

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Ultra Low Emission Zone Consultation – LB Havering Response
<b>Decision Maker:</b>	Councillor Barry Mugglestone – Cabinet Member for Environment
<b>Cabinet Member:</b>	Councillor Barry Mugglestone – Cabinet Member for Environment
<b>SLT Lead:</b>	Barry Francis – Director of Neighbourhoods
<b>Report Author and contact details:</b>	Daniel Douglas - Team Leader Transport Planning <a href="mailto:Daniel.douglas@haverling.gov.uk">Daniel.douglas@haverling.gov.uk</a> 01708 433220
<b>Policy context:</b>	Local Implementation Plan (2018) Local Plan (2021) Climate Change Action Plan (2021) Air Quality Action Plan (2018- 2023)
<b>Financial summary:</b>	There are no financial implications as a result of this response
<b>Relevant OSC:</b>	Places OSSC
<b>Is this decision exempt from being called-in?</b>	Non Key

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**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

***Place an X in the [] as appropriate***

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

That Officers be authorised to submit the Council's response, as set out in Appendix A of this report, to the Transport for London Ultra-Low Emission Zone consultation.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

The following elements of the Council's Constitution apply.

Council's Constitution November 2010 Part 3 – Responsibility for Functions

2 Executive Functions – Functions

2.5 (b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:

- (i) the Government (including White and Green papers)
- (ii) the London Councils, the Greater London Authority, the Local Government Association and all other bodies where those papers affect the services allocated.

### **STATEMENT OF THE REASONS FOR THE DECISION**

#### **Background**

1. Over the years, previous Mayors of London have implemented emission standards across the Capital.
2. The original emission standard was the Low Emission Zone (LEZ). The LEZ covers the whole of London, was first introduced back in 2008 and was set up to encourage the most polluting heavy diesel vehicles driving in the capital to become cleaner. The LEZ initially required heavy goods vehicles over 12 tonnes to meet the Euro 3 for Particulate Matter standards. The LEZ covers most of greater London and operates 24 hours a day. In March 2021, TfL tightened the LEZ standards for heavy goods vehicles.
3. The first emissions charging regime to include cars and small vans, was the *Toxicity Charge* (T-Charge). It was confirmed by the Mayor in February 2017. The T-Charge operated Monday to Friday from 7am to 6pm and mandated a £10 T-Charge on top of the Congestion Charge for motorists driving a pre-Euro 4 vehicle in central London.
4. The Ultra-Low Emissions Zone (ULEZ) was first introduced back in 2019, replacing the T-Charge and has a more stringent set of emission standards compared to the LEZ. The ULEZ originally covered the central London area (the same area as the congestion charge) but was later expanded to cover inner London (Up to but not including the north and south circulars) in October 2021.
5. TfL say that these schemes have contributed to tackling the "triple challenge" of reducing transport emissions to protect the health of Londoners, achieving net zero carbon

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emissions by 2030 and cutting congestion.

6. Despite the implementation of these measures, toxic air has continued to be a problem across the Capital.
7. Earlier this year, the Mayor announced he was considering a range of different approaches to address toxic air pollution. These were:
  - Extending the ULEZ London-wide with the current vehicle charge levels and emissions standards.
  - Extending the ULEZ London-wide and adding a small clean air charge for all but the cleanest vehicles.
  - A small, London-wide, clean air charge for all but the cleanest vehicles.
  - A Greater London boundary charge for non-London registered vehicles entering Greater London.
8. In March this year the Mayor instructed TfL to consult on the first option, to extend the ULEZ London wide with the current vehicle charge levels and emission standards.

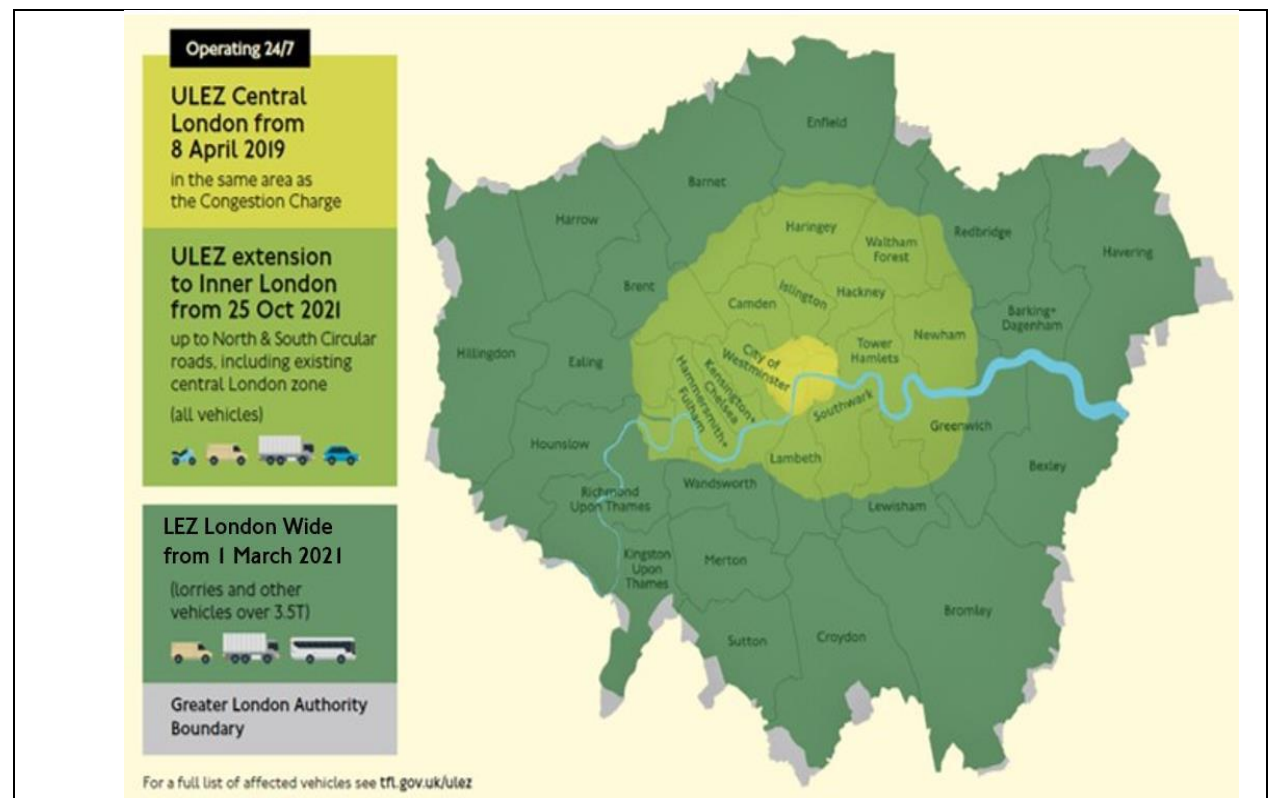
### **Ultra Low Emission Zone**

9. The Ultra-Low Emission Zone operates 24 hours a day midnight to midnight every day of the year except Christmas Day. Non-compliant vehicles are required to pay a daily charge of £12.50 in order to enter the ULEZ area.
10. Under the ULEZ scheme, cars, motorcycles, vans and other specialist vehicles (up to and including 3.5 tonnes) and minibuses (up to and including 5 tonnes) must meet Euro emission standards to avoid having to pay the daily charge. The emission standards vary with vehicle type but the minimum emission standards are summarised below:

<b>Vehicle Type</b>	<b>Minimum Standards Petrol</b>	<b>Minimum Standards Diesel</b>
Car	Euro 4	Euro 6
Van, minibuses light specialist vehicles	Euro 4	Euro 6
Motorcycles, mopeds	Euro 3 standards for NOx	Euro 3 standards for NOx

11. Since the ULEZ expanded to include inner London, it is now 18 times larger than before with nearly four million people living in the zone. It covers a quarter of London and is the largest zone of its kind in Europe. A map showing the current ULEZ and ULEZ respective boundaries can be found on the following page.

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12. There are a small number of exemptions to the ULEZ Charges for vehicles such as Military vehicles, Showman's vehicles, and London licensed taxis.
13. When the ULEZ was first introduced, the Mayor provided £61m of funding from February 2019 for a vehicle "scrappage scheme". This fund was targeted at small businesses, charities, Londoners on low incomes and disabled Londoners to help them adapt to the ULEZ.
14. In Havering, 83 cars and motorbikes, 11 HVG's and 572 vans and minibuses, were scrapped as part of the scrappage scheme.
15. TfL suggest that 92% of vehicles in inner London are compliant with the existing ULEZ and 82% in outer London are compliant.
16. Within its first year TfL expects the expanded ULEZ to have reduced NO<sub>x</sub> emissions by 30%, PM<sub>2.5</sub> by 6% and CO<sub>2</sub> by 5%. To date, data has shown that there are 11,000 fewer vehicles within the zone on average per day.

### Proposed ULEZ Expansion

17. Transport for London are now consulting on expanding the Ultra-Low Emission Zone out to cover most of the GLA boundary. TfL are proposing to expand the ULEZ from 29th August 2023.
18. Expansion of the ULEZ would mean it would cover the same geographical area as the existing Low Emission Zone covers.
19. TfL claim that around 4,000 premature deaths in 2019 were attributed to dirty air, with the greatest number in outer London. Bromley, Barnet, Havering and Croydon where the boroughs with the highest number of early deaths, showing that poor air quality is not just

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a central London problem.

20. If a larger zone was introduced, TfL suggest it would have a significant impact by the end of 2023. TfL estimate that the number of cars not meeting the tough ULEZ standards each day in outer London would fall from 160,000 to 46,000 and the number of vans from 42,000 to 26,000.
21. TfL suggest that these proposals would mean the air around an additional 145 schools, mostly in outer London, would meet the interim WHO target for nitrogen dioxide. The changes would also see a further 340,000 Londoners living in areas meeting these international health-based standards.
22. TfL have suggested that within its first year expanding the LEZ London-wide could lead to a 9% reduction in NO<sub>x</sub> emissions from cars and vans in outer London, 6% reduction in NO<sub>x</sub> emissions across London and a 6% reduction in car and van CO<sub>2</sub> emissions in outer London.
23. TfL claim that 82% of vehicles in outer London are already ULEZ compliant and so will not have to pay a charge. To date TfL have been unable to share with boroughs specific data on the number of non-compliant vehicles within each local authority.
24. TfL are consulting on specific proposals as part of the consultation. These include:

- Expanding the Ultra-Low Emission Zone scheme London wide

Under this proposals from 29th August 2023 the ULEZ would cover most of Greater London, up to the LEZ boundary. The LEZ boundary is considered suitable for the expanded ULEZ as it broadly follows the Greater London Authority boundary and it provides opportunities to divert away from travelling into London.

Non-compliant vehicles would have to pay a daily charge of £12.50 to drive within the zone. The expanded ULEZ would operate 24 hours a day, seven days a week every day except Christmas Day.

- Making changes to Auto Pay for the Congestion Charge, Ultra-Low Emission Zone and Low Emission Zone

TfL Auto Pay service automatically charges registered drivers for any congestion Charge, ULEZ or LEZ charges. It currently costs £10 per vehicle to register per year. TfL are proposing to remove this, so drivers can register for Auto Pay for free.

- Making changes to the Penalty Charge Notice level for the Congestion Charge and ULEZ

TfL are proposing to increase the Penalty Charge Notice amount for non-payment from £160 to £180. The charge will be reduced by 50% if paid within 14 days. TfL state that any revenue raised would be reinvested back into London's Transport Network.

- Changes to the Mayor's Transport Strategy to reflect the ULEZ expansion

Currently, Proposal 24 of the Mayor's Transport Strategy (MTS) sets out that the ULEZ will be expanded to inner London in 2021. This has now been achieved as the ULEZ

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expansion to include inner London began operating in October 2021. This policy would need to be reworded to enable the ULEZ to be expanded to outer London.

- Shaping future Road User Charging

Industry experts believe that a new form of road user charging will need to be part of the solution to addressing the triple change of air pollution, the climate emergency and traffic congestion. This could include scrapping existing charges such as the congestion charge, LEZ and ULEZ, and replacing them with a single road user charging scheme.

TfL are now starting to explore the potential for future road user charging. TfL are asking stakeholders their views on priorities for road user charging going forward.

Any future road user charging scheme that were to be developed would be subject to a separate consultation.

### Impacts on Expanded ULEZ

25. Havering is currently only covered by the Low Emission Zone. An expanded ULEZ would cover the vast majority of Havering.

26. TfL suggest that expansion of the ULEZ London wide would have the following impacts:

- A reduction of non-compliant cars from 160,000 to around 46,000 at the end of 2023 and a reduction in non-compliant vans from 42,000 to 26,000.
- A reduction in non-compliant car kilometres of 40 per cent in outer London, and 38 per cent London-wide. A 52 per cent reduction in non-compliant van kilometres in outer London, and 45 per cent London-wide.
- The mode shift impact would be the greatest in outer London with a 2.4 per cent reduction in car trips, 1.7 per cent increase in walking and cycling trips, 1.2 per cent increase in bus trips and a 0.7 per cent increase in rail trips.
- A reduction of NO<sub>x</sub> emissions from cars and vans in outer London of 9.6 per cent and 6.6 per cent respectively. London-wide reductions in road transport NO<sub>x</sub> emissions are estimated to be 5.4 per cent, equivalent to 362 tonnes of NO<sub>x</sub>.
- Overall, taking into account all road transport emissions, an estimated reduction in NO<sub>x</sub> vehicle emissions in outer London of 6.9 per cent.
- An 11.3 per cent reduction in tailpipe PM<sub>2.5</sub> emissions in London, and an overall reduction in PM<sub>2.5</sub> emissions from road transport of 1.5 per cent, this is equivalent to eight tonnes of PM<sub>2.5</sub>.
- An average reduction in NO<sub>2</sub> concentrations in outer London of 1.6 per cent, and reduction in central and inner London of 0.7 per cent and one per cent respectively. As a result, nearly 30,000 additional Londoners would live in areas meeting the WHO interim target of 30 µg/m<sup>3</sup> and 340,000 additional Londoners would live in areas meeting the tighter interim target of 20 µg/m<sup>3</sup>.
- Almost all of London's most deprived communities would experience an improvement in air quality – 99.9 per cent live in areas with improved NO<sub>2</sub> concentrations and 97 per cent live in areas with improved PM<sub>2.5</sub> concentrations (albeit marginal).
- It is estimated that, without the ULEZ expansion London-wide, 106 schools would not meet the WHO interim target of 30 µg/m<sup>3</sup> NO<sub>2</sub>. With London-wide ULEZ in place, this would reduce to 91 schools, improving 15 schools in central and inner London. A further 145 schools, most of them in outer London, would also meet the tighter WHO

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interim target of 20 µg/m<sup>3</sup>.

### What does an expanded ULEZ mean for Havering?

27. The Council is already progressing measures to ensure its own fleet will be ULEZ compliant. A procurement process is underway to procure a new fleet of buses which will be both Euro 6 standard or fully electric, and therefore compliant with the ULEZ standards. This process would see 29 vehicles being procured and should be completed by the end of July 2023.
28. Whilst a number of businesses within the borough will already have ULEZ compliant vehicles because they make journeys into the expanded ULEZ zone, there will still be many businesses where this will not be the case.
29. Key industries that operate in the borough include:
- 9,733 jobs in the *Caring, Leisure and Other Service* occupations
  - 6,804 jobs in the *Skilled Trades* occupations
  - 398 *Plumbers Heating and Ventilator engineer*, 813 *Electrician and Electrical Fitters*, and 68 *Plasterer* jobs in the borough.
30. Many Havering employees in these industries are likely to have a car in order to travel to and from customers. For those vehicles that do not meet the ULEZ standards, having to pay daily charge of £12.50 will be challenging and in many cases unaffordable.
31. There are over 1,000 pupils who are educated at schools within Havering but come from outside of the GLA boundary. Out of these, 100 pupils are on Free School Meals. For these families, a daily charge of £12.50 on top of a cost of living crisis will be impossible to meet.
32. Data to date on the ULEZ would suggest that any expansion of the ULEZ into outer London would help to reduce NO<sub>x</sub>, PM<sub>2.5</sub> and CO<sub>2</sub> emissions in outer London Boroughs such as Havering.
33. Despite claiming that 82% of vehicles in outer London are already compliant with the ULEZ standards, they have been unable to provide Officers with the specific number and type of vehicles that are non-compliant in Havering.

### Recommended Response

34. It is recommended that the following points be included in the formal response to be submitted to Transport for London:
- The Council objects in the strongest possible terms to the proposed expansion of the ULEZ.
  - Expanding the ULEZ would put added pressure on residents and business who are already facing severe financial hardship with the cost of living crises and soaring inflation.
  - The Mayor should be focussing on tackling air quality in central and inner London where NO<sub>x</sub> and PM emissions remain worse than outer London.
  - The ULEZ will impact employers of small businesses who rely on driving a vehicle to reach customers such as plasters, plumbers and electricians.



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- Traffic modelling from the Lower Thames Crossing Project is showing that there will be an increase in traffic on key strategic routes such as the A127 and A13 therefore it is difficult to establish what impact a ULEZ would have on reducing vehicles on the roads in Havering.
- Many school pupils travel into the borough from Essex and families won't be able to afford a daily £12.50 charge.
- Urge the Mayor to invest in public transport infrastructure in outer London before any expansion to the ULEZ is implemented.
- Urge the Mayor to increase the amount of Local Implementation Plan (LIP) funding that is allocated to boroughs so that London Boroughs can invest in local public transport infrastructure to provide alternative options to the private car for residents.
- Urge the Mayor to reinvest any revenues generated from an expanded ULEZ or through PCNs issued in outer London, into public transport infrastructure for Outer London
- Highlight Havering's aspiration for better north-south connectivity and a new public transport link connecting Rainham, Romford and further north to Harold Hill and Collier Row.
- If the ULEZ were to be expanded, its implementation should be delayed to give residents and business enough time to adapt.
- That Beam Park Station should be delivered before any expansion of the ULEZ
- Support the proposal for stopping the £10 auto pay registration fee
- Support the principle of amending proposal 24 of the Mayor's Transport Strategy to reflect an expanded ULEZ, should the Mayor decide to proceed.
- Object to the increase in Penalty Charge Notice from £160 to £180
- Support the principle of a single road user charge but this needs to be implemented with investment in public transport services

### **Next Steps**

35. Following sign off of this Executive Decision, the Council's formal response to the TfL ULEZ consultation will be submitted.
36. Following the consultation period closing TfL will review the responses before writing a report to the Mayor with a recommendation whether to approve the proposals, approve them with amendments, or not to approve the proposals.
37. Should the Mayor formally approve the implementation of the ULEZ expansion to outer London, it is expected to come into operation on 29<sup>th</sup> August 2023.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

38. The option of not responding to the consultation was rejected as it is important that the Council submits a view on proposals that will impact Havering residents and businesses.

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**PRE-DECISION CONSULTATION**

39. The Administration was consulted ahead of the decision being taken.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Daniel Douglas

Designation: Team Leader Transport Planning

Signature:

Date: 29<sup>th</sup> July 2022



## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

40. There are no legal implications as a result of this decision.

### **FINANCIAL IMPLICATIONS AND RISKS**

41. There are no direct financial implications as a result of this decision. The Council's procurement process to replace fleet vehicles with Euro 6 compliant vehicles was being progressed regardless of whether the ULEZ was to be expanded to the GLA boundary.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

42. There are no HR implications as a result of this decision.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

43. The proposals being put forward by the Mayor of London have the potential to impact the most disadvantage residents of the borough on low incomes. Many residents are on low incomes or are classified as being in fuel poverty.

44. The proposed daily charge of £12.50 for owners of vehicles that do not meet the ULEZ emission standards are likely to disproportionately impacted as these residents are unlikely to be able to afford to replace their vehicle or pay the daily charge.

45. Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

46. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

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### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

47. The proposals have the potential to reduce the levels of Nitrogen oxides, Nitrogen dioxide, particular matter and Carbon dioxide being omitted from exhaust fumes on roads in the borough.
48. Whilst this decision concerns objecting to the Ultra-Low Emission Zone expansion, the Council is of the view that delivering a reduction in emissions through an expanded ULEZ is not the most appropriate methodology to use in outer London. Instead the Mayor should be delivering public transport improvements to increase modal shift away from the car.

### **BACKGROUND PAPERS**

*None*

### **APPENDICIES**

**Appendix A      LB Havering proposed response**

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed:

*Barry Mugglestone*

Name: Councillor Barry Mugglestone

Cabinet Portfolio held: Environment

CMT Member title: Imran Kazalbash

Head of Service title: Mark Hodgson

Other manager title:

Date: 01/08/2022

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_