsequent entry by a noncompliant vehicle is detected within a 90 day period, the penalty charge is reset to the initial penalty charge rate of £60.
- 2.6 The LEZ Scheme Design as approved by Scottish Ministers can be found at <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=57387&p=0>. This document provides full details of the LEZ including:
- History of the development of the LEZ
 - LEZ details including Objectives
 - LEZ governance, monitoring and reporting
 - Background on air quality, climate change and transport issues influencing LEZ development
 - Summary of LEZ appraisal, modelling and validation
 - Details of consultations, engagement and stakeholder input
 - Integrated impact assessments

3 LEZ Future Actions

- 3.1 An LEZ Enforcement Working Group has been established to oversee the project planning for the operational phase of the LEZ. This working group comprises representatives from Roads, Parking Services, Technical Services, Communications, Sustainability and CGI. This group complements the work undertaken by the national enforcement group, comprising representatives from the four LEZ cities, Transport Scotland and other organisations as required.
- 3.2 A preferred supplier for camera and back office solutions has been identified and procurement of this aspect is being overseen by Parking Services and CGI. Videalert has successfully provided services for a number of Clean Air Zones (CAZ) in England and is also the preferred supplier for the three other Scottish LEZ cities. This experience should ensure a suitable solution is provided and a consistent approach, with potential for associated savings, is realised. Integration of the camera solution with the back office systems is also being overseen by CGI.

- 3.3 Installation of enforcement infrastructure is also underway with electrical supplies, ducting, camera poles etc. installed at most locations. This work is expected to be fully complete by end of 2022. Roughly half of all camera enforcement locations are expected to have active cameras in place, with a rolling program of camera rotation established for the operational phase.
- 3.4 Official signage for Scottish LEZs has been established at a national level and confirmed with the LEZ cities. Signage locations have now been determined and visited to establish suitability and sightlines to ensure their effectiveness and compliance with best practise. Technical Services are overseeing this aspect of the project and are liaising with Transport Scotland and Amey to ensure an agreed and consistent approach between signage on city roads and signage on the trunk road network. Signage procurement and installation is expected by December 2022 and will enhance public awareness of the forthcoming enforcement phase.
- 3.5 Access to vehicle databases for LEZ compliance checks and enforcement is being undertaken at a national level between Transport Scotland and the DVLA. DVLA have extensive experience of providing this service for CAZs and the London ULEZ. However, the differences in legislation in Scotland will necessitate a tailored approach. The system for this is expected to be in place by December 2022, allowing for an extended testing period before formal enforcement.
- 3.6 As a new enforcement structure, without direct precedent on other examples of European LEZs or English Clean Air Zones (CAZ), it is difficult to quantify the expected level of compliance. However, the small proportion of non-compliant vehicles and the escalating nature of the penalty charge have led to the general assumption that Scottish LEZs will see high compliance rates. Non-compliance, and therefore penalty charges and administrative burden, are expected to be highest in the initial stages of enforcement and drop significantly and quickly. GCC are continuing to work with Transport Scotland and the other LEZ cities to quantify expected compliance rates. Consultation will continue with CBS to establish the baseline resources required for administration and with other partners to explore options for additional administrative provision in the initial enforcement period.
- 3.7 Communications will increase in volume and frequency in the run up to LEZ enforcement next June and will include a high-profile television and radio campaign backed by online and offline advertising across a wide variety of channels. A further letter will be issued to zone residents to draw their attention to the grace period that allows them an extra year to comply, as well as the availability of external funding.

4 LEZ Exemptions and Time-Limited Exemptions

- 4.1 A number of vehicle types are exempted from LEZs within Scotland, as defined in [The Low Emission Zones \(Emission Standards, Exemptions and](#)

[Enforcement\) \(Scotland\) Regulations 2021](#). A full list of these can be found in the LEZ Scheme Design.

- 4.2 Blue badge holders are subject to this national exemption and Transport Scotland are in the process of devising an administrative procedure which will allow blue badge owners of non-compliant vehicles to register this as such. Pre-registration is intended to reduce the burden on these individuals, and the LEZ cities, and to avoid the appeals procedure.
- 4.3 Blue badge holders are exempt in whichever vehicle they travel, even if not their primary vehicle. Transport Scotland are ensuring that their system allows for the registration of use of secondary vehicles to avoid penalties being applied.
- 4.4 The Transport (Scotland) Act 2019 allows local authorities to grant non-compliant vehicles or vehicle types a time-limited exemption which would permit them to operate within a LEZ. These exemptions are limited to a maximum of one year. Glasgow City Council does not propose a general exemption of this type for any particular vehicles or vehicle types.
- 4.5 The LEZ scheme will allow for applications for a time-limited exemption under circumstances where entry of a non-compliant vehicle is required for a specific, defined purpose not considered in legislation or regulations. Applications will be determined on their individual merits. Examples of this may be, but are not limited to; abnormal loads or machinery transport, historic vehicles or vehicles of particular specialty not covered by other exemptions and used for a specific purpose, or any other non-compliant vehicle use deemed appropriate on application to Glasgow City Council.
- 4.6 Applications for time-limited exemptions will not normally be considered for the routine transport of people or goods or for routine commercial operations. However, GCC may apply a time-limited exemption, by reference to the vehicle's use, upon consideration of an application. The approach taken will be pragmatic and adaptable and take account of National Modelling Framework modelling outputs to determine the relative impact of the vehicle use in relation to the emissions that are being targeted for reduction. It is expected that any exemptions will only be granted in rare circumstances and may be subject to conditions or restrictions as deemed appropriate by GCC. A mechanism for application for exemption will be published on the LEZ website in advance of enforcement.

5 Public Hire Taxis and Time-Limited Exemptions

- 5.1 Source apportionment undertaken under the National Modelling Framework by the Scottish Environment Protection Agency demonstrates that NO_x emissions from taxis represent around 11% of the total road transport emissions within the proposed LEZ area. However, this contribution rises significantly in those streets which record the highest pollution levels. Therefore, the contribution from taxis is significant across the LEZ, particularly in those streets where NO₂ levels are highest such as, but not limited to, those around Central Station.

- 5.2 As a stakeholder group likely to be affected by the implementation of any LEZ, engagement with taxi operators and their representatives has been an ongoing process since the LEZ was first proposed. Operators also expressed their opinions during two public consultations and during the formal objection period, where 123 of 134 objections were from those identifying themselves as part of the taxi trade. Full details of stakeholder engagement are included as a core element of the [LEZ scheme design](#). Appendix D of the LEZ scheme design also includes the Objections Report which addressed in detail the concerns raised by taxi operators at that time.
- 5.3 Significant levels of support have been made available to taxi operators through the LEZ support fund. Funding is available for:
- Retrofit of eligible vehicles to LEZ emission standards either through exhaust after-treatment systems or through engine re-powering technology.
 - Disposal of non-compliant vehicles through payment of a disposal grant.
- 5.4 Feedback from operators expressed concern around the available funding levels. Ongoing correspondence between Glasgow City Council and the Scottish Government around various aspects of the funding support for taxis has resulted in an additional £5M being made available within the LEZ support fund. This has resulted in the grant funding available to retrofit eligible vehicles being increased by 20% and means that up to £6000 per vehicle is available to fund exhaust retrofits and up to £12000 per vehicle for engine re-repowering. This significantly reduces the operator contribution required for these vehicles to become LEZ compliant. Those operators who have undertaken retrofit under the previous grant terms, since the start of the financial year, will be reimbursed the difference between the original and the new funding levels.
- 5.5 The LEZ support fund is designed by Transport Scotland and administered by the Energy Saving Trust. Funding support is only guaranteed for the current financial year, and therefore eligible operators have a limited time period to take advantage of this or the opportunity, and the funding, may be lost.
- 5.6 During the objections period and in the lead up to approval of the LEZ scheme design, operators continued to express concerns in relation to grant funding availability, retrofitting capacity and/or supply timescales for new vehicles. As a result of this feedback, a discretionary mechanism by way of a temporary, time-limited exemption to address these specific concerns has been developed. Therefore, should an operator with a vehicle eligible for retrofit submit their funding application to the Energy Saving Trust prior to 31st October 2022, the Council will guarantee a time-limited exemption from LEZ emissions requirements in the event of an issue arising relating to grant funding availability and/or retrofitting capacity which means that this work cannot be carried out prior to LEZ enforcement beginning. This mechanism will ensure that operators are not disadvantaged by any potential supply or funding issues outwith their control.

- 5.7 Details of this mechanism, including terms and conditions that apply, was communicated by letter to all taxi operators dated 10 August 2022. This letter further advised operators of the formal introduction of the LEZ and the confirmed dates of enforcement as well as providing information on the various funding options available to help them become LEZ compliant.
- 5.8 Those operators who intend to purchase a new vehicle compliant with LEZ emission standards were advised that they should be aware of the delivery timescales and make every attempt to take ownership of the vehicle in advance of LEZ enforcement beginning. However, they were also advised that should exceptional delays mean delivery of the compliant vehicle cannot be achieved by 1 June 2023, a time-limited exemption until the expected delivery date may be applied for.
- 5.9 However, Glasgow City Council recognises that a number of operators may own a taxi of a model type that does not have a funded retrofit solution available. Further operators may not be eligible for retrofit via the LEZ support fund through not meeting the terms and conditions which apply. Many of these factors cannot be fully determined until an operator makes an application and therefore absolute numbers of affected operators is difficult to determine with accuracy.
- 5.10 Those operators may seek other methods of becoming LEZ compliant, as detailed in the information letter. These include interest free loans for electric capable vehicles or taking advantage of the relaxation of the “five-year rule” to register an older compliant, or retrofittable, vehicle with licensing. Operators without a retrofit solution may also apply for the disposal grant element of the LEZ support fund.
- 5.11 However, it is recognised that those operators without access to funded retrofit solutions face additional compliance costs in respect of the LEZ. Therefore, it is proposed that those operators who can evidence that they have no access to a funded retrofit solution, either by way of vehicle type, demonstration that they don’t qualify as a micro-business (as defined by the Energy Savings Trust), or through a rejected application or vehicle inspection, will be eligible to apply for a time limited exemption. Should this proposed accommodation be approved, under the legislation detailed in section 4.4 this will be limited to a maximum of one year and therefore a compliant vehicle will be required to continue operating beyond 1 June 2024.
- 5.12 Operators will be informed of this further accommodation at the earliest opportunity to ensure that they are fully aware of the options available and have sufficient time to evidence any application for a time-limited exemption. Communications with taxi operators and their representatives will also continue to ensure that any concerns or issues that arise in respect of helping the taxi fleet become LEZ compliant are also identified. Full details of how to apply for any time-limited exemption as detailed above will be published on the LEZ website.

- 5.13 Further to the above, Licensing is examining the potential of allowing taxis with fixed steps to operate in Glasgow, removing the requirement for mechanical steps. This has the potential to increase the number of LEZ compliant vehicles available for operators. Prior to this policy being changed a report would require to be placed before the Licensing and Regulatory Committee for approval.
- 5.14 Whilst acknowledging the special circumstances which apply in respect of the compliance rates of the Glasgow taxi fleet and seeking to reduce as far as possible the financial burdens for operators to become compliant, Glasgow City Council remain committed to improving air quality within the LEZ as quickly as possible. The above approach balances the need to improve air quality from the current, illegal levels, with a pragmatic approach to helping the taxi fleet become compliant, whether this is through a funded retrofit solution or additional time to meet the standards where a retrofit solution is unavailable.

5 Policy and Resource Implications

Resource Implications:

<i>Financial:</i>	Grant funding for the LEZ and associated projects is provided by the Scottish Government and administered by Transport Scotland. LEZ support funding is designed by Transport Scotland and administered through the Energy Saving Trust.
<i>Legal:</i>	Progress on the LEZ is dependent on the Transport (Scotland) Act 2019 and the associated Regulations which came into force on 31 st May 2021. The LEZ was legally established in Glasgow on 31 st May 2022.
<i>Personnel:</i>	LEZ actions will be undertaken using existing staff resources, partner organisations and consultant support. Additional staff resources for the enforcement will be required.
<i>Procurement:</i>	Procurement has been undertaken in respect of LEZ projects such as communications and engagement, consultant support and consultation activities. Procurement of capital purchase for enforcement equipment, infrastructure and back office is underway.

Equality and Socio-Economic Impacts:

<i>Does the proposal support the Council's</i>	Generally supportive of the stated outcomes.
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Equality Outcomes 2021-25? Please specify.

What are the potential equality impacts as a result of this report?

The LEZ is aimed at protecting the health of some of Glasgow's most vulnerable residents. An EQIA screening of the first phase of the LEZ has been undertaken - [Link](#)

A further EQIA for phase 2 of the LEZ has been undertaken as part of the [Integrated Impact Assessment](#).

Poor air quality differentially impacts on residents with prior health conditions and improvements in air quality should therefore provide benefits.

Please highlight if the policy/proposal will help address socio-economic disadvantage.

Socio-economic impacts have been considered as part of the Integrated Impact Assessment of Phase 2 of the LEZ.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:

Development of the LEZ directly addresses actions 22 and 53 of the Climate Plan. It also contributes towards actions 26,33,54,55 and 56.

What are the potential climate impacts as a result of this proposal?

One of the statutory objectives of any Scottish LEZ is to contribute to climate change targets. This is expected to provide a slight beneficial impact based on preferential entry conditions being applied to low and zero emissions vehicles. Impacts have been further quantified through [modelling conducted by SEPA](#) as slight beneficial. Further beneficial impacts will be achieved through ancillary measures.

Will the proposal contribute to Glasgow's net zero carbon target?

The LEZ will contribute to the reduction of carbon emissions within the city centre and beyond through the promotion of low and zero emission vehicles. Impacts of direct emission impacts have been quantified through modelling conducted by SEPA. Ancillary benefits will continue to be quantified as the LEZ progresses.

**Privacy and Data
Protection Impacts:**

This report has no immediate impacts upon privacy or data protection. However, data collection as part of any enforcement of the LEZ will be fully considered for compliance with relevant legislation and procedures.

6 Recommendations

It is recommended that Committee;

- 1) Notes the contents of this report
- 2) Notes the commitment to ongoing communications with relevant stakeholders
- 3) Agrees the proposed actions regarding time-limited exemption for non-funded taxi operators