

**To: Delegated Decisions of the Board Member, Cleaner Greener Oxford**

**Date:** 16<sup>th</sup> February 2012

**Report of:** Head of Environmental Development

**Title of Report:** OXFORD CITY CENTRE LOW EMISSION ZONE

## **Summary and Recommendations**

**Purpose of report:** To set out the responsibilities and role of the City Council as part of the proposed application to the Traffic Commissioner by the County Council for a Traffic Regulation Condition (TRC) to enforce a bus based Low Emission Zone in central Oxford from 1<sup>st</sup> January 2014.

**Key Decision:** Yes

**Executive lead member:** Councillor John Tanner  
Cleaner, Greener Oxford

**Policy Framework:** The strategic priority to improve the local environment, economy and quality of life, and the Community Strategy theme of working to create a better living environment.

**Recommendation(s):** The Board Member, Cleaner Greener Oxford is RECOMMENDED :-

(i) To support the application by the County Council to the Traffic Commissioner for a TRC to enforce the bus based LEZ, declared by the City Council in central Oxford from 1<sup>st</sup> January 2014.

(ii) To request the head of Environmental Development to:-

(a) Review the future emission standards for taxis and private hire vehicles, in line with the LEZ standards.

(b) Develop and maintain a database for the purpose of certifying compliant vehicles, for as long as the TRC remains in force.

Appendix 1-Report to Cabinet Member for Transport 16<sup>th</sup> February 2012

Appendix 2a- Draft TRC Application;

Appendix 2b Annotated TRC

Appendix 3-City Executive Report 1<sup>st</sup> April 2009 Low Emission Zone

## Appendix 4-Risk Register

### 1. Background

- 1.1 Under responsibilities placed on the City Council by the 1995 Environment Act to review and assess local Air Quality, a series of reports to the Department of the Environment Food and Rural Affairs (DEFRA) established an Air Quality Management Area in central Oxford.
- 1.2 An Air Quality Action Plan in 2006 subsequently prioritised the need to consider the feasibility of developing a Low Emission Zone in central Oxford, as a means of improving local air quality, in line with national regulations and European Union Directives.
- 1.3 The City Council and County Council established a joint Low Emission Zone Feasibility Study Group as a means of taking this process forward as a joint venture between both Councils. This group comprised lead Member for Transport for the County Council, lead Member for Cleaner Greener Oxford for the City, plus lead officers from both Councils.
- 1.4 A feasibility study was developed by external consultants, in consultation with officers in both Councils, and reporting to the joint feasibility study group. The final outcome of the feasibility study was a joint recommendation to progress with the implementation of a Low Emission Zone applying to buses operating in central Oxford.
- 1.5 The City Executive Board on 1st April 2009, resolved to:-
  - (1) declare a Low Emission Zone (LEZ), requiring all public service vehicles (PSVs) (*used on registered local bus services*) operating in Oxford city centre to meet the Euro V emission standard by 31 December 2013;
  - (2) in pursuit of the above, to work together with Oxfordshire County Council in the development of an integrated package of transport and bus quality improvements in Oxford – to include: -
    - a. the signing of a draft Bus Quality Partnership Scheme (QPS) by October 2009, that will require, when established, all PSVs operating in Oxford city centre to comply with the requirements of the proposed LEZ;
    - b. work with the Traffic Commissioner to develop a traffic regulation condition (TRC) requiring all PSVs operating in Oxford city centre to comply with the requirements of the proposed LEZ. The TRC will be introduced unless a QPS as described in (2)a. above has been implemented first;
  - (3) note the County Council resolution to “carry out a detailed assessment of the impact of the proposed LEZ on low frequency bus services, particularly subsidised services or services whose commercial viability is uncertain”.

## **2. Development of proposed Traffic Regulation Condition**

- 2.1 The reports to both Councils in 2009, highlighted that there were two possible legal mechanisms for implementing a Low Emission Zone, either a Bus Quality Partnership Scheme or a TRC. After consideration a TRC was selected as the BQP approach would not provide adequate enforcement.
- 2.2 The details of the development of the proposed TRC are contained within the County Council report at Appendix 1.
- 2.3 Since 2009 officers from the County Council and City Council have been developing the details of the draft TRC involving consultation with:-
- Department for Transport (DfT)
  - Department of Environment Food and Rural Affairs (DEFRA)
  - Transport for London (TfL)
  - Traffic Commissioner
  - Vehicle and Operator Services Agency (VOSA)
  - Bus Companies
  - Emissions abatement manufacturers
  - Other Local Authorities
- 2.4 It was made clear early on by the Traffic Commissioner that the TRC application would need to consider the local situation, by reference to the issues raised by the bus companies. In the event of a local bus company objecting to the TRC Application, the Traffic Commissioner must hold a Public Inquiry.
- 2.5 A key element of the application relates to the administration of the TRC once in force, particularly with regard to certifying vehicles that have been retrofitted with additional emissions control devices as being compliant with meeting the Euro V emission standard for Nitrogen Oxides.
- 2.6 DEFRA, DfT and the groups listed in para 2.3 above, have been involved in discussions (including commissioning an independent report) with regard to establishing a national certification scheme for NOx emission standards, including retrofitted vehicles.
- 2.7 At the current time a national certification scheme has not yet been established, although it is possible that one will be established in future.
- 2.8 In the meantime, this leaves the Councils with the requirement to put into practice a local certification scheme for addressing which vehicles will comply with the requirements of the TRC.

## **3. Roles for the local authorities**

- 3.1 The TRC will be introduced by the Traffic Commissioner and enforcement is ultimately his / her responsibility. Responsibility for compliance rests with the

bus operators. However, to assist the Traffic Commissioner and bus operators and to ensure the scheme is successful in the longer term; officers have identified some simple processes that would be carried out by City and County Council staff.

- 3.2 The County Council would maintain a database of exempt very low frequency bus services and would investigate any suspected use of non-compliant buses within the LEZ, using existing city centre traffic cameras to gather evidence if necessary.
- 3.3 The City Council would issue and update guidance to bus operators on how to comply with the LEZ requirements, including details of emissions requirements, and maintain a database of all compliant vehicles and vehicle-retrofit combinations as specified in the draft TRC. Officers therefore recommend that the submission of an application to the Traffic Commissioner is conditional on the City Council's formal agreement to carry out the roles described above. If a National Certification Scheme is introduced in future, this role will become considerably simpler.
- 3.4 Dividing these roles between the two authorities will help ensure expertise at both Councils continues to be available to the Traffic Commissioner, bus operators and others during the life of the scheme.

#### **4. Taxis and licensed private hire vehicles**

- 4.1 Taxis and private hire vehicles enjoy many of the same benefits as buses in Oxford, such as access to most traffic-restricted streets and use of bus lanes and bus gates. It would be appropriate to review for the emissions standards for taxis and private hire vehicles, in light of the LEZ enforcement.

#### **5. Climate Change and Environmental Impact**

- 5.1 The basis of these recommendations as reported within the feasibility study relates to the delivery of significant reductions in vehicle emissions in central Oxford which are expected to contribute to improved air quality, reduced Carbon emissions and health impacts.

#### **6. Equalities impact**

- 6.1 It is not anticipated that there will be any differential impact based on race, gender, disability, sex, age, or religion due to this policy.

#### **7. Financial implications**

- 7.1 There are no financial implications apart from officer time to administer a database of compliant vehicles. It is considered that once a local database has been established and guidelines issued to bus companies, that no more than one day per month will be required. This is covered by existing budgets.

7.2 The arrangement for maintaining a database of compliant vehicles will take place with the co-operation of the County Council, bus companies, and equipment manufacturers. This arrangement must remain in place for as long as the TRC remains in force, but would become considerably simpler if a national certification scheme were introduced in future.

## **8. Legal implications**

8.1 The main proposals focus on an application by the County Council (as the Transport Authority) to the Traffic Commissioner to implement a Traffic Regulation Condition, applying an emission standard to buses operating on services in central Oxford from 2014. The formal role involving the City Council is that described in para 7.1-7.2 above, relating to the maintenance of a local database of compliant vehicles.

8.2 The City Council will also over time continue to assess the environmental impact and success of the LEZ, in relation to reducing emissions and contributing to achieving the air quality objectives in Oxford.

## **9. Level of Risk**

9.1 The main risk in this process is an objection to the proposed TRC by a bus company, which may result in a public inquiry, which would require input from officers in both councils involved in the application.

9.2 A further risk exists, should a bus company decide to withdraw a service following the introduction of the LEZ. This would be detrimental to the reputation of both Councils.

9.3 Consultations with the bus companies have taken place throughout the development of the LEZ process, with exemptions being made for operators of low frequency services, and time limited exemptions for operators of Euro IV buses that cannot be retrofitted. It is considered that these mitigation measures significantly reduce the risks described above.

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