

LEZ Leadership Group Meeting
Meeting 9
6 August 2020
By teleconference

Attendees:

Michael Matheson MSP, Cabinet Secretary for Transport, Infrastructure and Connectivity (Chair)
 Cllr Lesley Macinnes (City of Edinburgh Council)
 Will Garret (City of Edinburgh Council)
 Cllr Anna Richardson (Glasgow City Council)
 Andy Waddell (Glasgow City Council)
 Cllr Lynne Short (Dundee City Council)
 Cllr Mark Flynn (Dundee City Council)
 Tom Stirling (Dundee City Council)
 Cllr Sandra Macdonald (Aberdeen City Council)
 David Dunne (Aberdeen City Council)
 Janice Milne (SEPA)
 Hugh Gillies (Transport Scotland)
 Stephen Thomson (Transport Scotland)
 Pete Grant, (Transport Scotland)
 Vincent McInally (Transport Scotland)

Apologies:

Roseanna Cunningham MSP, Cabinet Secretary for Environment, Climate Change and Land Reform
 Dr Colin Ramsay (Health Protection Scotland)

Subject	Discussion and actions
<p>Welcome and review of previous actions</p>	<ul style="list-style-type: none"> • HG welcomed everyone to the meeting and agreed with MM to chair the teleconference meeting. • No comments were received about the previous minute issues, action points and outcomes. All present confirmed were content and no changes required. <p>Actions from May 2020 meeting</p> <ul style="list-style-type: none"> • Action: Transport Scotland to develop communication lines on the postponement of the LEZ and tie in with the 4 local authorities to obtain their views. • Outcome: Transport Scotland developed communication lines on the LEZ pause.

	<ul style="list-style-type: none"> • Action: Transport Scotland to contact local authorities with an outline of the funding available in 2020/21. • Outcome: Transport Scotland contacted local authorities on the 22 May with grant offer letters issued on the 15 June.
<p>City-specific LEZ progress</p>	<p>Glasgow</p> <ul style="list-style-type: none"> • With COVID pause GCC won't have TRC setting 60% target, but possible to achieve this without TRC via a voluntary agreement (assuming BEAR arrives). Year 4 and 5 TRC will still be resolved – ongoing issue. • January 2023 date still in place but the enforcement timetable now affected by the COVID related delay. • Funding for 2020/21 will not cover all of the integrated impact assessment work + comms so will impact on GCC to deliver LEZ plans. • Consultation - 62% support for LEZ, with favoured larger LEZ area. • SEPA modelling showing LEZ was having a positive impact in early 2020 before COVID. • Want to lock in improvements, through local transport strategy and harness Spaces for People (for social distancing). <p>Edinburgh</p> <ul style="list-style-type: none"> • Mirror GCC key issues around timing is of great concern – CEC response to TS submitted on various issues. • Issues around funding along comprehensive approach. • Keen to move on LEZ but conscious of PfG timing. • Seeing similar impacts of lockdown in Edinburgh around air pollution but seeing return of traffic and associated pollution. • Timescales – concern around ability to respond around committee structure, to meet ambitious aspects of CEC scheme. • LEZs in abeyance over last few months while concentration on COVID matters. • Spaces for People to have strong impact on perception and ability to control. <p>Aberdeen</p> <ul style="list-style-type: none"> • Similar story in Aberdeen. TRC paused for this year with local bus companies finding it difficult to operate in COVID situation. • Modelling – some data is showing a different pattern, with traffic flows returning to 80% post lockdown – but no morning peak. • ACC particular issue with the pubs opening causing a pause but not impacting on LEZs – but is impacting on some aspects of what ACC can do and progress. • Spaces for People project has worked at pace. • Regional Transport Consultation has started. • ACC consultation is on ice. <p>Dundee</p> <ul style="list-style-type: none"> • Echo above comments- timescales and funding. • TRC is paused. • No DCC committees so not taking further reports.

- Officials are working with Systra on modelling and looking at further options.
- Traffic patterns changed dramatically for COVID.
- Air quality targets could be met now via lockdown, so targets could be changed to something more challenging.
- Bus companies could put objections in due to the recovery process.
- Some other concerns re-funding and regulations

HG summarised the substantive points raised by LAs

- Health of bus industry
- Options for TRCs
- Modelling post lockdown
- Benefits of Space for All – to be locked in
- Development of local transport strategies
- Positive consequences of COVID in terms of traffic reduction temporarily
- Local consultations
- Timing to bring in LEZ
- Funding
- Rerunning models
- Committee cycles
- Implications of further COVID, second wave and/or local lockdowns

CabSec comments

- CEC arterial routes starting to show return to congestion, but MM struck by how quiet Glasgow and Edinburgh city centre were (and trains too in the morning). We don't want people jumping into cars,
- ACC and DCC noting shifts in peoples travel patterns – MM becoming increasingly worried whether we will ever get public transport back up to pre-COVID levels. There may be a level of change that will result in more people working from home than was the case previously. MM struck by feedback from big business operation models (on this issue of homeworking e.g. 10% cap in Scottish Power office into 2021 with RBS looking at max 20% cap). Growing issue of businesses changing their business model so repurposing estate, **ACTION: may be a need further modelling work on targets for LEZs - may have to be toughened up to account for changing patterns – what will this look like?**
- Funding – **ACTION: MM wants to understand this further to try and address this further to allow LAs to progress their work**
- MM acutely aware of bus operators and manufacturers, with latter wanting to see LEZs introduced earlier to force hand of operators, so need to strike a balance.
- MM asked GCC about feedback from bus operators – AW noted the nervousness of the bus sector, and seeking appetite of BEAR 3 bids, TS/GCC anticipate good response from operators, so GCC remain optimistic that bus operators are making supportive comments.
- MM – Balance must be struck to keep things moving, with generous provisions of BEAR 3 funding – expecting operators to move quickly.
- ST confident that BEAR 3 will be oversubscribed – BEAR 3 application closes today but TS optimistic that received no negative feedback from operators to date.

<p>New date for LEZ introduction</p>	<ul style="list-style-type: none"> • ST provided a summary of the LEZ timetable, as outlined in Annex A, and emphasised the hurdles of the LEZ regulations coming into Parliament in January 2021 and unforeseen issues of COVID and Brexit. • Can we come to an understanding as a Group to agree a decision – about the window around Feb 2022 to May 2022. • MM – tight timeframe and a lot of risk given the uncertainties. Not just COVID, Scottish parliament elections next year that creates pressures on committee to get work out the way before next March (committee time get too congested) and local government elections in 2022 may cause similar experiences as noted above (to clear the decks). MM interested in getting views on indicative timetable and what is the LA perspective. • SMcD – what is meant by the term ‘introduction’ – on the ground, enforcement? ST provided a summary of the introduction date e.g. it’s when the grace period commences (by law no less than one year before enforcement starts) <ul style="list-style-type: none"> ○ GCC – still working toward timetable of from 1st January 2023, so this will pose an issue if we have a 1 year grace period if we introduce from February 2023? (GCC not meeting this aspiration as a result of this ne introduction date). This timetable is looking at appealing penalty notices (appeals process) how this impacts the timetable – seeking clarity on this ○ CEC- reflect GCC but concern it is getting pushed quite far out, brief reference to political capital already expended with long gap to implementation and timeframe out to LA elections in 2022. Timetable does not take into account of the enquiry/examination and council committee programme. ○ ACC – similar comments around committee timings – however Q1 Q2 2022 timetable is more realistic for Aberdeen – new timetable gives some comfort. Public consultation during summer 2021 is not ideal (with holidays) so what sort of response would this generate? Funding levels (capital or revenue funding) available during this timetable ○ DCC – agree with comments above. Concern about objections/examination. Clarity on modelling, if we change targets, around green recovery – will this impact on target dates? ○ ST offered comments on the above bold comments – Clarified difference between appeals process and the potential examination of an LEZ scheme and the potential impact on timetable. Therefore the introduction date will need caveated and communicated accordingly. February 2022 date will impact on GCC penalty issue date, similarly with Edinburgh – however this is unavoidable. There is also very little scope to adjust the consultation period window in the summer albeit not ideal. Note that sufficient time is also needed for consultation analysis. • HG noting that 2021 will be a busy year possibly like no other (continuing COVID, COP, UEFA etc.) so trying to crush 2 years’ worth of work into 1 year. Need strong comms to explain the rationale for this timetable. NGO’s questions around modelling on what will come, travel behaviours at both national and local level - so very difficult but we will make our best endeavours on this topic, cannot quite pin this issue down what it looks like
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	<p>but something to come back to (topic of modelling) at future LEZ leadership group meetings</p> <ul style="list-style-type: none"> • MM – the nub of the issue is to finalise the timeline for LEZ introduction. Do the 4 cities feel the timeframe is one that we can move forward with (with uncertainties taken into account)? Can LAs agree on this? <ul style="list-style-type: none"> ○ GCC - stated publically for enforcement from Dec 2022, so that is on the record. So no slippage possible. It is a terribly challenging timetable (noting COP and Euro Champs on top of Parliamentary and committee challenges); it will be tough and busy year and that's assuming we return to normality and no further COVID complications ○ CEC - in sync with GCC, timetables are very tight and keen to push forward. What are the implications if it does not go into the legislative programme before summer recess and Scottish elections; MM thought June next year with Scottish elections will create 4-6 weeks in main chamber, then committee being formed (with committees only 1 or 2 sitting before summer recess for convenor to agree work programme after summer recess). If not through before parliamentary elections – the chance of getting it through before summer recess next year after elections is very low. CEC – very useful - enormous impact. MM – into September if not meeting summer recess. MM – should LEZ introduction timeframe be ahead of PfG we should be looking at an “indicative timeframe” (does this make it easier or more complex from an LA point of view?...lots of risks). <u>CEC would prefer an indicative timeframe.</u> ○ ACC – Anything is possible, timetable is tight and ambitious but is doable and could present a good win. Many risks that can be captured in a risk register for Leadership Group to consider. Also need to take account of people working from home and changing travel patterns. Undercurrent of public health pandemic at same time as progressing work. ○ DCC – Agree it is ambitious but we have to do that. <u>Indicative timeframe is the best option.</u> Timelines and scale of LEZ area in Dundee is important, including Spaces for People being very successful but how to include into the modelling? Dundee already has high degree of pedestrian space. Dundee has different issues but bus companies already converted 60% of fleet. LEZ size in Dundee is small, so with changes not sure if LEZ is still needed - it could be done through TRO instead. LEZ is part of wider things being done. • HG noted that MM offered proposal of working toward February to May 2022 as an indicative timeframe (ACTION: TS to take into account a package of risk via a risk register (incl. local elections 2022)). ACTION: Comms line to be developed on agreed lines on Feb-May 2022 with SG engagement with LAs on this point before it is published. MM seeking agreement with four city LAs, plus highlight potential risks to the timeframe in the comms over next couple of weeks.
<p>Penalty appeals process</p>	<ul style="list-style-type: none"> • ST provided a summary of the critical path nature of establishing the appeals process, in noting that:

	<ul style="list-style-type: none"> ○ A LEZ appeal process will require the creation of a new the First-tier Tribunal in the Scottish Courts and Tribunal Service ○ New Regulations (out with the LEZ Regulations) will be required to deliver the First-tier Tribunal but such Regulations may not be delivered until early to mid-2023 ○ The LEZ appeal process is critical for LEZ scheme enforcement to start e.g. schemes cannot issue penalties until the appeals process is established ○ Early work has already started on the development of policy instructions. ○ This is a critical part of the pathway and will have an impact on the timeframe for delivery.
<p>Future funding scenarios</p>	<ul style="list-style-type: none"> ● ST provided a summary around funding provision this year, noted funding this year was not able to fund all of the actions requested such as design work modelling and communications. Some of this work may done in future years. Predictions for years ahead based on LEZ enforcement, and the need for funding of back office resourcing based on no revenue from enforcement penalties being anticipated. Separate funding issues for approved devices ANPR etc. ● DCC – Need as much funding as possible. Operational costs could be incumbent on us all, and be prepared to be able to cover costs, in addition to ANPR/signage costs as well. Revenue coming in should rightly be minimised. Could be a major burden on DCC. ● ACC – Agree with DCC. Enquiry costs will also have a cost. Risk around technology, and how long they will be required, or new technology coming online? Issue around equality and impact on businesses, and cost to society might also need to be considered (not straightforward). ● CEC – Agree with comments. Concern about what has not yet been funded. Capital expenditure of £1-1.5M for ANPR costs expected in Edinburgh. Concern about CEC ability to compliment Scottish Government funding. ● GCC – Agree with comments. Integrated impact assessment funding shortfall (£125K but only got £55K), to be completed by end of 2020 so seeking movement on this issue, not large but holding up the procurement process. Extra impacts caused by COVID. ● HG/MM – pressing issues with officials needed further discussion, what can we do to try and address these issues? ● MM – ACTION: Genuine issue around budget uncertainty into next financial year, and we need to get further detail on the funding pressure both this year and the years to come. Pick upon the immediate issues to move on as quickly as possible. ● ST – need final agreement on back-office system design, another critical path – needs bottomed out to help aid funding designs – HG – ACTION this issue to be brought back to the Leadership Group to discuss
<p>Summary and Way Forward</p>	<ul style="list-style-type: none"> ● Comms around LEZ introduction date needed, within a set of common lines we can coalesce around ● Recognition of the risks that have to be taken into account (including Regs, COVID, LA committee time, appeals process) ● Funding/costs need to be reviewed given the uncertainty around budget provision at local and national level (we need robust evidence on this point to justify decision making)

	<ul style="list-style-type: none"> • Following on from that back office system decision needs to be reached – single versus each LA – helps clarify and justify forward funding. • MM – need to be clear on the best options – take away actions on timeframe, comms and back office system.
AOB Next meeting and possible topics	<ul style="list-style-type: none"> • No comments from LAs • SEPA open offer to support modelling • ACTION: 121 engagement between Councillors and TS to be offered by TS.
Date and time of next meeting	<ul style="list-style-type: none"> • Meetings are due to happen every 3 months, so a meeting in early November will be sought.

Annex A

Indicative LEZ introduction date timetable

Date	Action
August to mid October 2020	<p>Policy instruction development with SGLD, taking into account COVID-19 related issues and responses</p> <p>Public consultation on Regulations requiring affirmative instruments covering emission standards, penalty charges and exemptions.</p>
August to early October 2020	Impact Assessments completed by Transport Scotland on Regs (to inform policy instructions)
December to mid-January 2021	<p>Regulation text checked and agreed between Transport Scotland and SGLD</p> <p>Finalise and publish LEZ Guidance</p>
22 January 2021	Affirmative Regulations laid in Scottish Parliament subject to (1) engagement with, and support from, the Parliament and Legislation Unit followed by (2) subsequent agreement with the Minister for Parliamentary Business and Veterans in tandem with the Cabinet Secretary to support Parliamentary passage of the LEZ SSI's.
Late May 2021	<p>All LEZ Regulations come into force</p> <p>LEZ plans to be scrutinised by Local Authority committees (prior to their summer recess) in order to clear them for public consultation</p>
June to August 2021	Public consultation by local authorities on final LEZ plans
September to November 2021	Consultation data analysis with final changes to LEZ plans based on consultation feedback
December 2021 to January 2022	<p>LEZ plans to be scrutinised then approved (if appropriate) by Local Authority committees</p> <p>followed by...</p>

	LEZ plans to be reviewed then approved (if appropriate) by Scottish Ministers
February 2022	LEZ's introduced by February 2022 within window out to May 2022.