

Report of the Strategic Director, Place, to the meeting of Executive Committee to be held on 6th June 2023

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Subject: Clean Air Schools Programme

Summary statement:

The Council puts forward plans for a Clean Air Schools Programme (CASP), a comprehensive package (circa £1.09m) of grants, engagement and education for the benefit of all Bradford District Schools funded by Clean Air Zone revenue and work with partners.

EQUALITY & DIVERSITY:

The CASP is a District wide programme. The anti-idling engagement and enforcement will involve the driver of any vehicle that is idling. As the Schools programme includes all schools and the engagement and enforcement includes any drivers it is not considered there are any equality or diversity impacts as a result of this programme. Harmful emissions that impact on air quality are known to detrimentally affect our most deprived communities disproportionately compared to other communities and the adoption of these proposals will enable a reduction of those harmful emissions across the District.

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Overview & Scrutiny Area:
Regeneration & Environment

1. SUMMARY

This report puts forward plans for the Clean Air Schools Programme (CASP) and seeks Executive Committees approval for the adoption of enforcement powers against stationary vehicle engine idling under Regulations 6(3) and 12 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations for authorised officers of the Council.

2. BACKGROUND

- 2.1 On the 26th September 2022 Bradford implemented the Class C Charging Clean Air Zone (CAZ) in accordance with ministerial direction. The CAZ applies charges and fines to discourage the entry of older, dirtier commercial vehicles into the zone, the zone contains 40% of the District's schools and will ensure the legal limits for nitrogen dioxide are met across the District.

The Charging Scheme Order (CSO), which forms the legal basis for the CAZ states that, amongst other measures, the net proceeds of the scheme would 'support schools to reduce emissions' and 'reduce traffic emissions around schools' (in Appendix 3). This paper sets out the plans to implement these ambitions to provide cleaner air for schools via a comprehensive package of engagement, education and awareness raising and grants for individual schools. All schools in Bradford currently meet the legal limit for air pollution, this programme will provide improvements beyond these limits as there are no 'safe' levels for pollution.

3. REPORT ISSUES

- 3.1 The CASP is proposed to have a budget of £1.09m funded via CAZ revenue, at no additional cost to the Council. The programme involves the employment of five additional Environmental Wardens (5 FTE) for 3 years in the Bradford East, South, West, Shipley and Keighley constituencies. Wardens will offer support with engagement activities, enforcement of anti-idling and will be working with Highways and Public Health colleagues to support the ongoing School Streets programme. This support will be available to all Bradford District Schools.
- 3.2 The programme utilises an existing Clean Air Engagement Officer post (1 FTE) who will be supported by the Sustainability Department and existing CAZ communications resource. As part of the programme a £500,000 grant fund will be set up to support schools to reduce emissions. Grant funding will invite applications of £250-£10,000 per school (with flexibility where required within the allocated budget). The Grant programme will involve support for schools from wardens, the Sustainability Team and area coordinators to find the most effective solutions to reduce emissions. The programme will be collaborative, working across Council departments such as the Wardens Service, the Road Safety Team, Communications, Public Health and with partners in the NHS (BiB) to complement existing work the Council, and others, are already doing in Schools. There is sufficient funding currently available within ring-fenced CAZ revenue to fully support this programme. The Indicative £1.09m budget and spend profile for CASP Programme are below;

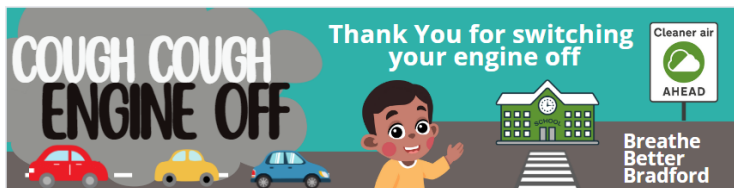
	Yr1	Yr2	Yr3	Totals
Wardens (5 x £30kpa)	170,000	180,000	190,000	540,000
Grants for schools*	200,000	200,000	100,000	500,000
Engagement officer (existing)	0	0	0	0
Sustainability team support & Comms (existing)	0	0	0	0
Air Quality Monitoring equipment (existing)	0	0	0	0
Engagement materials, anti-idling signage and banners, radio advertising	15,000	10,000	10,000	35,000
Classroom materials	5,000	5,000	5,000	15,000
TOTALS	290,000	395,000	405,000	1,090,000

*Total grant funding will be made available from year 1 onwards – indicative profile of defrayment shown

3.3 CASP engagement and Communication Materials

A comprehensive marketing and communications strategy will be implemented to reach identified stakeholders (school staff, parents, residents, children, local councillors, local media, local businesses) and provide information to them in the most appropriate way.

Utilising the Council's communications channels, neighbourhood wardens and links with partners we can target our audiences to increase awareness of the programme and its objectives. Key health benefits to the communities in our District will be a core message to promote as we work with our partners and neighbourhood wardens, and directly with the schools, to ensure that each school receives and is able to deliver a programme that fits the needs of their specific school environment. Our material will have clear and concise messaging for the audience and will align with our Clean Air Zone message of Cleaner Air Ahead. Material and resources will be created so that we can deliver a wide range of activities for pupils to enhance their knowledge of air pollution and allow the school to effectively communicate with parents, visitors, suppliers and the local community. There will be material created to enable wardens to have conversations with parents such as banners and information boards. Examples of the imagery that could be used to work with schools and raise awareness of anti-idling are below;



3.4 There will be an emphasis on co-creation; working with schools and communities to develop materials, for example via poster and design competitions and workshop based activities to establish the most effective messaging. Schools will benefit from anti-idling banners, hi-viz anti-idling tabards and lollipop signage along with street signage and warden support to engage with the owners of idling vehicles in a positive, educative manner, with enforcement of anti-idling powers only used as a last resort.

3.5 Grants for Schools

The CASP includes £500,000 which will be disseminated directly to schools via a Clean Air Schools Grant Programme. The Charging Scheme Order which provides the legal basis for the CAZ states that 'ensuring schools are supported in reducing emissions' and 'helping to reduce traffic emissions around schools' are both legitimate sources of CAZ revenue funding. The grant values will normally be up to £10,000 and following an expressions of interest process schools will be supported in drawing up plans for bespoke solutions to maximise emission reduction in the vicinity of their premises. There are no one-size fits all solutions and site conditions, buildings, locations and communities will vary, however the types of things eligible for funding will be;

- Improved cycling and walking access
- EV charging & vehicle infrastructure
- Green infrastructure
- Relocation of seating areas
- Ventilation and air filtration
- Promoting and facilitating park and stride and car sharing
- Behaviour change programmes
- Providing bespoke information such as air quality monitoring and walking maps

3.6 All Bradford District Schools will be eligible to apply to the fund. Full guidance and support with applications will be provided by the Council Sustainability team with support from area based environmental wardens who will report on the programme to area committees. The grant applications will be assessed based on;

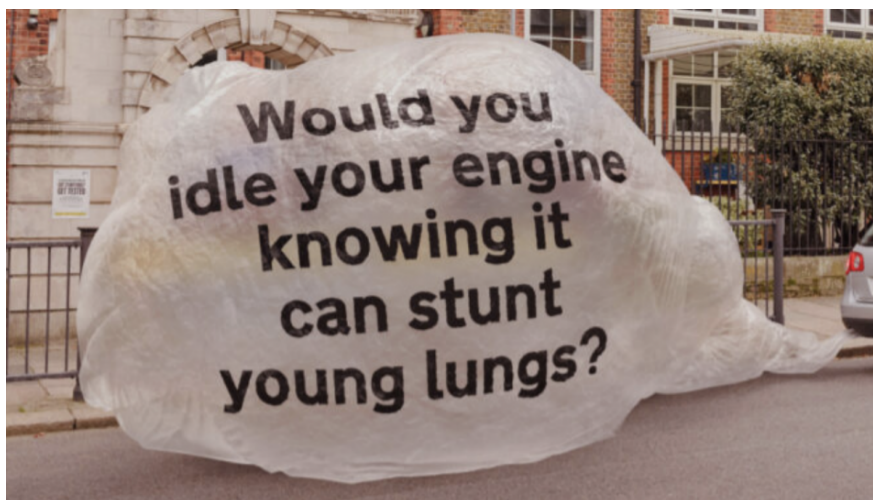
- Potential air quality improvement
- Wider benefits
- Cost
- Deliverability
- Stakeholder support

3.7 Area Committees and the Grant Advisory Groups will make the decisions on grant allocations alongside a technical assessment of all proposals to ensure the greatest air quality improvement for the funding. Area coordinators will help identify local stakeholders, support schools in delivery and help ensure the funding is utilised in a way that suits the needs of local communities.

3.8 **Adoption of Anti-Idling Legislation**

The Council has received complaints about vehicle exhaust emissions caused by stationary vehicles from local residents and businesses who are concerned about local air quality. Under Regulation 98 of the Road Vehicle (Construction and Use) Regulations 2002 there is a general presumption that stationary vehicles will turn off their engines, unless exempted from this requirement by a limited number of exemptions. Awareness and hence observance of these regulations is not consistent and has led to complaints about emissions from local residents exposed to idling vehicle emissions, particularly around schools.

Leaving engines idling whilst stationary is an unnecessary source of air pollution and contributes to poor air quality. In 2021 the TRL (Transport Research Laboratory) produced research examining the emission profile of idling vehicles. By analysing the Portable Emissions Measurement System (PEMS) data for various petrol and diesel vehicles TRL established quantities of CO₂ and NO_x produced by idling. The findings indicate that idling for a 30 second period produces nearly twice as much pollution as switching off then restarting the engine. Imagery from the London anti-idling campaign shows the amount of fumes produced by an idling engine in 30 seconds;



3.9 Any enforcement of anti-idling will be second to the awareness raising campaign which will promote the message about switching off engines when parked. This will utilise the Council's website and social media accounts. Information leaflets on the impact of emissions on health will be produced and can be distributed by local communities, schools or wardens as part of their initial engagement with vehicle drivers at schools and in other locations. Prior to any enforcement activity being undertaken a programme of specific training on the regulations and powers available to authorised officers will be provided by Sustainability Team. This training will

provide wardens with an understanding of the health impacts of idling emissions as well as providing guidance on when, and when not, interaction with a driver should take place. The team will keep detailed records of both informal and formal action undertaken, the levels of compliance which have been achieved together with any improvements in air quality where appropriate monitoring equipment exists.

- 3.10 The proposed programme can be delivered within the CAZ revenue stream and at no additional cost to the Council and maximises on existing resource within the Environmental Wardens Service and Sustainability Team. The programme will work collaboratively across the Council and partners to make a positive contribution to work already being carried out in Schools. The combination of the CASP school grant programme alongside engagement activity in schools and focused work to reduce the numbers of idling of vehicles in the Bradford District will reduce emissions around schools and provide a safer, healthier environment for Bradford's children.

4. FINANCIAL & RESOURCE APPRAISAL

Finance have assessed this proposal to satisfaction and confirm there is sufficient resource to undertake this programme within the CAZ revenue.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

Ongoing air pollution poses multiple risks to people who live, work, do business and visit the district. It must be noted that there are significant risks from inaction. This risk will be mitigated by educating and engaging with drivers who keep their engine running while stationary. A current assessment of the risks of adopting this enforcement policy are set out in Appendix 1.

The Clean Air School Programme will be standing item at the Sustainability Programme Board.

6. LEGAL APPRAISAL

- 6.1 The Charging Scheme Order provides the legal basis for the CAZ states that 'ensuring schools are supported in reducing emissions' and 'helping to reduce traffic emissions around schools' are both legitimate sources of CAZ revenue funding. The Clean Air Schools Grant Programme provides for a grant fund of £500k which is open for all Bradford District Schools to apply for in accordance with the terms of the grant programme, successful schools will be required to enter in to a grant agreement with the Council to ensure the grant is used for the intended purpose.
- 6.2 A stationary idling offence under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, hereafter referred to as the 2002 Regulations, is defined to be a contravention of, or failure to comply with Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 i.e. stopping of an engine (or any machinery attached to a vehicle when stationary so far as may be necessary for the prevention of (noise) or of exhaust emissions. The Regulation 98 offence, driver failing when the vehicle is stationary to stop the running of the engine of that vehicle, is contrary to Section 42 of the Road Traffic Act 1988 (as substituted by the Road Traffic Act 1991).

- 6.3 The 2002 Regulations are made under Section 87 of the Environment Act 1995. Under the 2002 Regulations powers are given to Local Authorities to issue Fixed Penalty Notices (FPNs) to drivers who allow their vehicle engines to run unnecessarily while the vehicle is parked, if they fail to comply with a requirement to stop the running of the engine of that vehicle. The Regulations cover all vehicles including cars, taxis, buses and all commercial vehicles.
- 6.4 Designation from the Secretary of State is not required for the enforcement of stationary idling offences. A Local Authority can authorise any officer of its authority, or any other person, to stop the commission of a stationary idling offence and to issue a FPN in respect of such an offence committed in its area.
- 6.5 Guidance issued by the Secretary of State for Transport 2002 – “Guidance on powers to require drivers to switch off engines” advises that FPNs should be used as a deterrent and only issued as a last resort. The guidance also recommends that a ‘common sense’ approach is taken by officers when using the powers under the Regulations.
- 6.6 There are exempted circumstances where vehicles are permitted under Regulation 98(2) of the Road Vehicles (Construction and Use) Regulations 1986 and these apply to the 2002 Regulations:
- (a) when the vehicle is stationary owing to the necessities of traffic;
 - (b) so as to prevent the examination or working of the machinery where the examination is necessitated by any failure or derangement of the machinery or where the machinery is required to be worked for a purpose other than driving the vehicle;
 - or
 - (c) in respect of a vehicle propelled by gas produced in plant carried on the vehicle, to such plant.
- 6.7 The enforcement process under the 2002 Regulations allows for a £20 FPN to be served in relation to stationary idling offences. This increases to £40 if not paid within 28 days. There is no discretion to amend this charge.
- 6.8 Local Authorities can retain the income generated from the FPNs, however it is not envisaged FPN income will be significant as the approach will be to prioritise education and engagement rather than enforcement. This is in line with Government Guidance.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

The proposals aim to improve the health of citizens, as well as reducing pollutants. The CASP programme will raise awareness of pollutants with children and will specifically (via the grant programme and interventions) reduce children’s exposure to air pollution whilst on school premises and in the vicinity of the schools via anti-idling enforcement.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

The report contributes to the Council's response to improve air quality and reduce carbon dioxide emissions within the district. An idling engine can release as much pollution into the air as a moving one.

The introduction of engagement, education and enforcement action against idling will contribute towards the Council's Clean Air Plan and encourage motorists to adopt responsible and environmentally friendly driving by using less fuel while switching off engines when stationary.

The CASP programme will also raise awareness of emissions (air quality pollutants and GHGs) with the public and younger generation, leading to positive behaviour change.

7.3 COMMUNITY SAFETY IMPLICATIONS

Air pollution is the largest environmental risk factor and 38% of Bradford's childhood asthma cases are caused by vehicular emissions and 1 in 5 of Bradford's children have a breathing problem. The proposals in the report will use CAZ revenue to mitigate some of this risk to the health of Bradford's children and contribute to a safer school environment.

7.4 HUMAN RIGHTS ACT

The Council has considered the implications of the Human Rights Act 1998 and is satisfied that the provisions of Articles 6, 7 and 8 may be engaged by adopting these proposals. However, Article 6 requires a right to a fair trial and this is embodied in the legislation to be adopted. Similarly, the right to issue the FPN is also embodied within the relevant legislation as is any subsequent due process. Whilst Article 8 provides a right to respect for private and family life, given the provisions of Article 6 and 7 are met, and given the public interest benefits, both in relation to the environment and social benefits, the interference with any personal rights by adopting the anti-idling legislation is both in accordance with the law and necessarily proportionate.

7.5 TRADE UNION

None identified

7.6 WARD IMPLICATIONS

All wards will benefit from the programme. All schools will benefit from additional warden support and the engagement programme. The Grant funding will be targeted to areas with existing air quality problems (see; [Find out about air quality near you | Bradford Council](#)), and decisions on grant applications that meet these criteria will be made at a local level by Grant Advisory Groups within Area Committees.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS

This report aligns with the five area action plans. In conjunction with the portfolio holder, officers will liaise with area committee chairs to ensure grants are distributed taking into account environmental and local priorities.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

Pollution from vehicles is causally linked to 38% of Bradford's childhood asthma cases and 1 in 5 of Bradford's children already has a breathing problem (ref Born In Bradford research). The CASP seeks to reduce emissions in the vicinity of schools via engagement and enforcement of anti-idling and will provide specific grants to schools to reduce emissions further.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

N/A

8. NOT FOR PUBLICATION DOCUMENTS

N/A

9. OPTIONS

To implement the CASP, adopt anti-idling regulations and reduce emissions around schools. This will contribute to the Bradford Clean Air Plan and make Bradford a safer place for children

OR

To not approve implementation of the CASP or the anti-idling Regulations. This would mean that plans to reduce emissions around schools would not be realised in Bradford and may mean that we cannot demonstrate as effectively that we are making the Districts children central to all we do.

10. RECOMMENDATIONS

The Executive is recommended to;

- (1) Approve the proposal for a Clean Air Schools Programme and the Clean Air Schools Grant Programme as set out in this report.
- (2) Approve the use of anti-idling regulations and enforcement with fixed penalty notices in the Bradford District
- (3) Delegate authority to the Strategic Director of Place, in consultation with the Director of Finance, Director of Legal and Governance and the Portfolio Holder to determine the final criteria of the Clean Air Schools Grant Programme Fund.
- (4) Delegate authority to the Strategic Director of Place in consultation with the Director of Legal and Governance to approve and complete funding agreements with successful applicant schools.

11. APPENDICES

Appendix 1 – Draft Fixed Penalty Notice

Appendix 2 – Charging Scheme Order (CSO)

The charging scheme order for the Clean Air Zone -

<https://www.bradford.gov.uk/media/7229/bradfordcleanairzonechargingorder2022.pdf>



Appendix 1 – Draft Fixed Penalty Notice

OFFENCE OF FAILING TO SWITCH OFF ENGINE IN A PARKED VEHICLE

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

It is an absolute offence under Section 42 of the Road Traffic Act 1988 to use a vehicle on the road which does not comply with the Road Vehicles (Construction and Use) Regulations 1986, as amended.

Name of Vehicle User: _____

Date of Birth: _____

Address: _____

Vehicle Registration Mark: _____

Vehicle Make & Model: _____

Person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994: _____

Particulars of alleged offence

This Notice of a fixed penalty, issued under authority of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, is issued to the above named vehicle user who was found by an authorised local authority person

on _____ (date) at _____
(time)

in _____ (location of offence)

to be using the above named vehicle in contravention of Regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986, as amended, which makes the requirement for drivers to switch off engines in parked vehicles.

Payment of Fixed Penalty

You should make sure that the issuing authority receives payment of the fixed penalty of **£20.00** within 28 days of the Date of Issue shown at the bottom of this Notice.

PAYMENT DETAILS AND ADDITIONAL INFORMATION ARE SHOWN OVERLEAF.

Dated:

Signed:

REF:

Print Name: _____
Authorised Officer

{Name of Issuing Service} {Address of Issuing Service}
{Contact Details}