

Low Emission Zone (LEZ) Leadership Group Meeting 16 Minutes – 25th October 2023

Attendees:

Cabinet Secretary for Transport, Net Zero & Just Transition – Ms Mairi McAllan (MM)
Minister for Transport - Ms Fiona Hyslop (FH)
Deputy Private Secretary for the Cabinet Secretary for Net Zero and Just Transition – Ellie Fairgrieve (EF)
Deputy Private Secretary for the Minister for Transport - Eleanor Munro (EM)
Transport Scotland - Director of Roads - Hugh Gillies (HG)
Transport Scotland - Head of Environment - Scott Lees (SL)
Transport Scotland - Air Quality Branch - Vincent McNally (VM), Katrina Farquharson (KF) & Shivani Kirpal (SK)
City of Edinburgh Council - Councillor Scott Arthur (SA) & Ruth White (RW) & George King (GK)
Dundee City Council - Councillor Steve Rome (SR), Councillor Heather Anderson (HA), Ewan Gourlay (EG) & Ewan Macnaughton (EM)
Glasgow City Council - Councillor Angus Millar (AM) & Gavin Slater (GS)
Aberdeen City Council - Councillor Ian Yuill (IY), David Dunne (DD)

Apologies:

Public Health Scotland - Carole McRae (CM)
SEPA – David Pirie (DP) & Carolyn Vannan (CV)

Agenda

1. Welcome and review of previous meeting actions (Chair)
2. LEZ National progress and risk update (lead official: Scott Lees)
3. City specific progress (each authority to give update)
4. LEZ funding update (lead official: Vincent McNally)
5. Summary and way forward (Chair)
6. AOB/Date of next meeting

1. Welcome and review of previous meeting actions (Chair)

- MM welcomed everyone and noted the delays since the last leadership meeting but confirmed that the meeting will reconvene on a bi-annual basis.
- MM recognised the challenges of LEZs, and while the four-city project is ambitious in its pursuit against climate mitigation and the protection of public health, MM has faith in the schemes.
- Review of outstanding actions from the previous meeting – three out of four actions from meeting 15 (21 September 2022) noted as completed.

Ongoing actions:

M13_A2	TS to update the Leadership Group on progress and arrange a presentation of the Blue Badge exemption website and how it will work – Ongoing action: As of April 2023, the website is operational, and stakeholders have praised it for its ease of use. A presentation of how it works will be circulated by VM along with an offer to meet any group members to discuss the scheme if required – once issued the action will close.
M13_A11	Scottish Government will work with partners to find a reasonable future funding solution that works. – Ongoing action: VM noted that there will be more detailed substantiation before bringing to Ministers. The funding will be impacted by PCNs, and there is uncertainty over running costs.
M15_A3	LAs to provide TS LEZ costs. – Ongoing action: similarly, to action M13_A11, this is currently unknown. For the 1 st year of enforcement, TS has fully funded GCC's temporary LEZ staff. Funding for GCC will likely be a benchmark for the other LAs.

2. LEZ National progress and risk update (lead official: Scott Lees)

- Glasgow's LEZ enforcement has gone live (1 June 2023) since the last meeting.
- The number of PCNs issued are higher than expected, in June nearly 3,000 PCNs were issued, and nearly 6,000 in July. Awaiting further updates for the months of August and September. In addition to the number of PCNs being higher than expected, the number is not yet going down as expected. However, we understand that there are a lower number of repeat offenders, but require continued messaging to get the message across to members of the public.
- Support for readiness - TS continues to offer a considerable amount of funding to support LEZ readiness; over 3,000 non-compliant vehicles disposed of through the LEZ Support Fund which helps low-income households and local businesses. The LEZ Retrofit Fund has helped over 340 taxis to be retrofitted – there is still high demand for this, but the latest round has closed due to high uptake. In addition, the Bus Emission Abatement Retrofit (BEAR) programme has supported the retrofitting of over 1,100 mid-

life buses and coaches – there have been a good number of bids this year and SL hopes awards will be made soon. [post meeting note grants totalling £3.0m now offered to 18 operators to retrofit 68 buses/coaches].

- All 4 cities have received grant to fully fund the installation of LEZ enforcement systems prior to enforcement.
- The Vehicle checker website went live in April 2023, allowing drivers to enter their registration details and receive confirmation of vehicle compliance with the LEZ standards– some DVLA emission records require updating, however any issues identified can be resolved between TS and DVLA.
- The Blue Badge exemption website went live in April 2023, and the associated call centre was live from May 2023. The phone service has been welcomed by stakeholders and is working well. This service means that Blue Badge holders can register their exemption and avoid receiving a PCN even if their vehicle is non-compliant, providing they register in advance, or on the day. To date, there have been over 8,000 Blue Badge exemptions registered.
- Taxi readiness- while taxis were given an additional year's exemption (until 1 June 2024), 500 taxis in Glasgow's fleet are still non-compliant. As the date gets closer, there may be pushback from the taxi companies, unions, and potentially press issues regarding this. TS have the funding available and continue to work with supply chains to ensure there the capability to retrofit the majority of non-compliant taxis before the deadline.
- Judicial Review - the Judicial Review was brought forward by a garage business owner, John Paton & Sons Ltd, in Glasgow's Townhead area. A permission hearing was held on 27 July 2023 before Lady Poole, and the substantive hearings were held on 17 and 18 October 2023.
- At the permission hearing senior counsel for the petitioner intimated to the court that the focus of the challenge has changed to the penalty charge scheme (as opposed to the LEZ Scheme itself). The penalty charge scheme is a matter in which the respondent local authority has no discretion, therefore, SGLD expected any such challenge to be directed towards the legislation and / or the Scottish Ministers' decision making.
- The petition also challenged the penalty charge scheme which is provided for in the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021 made by the Scottish Ministers. The petitioner seeks declarator that "Regulation 4 and Schedule 1 of the "2021 Regulations" are unlawful". This challenge to the 2021 Regulations raises a devolution issue.
- Risks to LEZ delivery: firstly, the Judicial Review - if an unfavourable outcome, there will be actions to take forward and alternatives to consider. The second risk is taxi readiness – the 1 June 2024 deadline is getting closer, and there remains a large number of non-compliant taxi vehicles, particularly in Glasgow. TS are actively working with stakeholders to monitor the situation and garner feedback.

- MM thanked SL for the update and acknowledged that to mitigate risks, TS need to continue to work together with the local authorities.
- MM mentioned that we await the decision of the Judicial Review and that we need to determine the likelihood of further Judicial Reviews.
- MM touched on the risk of taxi readiness, and that as part of just transition, there needs to be continued support by TS to taxi companies.

3. City specific progress

Edinburgh:- Scott Arthur (Councillor)

Points discussed:

- CEC can learn from GCC and noted that the Judicial Review is welcomed as it helps to ensure LEZ integrity.
- **ACTION:-GCC to give figures on the number of repeat offenders and successful PCN appeals.**
- **ACTION:- Under 'Just Transition,' GCC to provide feedback from lower-income households over the level of support offered in Glasgow.**
- **ACTION:- TS to determine if older commercial buses should be exempt, as they undermine the purpose of LEZs.**
- MM thanked SA for his remarks- SL will take this away and get back to CEC about these issues.
- Regarding LEZ implementation- CEC will have signage in place by the end of the year. Some existing bus lane/gate cameras have suffered vandalism and CEC are working with Police Scotland about how to avoid this in the future.
- Questions over costs- SA wondered if capital funding can be moved to resource funding to support staffing costs associated with raising awareness of the scheme by using the LEZ technology to potentially issue warning letters before enforcement begins. VM stated this is not possible. SA questioned ongoing costs and the funding for this in the future – CEC will need around £1million until 2026.
- There are campaigns against LEZs, but CEC will work with NHS Lothian to communicate the health benefits of LEZs with the public.
- Overall, residents in Edinburgh are less reactive, and want to know how LEZs will affect them. SA hopes closer to the go live date, more people will understand the purpose of LEZs. It is hoped that a favourable outcome in the Judicial Review will help this.

Dundee:- Steve Rome (Councillor)

Points discussed:

- Dundee is on track to go live on 31 May 2024, and that the infrastructure should be in place before then.
- With regards to exemptions, there have been 20 applications and a handful granted an exemption.
- Dundee is awaiting funding revenue from TS.
- SR stated most taxis in Dundee are already LEZ compliant – EM states that a small proportion of taxis are not compliant- 17% of 650 taxis not compliant. Dundee will continue to support taxi companies.
- Dundee welcomes lessons learned from GCC.
- DCC are also interested to hear from GCC about PCN appeal figures.
- Small number of LEZ opposers, but these are active on social media (“No to LEZ” campaign) asks that there could be a national campaign to help spread the LEZ message/benefits. MM agrees and states that the Leadership Group is good forum to discuss this and we can help keep the narrative on track. However, amid the Judicial Review, there is a limit on what can be said, but after, can continue a national campaign to spread a clear message about positive messaging and the proportionality of the LEZ.

Glasgow:- Angus Millar (Councillor)

Points discussed:

- Judicial Review is a challenge - GCC has taken a lot of heat for LEZ and having to justify the air quality benefits.
- Glasgow’s LEZ went live on 1 June 2023 - there were operational difficulties, such as camera enforcement, but GCC happy to share lessons learned with other local authorities.
- GCC had extensive comms plans with TS/Scottish Government, but AM stated that despite this, some people didn’t take notice until the month leading up to go live – this meant some members of the public were not ready come 1 June.
- Blue Badge exemption- GCC had difficulties handling the Blue Badge data from TS, but this has since been sorted. **ACTION:- TS to determine if there is going to be a Blue Badge exemption for carers.**
- Taxi exemption- GCC remain closely engaged with the taxi industry and have given taxis an extra year to get LEZ compliant provided that they access the funding available. However, GCC suspect that the taxi industry may ask for an

additional year's exemption – this would be a challenge to extend and would have financial implications. GCC continue to engage with taxi companies and the number of compliant taxi vehicles continues to grow.

- The number of PCNs that have been issued have been higher than anticipated, however, the majority are not repeat offenders. As such, the effect of the surcharge cannot be seen yet and may take a few months.
- Judicial Review- while a legal challenge is a difficulty, the main issue is regarding misinformation. As it is an ongoing legal battle, GCC have been advised to not engage with the misinformation outside of the court. GCC hopes for a favourable outcome, and they can then mitigate the misinformation that has been spreading e.g., explain the true benefits of the LEZs.
- MM stated that GCC going live first can mean other local authorities can benefit from lessons learned - AM happy to share learning with the other councils.
- Cllr Heather Anderson questioned GCC's rate of payment for PCNs – GCC does not have this yet, still awaiting confirmed PCN figures for August and September, but stated that a small number of repeat offenders have not paid their PCNs.

Aberdeen:- Ian Yuill (Councillor)

Points discussed:

- Enforcement cameras, signage etc should be in place by the end of this year/beginning of 2024 – Aberdeen on track to go live 1 June 2024.
- Aberdeen requires continued financial support from TS.
- Lessons learned from GCC would be welcomed.
- ACC to install signage just outside Aberdeen's LEZs to give the public advance warnings of the areas affected and alternative routes.
- Risk - as bus gates have recently been introduced in Aberdeen, there is a risk that the public may confuse the LEZ with bus lanes- communication to increase by the end of the year.
- Exemptions – an additional year's exemption for taxis, as Covid-19 impacted the taxi industry and taxi companies have financial struggles.
- The benefits of LEZs in Aberdeen already visible – First Bus and Stagecoach have already invested in their fleet to be LEZ compliant.
- MM thanked IY and stated that GCC have allowed lessons to be learned about the preparation needed for LEZ delivery.

4. Funding (lead official – Vincent McInally)

- VM stated that the Scottish government has given £6.5 million to local authorities for LEZ implementation.
- Further LEZ grant funding was awarded to Aberdeen City Council, City of Edinburgh Council and Glasgow City Council for 2023/24.
- Staffing – VM said there was no grant funding given to GCC before they went live in June for LEZ staffing costs, only after the go live date. This will be the same for the other local authorities.
- To SA's funding query – capital funding cannot be used for resource funding. **ACTION:-TS to give an indication of the amount of future funding to be given to LAs for LEZs.**
- VM noted future uncertainty over the revenue generated from PCNs – need to benchmark this against the funding.
- VM emphasised that the LEZs are different to the Clean Air Zones (CAZs) and Ultra Low Emission Zones (ULEZ) in England where people pay a fee to enter – Scottish LEZs prohibit polluting vehicles and a PCN is issued when this is breached. For this reason, penalty charge income is expected to fall after initial enforcement period.
- The BEAR fund, the Support Fund, and the Retrofit fund have made good progress and offered financial support to help prepare for LEZs.

5. Summary and way forward (Chair)

- MM thanked everyone for their time, and congratulated GCC on their LEZ, and mentioned that the Blue Badge and vehicle checker websites have been a success.
- MM recognised that the next few months will be intense- the other cities will be going live shortly, GCC are in the middle of a Judicial Review, and the taxi exemption deadline is approaching.

6. Summary of actions from meeting

M16_A1	<ul style="list-style-type: none">• GCC to give figures on the number of repeat offenders and successful PCN appeals.
M16_A2	<ul style="list-style-type: none">• Under 'Just Transition,' TS to provide feedback from lower-income households over the level of support offered in Glasgow

M16_A3	<ul style="list-style-type: none">• TS to determine if older commercial buses should be exempt, as they undermine the purpose of LEZs.
M16_A4	<ul style="list-style-type: none">• TS to determine if there is going to be a Blue Badge exemption for carers.
M16_A5	<ul style="list-style-type: none">• TS to give an indication of the amount of future funding to be given to LAs for LEZs

7. Date of Next Meeting

- To be arranged, likely to be January or February 2024.

-----End Of Meeting Note-----