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Wednesday, 27 June 2018

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **THURSDAY, 5TH JULY, 2018 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', written in a cursive style.

Neil Turner BSc (Hons) MSc
Director of Transformation & Resources

To: Members of Regulatory and Licensing Committee

Councillors B Yeates (Chairman), O'Hagan (Vice-Chair), Mrs Bacon, Mrs Constable, Drinkwater, Mrs Evans, Miss Fisher, Humphreys, Salter, Miss Shepherd and Mrs Stanhope MBE



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AGENDA

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REGULATORY AND LICENSING COMMITTEE

6 FEBRUARY 2018

PRESENT:

Councillors B Yeates (Chairman), O'Hagan (Vice-Chair), Mrs Bacon, Mrs Constable, Drinkwater, Mrs Evans, Miss Fisher, Leytham, Salter, Miss Shepherd and A Yeates

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Humphreys and Mrs Stanhope MBE.

2 DECLARATIONS OF INTEREST

There were no declarations of interests.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on the 2nd October 2017, as printed and circulated, were taken as read, approved and signed by the Chairman.

4 STREET TRADING POLICY

The Committee received a report a proposed revised Street Trading Policy. It was reported that the aim of the policy was to create a street trading environment which was sensitive to the needs of the public, consumer and ensured safety and contributed to the character and ambience of the local area. It was noted that the Member Task Group that was created to look at the Policy had agreed the amendments.

The changes from the original Policy were highlighted to the Committee including that locations would be considered on a case by case basis. It was reported that the use of generators had been included as there had been issues in the past regarding them.

The main area of amendments was reported to be around Special Events and it was reported that organisers would be required to meet a number of criteria before gaining consent. It was noted that their past experience would be taken into account along with economic benefit to the district, accounts and event budget and waste disposal proposals along with other aspects. It was also reported that organisers would be required to attend the Safety Advisory Group and notify local residents and businesses.

The Committee requested an update to the investigations regarding the Lichfield City Charter and it was reported that the historic markets Charter had been found and that it stated that there would be a market on Tuesdays and Thursdays. It was then reported that it had been known that through the Food and Drugs Act, a Saturday market had been created. It was noted that not all information had been shared as yet regarding the Farmers Market. The Chairman informed the Committee that he would be meeting the Leader and Mayor of the City Council to discuss this further.

The Committee were uneasy that facepainting could be carried out at events without the requirement of a DBS check. It was also noted that as they were providing a service and not an article, they did not require street trading consent or to hold public liability insurance. Members had grave concern regarding the implications of this however accepted that Officers

had consulted with Solicitors on this matter and there was no regulations that covered this activity.

Fees were then discussed and it was noted that it was proposed to charge additional fees for late and/or incomplete applications as it required greater resources to carry out the necessary work. It was reported that a deposit would be required to cover any costs associated with damages to the street, waste disposal but refundable if the event was successful.

The Committee were pleased with the amendments and agreeable to Policy being submitted for consultation.

- RESOLVED:** (1) That the new Street Trading Policy be approved for consultation; and
- (2) That authority be delegated to the Head of Regulatory Services, Housing and Wellbeing in consultation with the members Task Group, to include any agreed comments into the Policy from the consultation process.

5 MINOR AMENDMENT TO PRIVATE HIRE VEHICLE LICENCE CONDITIONS RELATING TO SEATING

The Committee received a report proposing an amendment to a Private Hire Vehicle licence condition to allow the use of tilted seats to access other rows of seating. It was reported that the use of such seating should be permitted as vehicle safety technology had moved on considerably from when the condition was originally brought into force. The Committee noted that the driver would be required to notify passengers that the vehicle had tilted seats to allow them the opportunity to choose whether to use them.

RESOLVED: That a change to the Private Hire vehicle Condition 10.2 to permit the use of tilting seats to gain access to another row of seats be approved to read as

“10.2 The seating arrangement in “People Carrier” type vehicles will be fixed and approved by the Council. The seating will not be moved once approval has been granted. Customers hiring any vehicle in which any seat must be tilted, moved or in any way adjusted to gain access to another row of seats shall be advised of this at the time of booking.”

6 FOOD SERVICE DELIVERY PLAN

The Committee received a report on the Food Delivery Plan for 2018-20 which covered the aims and key priorities of the service.

RESOLVED: That the Food Safety Service Delivery Plan 2018-20 be approved.

7 HEALTH AND SAFETY LAW ENFORCEMENT PLAN

The Committee received a report on the Health and Safety Law Enforcement Plan 2018/20 which set out the aims and key priorities of the services provided.

RESOLVED: That the Health and Safety Law Enforcement Plan 2018-20 be approved.

8 REVIEW OF LICENCE AND OTHER FEES AND CHARGES IN REGULATORY SERVICES, HOUSING AND WELLBEING 2018/19

The Committee received a report on the proposed fees and charges for services or enforcement actions within the Regulatory Services, Housing and Wellbeing area. It was reported that there were a number of new fees proposed relating to fixed penalty notices that had recently been introduced under new legislation along with a charge for undertaking a food hygiene inspection re-visit.

It was reported that Littering from a Vehicle could now result in a fixed penalty if witnessed. It was asked what evidence would be required and it was reported that a witness statement, CCTV or Officer surveillances could be used. Members reported that some residents would be reluctant to provide a witness statement in fear of retaliation however it was noted that they could notify the Council and Officers sent to the area to observe the offence directly.

Charges for dog fouling was discussed and Members felt it was Anti-Social Behaviour and so the penalty should be at that level. It was confirmed that dog fouling was defined in statute and the charge could only be within the set limits. It was noted that both dog fouling and littering had been set at the same amount to aid enforcement.

Fly tipping was discussed and the Committee were in agreement with Officers to set the penalty at the maximum of £400 to act as a deterrent.

The fees for the Gambling Act was discussed and it was noted that they had not been revised since its inception and research was required to ensure they were considered reasonable. It was agreed for these fees to be revised at a later date.

Members asked if there was enough resource to enforce offences and it was reported that there was 0.3FTE for enforcement but the Environmental Crime Member Task Group may want to investigate whether this was adequate.

- RESOLVED:**
- (1) That the fees and charges for the forthcoming year 2018/19 for the functions as listed in Appendix A to the report be approved for statutory consultation;
 - (2) That the fees and charges for the forthcoming year 2018/19 for the functions as listed in Appendix B to the report be approved;
 - (3) That delegated authority to the Head of Regulatory Services, Housing and Wellbeing in consultation with the Chairman and Vice-Chairman of the Committee be approved to set or amend any fees which are detailed in Appendix A to the report in consideration of any consultation responses received; and
 - (4) That delegated authority be approved to the Head of Regulatory Services, Housing and Wellbeing in consultation with the Chairman and Vice-Chairman of the Committee to set on an interim basis, any new fees and charges which may arise during the year.

9 WORK PROGRAMME

The work programme was considered. The Committee expressed their gratitude to the Officers for their work over the past Municipal Year.

RESOLVED: That the Work Programme be agreed.

(The Meeting closed at 6.50 pm)

CHAIRMAN

**REGULATORY AND LICENSING COMMITTEE
WORK PROGRAMME FOR 2018-19**

Item	5 JULY 2018	4 OCT 2018	5 FEB 2019	Purpose of the Report	Lead
Air Quality Action Plan	✓			To approve draft Action Plan	JT
Environmental Health 2019/20 Fees & Charges			✓	To agree the schedule of fees and charges for EH functions during 19/20	GD
Street collections 2018		✓			GD
Licensing Policies	✓			To approve a number updated Licensing Policies	SB
Street Trading Policy - review					GD/JR
Environmental Crime Strategy	✓			To agree draft Strategy	JT
Taxi Licensing Policy	✓			To approve policy regarding guide and assistance dogs	JT
Food Service Delivery Plan			✓		GD

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Registration of Special Treatments Policy

Enter title of relevant Cabinet Member

Date: 5 July 2018
 Contact Officer: Susan Bamford
 Tel Number: 01543 308170
 Email: Susan.bamford@lichfielddc.gov.uk
 Key Decision? YES NO (delete as appropriate)
 Local Ward Members n/a



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report seeks approval from committee members for consultation to begin on a proposed special treatments policy, included as Appendix A.
- 1.2 Special treatments are required by law to be registered with the council as they can potentially cause harm to the recipient of the treatment, the provider of the treatment and any staff employed at the premises used for providing that treatment.

2. Recommendations

- 2.1 It is recommended that Members approve for consultation the new special treatments policy.

3. Background

- 3.1 It is a criminal offence for any person within the District of Lichfield to carry on the Business of, or in some instances the practice of, a special treatment without being registered with Lichfield District Council.
- 3.2 The following practices, procedures and services are classed as a special treatment and require registration:
 - Acupuncture
 - Cosmetic Skin Piercing
 - Tattooing
 - Semi-permanent skin colouring
 - Electrolysis
- 3.3 The Local Government (Miscellaneous Provisions) Act 1982 requires Local Authorities to register all the special treatments detailed in this policy.
- 3.4 Lichfield District Council has passed byelaws for the special treatments which all registered persons must comply with. The byelaws are attached at Appendix B to this Policy. It is the responsibility of any person registered with the Council under this policy to ensure that they comply with these byelaws.
- 3.5 Those offering the service of any of the special treatments must also abide by all other relevant pieces of legislation designed to protect them, their staff and members of the public from harm. The main ones are:

- The Health and Safety at Work Etc Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Cosmetics Products (Safety) Regulations 2004

3.4 An approved Policy will safeguard the health and safety of the recipient and staff and help prevent unregistered treatments taking place. A policy will also help applicants by providing detailed guidance on the application and registration process.

Alternative Options	<ol style="list-style-type: none"> 1. The Committee could consider not consulting on the proposed policy; however this would not accord with good governance or best practice. 2. The Council could choose not to introduce a policy on special treatments, however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.
Consultation	<ol style="list-style-type: none"> 1. If approved for consultation, the proposed new policy would be issued to the following agencies for consultation: <ul style="list-style-type: none"> • Staffordshire Police • Staffordshire County Council • Ward members 2. The policy would also appear on the Lichfield District Council website for public consultation.
Financial Implications	<ol style="list-style-type: none"> 1. The introduction of a policy regulating the issuing of special treatment permit/licenses do not have a budget implication as the administrative function involved is already carried out. 2. Fees will be charged for the issuing of licenses which take into account the cost of processing, administering and compliance costs associated with the licence.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The policy will support objectives contained within the District Council's Strategic Plan 2016 -20. In particular a vibrant and prosperous economy and healthy and safe communities by ensuring that residents visiting or working in the relevant businesses are protected and that only properly regulated special treatment premises operate in the District.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. An Equality Impact Assessment will be undertaken once the consultation is complete.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. The policy will assist the Local Authority is exercising its duties and responsibilities under Local Government (Miscellaneous Provisions) Act 1982. 2.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact

		Assessment.
B		
C		
D		
E		

Background documents
Appendix A – registration of special treatments policy

Relevant web links
None

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REGISTRATION OF SPECIAL TREATMENTS POLICY
2018

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1. Introduction

- 1.1 Special treatments are required by law to be registered with the council as they can potentially cause harm to the recipient of the treatment, the provider of the treatment and any staff employed at the premises used for providing that treatment.
- 1.2 It is a criminal offence for any person within the District of Lichfield to carry on the Business of, or in some instances the practice of, a special treatment without being registered with Lichfield District Council.
- 1.3 The following practices, procedures and services are classed as a special treatment and require registration:
 - Acupuncture
 - Cosmetic Skin Piercing
 - Tattooing
 - Semi-permanent skin colouring
 - Electrolysis
- 1.4 These are defined in **Appendix A.**

2. Policy Purpose

- 2.1 The purpose of this policy is to:
 - Safeguard the health and safety of the recipient and staff
 - Prevent unregistered treatments taking place
 - Give detailed guidance on the application of the law relating to special treatments
 - Set out the requirements that providers of special treatments must meet
 - Make clear the activities that require registration

3. Relevant Legislation

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 is the primary piece of legislation governing the registration of all the special treatments detailed in this policy.
- 3.2 Lichfield District Council has passed byelaws for the special treatments which all registered persons must comply with. The byelaws are attached at Appendix B to this Policy. It is the responsibility of any person registered with the Council under this policy to ensure that they comply with these byelaws.
- 3.3 Those offering the service of any of the special treatments must also abide by all other relevant pieces of legislation designed to protect them, their staff and members of the public from harm. The main ones are:
 - The Health and Safety at Work Etc Act 1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
 - The Cosmetics Products (Safety) Regulations 2004

3.4 A breach of these may lead to prosecution by the Council and will be enforced by the Environmental Health Team.

4. Who and what needs to be registered

4.1 The legislation requires two registrations for each activity:-

- Individual
- Premises

4.2 A fee is payable for each separate registration.

5. Individual registration

5.1 Any person who carries on the business of any special treatment must be registered with the Council, except for the special treatment of acupuncture, in which case any person who carries on the practice of acupuncture must be registered.

5.2 'Carries on the business of' means providing that service for reward, whether financial or payment in kind. Often the person carrying on the business will be obvious. For example, the person who owns the business and profits from its takings. However this is not always the case. Self employed people are also considered by the Council to be carrying on their own business. Someone is self-employed if that person rents a chair or a room or other space or equipment from the owner of the business, keeps their income and pays their own tax.

6. Premises Registration

6.1 Any premises from which a special treatment is carried out must be registered with the Council.

6.2 Premises are not defined in the legislation but for the purposes of this Policy any area, whether enclosed or an open space, in which the service requiring registration is provided to the public is classed as the premises. This could be a salon or a room in a domestic home or in the open air as part of a festival or market.

7. Registering with the Council

7.1 An application form is available from the Council website or by telephoning 01543 308735.

7.2 The form should be completed and submitted to the Licensing Team along with the relevant fee and any other documentation or information that may be requested by the Council.

7.3 Following receipt of an application for registration the Council's environmental health team will arrange to inspect the premises.

8. Once registered

8.1 Any person registered with the Council may be periodically inspected by the Environmental Health Team, subject to their risk assessment.

8.2 The failure to comply with any byelaw or the relevant legislation may result in prosecution. If the failure to comply is a public safety risk the Council may prosecute with a view to asking the Court to cancel the registration. This will mean that the applicant cannot operate legally within the District and may be prevented from registering their business with the Council any other local authority in the future.

8.3 The person carrying on the business or practice of any of the special treatments must keep a copy of their certificate of registration and the applicable byelaws on display at their premises. Failure to do so is a prosecutable offence and can result in a fine not exceeding level 2 on the standard scale.

9. Health and Safety

9.1 All premises that are open to the public for the purposes of providing cosmetic treatments of any kind, whether or not those treatments are registerable with the Council, must comply with the relevant health and safety legislation.

DRAFT

Acupuncture

The word “Acu” in Latin means “with a needle” and when added to the phrase “puncture” means puncturing with a needle.

For public safety and public health reasons any practice of puncturing the skin of another person with a needle for remedial, cosmetic or financial gain is registerable with the council.

Cosmetic Skin Piercing

The Local Government Act 2003 amended the Act to replace the activity of “ear piercing” with the more generic term of “cosmetic piercing”.

Therefore any piercing of any persons skin for cosmetic and beauty reasons of the insertion of any foreign material into or under the skin, whether permanent or temporary, for cosmetic or beauty reasons must be registered with the Council if carried out for profit, consideration or rewards.

Tattooing

Tattooing is the process of making a permanent mark, design or pattern onto the skin of a person by pricking and ingraining an indelible pigment or ink into the skin, or any other similar process designed to change the complexion of human skin for cosmetic purposes or artistic purposes.

Where this is done for profit, consideration or reward it falls within the definition of tattooing under the Act and requires registration.

Semi-permanent skin colouring

Semi-permanent skin colouring encompasses the cosmetic procedures known as micropigmentation, semi-permanent makeup and temporary tattooing.

Any process or procedure where skin colouring is inserted into a person’s skin without breaching the skin’s outer layer (the epidermis) for cosmetic purposes falls within the definition and requires registration with the Council if carried out for profit, consideration or reward.

Electrolysis

Electrolysis is generally known to be a procedure for removing unwanted body hair through the use of an electric current inserted into the skin to destroy hair roots.

Electrolysis is, however a scientific term to describe the process of changing the composition of an object through the use of an electric current

For the purpose of this policy any form of electric current inserted into the skin for cosmetic purposes carried out for profit, consideration or reward requires registration with the council.

Other cosmetic procedures

The special treatments detailed in this policy are only the ones that are required to be registered with the Council.

Some treatments exist that do not require any form of registration, inspection or licensing process by any authority or public body as they have not been considered to be prejudicial to health.

Other treatments are not required to be registered with the Council as they are governed by other bodies under other legislation and require a registration with that authority.

Where there is any overlap between treatments that may require a registration with us but also require a registration with another public regulatory body, the Council will aim to ensure that business operators are not penalized by registering twice and will work with all parties to ensure that the most appropriate registration is obtained.

The onus is upon the person carrying on the business or practice to ensure that they have made the appropriate enquiries to ascertain who is the appropriate registering authority for their activity.

DRAFT

LICHFIELD DISTRICT COUNCIL

BYELAWS

**Acupuncture, tattooing, semi-permanent skin-colouring,
cosmetic piercing and electrolysis**

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Lichfield District Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1. —(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act; “proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skincolouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2. —(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and

- (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is earpiercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is earpiercing or nose-piercing using a hygienic piercing instrument.
3. —(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before reuse.
 - (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.
4. —(1) For the purpose of securing the cleanliness of operators, a proprietor—
- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
 - (b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.
- (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities the proprietor provides need not be for the sole use of the operator.
- (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—
- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
 - (b) the client is known to be infected with a blood-borne virus; or
 - (c) the operator has an open lesion on his hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.
5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semipermanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(l)(a) and 4(l)(a).
6. The byelaws relating to acupuncture, tattooing, ear piercing and electrolysis that were made by Lichfield District Council on the 24th July 1987 and were confirmed by The Secretary of State for Social Services on 29th October 1987 are revoked.

NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skincolouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.

The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture (see section 14(8) of the Act).***

DRAFT

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Charitable Collections Licensing Policy

Enter title of relevant Cabinet Member

Date: 5 July 2018
 Contact Officer: Susan Bamford
 Tel Number: 01543 308170
 Email: Susan.bamford@lichfielddc.gov.uk
 Key Decision? YES NO (delete as appropriate)
 Local Ward Members n/a



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report seeks approval from committee members for consultation to begin on a proposed charitable collections policy, included as Appendix A.
- 2 This policy document forms the Council’s Charitable Collections Policy (“local policy”) that will apply to Street and House to House Collection activities in the Lichfield District area to ensure consistency in decision making. The aim of the policy is to give detailed guidance on the application of the law relating to charitable collections, provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place. It also sets out the administrative procedures involved in obtaining a permit/licence.

2. Recommendations

- 2.1 It is recommended that Members approve for consultation the new charitable collections policy.

3. Background

- 3.2 Lichfield District Council has responsibility for licensing charitable collections within the District. Charitable collections consist of two categories - street collections and house to house collections.
- 3.3 Charitable collections licensing is regulated by two acts of Parliament. These are the ‘Police, Factories, etc., (Miscellaneous Provisions) Act 1916’ which regulates collections of money or sales of articles for charitable purposes in streets and public places and ‘The House to House Collections Act 1939’ which regulates collections of money or other articles made by means of going from house to house. Charities must obtain a permit or licence from the Council before a charitable collection takes place.
- 3.4 Currently the Council does not have a Policy covering Charitable Collections in the District meaning we cannot effectively regulate house to house collections.
- 3.5 An approved Policy will assist applicants for a charitable collection permit/licence, and provide guidance to enable the Council to make consistent decisions when determining applications. It will also provide residents who wish to donate to charity in this way with confidence that an adequate proportion of their donation will directly benefit the named charity and help to avoid street collectors becoming a nuisance for residents and visitors to the District.

Alternative Options	<ol style="list-style-type: none"> 1. The Committee could consider not consulting on the proposed policy; however this would not accord with good governance or best practice. 2. The Council could choose not to introduce a policy on charitable collections, however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.
Consultation	<ol style="list-style-type: none"> 1. If approved for consultation, the proposed new policy would be issued to the following agencies for consultation: <ul style="list-style-type: none"> • Staffordshire Police • Staffordshire County Council • Ward members 2. The policy would also appear on the Lichfield District Council website for public consultation.
Financial Implications	<ol style="list-style-type: none"> 1. The introduction of a policy regulating the issuing of charitable collection permit/licenses do not have a budget implication as the administrative function involved is already carried out. 2.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The policy will support objectives contained within the District Council's Strategic Plan 2016 -20. In particular healthy and safe communities by ensuring that the community and voluntary sector can access a source of income whilst ensuring charitable collections are well regulated.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. An Equality Impact Assessment will be undertaken once the consultation is complete.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. The policy will assist the Local Authority is exercising its duties and responsibilities under the 'Police, Factories, etc., (Miscellaneous Provisions) Act 1916' and the 'The House to House Collections, Act 1939' and ensure that all collections are bona fide collections and operate in accordance with the policy and legislation.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B			
C			
D			
E			

Background documents
Appendix A - Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers

Relevant web links

None

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CHARITABLE COLLECTIONS POLICY

2018

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1. Introduction

- 1.1. Lichfield District Council (“the Council”) is responsible for licensing charitable collections within the District of Lichfield. Charitable Collections fall into two categories: House to House collections for money or property and Street Collections, which include collections for cash or the sale of articles in the street. If articles are sold for any form of personal gain or as a commercial activity then a Street Trading Consent will be required.
- 1.2. The licensing of charitable collections is regulated by two separate Acts of parliament: The ‘Police, Factories, etc, (Miscellaneous Provisions) Act 1916’ as amended by schedule 29 of the Local Government Act 1972. which regulates collections of money or sales of articles for charitable purposes in street and public places and ‘The House to House Collections Act 1939’ which regulates collections of money or other articles made by means of going from house to house. Both acts give District Councils powers to write regulations and policies to control charitable collections.
- 1.3. This policy document forms the Council’s Charitable Collections Policy (“local policy”) that will apply to Street and House to House Collection activities in the Lichfield District area.

2. Policy Purpose

- 2.1 The purpose of the policy is to:
 - Safeguard the interests of both public donors and beneficiaries;
 - Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met
 - Prevent unlicensed collections from taking place.
 - Give detailed guidance on the application of the law relating to charitable collections
 - Provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place.
 - Detail the matters that will be taken into consideration when determining an application
- 2.2 This policy is designed to ensure that:-
 - People who wish to donate to charity, through Street collections, are able to do so in good faith knowing that the money or products they donate will directly benefit the charity.
 - There is transparency, consistency and fairness in determining applications
 - Eligible requests are accommodated, subject to capacity and availability on certain days and locations
 - Applications are made in a timely way, neither too early nor too late
 - Collectors operate within the law and act fairly in their dealings with the public?
 - Collections do not cause nuisance to the public >
 - Fair maximum limits for applicants are set
 - A fair balance between local and national causes is achieved
- 2.3 This policy will be reviewed where there are any changes in legislation or where not, every three years.

3. Street Collections

3.1 Raising money or selling goods for charity in the street or any other public place requires permission from Lichfield District Council. These collections (usually referred to as “street collections”) most commonly take the form of a collector asking members of the public to make a donation in a collecting box. A Street includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

3.2 Street Collections are covered by regulations made under the Police, Factories etc (Miscellaneous Provisions) Act 1916 as amended by section 251, schedule 29 of the local government act 1972. The regulations are attached at Appendix A.

3.3 The council does not issue permits to collect in the Three Spires Shopping Centre. Permission to Collect within the Three Spires Shopping Centre must be sought from the Centre Manager.

3.4 General Principles

3.5 Charities must be registered with the Charity Commission or be a charitable organisation based within the district of Lichfield or supporting residents of Lichfield district.

3.6 Applications will normally be granted on a first come first served basis. No guarantee can be given that an organisation preferred collection date will be available or be allocated to that organisation.

3.7 No more than 3 Collections per charity per calendar year will be allowed in the Lichfield District.

3.8 Only 1 Collection will be permitted at any one time.

3.9 Collections can take place on any day of the week including Public Holidays.

3.10 Only 1 Collection will be permitted Monday – Sunday.

3.11 Lichfield District Council will restrict the number of people taking part in a collection to three.

3.12 Exceptions to this policy may be made for collections such as the Royal British Legions Poppy Appeal.

3.13 The use of tables, stalls, trailers, vehicles or other displays or advertising in collection with a Street Collection will not be permitted unless the collection is part of a separate promotion or activity approved by the Licensing Department. The use of animals will only be permitted with the express consent of the Licensing Authority and with the necessary Public Liability Insurance in place.

3.14 Application

3.15 An application for a Street Collection Permit must be made to the Council in writing on the prescribed application form no later than one month before the proposed collection date. The application period of one month may be reduced if there are special reasons for doing so.

- 3.16 Street Collection Permit Application forms may be downloaded from the Council's website together with a copy of the street collection regulations or alternatively obtained from the Council's Licensing Section at the following address:- Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU, Telephone 01543 308073 Email licensing@lichfielddc.gov.uk.
- 3.17 The application form must be fully and correctly completed and accompanied by any required information.
- 3.18 The application form will need to include the location from which the organisation wishes to collect, the date & time of the collection and the number of collectors to be used.
- 3.19 Where the application is on behalf of a registered charity a letter of authority is required and this must accompany the application form.
- 3.20 Failure to provide the necessary information may result in an application being delayed or refused.
- 3.21 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:
- (a) Issue a permit specifying the requested date and location; or
 - (b) Refuse to issue a permit.
- 3.22 Within one month after the date of any collection or sale the person, society, committee or other body of persons responsible for the collection shall forward to Lichfield District council's Licensing Department a statement in the form set out in the schedule to the regulations.
- 3.23 The proceeds of statement form must be certified by the auditor of the society or by some independent responsible person.
- 3.24 This statement of returns must detail the amount received, the expenses incurred in connection with such collection or sale.
- 3.25 Where a street collection application has been refused, the applicant will be advised in writing of the reasons for refusal.
- 3.26 There is no formal right of appeal against any decision made by the Council to grant or refused an application for a street collection permit, other than by way of Judicial Review. However in the interest of fairness if an organisation is unhappy about the decision to refuse their application they can request that the decision is reviewed. They should do so by writing to the Head of Regulatory Services, Housing and Wellbeing Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU.
- 3.27 Direct Debit collections**
- 3.28 Direct Debit collections are where pledges are collected for direct debit donations. This type of collection does not require permission from the Local Authority as there are no legal provisions for these types of collections.
- 3.29 In an attempt to regulate the frequency and location of Direct Debit collections the council has entered into a site agreement with the Public Fundraising Regulatory Association (PFRA). A

copy of the Council's agreement with the Public Fundraising Regulatory Association (PFRA) can be viewed on the council's website www.lichfielddc.gov.uk.add link

4. House to House Collections

- 5.1 House to House collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.
- 5.2 There has been an increase in the number of bogus House to House collectors in the last few years and as such it is vital that licences are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.
- 5.3 House to House collections are currently regulated by the House to House collections Act 1939 and the House to House Collections Regulations 1947. These regulations are attached as Appendix Two.
- 5.4 As a general rule, house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law, are required to be licensed by Lichfield District Council as the Licensing Authority.
- 5.5 There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. Exemption certificates are issued by the Cabinet Office directly and allow an organisation to collect in the District without applying for a licence from the Licensing Authority. The organisation will not be exempted from the regulations or provisions of the Act and the organisation must inform the Licensing Authority of the dates and wards of any planned collections

5.6 General Principles

- 5.7 Charities must be registered with the Charity Commission or be a charitable organisation based within the district of Lichfield or providing support to residents of Lichfield District.
- 5.8 Applications must be on behalf of charitable organisations. Applications from private companies for commercial reasons will not be considered.
- 5.9 Lichfield District Council will only allow 1 House to House Collection in any one area at any one given time.
- 5.10 Lichfield District Council will only allow an organisation to collect on six occasions per calendar year.
- 5.11 The maximum duration of any one collection will not exceed 2 weeks.

- 5.12 No collection shall be made other than on the time period specified on the permit.
- 5.13 Charities should not collect from households displaying no cold calling cards or in cold calling zones.
- 5.14 No collection shall be made in a manner likely to inconvenience or annoy any person
- 5.15 No collector shall pester any person to the annoyance of such a person.
- 5.16 When granting a licence for a house to house collection, the Council must be satisfied the applicant is a fit and proper person to hold a House to House Collection Licence. In deciding whether an applicant is fit and proper where there are convictions/cautions the Council will take into consideration the following:-
- Whether the conviction is relevant
 - The seriousness of the offence
 - In accordance with the Rehabilitation of offenders Act 1974, the length of time since the offence occurred
 - Whether there is a pattern of offending behaviour
 - Whether that person's circumstances have changed since the offence occurred, and the circumstances surrounding the offence and the explanation offered by that person.

5.17 Application Procedure

- 5.18 Applications are to be made in writing no later than one month before the collection is due to take place, this period may be reduced if the Council are satisfied there are special reasons for doing so.
- 5.19 Applications will be dealt with on a first come first served basis.
- 5.20 Failure to provide the necessary information may result in an application being delayed or refused.
- 5.21 Anyone wishing to conduct a house to house collection must complete the relevant application form.
- 5.22 Applicants must supply information relating to:-
- Whether it is a registered charity (please state number), and the objectives of the charitable cause as supplied to the Charity Commission
 - A statement of the organisations aims as detailed in any literature
 - Details of the history of the organisation, i.e when formed, names of trustees, directors, organisers etc.
 - Relevant accounts and financial statements of the organisation.
 - A written agreement between the applicant and organisation
 - A declaration of any previous refusals for House to House Collections
- 5.23 Applicants must also provide details of the following:-
- How much the charity will receive as part of the collection
 - The percentage of the cost of running the collection
- 5.24 If the organisation has operated collections before a clear set of returns must be supplied.

- 5.25 Lichfield District Council may, in granting a permit, limit the collection to such streets or areas or such parts thereof as it thinks fit and specified on the permit. Lichfield District Council have a number of no uninvited traders zone's. Any applications that are granted a House to House collection permit these streets will be excluded from that permit.
- 5.26 Applicants will need to complete a declaration of convictions and submit this along with any application for a house to house collection licence.
- 5.27 Within one month after the date of any collection the person to whom a permit has been granted shall forward to Lichfield District Council:-
- A statement in the form set out in the schedule to these regulations, or in a form to the like effect, showing the amount received and the expenses and payments and payments incurred in connection with such collection and certified by that person and a member of the receiving charity in the form of a letter headed response
 - List of collectors
 - List of the amounts collected in each collecting box
- 5.28 The Council may refuse to grant a licence or, where a licence has been granted, revoke that licence where it appears to the Council that:
- The total amount likely to be given for charitable purposes as the result of the collection (including any amount already given) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)
 - That the remuneration by any person is excessive in relation to the total amount received or likely to be received
 - The grant of a licence would be likely to facilitate the commission of an offence under section three of the vagrancy act 1824, or that an offence under that section has been committed in connection with the collection
 - The applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence
 - The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised or
 - The applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.
- 5.29 In addition, any action taken as a result of not complying with regulations on operating house to house collections would also be grounds for refusal, unless there are extenuating circumstances.
- 5.30 In order for the Council to be confident that the amount being given to charity is proportionate, the financial information provided on the application form and on any returns

has to be detailed and accurate. Failure to provide detailed and accurate financial information may result in an application being refused or delayed.

5.31 In deciding whether the amount given to charity is proportionate the Council will use the following as a guideline:-

- The Council understands there are costs associated with organising and carrying out a house to house collection; however the costs associated with any one collection need to be balanced against the perception of the public that all of the items or money they donate will be given to charity. Therefore, the council will consider refusing an application where less than 80% of the value of the collection is being donated to the charity named in the application.
- It is also common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether it is excessive, the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The salaries received by directors and key employees should also be considered as part of this assessment. Therefore the council will give consideration to refusing an application where the amount of remuneration is greater than 20% of the value of the collection.

5.32 If no previous returns have been supplied to the council after previous licensed collections then any further applications are likely to be refused.

5.33 Any person aggrieved by the refusal to grant a licence or by the revocation of a licence already granted, may appeal against the decision within fourteen days of the date of the notice of refusal or revocation, as shown on the notice. Any appeal must be made to the relevant Secretary of State.

5. Appendix A

Street Collection Regulations

6.1 In these Regulations, unless the context otherwise requires – “collection” means a collection of money for the benefit of charitable or other purposes and the word “collector” shall be constructed accordingly;

- “promoter” means a person who causes others to act as collectors;
- “the licensing authority” means Lichfield District Council;
- “permit” means a permit for collection;
- “contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
- “collection box” means a box or other receptacle for the reception of money from contributors.

6.2 No collection, other than a collection taken at a meeting in the open air shall be made in any street or public place within the District of Lichfield unless a promoter shall have obtained from the Licensing Authority a permit.

6.3 Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Provided that the Licensing Authority may reduce the period of one month if satisfied that there are special reasons for so doing.

6.4 No collection shall be made except upon the day stated in the permit.

6.5 The Licensing Authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6.6 No person may assist or take part in any collection without the written authority of a promoter.

6.7 Any person authorised under paragraph (a) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Licensing Authority or any police constable.

6.8 No collection shall be made in any part of the carriageway of any street which has a footway. Provided that the Licensing Authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

6.9 No collection shall be made in a manner likely to inconvenience or annoy any person.

6.10 No collector shall importune any person to the annoyance of such person.

6.11 While collecting (a) a collector shall remain stationary; and (b) a collector or two collectors together shall not be nearer to another collector than 25 meters;

6.12 Provided that the Licensing Authority may, if it thinks fit, waive the requirement of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

- 6.13 No promotor, collector or person who is otherwise connected with a collection shall permit a person under the age of 16 years to act as a collector.
- 6.14 Where cash collections are taking place (a) Every collector shall carry a collecting box (b) all collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken. (c) all money received by a collector from contributors shall immediately be placed in a collecting box. (d) every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
- 6.15 A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is duly numbered.
- 6.16 Subject to paragraph (b) below a collecting box shall be opened in the presence of a promoter and another responsible person.
- 6.17 Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- 6.18 As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
- 6.19 No payment shall be made to a collector.
- 6.20 No Payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Licensing Authority.
- 6.21 Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Licensing Authority –
- A statement in the form set out in the Schedule to the Street Collection Regulations in the District or in a form to the like effect, showing the amount/pledges received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant.
 - A list of the collectors
 - A list of the amounts contained in each collecting box
 - And shall if required by the Licensing Authority satisfy it as to the proper application of the proceeds of the collection.
- 6.22 The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (a)(i) above, publish in such newspaper or newspapers as the Licensing Authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.
- 6.23 The Licensing Authority may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (a) above.

6.24 For the purposes of this Regulation 'a qualified accountant' means a member of one or more of the following bodies:

- The institute of Chartered Accountants in England and Wales
- The institute of chartered accountants of Scotland
- The association of certified accountants
- The institute of chartered accountants in Ireland

6.25 If a collection results in a sum of £500 or less being collected the Licensing Authority may if it thinks fit waive the requirements in Paragraph (a), sub-paragraph (i) and paragraph (b) of this regulation, that the statement of accounts shall be certified by a qualified accountant and waive the need to publish a notice in a newspaper as the Licensing Authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of expenses and payments and substitute therefore a certificate signed by an independent person acceptable to the Licensing Authority.

6.26 These regulations shall not apply:

- In respect of a collection taken at a meeting in the open air; or
- To the selling of articles in any street or public place when the articles are sold in the ordinary course of trade
- Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

6. Appendix B

House to House Regulations

7.1 These regulations may be cited as the House to House collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.

7.2 These regulations shall not extend to Scotland.

7.3 In these regulations, unless the context otherwise requires-

- 'The Act' means the House to House Collections Act 1939;
- 'chief promoter' in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of Subsection (2) or Section 1 of the Act as respects that collection.
- 'collecting box' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking a seal;
- 'licence' means a licence granted by the Local Authority under section 2 of the Act
- 'order' means an order made by the Secretary of State under Section 3 of the Act
- 'prescribed badge' means a badge in the form set out in the fourth Schedule to these regulations
- 'prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to these regulations
- 'receipt book' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered
- 'street collection' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, apply

7.4 A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.

7.5 The interpretation act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

7.6 Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.

7.7 Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

7.8 An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified

- 7.9 An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.
- 7.10 Providing that the District Council or as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.
- 7.11 Every promoter of a collection shall exercise all due diligence
- 7.12 To secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
- 7.13 To secure compliance on the part of persons so authorised with the provisions of these regulations
- 7.14 No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person
- 7.15 A prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection
- 7.16 A prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
- 7.17 If money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall in the case of a receipt book, also be marked on every receipt contained therein addition to the consecutive number of the receipt.
- 7.18 Every promoter of a collection shall exercise all due diligence to secure-
- 7.19 That no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
- 7.20 That every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- 7.21 In the case of a collection in respect of which a licence has been granted-
- Every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationary Office, and every prescribed badge shall be so obtained; and
 - Every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto in a manner approved by the licensing authority for the area in respect of which the licence was granted

- 7.22 Every collector shall:
- Sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection
 - Sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
 - Keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.
- 7.23 No person under the age of 16 years shall act or be authorised to act as a collector of money
- 7.24 No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof
- 7.25 Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- 7.26 Where as collector is collecting money by other means than a collecting box, he shall upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate, the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.
- 7.27 Every collector, to whom a collecting box or receipt book has been issued, shall –
- When the collecting box is full or the receipt book is exhausted or
 - Upon the demand of a promoter of the collection or
 - When he does not desire to act as a collector or
 - Upon the completion of the collection
- Return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.
- 7.28 Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- 7.29 Where a collection box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- 7.30 As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box in a list which shall be certified by the persons making the examination.
- 7.31 Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing

number of the receipt book on a list, which shall be certified by the persons making the examination.

- 7.32 Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for charitable purposes of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- 7.33 Where an envelope collection is made in accordance with this regulation.
- 7.34 Every envelope used shall have a gummed flap by means of which it can be securely closed.
- 7.35 No collector shall receive a contribution except in an envelope which has been so closed; and
- 7.36 These regulations shall have effect subject to the following modifications:-
- 7.37 Sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
- 7.38 Regulation 10 shall not apply
- 7.39 Regulation 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
- 7.40 In regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
- 7.41 In paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box shall be omitted.
- 7.42 In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.
- 7.43 The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licence authority by which the licence was granted within one month of the expiry of the licence.
- 7.44 Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one licensing areas a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made only to such of the respective licensing authorities as may be so agreed.
- 7.45 The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the secretary of state so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.

- 7.46 The licensing authority or the secretary of state may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- 7.47 The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection and the amount so included in the combined account not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however that in the case of an account furnished under the said paragraph (2) the account shall show in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.
- 7.48 The account required by the preceding regulation-
- 7.49 Where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- 7.50 Where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.
- 7.51 Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purpose of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- 7.52 Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so required at any time within that period, submit them to that authority.
- 7.53 The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificated of authority and prescribed badges obtained by him for that purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

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Scrap Metal Dealers Licensing Policy



Date: 5 July 2018
 Contact Officer: Susan Bamford
 Tel Number: 01543 308170
 Email: Susan.bamford@lichfielddc.gov.uk
 Key Decision? YES NO (delete as appropriate)
 Local Ward Members n/a

**REGULATORY
 AND LICENSING
 COMMITTEE**

1. Executive Summary

- 1.1 This report seeks approval from committee members for consultation to begin on a proposed Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers, included as Appendix A.
- 1.2 This policy outlines the requirements of the Scrap Metal Dealers Act 2013 (the act). It gives guidance to new applicants, existing licence holders, consultees and members of the public as to how the Council will administer and enforce the requirements of the Act.

2. Recommendations

- 2.1 It is recommended that Members approve for consultation the new Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers.

3. Background

- 3.2 Lichfield District Council (“the Council”) is the Licensing Authority under the Scrap Metal Dealers Act 2013 and is responsible for granting site licences and collector’s licences in the District of Lichfield in respect of businesses that deal in scrap metal and vehicle dismantling.
- 3.3 The Act maintains local authorities as the principal regulator, but replaces the old registration system with a full licensing regime. It grants power to refuse a licence to “unsuitable” applicants and a power to revoke licences if the dealer becomes “unsuitable”.
- 3.4 The 2013 Act aims to raise the standards across the scrap metal industry and to help achieve this, licensed operators will need to keep detailed records of their transactions; and verify the identity of those selling scrap metals to them.
- 3.5 In addition to replacing the Scrap Metal Dealers Act 1964 and the Vehicle Crime Act 2001, the 2013 Act revises the definition of a ‘Scrap Metal Dealer’ so as to take into account the modern way in which people collect and deal in scrap metal. The 2013 Act provides for two types of Scrap Metal Dealer licences, a ‘Site Licence’ and a ‘Collector’s Licence’, both of which last for three years.

Alternative Options	<ol style="list-style-type: none"> 1. The Committee could consider not consulting on the proposed policy; however this would not accord with good governance or best practice. 2. The Council could choose not to introduce a policy on Scrap Metal Dealers, however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.
Consultation	<ol style="list-style-type: none"> 1. If approved for consultation, the proposed new policy would be issued to the following agencies for consultation: <ul style="list-style-type: none"> • Staffordshire Police • Staffordshire County Council • Ward members • Existing scrap metal dealers in the District 2. The policy would also appear on the Lichfield District Council website for public consultation.
Financial Implications	<ol style="list-style-type: none"> 1. The new policy seeks to clarify the policy and procedures around licensing of scrap metal dealers in the District and ensure applications are completed correctly therefore reducing administration time spent dealing with incomplete or inaccurate forms. 2. The policy includes details of the fees charged for the issuing of licenses which take into account the cost of processing, administering and compliance costs associated with the licence. 3. The fees are set by the Council under guidance issued by the Home Office with the approval of the Treasury and are regularly reviewed.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The policy will support objectives contained within the District Council's Strategic Plan 2016 -20. In particular, a vibrant and prosperous economy and healthy and safe communities by ensuring that only legal, well-regulated scrap metal dealing takes place within the District.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. An equality Impact Assessment will be undertaken once the consultation process is complete.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. The policy will assist the Local Authority in exercising its duties and responsibilities under the Scrap Metal Dealers Act 2013 and thereby prevent scrap metal related crime. 2.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B			
C			
D			
E			

Background documents

Appendix A - Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers

Relevant web links

None

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**Statement of Policy and Guidelines for the Licensing of
Scrap Metal Dealers**

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1. Introduction

1.1 Metal theft over the last few years has had a significant impact upon our communities, businesses and the local authority. Such thefts have seen communications and the train networks disrupted, as well as significant costs to the local authorities in relation to stolen drainage gully covers and stolen road signs.

1.2 The Scrap Metal Dealers Act 2013 has been introduced to address these issues, ensuring that the sale, collection, storage and disposal of scrap metal, is carried out lawfully.

2. Policy Purpose

2.1 The purpose of this policy is to:

- outlines the requirements of the Scrap Metal Dealers Act 2013 (the act)
- give guidance to new applicants, existing licence holders, consultees and members of the public as to how the Council will administer and enforce the requirements of the Act.

2.2 The policy will be reviewed where there are legislative changes or if not every three years.

3. Legislation

3.1 The Scrap Metal Dealers Act 2013 (the act) came into force on 1 December 2013. The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001 creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries.

3.2 Lichfield District Council (“the Council”) is the Licensing Authority under the Scrap Metal Dealers Act 2013 and is responsible for granting site licences and collectors licences in the District of Lichfield in respect of businesses that deal in scrap metal and vehicle dismantling.

3.3 The Act maintains local authorities as the principal regulator, but replaces the old registration system with a full licensing regime. It grants power to refuse a licence to “unsuitable” applicants and a power to revoke licences if the dealer becomes “unsuitable”.

3.4 The Act states that “scrap Metal” includes:-

- Any old, waste or discarded metal or metallic material, and
- Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by it’s last holder as having reached the end of its useful life.

3.5 This definition does not include platinum and other rare metals now being used in catalytic converters in vehicle exhausts.

3.6 The following is not considered to be scrap metal

- Gold
- Silver
- Any alloy of which two per cent or more by weight is attributable to gold or silver.

- 3.7 The act defines a “scrap metal dealer” as a person who carries on a business which wholly or in part involves the buying and selling of scrap metal, whether or not the metal is sold in the form it was purchased.
- 3.8 This does not include manufacturing operations that sell metal as a by-product of the operation. However it does include the business of collecting scrap metal, i.e. door to door collectors.
- 3.9 The definition of a scrap metal dealer is wide and may include skip hire firms, and tradesman, such as plumbers and builders who sell scrap metal resulting from their businesses.
- 3.10 A dealer also includes someone carrying on the business as a motor salvage operator. This is defined as a business that:-
- Wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap
 - Wholly or mainly involves buying written off vehicles and then repairing and re-selling them
 - Wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and re-selling them.
- 3.11 The Act is not intended to include second hand goods. Jewellers or businesses trading in second hand gold, silver and products are not included in this legislation.
- 3.12 However only vehicles without a certificate of destruction or are capable of being driven without repair, with or without a valid MOT are likely to be classed as second hand goods. Other vehicles are likely to be considered scrap. These aspects will be considered when the council determines whether or not a scrap metal dealer licence is required. It should also help prevent any motor salvage operators attempting to circumvent the legislation and it’s requirements

4. Types of licence

- 4.1 In order for anyone to carry on a business as a scrap metal dealer, or collector they must have a licence. A licence is valid for three years from the date of issue. Trading without a licence is a criminal offence
- 4.2 There are two types of licences specified in the Act:

5. Site Licence

- 5.1 All sites operating as a scrap metal business must be licensed. A site licence allows the licence holder to transport scrap to and from the site from any local authority area.
- 5.2 A licence will be issued by the Council in whose area a scrap metal site is situated. A site licence will require all of the sites at which the licensee carries on the business as a scrap metal dealer, within the local authority area to be identified and a site manager to be named for each site.

5.3 This will permit them to operate from those sites including transporting scrap metal to and from those sites from any local authority area. If a site licence holder uses self-employed mobile collectors to collect scrap metal which will be processed by the site, each collector would need a mobile collectors licence. A site is defined in the Act as any premises used in the course of carrying on a business as a scrap metal dealer (whether or not metal is kept there).

6. Collectors licence

6.1 This licence allows the holder to collect scrap within the area of the issuing local authority. This licence does not permit the holder to operate a scrap metal site, nor does it allow collection outside of the area of the issuing authority. If a person collects scrap from numerous local authority areas, a collector's licence will be required from each local authority he/she collects scrap within. This means a dealer will require a licence for an office, even if they do not operate a metal store or yard from those premises.

6.2 A mobile collector is a person who:

- a) carries on business as a scrap metal dealer otherwise than at a site, and
- b) regularly engages in the course of that business in collecting waste materials and old broken worn out or defaced articles by means of visits from door to door.; This permits them to collect any scrap metal as appropriate, including commercial and domestic scrap metal.

6.3 It does not permit the collector to collect from any other local areas, separate licences should be obtained from each local authority. A mobile collectors licence will cover any employees working for that business. If they are not employed directly by that mobile collectors business and are self-employed they will need their own collectors licence even if they are collecting metal from the same van as a person who has a mobile collectors licence.

6.4 A person may hold more than one licence issued by different authorities, but may not hold more than one licence issued by any one local authority.

6.5 Mobile collectors and site licence holders need to ensure they comply with all relevant environmental legislation and regulation when carrying out their business. Holding a site or collector's licence does exempt the licensee from the requirements for any other licence or permit to operate their scrap metal business. i.e. waste carrier's certificate.

7. Determining suitability

7.1 The Council must determine whether an applicant is a suitable person to carry on a business as a scrap metal dealer.

7.2 The Council may have regard to any information which it consider to be relevant, this may include:

- a) Whether the applicant or site manager has been convicted of any relevant offence; or
- b) Whether the applicant or site manager has been the subject of any relevant enforcement action; or

c) Whether there has been any refusal of an application of the issue or renewal of a scrap metal licence, and the reasons for the refusal; or

d) Whether there has been any refusal of an application for a relevant environmental permit or registration, and the reasons for the refusal; or

e) If there has been any previous revocation of a scrap metal licence, and the reasons for the revocation; or

f) Whether the applicant has demonstrated there will be adequate procedures in place to ensure compliance with the Act.

7.3 Relevant offences or relevant enforcement action are those listed under the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013.

7.4 The Council must also have regard to any guidance on determining suitability which is issued from time to time by the secretary of state.

7.5 When establishing the applicant's suitability, the Council may consult with the following agencies:

a) Staffordshire Police.

b) Her Majesty's Revenue and Customs;

c) Environment Agency;

d) The Council's Environmental Health Dept.

e) Staffordshire Trading Standards

f) Any other local authority.

7.6 If the applicant or any site manager has been convicted of a relevant offence the authority may include in the licence one or both of the following conditions:

7.7 That the dealer must not receive scrap metal except between 9am and 5pm on any day;

7.8 That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.

7.9 In assessing an applicant's suitability the council can consider any other information it considers relevant including the applicants behaviour in the operation of their business or the details of any relevant convictions.

8. Application procedure

8.1 The application form, available from the Council's website or the Licensing Team must be completed, together with the correct fee and a current Basic Disclosure of Criminal Convictions. A Basic Disclosure will be valid for 3 months from the date of issue.

8.2 The fee is set by the Council under guidance issued by the Home Office with the approval of the Treasury. Fees are set after taking into account the cost of processing, administering and compliance costs associated with the licence.

8.3 Certified copies of the disclosure certificate will be sufficient to allow for the fact that applicants who wish to apply in other authorities. To certify a document applicants should ask a professional person such as a bank or building society official, councillor, dentist, police officer, solicitor or teacher. Persons related to the applicant, living at the same address or in a relationship with the applicant are not permitted persons to certify the disclosure certificate. In order to certify a certificate the applicant should take the photocopied document and the original to the professional person and ask the person to certify the copy by;

- Writing 'certified to be a true copy of the original seen by me' on the document
- Signing and dating it
- Printing their name under the signature
- Adding their occupation, address and telephone number.

8.4 A licence once granted is valid for 3 years.

8.5 A renewal application must be received before the expiry of the current licence. If renewed, the licence expires at the end of the three year period from the date of renewal. When in receipt of a renewal application, which is subsequently withdrawn, the licence expires at the end of the day on which the application was withdrawn.

8.6 If a licence application is refused, the licence expires when no appeal is possible, or an appeal is determined or withdrawn.

8.7 The Council may request additional information is provided for the consideration of the application. Failure to provide such information may result in the application being refused.

9. Right to make representations

9.1 If the Council proposes to refuse an application or to revoke/vary a licence a notice shall be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for this. The notice shall also state that within the period specified the applicant/licensee can either:-

- Make representation about the proposal, or
- Inform the authority that the applicant/licensee wishes to do so.

9.2 The period specified in the notice shall be not less than 14 days beginning with the date on which the notice is given to the applicant/licensee. Within this time the applicant/licensee must notify the council whether the applicant/licensee wishes to make representations. Should this period expire and the applicant/licensee has not made representations or informed the authority of their wish to do so the authority may refuse the application, or revoke or vary the licence.

9.3 If, within the period specified, the applicant/licensee informs the authority that they wish to make representations the authority shall allow a reasonable period to make representations and may refuse the application or revoke or vary the licence if they fail to make representations within that period.

9.4 If the applicant/licensee notifies the authority that they wish to make oral representations, the authority shall give them the opportunity of appearing before, and being heard by a panel of two Council Officers along with a legal advisor.

10. Notice of decision

10.1 If the application is refused, or the licence is revoked or varied, notice shall be given to the applicant/licensee setting out the decision and the reasons for it. The notice shall also state that the applicant/licensee may appeal against the decision, the time within which the appeal may be brought (21 days beginning with the day on which the notice of the decision was given) and, if revoked or varied, the date on which the revocation or variation is to take effect.

11. Appeals

11.1 An applicant may appeal to the Magistrates court against the Council's decision to refuse an application or a variation.

11.2 An existing licensee may also appeal to the Magistrates Court against the inclusion on the licence of a condition under Section 3(8) of the act or a revocation or variation of a licence under section 4 of the act.

11.3 An appeal must be lodged within 21 days of receipt of the decision notice.

11.4 On appeal the Magistrates court may confirm, vary or reverse the Council's decision and give such directions as it considers appropriate having regard to the provision of the Act.

12. Variation of licence

12.1 A licence may be varied from one type to another, i.e. site licence to collector's licence. A variation application must be made to reflect changes to:

- Site licence – the name of the licensee, the sites, site manager
- Collectors Licence – name of licensee

12.2 A variation cannot be used to transfer the licence to another person, only to amend the name of a licensee. Application to vary must be made to the issuing authority.

12.3 Please note the collectors licence allows a business or individual to operate only within that authority's area, therefore individuals wishing to collect across borders will be required to obtain a collectors licence from the relevant local authority where they wish to collect and sell.

13. Revocation and Imposing Conditions

13.1 The Council may revoke a scrap metal licence if it is satisfied the licence holder does not carry on a scrap metal business at any of the sites named on the licence.

- 13.2 The Council may revoke a scrap metal licence if it is satisfied the site manager named on the licence does not act as a site manager at any of the named sites on the licence.
- 13.3 The Council may revoke a scrap metal licence if it is no longer satisfied the licence holder is no longer a suitable person to carry on the business.
- 13.4 If the licence holder, or site manager named on a licence is convicted of a relevant offence, the authority may impose one or both of the following conditions:
- a) The dealer must not receive scrap metal except between 9am and 5pm on any day;
 - b) All scrap metal received must be kept in the form in which it was received for a specified period, not exceeding 72 hours, beginning with the time when it was received.
- 13.5 A revocation or variation only comes into effect when no appeal under the Act is possible, or when such appeal has been determined or withdrawn.
- 13.6 If the Council considers the licence should not continue without the addition of one or more of the conditions in section
- 13.7 The licence holder will be given notice:
- a) that, until a revocation comes into effect, the licence is subject to one or both of the conditions, or
 - b) that a variation comes into immediate effect

14. Notifications of Convictions

- 14.1 All licence holders must inform the Council, in writing, if they are convicted of any relevant offence within 7 days of the date of conviction

15. Supply of information by the Council

- 15.1 The Council has a duty to pass on information in relation to an application for, or relating to a scrap metal licence when requested by:
- a) Any other local authority;
 - b) The Environment Agency; or
 - c) An officer of a police force.

- 15.2 This does not limit any other power the authority has to supply that information.

16. Display of Licence

- 16.1 Once granted a copy of the licence must be displayed at each site identified on the licence, in a prominent place accessible to members of the public.
- 16.2 A copy of a collector's licence must be displayed on any vehicle that is being used in the course of a dealers business. It must be displayed in a prominent position so that it can be easily read from outside the vehicle.

17. Register

17.1 The council is required to notify the Environment Agency of all licences issued in order that a national register can be maintained of all scrap metal licences issued in England. The register will include the following information and access is available to members of the general public:

- The name of the council which issued the licence
- The name of the licensee
- Any trading name under which the licensee conducts business as a dealer
- The address of any site identified in the licence
- The type of licence (site or collector)
- The date the licence expires

18. Payment for Scrap Metal

18.1 From 1 October 2013, cash cannot be used by any scrap metal dealer to buy scrap metal. It is an offence to buy scrap metal for cash under section 12 of the Act and there are no exceptions.

18.2 Only payment by a non-transferable cheque or an electronic transfer of funds will be acceptable. This will mean that the payment will be linked to a readily identifiable account, for both the payee and the payer.

19. Records – Receipt of Metal

19.1 A dealer must record the following information:-

- The description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features
- The date and time of its receipt
- The Registration mark of the vehicle delivering the scrap metal
- Full name of the person making the payment on behalf of the dealer
- The dealer must keep a copy of all documentation used to verify the delivery persons name and address.
- If payment is made by cheque, a copy of the cheque must be retained
- If payment is by electronic transfer a receipt or details of the transfer must be obtained

20. Records – Disposal of Metal

20.1 Records must be kept showing the disposal of all scrap metal. Disposal under the Act covers the following:

- Whether or not it is in the same form in which it was received
- Whether or not the disposal is to another person
- Whether or not the metal is despatched from a site
- Where the disposal is in the course of the business under a site licence, the following must be recorded:

- The description of the metal, including its type (or types if mixed), form and weight
- The date and time of its disposal
- If the disposal is to another person, the full name and address of that person
- If the dealer received payment for the metal (whether by way of sale or exchange), the price or other consideration received.
- Where the disposal is in the course of business conducted under a collector's licence, the dealer must record:
 - The date and time of the disposal
 - If the disposal is to another person, the full name and address of that person.

21. Records – Supplementary

- 21.1 All information recorded must be in a manner which allows the information and the scrap metal to which it relates to be easily identified
- 21.2 All records of receipt must be marked so as to identify the metal to which they relate
- 21.3 Records must be kept for a period of 3 years beginning on the day of receipt or disposal
- 21.4 If a dealer fails to comply with the above then the dealer, site manager or person who had delegated authority will be guilty of an offence.
- 21.5 A dealer/site manager may have a defence if they can prove that they made arrangements to ensure that all requirements were fulfilled and took all reasonable steps to ensure that those arrangements were complied with.
- 21.6 All reference in this policy to copy licenses shall be constructed as original copies officially endorsed and issued by the Council as the licensing authority.

22. Verification of Supplier's identity

- 22.1 A scrap metal dealer must not receive scrap metal from a person without verifying the person's full name and address.
- 22.2 That verification must be by reference to documents, data or other information obtained from a reliable and independent source.
- 22.3 Any person failing to comply with the above will be guilty of an offence.

23. Rights of entry & inspection

- 23.1 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time on notice to the site manager.
- 23.2 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager if

- Reasonable attempts to give notice have been made and failed, or
- Entry to the site is reasonable required for the purpose of ascertaining whether the provisions of this act are being complied with or investigating officers under it and (in either case) the giving of the notice would defeat that purpose

23.3 The above paragraphs do not apply to residential premises.

23.4 A constable or an officer of the Council is not entitled to use force to enter premises in the exercise of the powers identified in the above paragraphs.

23.5 A justice of the peace may issue a warrant authorising entry in accordance with sections 16 of the Act to any premises within the paragraph below if the justice is satisfied by information on oath that there are reasonable grounds for believing that entry to the premises is reasonable required for the purpose of:

- Securing compliance with the provisions of the act or
- Ascertain whether those provisions are being complied with

23.6 Premises are within this paragraph if:

- The premises are a licenced site or
- The premises are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.

23.7 A constable or an officer of the council may if necessary use reasonable force in the exercise of the powers under a warrant under section 16 of the Act.

23.8 A constable or an officer of the council may:

- Require production of and inspect any scrap metal kept at any premises or in a warrant
- Require production of and inspect any records kept and any other records relating to payment for scrap metal
- Take copies of or extracts from any such records

23.9 Officers of the council will undertake where reasonable and practicable to give notice of their powers and your rights in entry to any site licensed pursuant to the Act and the licence holder, site managers and other operatives should note that officers may use recording to assist them in their duties whilst on site.

24. Closure of unlicensed sites

24.1 If an authorised officer of the Council is satisfied premises are being used by a scrap metal dealer in the course of their business and the premises are unlicensed, they may issue a closure notice. A copy of the notice must be given to:

- a person who appears to be the site manager, and
- any person who appears to be a director, manager, or other officer of the business

24.2 A copy may also be given to any person who has an interest in the business, a person who occupy part of the premises, or where the closure may impede a person's

access to that other part of the premises. A person with an interest in premises is the owner, leaseholder or occupier of the premises.

- 24.3 These are not applicable if the premises are residential premises.
- 24.4 After a period of 7 days, the authorised officer may apply to a justice of the peace for a closure order. The court must be satisfied the premises will continue to be used by a scrap metal dealer, or there is a reasonable likelihood that the premises will be.
- 24.5 A closure order will close the premises immediately, and the premises will remain closed to the public until the Council makes a termination of closure order by certificate. The scrap metal dealer must cease his business immediately. It will require the defendant to pay a sum into the court, which not be released until the person has complied with the requirements of the order. Such an order may have a condition relating to the admission of people into the premises, or may include a provision the court considers appropriate.
- 24.6 A copy of the order must be placed on the premises in a prominent position by the Council.
- 24.7 Once the requirements of the order have been complied with and the Council is satisfied the need for the order has ceased, a certificate may be made. This ceases the order and the sum of money paid into the court is released. A copy of the certificate must be given to any person the closure order was made against, give a copy to the court and place a copy on the premises. A copy must be given to anyone who requests one.
- 24.8 Anyone issued with a closure order may complain to a justice of the peace. The court may discharge the order, if it is satisfied there is no longer a need for a closure order. The licensing authority may be required by the court to attend and answer the complaint made. Notice of the hearing must be given to all people issued with the closure order.
- 24.9 Appeal may be made to the Crown Court against:
- a) a closure order;
 - b) a decision not to make a closure order;
 - c) a discharge order; or d) a decision not to make a discharge order.
- 24.10 Any appeal must be lodged within 21 days beginning on the day on which the order or decision was made.
- 24.11 A person is guilty of an offence, if they allow the premises to be open in contravention of a closure order, without reasonable excuse, or fails to comply with, or contravenes a closure order.
- 24.12 An authorised officer of the Council may enter the premises at any reasonable time to ensure compliance with the order. They may use reasonable force if necessary.
- 24.13 An authorised officer must produce evidence of their identity or evidence of their authority to exercise the powers under the Act, if requested to do so.

25. Enforcement of Closure Order

25.1 A person is guilty of an offence if without reasonable excuse they permit premises to be open in contravention of a closure order, or fail to comply with, or do an act in contravention of a closure order.

25.2 If the closure order has been made, a constable or a person authorised by the local authority may (if necessary using reasonable force) enter the premises at any reasonable time and having entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order.

25.3 If the owner, occupier or other person in charge of the premises requires the officer to produce evidence of identity or evidence of authority to exercise powers, the officer must produce that evidence.

26. Delegations

26.1 Where there are uncontested applications, or where there are no questions about the suitability of the applicant the determination should be clearly dealt with by the Council's Licensing Officers.

26.2 Contested applications where there is relevant information from any of the consultees, or queries regarding an applicant's suitability, revocation of a licence or the imposition of conditions will be presented to a panel from the general licensing committee.

26.3 The table below outlines the delegations of functions.

Matter to be dealt with	General Licensing Committee	Licensing Panel	Officers
Determination of policies and strategies	All Cases		
New, Renewal or variation applications		Contested cases following receipt of representations or relevant information from consultees	All other cases
Variation of licence by the imposition of conditions following licence holder or sire manager being convicted or a relevant offence		All Cases	
Revocation of Licence		All Cases	

27. Enforcement

27.1 In order to ensure compliance with the legislation and any conditions imposed, premises will be inspected periodically, using a risk-based approach. This will allow resources

to be more effectively targeted on high risk or problematic licence holders and prevent over burdensome enforcement on compliant and well managed licences.

- 27.2 Appropriate enforcement action will be taken in accordance with the legislation and any guidance issued under that legislation and will include protocols that may be agreed with other agencies.

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Minor amendment to Hackney Carriage and Private Hire Driver Licence Conditions

Ashley Yeates, Cabinet Member for Regulatory Services, Housing & Wellbeing



Date: 5th July 2018
 Contact Officer: Jack Twomey / Gareth Davies
 Tel Number: 01543 308734 / 01543 308741
 Email: jack.twomey@lichfielddc.gov.uk
gareth.davies@lichfielddc.gov.uk
 Key Decision? YES NO (delete as appropriate)
 Local Ward Members Affects all wards

**REGULATORY
AND LICENSING
COMMITTEE**

1. Executive Summary

- 1.1 The Council’s current Combined Hackney Carriage and Private Hire Drivers Licence Conditions contain a condition relating to guide or assistance dogs.
- 1.2 The relevant condition is outdated in terms of the quoted legislation and does not follow best practice guidance.
- 1.3 This report and the suggested change to the condition aims to ensure the Council remains up to date in relation to best practice whilst also ensuring any required enforcement action is successful.

2. Recommendations

- 2.1 That Members approve a change to the Combined Hackney Carriage and Private Hire Drivers Licence Condition 11 in relation to Assistance Dogs to read:
 - 11.0 Guide / Assistance Dogs**
 - 11.1 *The driver may at his / her discretion accept or refuse to carry any animal in the custody of any passenger EXCEPT where the animal is a guide dog or assistance dog.*
 - 11.2 *Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for a written exemption from the duty on medical grounds. The driver must display the Notice of Exemption by affixing it in a prominent position on the dashboard of the vehicle facing upwards, or affixed to the windscreen of the vehicle facing outwards. The Notice of Exemption must be removed from the vehicle when the vehicle is used by other licenced drivers. A further Notice of Exemption will be provided to the Licence holder in braille format and must be offered to any passenger should they be refused a journey and the driver holds an exemption.*
 - 11.3 *No driver shall make an additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person with a disability.*

3. Background

- 3.1 The current Combined Hackney Carriage and Private Hire Drivers Licence Conditions are attached to this report.
- 3.2 Condition 11 relates to Guide / Assistance Dogs and requires updating to reflect legal changes and best practice guidance.

- 3.3 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to convey the disabled passenger's dog and allow it to remain under the physical control of the owner and not to make any additional charge for doing so.
- 3.4 To ensure best practice in achieving effective enforcement the Council will investigate all reported violations of the Act. We will also work together in conjunction with assistance dog owners by various means such as test purchases to ensure that licensing requirements are being complied with.
- 3.6 Best Practice Guidance suggests that all taxi and private hire vehicle drivers undertake disability equality training, which includes information regarding the carriage of assistance dogs. This is something which the Council's Licensing Team are looking to implement soon.
- 3.7 This is considered a minor legal amendment to conditions and it is not therefore considered necessary to consult the trade prior to implementation.

Alternative Options	To keep with the current condition which is legally outdated and does not follow best practice. This is not considered appropriate for the reasons outlined.
Consultation	None.
Financial Implications	None.
Contribution to the Delivery of the Strategic Plan	None.
Equality, Diversity and Human Rights Implications	Positive impact as this change in condition addresses an area where the Council is not currently complying with best practice.
Crime & Safety Issues	None.

	Risk Description	How we manage it	Severity of Risk (RYG)
A	Confusion over legal requirements to carry assistance dogs leading to failure to convict where offences occur.	If approved, this change of condition clarifies the law and enables better enforcement which should lead to convictions if the law is broken.	Green (tolerable)
B			
C			
D			
E			

COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS Conditions of License

Introduction

The Combined Private Hire and Hackney Carriage Drivers Licence is granted to you subject to you complying with the following conditions of licence.

All references to the "Council" in these conditions mean Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffs, WS13 6YX.

General Conditions

1.0. Licence Document

- 1.1. A Combined Hackney Carriage and Private Hire drivers licence is issued for a maximum of three years and allows a person to drive Lichfield District Council licensed Hackney Carriage and Private Hire Vehicles.

2.0. Medical

- 2.1. An applicant will be required on initial application and at the request of the Council, to undertake a medical examination to assess their medical fitness to drive as a licensed driver. The examination will be prescribed by the Council, and the period of recall shall be determined by the Medical Officer, appointed by the Council.
- 2.2. If you have any illness or medical condition which prevents you from driving or requires you to notify DVLA Swansea you must notify the Council immediately.
- 2.3. Further medical examinations will be required after any serious illness or injury.

3.0. Convictions

- 3.1. If you are convicted of any offence, or you receive an endorsement for a motoring offence including a fixed penalty, you must report the details in writing to the Council within 7 days. In the case of a motoring endorsement, do not wait for your driving licence to be returned from DVLA, Swansea.

4.0. Accidents

- 4.1. Any accident or damage involving the licensed vehicle must be reported to an officer in the Environmental Health Department at the Council and the proprietor of the vehicle within 72 hours. This may be an oral report in the first instance to both parties and must be followed up by completing and returning to the Council an Accident Report Form within 120 hours of the accident occurring.

5.0. Theory and Knowledge Tests

- 5.1. New applicants must satisfy the Councils driving assessment, theory and knowledge test prior to the licence being granted.
- 5.2. The Council can request any driver to complete an additional driving assessment, theory and knowledge test. This shall be successfully completed within 21 days of being notified. Failure of the test or none completion of the test will result in enforcement action.

6.0 Driver's Licence and Insurance

6.1 If you agree to work for a Licensed Operator then before starting to drive you must ensure that a copy of the combined drivers licence is given to that operator until such time as you cease to be permitted to or employed to drive any of the operator's vehicle(s) when your licence will be returned to you immediately.

7.0. Change of Details

7.1. The licence holder shall notify the Council in writing and within 7 days of any changes:-

7.1.1 of address.

7.1.2 in any of the particulars disclosed or submitted in order to make an application for a combined drivers licence.

7.1.3 or in respect of any forms or documents submitted in order to make an application for a combined drivers licence.

8.0. Conduct of Driver

8.1. The driver shall :-

8.1.1 Give all reasonable assistance to passengers with their luggage.

8.1.2 At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.

8.1.3 At all times have a good standard of personal hygiene.

8.1.4 Take all reasonable steps to ensure the safety of passengers conveyed in, entering, alighting from the vehicle driven by him/her.

8.1.5 Not eat or drink in the vehicle whilst carrying a fare.

8.1.6 Not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

8.1.7 At no time cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

8.1.8 Shall not use the horn to signal the vehicles presence to any customer awaiting the vehicle.

8.1.9 A driver shall at all times when acting as a Combined Hackney Carriage and Private Hire driver, display their personal licence in a position as to be plainly and distinctly visible to the hirer(s).

8.1.10 A driver shall at all times when acting as a Combined Hackney Carriage and Private Hire Driver, display their dashboard licence on the vehicle dashboard using the Council supplied mount. It shall be in a position as to be plainly and distinctly visible to the hirer(s), however, it not being within your line of vision.

8.1.11 If requested to do so by the passenger, provide a written receipt of the fare paid including:

8.1.11.1 - Date journey started

8.1.11.2 - Time journey started

8.1.11.3 - Cost

8.1.11.4 - Lichfield District Council issued driver number

8.1.11.5 - Drivers Full Name

8.1.11.6 - Starting address

8.1.11.7 - Finishing address.

9.0. Vehicle Cleanliness

9.1 The driver shall ensure that the interior of the vehicle being driven shall be kept clean and tidy at all times when in use as a Licensed Vehicle. The exterior of the vehicle to be clean at all times, having due regard for the weather conditions on that day.

10.0. Passengers

10.1 The driver shall not allow to be carried in the front of a licensed vehicle any child below the age of 3 years and no more than one person per seat.

10.2 The driver shall not without consent of the hirer of a vehicle carry or permit to be carried any other person in that vehicle.

11.0. Guide / Hearing Dogs

11.1 The driver may at his/her discretion accept or refuse to carry any animal not exempt under the Disability Discrimination Act 1995 that belongs to; or is in the custody of any passenger.

11.2 The driver must display the Notice of Exemption by affixing it in a prominent position on the dashboard of the vehicle facing upwards, or affixed to the windscreen of the vehicle facing outwards. The Notice of Exemption must be removed from the vehicle when the vehicle is used by other licensed drivers.

11.3 No exempt driver shall alter, lend or allow another person to use the Exemption Certificate or Notice.

12.0 Fares to be demanded

12.1 Private Hire Vehicle - The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator.

13.0 Prompt Attendance

13.1 The driver shall, once the vehicle has been hired in advance, punctually attend at that appointed time and place, unless delayed or prevented from so doing by any cause beyond their reasonable control.

14.0 Lost Property

14.1 The proprietor or driver of a licensed vehicle shall immediately after the termination of any hiring or as soon as practicable afterwards carefully search the vehicle for any property which may have been accidentally left in the vehicle.

14.2 The proprietor or driver of a licensed vehicle shall, if any property is left in the vehicle by any person who may have been carried in the vehicle take it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner of the property to the Local Police Station.

15.0 Child Sexual Exploitation

15.1 You shall successfully complete the District Councils 'Taxi Driver's Child Sexual Exploitation awareness' training course within six months of your Combined Hackney Carriage and Private Hire Drivers licence being issued.

16.0 Revocation and Modification of Conditions

16.1 The Council reserves the right,(at its own behest and at any time) to revoke, vary, or modify any of these conditions and/or to make such additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

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Environmental Crime Strategy for Lichfield

Ashley Yeates, Cabinet Member for Regulatory Services, Housing & Wellbeing

Date: 5th July 2018

Contact Officer: Jack Twomey

Tel Number: 01543 308734

Email: jack.twomey@lichfielddc.gov.uk

Key Decision? **YES NO (delete as appropriate)**

Local Ward Members Affects all Wards



**REGULATORY
AND LICENSING
COMMITTEE**

1. Executive Summary

- 1.1 Environmental Crime covers a range of offences, including dog fouling, fly tipping, littering, graffiti and fly posting.
- 1.2 This report covers the introduction of a new Environmental Crime Strategy which has the aim of tackling these issues through education and enforcement on the perpetrators, as well as engagement with law abiding residents to ensure we get as much information as possible on the culprits.

2. Recommendations

- 2.1 That the Committee agrees the draft Environmental Crime Strategy at Appendix 1 prior to consultation with the public, businesses and other stakeholders.
- 2.2 That the Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Environmental Crime Strategy, in consultation with the Committee Chairman and Vice Chairman, should this be necessary following consultation. Changes of a significant nature shall be brought back to this Committee.
- 2.3 That the Committee agrees the proposed new fixed penalty notice charges as outlined in Appendix 2.
- 2.4 That the Committee considers entering into a public consultation exercise in relation to the introduction of a new Public Space Protection Order to cover a requirement for dog walkers to carry an appropriate receptacle so they can pick up any dog waste, the results of the consultation to be brought back to this committee.

3. Background

- 3.1 At the July 2017 Regulatory and Licensing Committee it was agreed that a Members Task Group was set up to consider our approach to Environmental Crime and look at ways in which we might reduce it, thus reducing costs to the Authority.
- 3.2 At the time, consideration was also to be given to the need, if any, to create a new Public Space Protection Order to deal with any matters which could not easily be dealt with by way of current legislation. The Dog Control Order for dog fouling would turn into a Public Space Protection Order from October 2017 so it was considered an opportune time to look at this. Rather than take a separate report, this was added to the remit of the Members Task Group for consideration.

- 3.3 The Task Group, consisting of Councillor Jon O'Hagan (Chairman), Councillor David Salter and Councillor David Leytham, has had regular meetings to consider issues around the development of the Strategy. This has included consideration of a need for any new Public Space Protection Order (PSPO), reviewing the current approach to enviro-crime enforcement, identifying areas for improvement in relation to Council policies and practices that impact negatively on the environment and reviewing the level of resources to deal with environmental crime.
- 3.4 When considering PSPOs, it is worth noting that as of October 2017, the Council's then current Dog Control Order for fouling automatically became, in effect, a PSPO. This was simply down to a legislative change and has no bearing on the enforcement of the same, though it does introduce a time limit of 3 years, beyond which the PSPO for fouling must be reviewed to remain in force.
- 3.5 The Task Group considered areas for which a further PSPO might be appropriate. Consultation took place with Council Departments to determine what, if anything, could be considered for a new PSPO, prior to consideration as to whether anything was appropriate.
- 3.6 Feedback from other Departments did not reveal any specific issues beyond that of dog fouling, which in spite of recent improvements remains a problem which most residents are concerned about. In consideration of this, and having looked at what other local authorities were doing across the country, the Task Group considered it appropriate to recommend a new PSPO which would require dog walkers to carry an appropriate receptacle so they can pick up any dog waste. Failure to carry such a receptacle will enable Fixed Penalty Notices to be issued and failure to pay the fine would result in a court summons for the original breach of the PSPO. Whilst this is a recommendation of the Task Group, it will need approval at this Committee to progress to a public consultation.
- 3.7 The approach to education and enforcement in relation to environmental crime has been considered by the group. The consensus of opinion being that the current practice is generally following the right path. Limited resources mean that where previously a team involved in environmental crime enforcement may have undertaken education campaign work, the level of resource currently available means that this must be limited, the focus being on enforcement. This approach, together with targeted information gathering via the use of measures such as the dog fouling or fly tipping intelligence cards, were commended by the group. The group also accepted that should there be a desire to expand on the proactive education side or provide further support in relation to enforcement, then this would have to be met with additional resource.
- 3.8 There are some areas which will see efficiency improvements such as the introduction of a new mobile working IT system into Environmental Health, and it is proposed that the Strategy is given 12 months to bed in along with these efficiencies prior to a further report to this Committee to determine if a recommendation is to be made to the relevant Cabinet Members that resources are appropriate.
- 3.9 The Task Group also considered the Council's policies and practices, specifically looking at how we deal with public open space on new developments. The concern here is that the Council chooses not to adopt these areas as a matter of course and as part of a planning section 106 agreement with the developer on the basis that the s.106 monies fall short of supporting the maintenance of the spaces in the longer term. The knock on effect of this can be that such areas cease to be maintained, perhaps as a result of a developer or management company going into liquidation. This then ends up being a problem for Environmental Health or Planning Enforcement and the matter can end up being dealt with by the street scene teams in spite of not being adopted.
- This is an area which is being considered in relation to an official council policy within Leisure and Operational Services and Environmental Health are to be consulted on their views prior to the formulation of the policy so that all aspects can be considered.
- 3.10 The Task Group considered our current fixed penalty notice charges. The group considered that charges ought to be set at maximum levels to act as a strong deterrent to offenders, but with a significant (40%) discount for early payment. In this way, anyone who does not have the funds to pay what may be a large fine would have the option of paying a significantly lesser amount with an

additional benefit that early payment of fixed penalties would reduce the workload of the enforcement teams. The two exceptions to this are: the fixed penalty for fly tipping which is not proposed to be changed from the current arrangement of £400 with no reduction for early payment, reflecting the more serious nature of this crime; and the fixed penalty for dog fouling, for which it is proposed that there is no discount for early payment because the maximum fine permissible is only £80, which is £70 less than the maximum for littering.

3.11 The draft Environmental Crime Strategy is attached at Appendix 1.

3.12 The proposed fixed penalties are attached at Appendix 2.

Alternative Options	<ol style="list-style-type: none"> 1. Provide no environmental crime strategy. Discounted due to the need to set a direction for this work and enable the evaluation of its success. 2. Not to implement a Public Space Protection Order for dog walkers to carry an appropriate receptacle for dog waste. Discounted due to the public perception of this crime and the need for the Council to show a strong line in preventing dog fouling. 3. To leave the current fixed penalty notice charges as they are. Discounted due to the need to send a message out to those who commit these crimes that they will not be tolerated. The high discount levels for early payment were set due to the acceptance that in some areas, residents may struggle to pay a large fine. Failure to pay the fine, be that at the discounted level or in full, would result in the matter going to court and it would be likely that a court fine would exceed the fixed penalty – another reason for increasing fixed penalty levels.
Consultation	<ol style="list-style-type: none"> 1. Consultation has taken place with some Members, relevant Council departments and others. Further consultations are proposed if the recommendations are approved.
Financial Implications	<ol style="list-style-type: none"> 1. There is currently no intention to increase budgets to cover this work. This is to be reviewed after 12 months as outlined in the report.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The proposals impact upon the District Council’s Strategic Plan 2016 -20 objectives of Clean, Green and Welcoming Places to Live and Healthy and Safe Communities.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. No implications.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. As suggested in the Strategy, this work will deal with lower level environmental crime which research shows can impact upon levels of more serious crime within a community. It is hoped, therefore, that it will have a positive effect.

Risk Description	How We Manage It	Severity of Risk (RYG)
------------------	------------------	------------------------

A	Environmental Crime Increases	Monitor the levels of Environmental Crime and the effectiveness of the current strategy and review where necessary.	Green (tolerable)
B			
C			
D			
E			

Lichfield District Council
Environmental Crime Strategy

2018 to 2021

DRAFT



Forward

The district of Lichfield is one of the most desirable places to live or visit in the West Midlands. Part of its attraction is undoubtedly down to the history of the area but a significant draw is the way the area looks.

Some of the aesthetics comes from the historic buildings, of which Lichfield Cathedral is undoubtedly the most famous. Some of the charm is down to the rural countryside which surrounds our urban areas and make up the vast majority of the district. On a day to day basis, however, a big part of the attractive nature of the area is down to how clean, neat and tidy it is, and the council plays the most significant role in ensuring this is maintained.

Cleaning up environmental crime, such as dog fouling, littering and fly tipping, are examples of some of the council's work to make sure the local area remains attractive. However, none of this work would be necessary were it not for those anti-social individuals who carry out these crimes.

In reality, those who commit environmental crime are in the minority and individuals can be responsible for a great deal of the problems we see. For example, when it comes to dog fouling on our streets, one dog owner may walk their dog daily and if each day the dog fouls the pavement that equates to seven piles of dog mess to be cleared each week, often in the same few streets. This will be a serious concern for residents who live on the same streets but it can be down to just one irresponsible dog owner.

This strategy aims to improve two things: Firstly, it's about educating the public on how everyone can help us tackle these environmental crimes and how to prevent an unwelcome knock at their door by a council enforcement officer (such as by checking waste companies are licenced). Secondly, it's about how we will use our powers to enforce the law in these areas, taking a zero tolerance approach to the perpetrators.

The overall aim is to reduce the amount of environmental crime that occurs and the knock on effect from this should be a reduced cost to the council and local tax payers.

Ashley Yeates
Cabinet Member for Regulatory Services, Housing & Wellbeing



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Introduction

One of Lichfield District Council's key strategic aims is for the district to be a *clean, green and welcoming places to live*. We want to protect our heritage and ensure our green spaces, streets and public areas are well looked after and managed.

A vital part of this is reducing the amount of environmental crime which takes place in the district. Issues such as dog fouling, littering, fly tipping, graffiti and fly posting may be considered minor by some, but they can have a huge impact on people, wildlife and the way an area looks. There are also theoretical links between such low level crime within a community and subsequent occurrences of more serious crimes.

It is our aim with this strategy to tackle these issues through education and enforcement on the perpetrators, as well as engagement with law abiding residents to ensure we get as much information as possible on the culprits.

We will use new powers now available to us to tackle these areas and set out a consistent and fair approach.

Overall, it is our aim to create a cleaner and safer environment which will help improve the quality of life for all those living, working and visiting the district.

Dog Fouling

Dog fouling is an emotive issue and residents, not just in the Lichfield District but across the country, see it as a problem which councils should prioritise. It's easy to see why. Not only is dog fouling on streets and in public parks unsightly, it is a hazard when walking as well as potentially very dangerous, especially in areas where children are likely to be playing or adults are engaging in sports.

Failing to pick up after your dog is now such a socially unacceptable thing to do that those who commit this crime are in the extreme minority. While this can sometimes make it difficult to catch the culprits, it does at least mean that if we can change the ways of any such dog owners and make them more responsible so that they do pick up, then we can make a significant difference to the amount of dog fouling in an area.

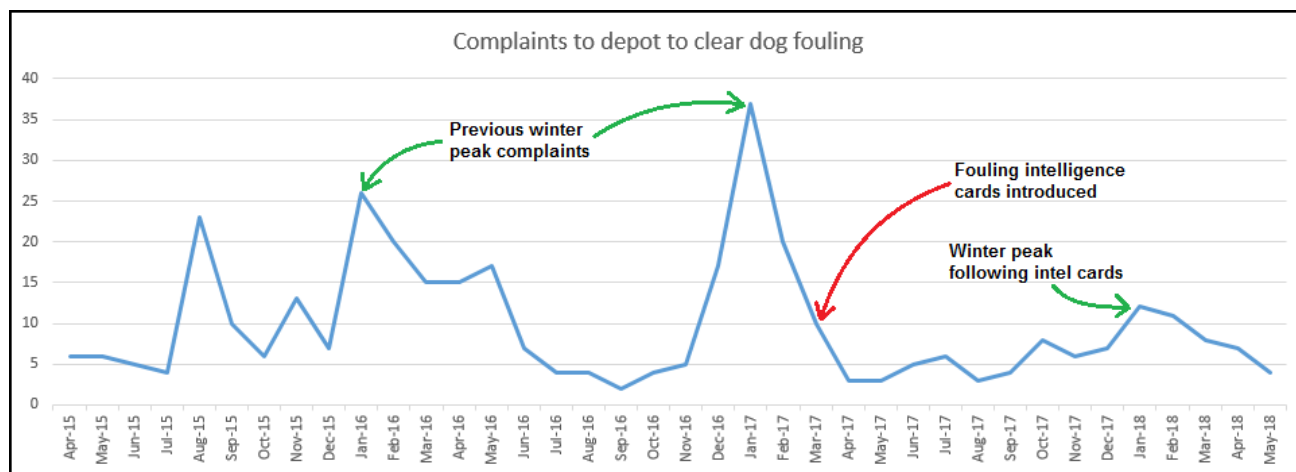
There are two aspects to our strategy to reduce the levels of dog fouling in the district. These can be simply described as education and enforcement.

Actions - Education

There are many potential strands to the education side. However, as those who don't realise it's illegal not to pick up would be in the absolute extreme minority, we consider it is not so much about educating people on the law, but more about educating people on how they can assist us in locating the culprits. With this in mind we have developed and will continue to use dog fouling 'intelligence cards' in areas where fouling is reported as a problem, delivering them to properties in the vicinity.



These cards assist in not only signposting residents to us with details on offenders, they also highlight to offenders that they may be seen and reported. As can be seen from the graph below, these cards have seen a significant drop in one indicator of fouling in the district – complaints to the street scene team to clear fouling. The use of the cards started in March 2017 and have clearly blunted the usual winter spike in fouling (caused primarily by the longer nights providing the cover of darkness). Fouling is down 46% overall when compared to previous years since the introduction of the cards.



Education also takes place via discussions with dog walkers on the streets and in parks and other public areas. Furthermore, if we are aware of a potential offender and have had their address reported, we will speak to them about the legal requirement to pick up after their dog(s) and make them aware that others in the vicinity have reported them for not doing so; the hope being that this alone will be sufficient for them to stop their criminal behaviour.

We will also consider how we advise the public on responsibilities for dog fouling bins as many assume the bins are the responsibility of the district council when they are paid for by parish councils. To do this we will look at our website information and consider markings on the bins themselves so that residents can report problems such as a damaged or full bin.

Actions - Enforcement

We will take a zero tolerance approach where people are caught not picking up after their dog. This means that in all cases where there is sufficient evidence to take the matter to a magistrates court, we will take enforcement action and not just offer advice or educate the offender. Enforcement action in relation to dog fouling may take the form of a fixed penalty notice and ultimately a court prosecution. Further information can be found in the 'Enforcement Actions and Offences' section of this strategy.

It is accepted that sometimes juveniles will be in control of a dog when it fouls and they will be committing the crime if they don't pick up. Whilst our Enforcement Policy covers enforcement action against juveniles, it is worth noting that in the context of dog fouling enforcement 'appropriate action' may include discussions with the child's parent(s) or guardian in relation to appropriate penalties.

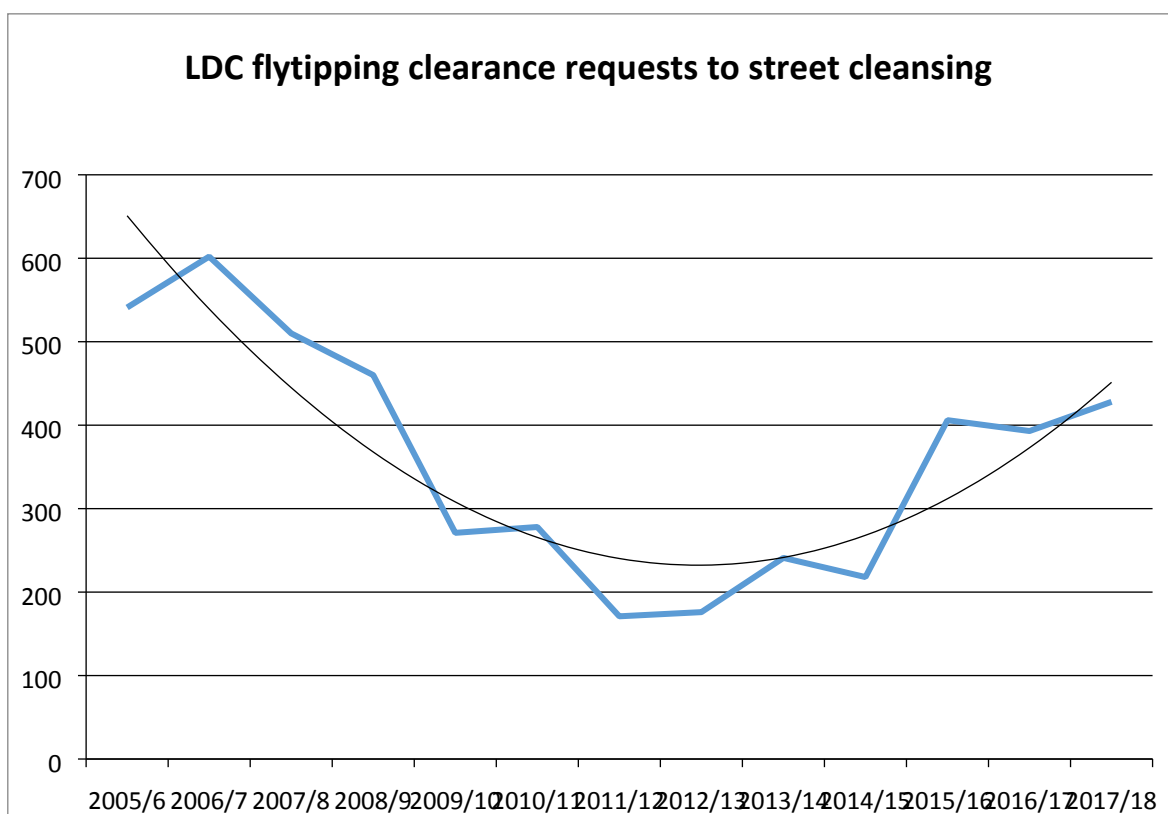
Summary of proposals in relation to dog fouling:

What we will do	What we hope to achieve
Continue to use dog fouling intelligence cards to get feedback on those who don't pick up.	Continued reduction in fouling levels on the streets near residents' homes and reduced clean-up costs.
Prioritise patrol in areas where intelligence is received.	Increased numbers of culprits being caught not picking up whilst maximising the use of our resources.
Patrol in parks for at least 20% of the time spent patrolling.	Reduce the amount of fouling in parks and reduce clean-up costs.
Ensure signage in parks and on our streets is kept up to date and prominently displayed.	Reduce the amount of fouling in parks and on the streets and reduce clean-up costs.
Review our website information to make it easier for residents and businesses to find the information they require and report anyone they see not picking up. We will also liaise with parish councils so that they can upload similar information to their websites if required.	Improved communications and understanding on the council's role.
Review our fixed penalty notice fine levels to ensure they remain a deterrent and publicise.	Reduce the amount of fouling in parks and on the streets due to the deterrent, thus reducing the clean-up costs.
Consider the use of dog fouling bins and how the maintenance and emptying of the same can be better publicised, such as via our website or by signage on the bins themselves.	Signposting residents to the correct authority to ensure problems with fouling bins are actioned in the shortest possible time.

Fly Tipping

Fly tipping is a nationwide problem with a range of causes. Some unscrupulous people make money from disposing of other people's waste in an apparently legal business venture, only to dump it illegally. Others want to save on the cost of disposal for themselves. Then there are others who are simply lazy or who have the attitude that somebody else can clear up their waste. Whatever the reasons, local authorities in England dealt with just over one million fly-tipping incidents in 2016/17 and it is estimated that this cost almost £58 million to clean up.

As a relatively rural district, Lichfield can be prone to incidents of fly tipping on country roads, lay-bys, farm tracks and other similar locations, though fly tipping also occurs in more urban areas. The council has estimated that the costs of fly tipping clearance across Lichfield District are around £70,000 per annum. This alone is sufficient to warrant significant efforts to reduce fly tipping in the district, but perhaps more worrying is that the trend is upwards, and has been since around 2012/13. This follows a similar trend across the country.



The fly tipped waste which is cleared across Lichfield District generally consists of household waste from property or shed clearances, old furniture, carpets and waste from small scale DIY works. There is another, more serious type of waste crime which is becoming more commonplace, however, and this is the use of out of the way or enclosed business addresses to dump large amounts of waste, often bailed suggesting it originated from a legitimate waste business source. While this is a national problem, there are a number of sites across Staffordshire which have been the target of this extreme level fly tipping, one of which is in Lichfield itself. This is an area we have and will continue to work with partners in the Environment Agency, Police and Staffordshire Fire and Rescue Service to minimise the risks.

Investigating fly tipping offences can be very difficult as there is often a lack of evidence to link a waste tip to anybody. Often the best evidence comes from witnesses but sometimes they don't know who to report suspicious activity to. To try to address this, in a similar manner to the dog fouling intelligence cards, we have recently produced fly tipping cards which we will deliver to properties and business addresses close to any fly tipping to ensure we get information from witnesses if possible.



The law and subsequent guidance around how we go about investigating fly tipping and other offences has tightened in recent years. Changes to the Regulation of Investigatory Powers Act (RIPA) guidance means there are now more legal checks to get through in relation to covert surveillance of fly tipping hot spots. We must first get authorisation from the magistrates' court before undertaking any such surveillance.

Actions – Education

Despite householders having had a legal duty of care in respect of the waste they produce for several years now, it is accepted that many are still unaware of this, or don't know how to go about checking that the person who is taking their waste is legally permitted to carry it. We will carry out regular publicity on this issue, highlighting the need to check that any waste collectors have a waste carrier's licence with the Environment Agency and also revealing other ways in which the public can prevent the need for a council officer to knock at their door. It is hoped this will help to reduce the supply of work to unlicensed waste carriers and thus reduce the more common house clearance / household waste fly tipping incidents.

We will also educate businesses about their duty of care in relation to the waste they produce themselves. Furthermore, we will continue to promote to business premises owners the need to check their tenants are using their premises for the purpose which they rented it for, especially large industrial premises or locations in secluded areas. This should prevent business premises landlords becoming the victims of crime themselves and reduce the chances of a premises being rented by organised waste criminals.

We will also offer advice and assistance to any landowners who find themselves the victim of fly tipping on their land, including how they might prevent the same from happening in the future. Many landowners don't realise the council only clears fly tipping from public land and private landowners are themselves responsible for clean-up if fly tipping occurs on their land. We will of course investigate the crime itself and should the perpetrators be found and prosecuted, we will add the clean-up costs to a claim for costs which we will pass on to the landowner.

Actions – Enforcement

We will use new fixed penalty notices for fly tipping in cases where there is enough waste tipped that it cannot reasonably be considered as ‘litter’ and where there is no history of similar offences and / or there are no aggravating circumstances. The fixed penalty amount for fly tipping is set at a level commensurate with its increased seriousness over littering (currently £400).

We will undertake more authorised surveillance operations, ensuring that the procedure for gaining authorisation via the magistrates’ court is well developed, to enable us to act swiftly in relation to fly tipping on our roads and verges.

We will continue our work with partners in relation to the investigation of large scale fly tips and take enforcement action where possible.

We will continue to carry out ‘duty of care’ inspections on businesses, including food businesses when carrying out food hygiene inspections. These duty of care inspections essentially involve us checking that businesses have the correct waste disposal contracts in place and they are sufficient for the purpose. Some unscrupulous businesses will save money by disposing of waste illegally and with some businesses being a significant source of waste, tackling them proactively in this should prevent fly tipping from occurring.

Summary of tackling fly tipping proposals:

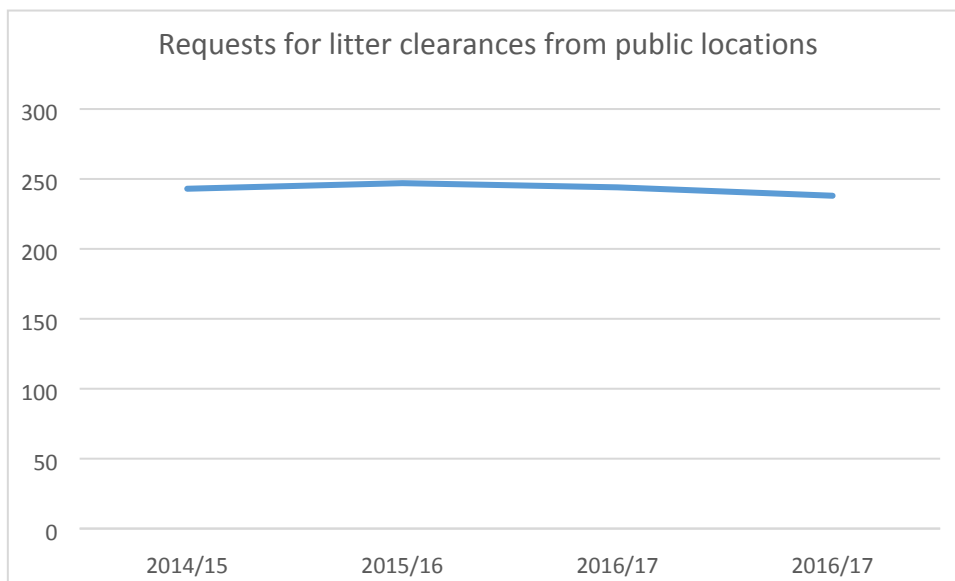
What we will do	What we hope to achieve
Utilise RIPA authorisations from the magistrates’ court to enable the increased use of covert surveillance cameras.	Catching fly tippers in the act to enable enforcement action. This can then be publicised to send a message out to others and in turn reduce fly tipping.
Educate the public on their duty of care and how they can ensure they only employ lawful waste disposal companies.	Reduce the supply of waste disposal work to unlicensed operators thus reducing the amount of fly tipped waste from this source. This will also reduce the costs of clean-up.
Attend the Civil Contingencies Unit’s Risk and Response Sub Group meetings with partners in relation to organised waste crime across the county, co-ordinating work in relation to large fly tips within Staffordshire.	Prevent large scale organised waste crime fly tipping and deal with it in a co-ordinated approach when it may happen.
Continue to publicise the need for business premises landlords to consider who they renting their property to.	To prevent large scale organised fly tipping.
Publicise ways in which private land owners can protect their property from fly tippers and ensure that land owners realise that the costs of disposal would be borne by them should they become a victim of this crime.	Better understanding of the role of the council in relation to where we do and do not clear up fly tipping and waste.

What we will do	What we hope to achieve
Review our website information to make it easier for residents and businesses to find the information they require and report anyone they seen fly tipping. We will also liaise with parish councils so that they can upload similar information to their websites if required.	Improved communications and understanding on the council's role.
Review our fixed penalty notice fine levels to ensure they remain a deterrent and publicise.	Reduce the amount of fly tipping, thus reducing the clean-up costs to both the council and private land owners.
Carry out 'duty of care' inspections of each food business on every food hygiene inspection. Also carry out these inspections on other businesses where complaints occur or information is brought to our attention that a business may not have a waste contract in place.	Reduce the amount of fly tipped business waste, thus reducing clean-up costs.

Littering

Littering is perhaps not seen as being as big a problem in Lichfield District as dog fouling or fly tipping. This is probably because the council and others are so good at cleaning up the streets, roads and public spaces, meaning they are not considered to be particularly littered.

The reality is that programmed street and public space cleansing operations will deal with the majority of litter clearance. Additional litter clearance requests are logged, and the numbers of requests for litter clearances on top of the usual proactive work is static, showing no significant improvement or worsening of the number of requests in the last four years, as can be seen from this graph.



Actions associated with litter problems tend to fall into two types. There are the normal patrols which are done in conjunction with patrols for other environmental crimes just as dog fouling enforcement. Then there are patrols and actions associated with specific litter problems in a specific area, such as around a particular shop or takeaway.

Enforcement powers are available to not only tackle those littering, such as the use of a littering fixed penalty notice, but also to tackle the shops, takeaways and other premises whose customers may be prone to throwing away litter associated with purchases made. We will ensure that where the evidence shows problems are associated with specific premises, we will insist that those premises clear litter which originated from their premises in the vicinity.

Actions – Education

As with dog fouling, it is accepted that the majority of people will know that it is against the law to drop litter. National campaigns regularly take place and are coordinated by other organisations such as Keep Britain Tidy, the Chewing Gum Action Group, and others. We will endeavour to get involved in events to promote the reduction of littering and other environmental crimes. We will also review the information on our website to ensure it is relevant and up to date.

While limited resources prevent us from doing school education visits, we will develop littering information packs which we can send to schools for them to incorporate into their curriculum where possible.

Actions - Enforcement

As with dog fouling, we will take a zero tolerance approach where people are caught littering. In all cases where there is sufficient evidence to take the matter to a magistrates' court, we will take enforcement action in line with our Enforcement Policy. Such actions may take the form of a fixed penalty notice and ultimately a court prosecution. Further information can be found in the 'Enforcement Actions and Offences' section of this strategy.

Due to the nature of this offence, it can sometimes be committed by juveniles. While the our Enforcement Policy covers enforcement action against juveniles, it is worth noting that in the context of litter enforcement 'appropriate action' may include discussions with the child's parent(s) or guardian in relation to appropriate penalties.

New powers to deal with littering from vehicles came into force in 2018 and this enables the council to serve a fixed penalty notice on the registered keeper of a vehicle from which litter has been thrown. These powers will be used and publicised to reduce roadside littering from vehicles.

Summary of proposals in relation to littering:

What we will do	What we hope to achieve
Review the council's website pages in relation to littering.	Improved information on the law and actions we undertake.
Participate in events to promote activities of the team in relation to littering enforcement.	Raise awareness of our enforcement role.
Create environmental crime information packs for schools.	Raise the profile of littering as a problem and educate school pupils to reduce littering on the streets and thus reduce clean-up costs.
Use new fixed penalties for litter thrown from vehicles.	Reduce littering from vehicles and thereby reduce roadside clean-up costs.

Other Environmental Crimes

Matters such as graffiti and fly posting are not seen as significant problems in Lichfield District. That said, officers are authorised to take enforcement action against perpetrators where found and those patrolling in relations to dog fouling, littering and other offences will of course take action where this type of environmental crime is seen.

Should any problem areas for graffiti come to light then we will work with the police to tackle them. Similarly, if any problems occur in relation to fly posting then we will investigate and take action where possible.

Public Space Protection Orders

Public Space Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and they are designed to stop individuals or groups committing anti-social behaviour in a public space. A PSPO can be issued by the council following a consultation process and must meet the following test criteria:

- Behaviour being restricted must be having a detrimental effect on the quality of life of those in the locality;
- it must be persistent or continuing in nature; and
- it must be unreasonable.

In terms of the restrictions and requirements which can be set by the Council, these can be:

- Blanket restrictions (e.g. no sale of vehicles on specified land);
- blanket requirements (e.g. removal of dog faeces);
- targeting certain behaviours (e.g. no drinking of alcohol on specified land);
- targeting certain groups at certain times (e.g. no unsupervised juveniles in the area after 11pm or before 6am); or
- restricting access to public space (e.g. failing to leave a park at closing time when required to do so by an Authorised Officer).

PSPOs, once created, can be enforced by police officers, police community support officers and council officers.

Breach of a PSPO is a criminal offence and enforcement officers can issue a fixed penalty notices and ultimately prosecute with the maximum fine currently being £1000. The maximum time a PSPO can be in force for is three years, beyond which it must be reviewed if it is to remain in force.

Currently the council has just one PSPO and this relates to picking up dog fouling. We will therefore consider any appropriate need for any PSPOs in the future, as well as considering any request from stakeholders such as parish councils, local organisations, elected members and the public.

The council will always consult widely on any proposed PSPO prior to one being introduced.

Enforcement Actions and Offences

The principle powers which the council will use in relation to environmental crime enforcement are fixed penalty notices and prosecutions. There are other powers which are available such as the ability to give a simple caution (formerly known as formal cautions) instead of prosecuting. As considered above, the council also has the power to create Public Space Protection Orders.

The council will always carry out enforcement action, in relation to the use of these powers, in line with our Enforcement Policy. This policy includes the criteria which we consider when deciding what the most appropriate response is in relation to an offence.

Reference can be made to the council's Enforcement Policy for the detail but it is worth stating that in relation to fixed penalty notices, the revenue generated from fines is ring fenced for use in support of work around environmental crime.

Consultation on this Strategy

This strategy, once approved by Lichfield District Council's Regulatory and Licensing Committee, will be put out to public consultation and feedback will be used to make improvements where necessary.

Monitoring and Review

To assess the effectiveness of this strategy in meeting its aims, several measures will be evaluated and reported on. This will highlight where measures have made an improvement and also provide further information on areas which may be failing.

Evaluation measures are:

- Numbers of dog fouling clean up requests
- Numbers of street scene litter clean up requests
- Numbers of fly tipping clean up requests
- Numbers of graffiti and fly posting clean up requests
- Number of complaints to the enforcement team (Environmental Protection) in relation to dog fouling, litter and fly tipping.
- Numbers of fixed penalty notices issued in relation to dog fouling, littering and fly tipping.

Reviews will take place annually and where new powers are introduced or where significant changes are required to the strategy it will be brought back to the relevant committee for approval.

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Appendix 2 – Fixed Penalty Charges for Environmental Offences

Offence	Minimum full penalty	Maximum full penalty	Minimum discounted penalty	Lichfield full penalty	Lichfield discounted penalty
Littering	£50	£150	£50	£150	£90
Littering from vehicles	£65	£150	£50	£150	£90
Dog fouling	£50	£80	£50	£80	No discount
Graffiti	£50	£150	£50	£150	£90
Fly-posting	£50	£150	£50	£150	£90
Fly-tipping	£150	£400	£120	£400	No discount
Failure to produce a waste transfer note	£300	£300	£180	£300	£180
Domestic waste receptacle offences	£60	£80	£40	£80	£50
Industrial and commercial waste receptacle offences	£75	£110	£60	£110	£65

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Air Quality Action Plan for Lichfield

Ashley Yeates, Cabinet Member for Regulatory Services, Housing & Wellbeing

Date:	5 th July 2018
Contact Officer:	Jack Twomey
Tel Number:	01543 308734
Email:	jack.twomey@lichfielddc.gov.uk
Key Decision?	YES NO (delete as appropriate)
Local Ward Members	CLlr Ben Rayner; CLlr Margaret Stanhope; CLlr Mike Willcox; CLlr David Leytham; CLlr Rob Strachan; CLlr Alan White; CLlr Ken Humphreys; CLlr Doug Pullen.



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report seeks approval for the draft 2018 Air Quality Action Plan for the Lichfield District prior to further consultation with the Department for Environment, Food and Rural Affairs and subsequently other stakeholders.
- 1.2 It seeks to address the concerns of Members regarding the initial draft strategy.
- 1.3 It highlights problems which have become apparent following, in particular, a very late response from Highways England on some of the Council's proposed measures and proposes changes to the Air Quality Action Plan to compensate for these.

2. Recommendations

- 2.1 That the Committee agrees the draft 2018 Air Quality Action Plan and the recommendations for reducing nitrogen dioxide levels at Appendix 1 in preparation for further consultation with relevant stakeholders.
- 2.2 That the Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Air Quality Action Plan, in consultation with the Committee Chairman and Vice Chairman, should this be necessary following consultation or comments from DEFRA. Changes of a significant nature shall be brought back to this committee.

3. Background

- 3.1 The Council has a statutory duty to review and assess air quality within the district under the provisions of the Environment Act 1995.
- 3.2 The monitoring of air quality within the District has previously led to two Air Quality Management Areas (AQMAs) being declared, due to nitrogen dioxide emissions from road traffic being above permitted levels.
- 3.3 The first of these AQMAs was declared in 2008 and is at Muckley Corner on the junction of the A5 & A461 Walsall Road. The second was declared in 2016 and is along a stretch of the A38, between Streethay and Alrewas.
- 3.4 An Air Quality Action Plan (AQAP) is required where an AQMA is declared and must detail the measures that will be used to improve air quality within that area. Both AQMAs have been considered in the AQAP.
- 3.5 A first draft of this AQAP was brought to this Committee in July 2017. At the time, feedback from Members suggested that the recommendations in the previous AQAP were very ambitious and unlikely

to be completed, partly as it relied on other organisations such as Highways England. Further comment was made that references to the A38 AQMA should include Alrewas and not just Fradley.

3.6 It was agreed at the previous committee to consult on the contents of the AQAP and report back to the Regulatory and Licensing Committee once again.

Responses to Consultation

3.7 The main difficulties with the previous AQAP, as Members rightly pointed out, was that the primary measures to reduce levels of nitrogen dioxide in our two AQMAs were entirely out of the control of the Council.

3.8 The main consultees from whom we absolutely *needed* feedback were therefore other organisations who had the ability to put the proposed measures in place as well as the Department for Environment, Food and Rural Affairs (Defra), who would approve the AQAP. These other organisations are Highways England, Staffordshire County Council Highways and the M6 Toll operators (Midland Expressways Ltd.).

3.9 Consultation therefore took place with these organisations and feedback from Defra was prompt. Their main concerns were:

- The AQAP assumes the Council can expect to influence the local road sources of NO₂, when the local road sources that impact on the AQMAs are roads controlled by Highways England, not the local authority.
- Technical issues with the quantification of NO₂ source contributions (i.e HGVs, buses, taxis, others) and impacts of the proposed measures.
- Clear timescales for completion of proposed measures.
- Defined roles and responsibilities.

3.10 Staffordshire County Council Highways' response was, in effect, that both the roads which form the two AQMAs are controlled by Highways England and as a result it is their feedback which is the most relevant. They made some further comments on minor matters.

3.11 Getting a consultation response from Highways England (HE) has been extremely difficult. For almost 12 months hard copies of the draft AQAP, emailed copies and chase up emails to generic email addresses and individuals has been met with absolutely no response. It seems that this is not an unusual situation with other district councils within Staffordshire when dealing with HE. Then, less than two weeks prior to the submission of this committee report, we finally had a response from a consultant acting on behalf of HE. Their concerns were:

- The AQAP states that HE have an ambition to redress the balance of how the M6 Toll and A5 work together. They suggest that whilst this may be an ambition, it is unlikely to be feasible considering the M6 Toll is not under HE's control.
- There are currently no plans to upgrade either the A5 or A38 to Expressways. This measure has been considered in the past but is not currently being proposed. HE suggest that it is something which the Council and HE need to maintain a dialogue about and it is known that in other areas Councillors are lobbying MPs to bring this measure back to the table.
- Urban Traffic Management and Control (UTMC) can only be implemented on the strategic road network by HE. There is no indication in their response as to whether this is possible but HE are clearly suggesting this is out of the control of the Council.
- It is not possible to impose a ban on certain vehicle types on the strategic road network and any kind of ban has been known to impact on other areas.

- The freight consolidation centre measure has previously been considered by HE. They have concluded that purely for air quality benefits the cost to benefit ratio does not add up. The slight benefit just doesn't justify the cost.

On a slightly more positive note, HE have also commented on some measures which they are currently considering and which were not in our AQAP. These are:

- Speed management options such as average speed cameras which may smooth the flow of traffic, thus reducing pollution. This is a measure which is being considered by HE across the Country but there are no specific plans to implement this on the A38 or A5 near our AQMAs. It should also be noted that this is a measure which is unlikely to make any difference to the AQMA at Muckley Corner because it is a roundabout for which vehicles have to stop anyway.
- Physical barriers, similar in design to the noise barriers sometimes seen next to motorways, but larger at around 9m tall and with a curve in towards the road at the top. This is a measure which it is proposed would "trap" pollution on the road side of the barrier. Again, this is a nationwide proposal and there are currently no proposals to implement this at our two AQMAs. Of course, there would then undoubtedly be some Planning concerns around the visual impact of 9m high barriers which mean it is likely this measure would never be used here.
- Their final comment relates to the suggestion that a new fuel called Diesel GTL (gas to liquid) improves emissions from diesel vehicles. Enquiries have been made into how precisely HE can influence HGV operators in using this new fuel and it seems this would be by making sure the infrastructure exists to provide the fuel along roads managed by them. Currently the fuel is only produced by Shell and is not widely available. Again, this is unlikely to cause any appreciable improvements to air quality at our AQMAs in the short to medium term.

For the reasons outlined above, none of these three proposals are considered relevant to the A5 or A38 AQMAs and as such they have not been included in the AQAP.

- 3.12 The M6 Toll operator, Midland Expressways Ltd., has said that there is currently no intention for them to change their pricing structure to encourage greater use by HGVs. Again, it seems this is a measure which may previously have had some potential but at the current time is not going ahead.
- 3.13 In contrast to the stance of Midland Expressways Ltd. on measures to increase traffic moving from the A5 to the M6 Toll, the Midland Connects Partnership (which is a collaboration of local authorities including Staffordshire CC, Local Enterprise Partnerships and other key partners from across the Midlands) have very recently introduced some proposals. Whilst these are primarily designed to ease congestion on the M6, there is a recognised knock on effect in that the measures are designed to make traffic divert from the M6 to the M6 Toll, rather than the A5 or other roads, at times of congestion or when incidents occur. This would in turn reduce traffic levels on the A5 and thus improve air quality.

The measure in the AQAP of increasing the volume of traffic using the M6 Toll via the operator changing their pricing regime has therefore been replaced with the same measure being led on by Midland Connects.

The updated Air Quality Action Plan

- 3.14 Following consideration of the comments on the first draft AQAP, and in particular the very recent comments from HE and proposals by Midland Connects, the AQAP has been amended to reflect the current situation.
- 3.15 In view of the previous comments from Members, further consideration has been given to the resource implications of some of the previous proposals and the measures have been reduced as a result. There were also some concerns that some measures would have had little effect on our AQMAs anyway, such as anti-idling enforcement, which might be effective in an AQMA in a built up urban area

but is unlikely to have any effect on the A38 or in the run up to the roundabout at Muckley Corner, where long term idling is not generally an issue.

3.16 Aside from minor alterations, the principle areas where the AQAP has been updated over the 1st draft are:

- References to the A38 AQMA being for Fradley have been re-named as simply the A38 AQMA and / or described as being between Streethay and Alrewas.
- Page 4: Further information on Midland Expressways Ltd. and the perceived reduction in likelihood that they will change their pricing regime to encourage more HGVs to move from the A5 to the M6 Toll. Also, information relating to Midland Connects and their very recent Strategy to increase the use of the M6 Toll.
- Page 7: Section 2.3 updated to reflect the most recent monitoring data.
- Page 42: Table 5.1 relating to Air Quality Action Plan Measures has been updated to reflect the changes within the report and the feedback received from consultees. It is accepted and written into the table that a number of these measures are outside of the Council's direct control but it is felt that they should remain within the AQAP as they have the potential to have some impact on our AQMAs and the Council can still maintain pressure on these organisations to bring measures forward.
- Page 44 to page 52: This is the narrative to go with the measures outlined in Table 5.1 described above and it has been changed to reflect the changes in that table.

Further consultation and next steps

3.17 Clearly, even if this latest draft is approved by Members, there is now the potential that Defra will not accept certain measures due to them being out of the Council's control. The entire AQAP may therefore fall short of what Defra expect. Depending on their feedback this entire AQAP may have to be revisited and updated, with advice being taken from Defra themselves in relation to what the Council can realistically achieve in relation to air quality improvements in these AQMAs.

3.18 Clearly there is a need to get the basic AQAP right before consulting more widely and the next phase would be to consult Defra. Should they accept the AQAP then we can consult other stakeholders before implementation or returning to this committee as per the recommendations of this report.

Clean Air Strategy 2018

3.19 One final point is that there is currently a Government consultation pending (closing in mid-August 2018): the Clean Air Strategy 2018. This highlights potential new powers for local authorities which may assist the Council in taking action where currently we are unable to do so. The Council will be responding to this consultation to ensure that any new legislation considers our specific problems of trunk roads which are outside of urban areas but which cause pollution problems to residents who live in the vicinity.

Alternative Options	<ol style="list-style-type: none"> 1. We could completely re-think the AQAP in the context of the feedback received, in particular from Highways England. This would cause further delay, however, and is no guarantee that the new AQAP will have more workable solutions. It may, of course, be something which is required of us by Defra if they are not satisfied with the 2nd draft of the AQAP. 2. Another option would be to respond to the Clean Air Strategy 2018 consultation and wait until the proposed new powers become clearer. This could then be fed into a new proposed AQAP. This has been discounted because the AQAP is a document which can change to reflect current circumstances and thus changes can take account of new legislation. Stopping further work at this point would only delay the implementation of the plan but
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	continuing would not prevent new powers being included in the future.
Consultation	1. Outlined in the body of the report. Further, wider consultation, would take place should the 2 nd draft of the AQAP be approved by Defra.
Financial Implications	<ol style="list-style-type: none"> 1. The majority of costs relating to measures outside of our control would be paid by other organisations such as Highways England or Midland Connects. 2. For other measures it may be possible to consider a grant application, for example to install electric charging points which the Office for Low Emission Vehicles (OLEV) provides. The Air Quality Grant Programme is also available for funding schemes to improve air quality. 3. Budget is already allocated to air quality monitoring work and it is not proposed that this is altered. 4. Additional measures to improve air quality for which external funding is not available will have to be considered on a case by case basis.
Contribution to the Delivery of the Strategic Plan	1. The proposals have the potential to impact upon the District Council's Strategic Plan 2016 -20 objective of Healthy and Safe Communities.
Equality, Diversity and Human Rights Implications	1. No implications.
Crime & Safety Issues	1. No implications.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Delay of AQAP approval leading to a delay in implementing measures.	Swift consultation, though it is accepted response times are out of our control.	Yellow (material)
B			
C			
D			
E			

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Air Quality Action Plan (R&L Report - Appendix 1)

Lichfield District Council
June 2018

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Lichfield District Council
Draft Air Quality Action Plan

In fulfilment of Part IV of the
Environment Act 1995
Local Air Quality Management

June 2018

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Executive Summary

This Air Quality Action Plan (AQAP) has been produced as part of our statutory duties required by the Local Air Quality Management framework. It outlines the action we will take to improve air quality in Lichfield District Council (LDC - the Council), and specifically the two declared Air Quality Management Areas (AQMAs) for nitrogen dioxide (NO₂), between 2018 and 2022. These are Muckley Corner, and the second a section of the A38 between Streethay and Alrewas.

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas^{1,2}.

The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion³. The Council is committed to reducing the exposure of people in the District of Lichfield to poor air quality in order to improve health.

We have developed actions to improve air quality in the district, and specifically the AQMAs, that can be considered against the following five broad topic areas:

- Transport measures – provision of additional transport infrastructure; changes to road layout or operation; formulation of traffic plans; with the aim being to encourage the use of greener modes of transport, and/or reduce congestion and associated vehicle emissions;
- Leading by example measures – measures that LDC will implement to encourage wider behavioural changes in the local population with respect to their travel choices;
- Education, community and partnership measures – provision of information to increase community awareness of the challenges faced on air quality within the local area, to facilitate behavioural change;

¹ Environmental equity, air quality, socioeconomic status and respiratory health, 2010

² Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

³ Defra. Abatement cost guidance for valuing changes in air quality, May 2013

- Statutory measures – use of legislation and targeted enforcement to control air pollution; and
- Air quality monitoring – ensure satisfactory air quality monitoring data is available to track outcomes of the implementation of our action plan measures and allow effective management of air quality.

Our priorities are focussed on the reduction of emissions from road traffic throughout the District. Regulation of emissions from industry have shown to be sufficient such that these sources of emissions are not the significant contributor to the problems identified by the Council in respect of the AQMAs.

In this AQAP we outline how we plan to effectively tackle air quality issues within our control. However, we recognise that there are a large number of air quality policy areas that are outside of our influence (such as roads managed by Highways England and vehicle emissions standards agreed in Europe), but for which we may have useful evidence, and so we will continue to work with regional and central government on policies and issues beyond the Council's direct influence.

Responsibilities and Commitment

This AQAP was prepared by Bureau Veritas on behalf of LDC with the support and agreement of the Environmental Protection and Housing Manager.

The recommendations of this AQAP will now be taken forward for consultation with the Action Planning Steering Group and the other identified statutory and non-statutory consultees, prior to implementation.

This AQAP will be subject to an annual review, appraisal of progress and reporting to the Action Planning Steering Group. Progress each year will be reported in the Annual Status Reports (ASRs) produced by the Council as part of our statutory Local Air Quality Management (LAQM) duties.

If you have any comments on this AQAP please send them to Jack Twomey at:

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1 Introduction

This 2nd draft Air Quality Action Plan (AQAP), provided for consultation purposes, outlines the actions that Lichfield District Council (LDC - the Council) proposes to deliver between 2018 and 2022, in order to reduce concentrations of air pollutants and exposure to air pollution; thereby positively impacting on the health and quality of life of residents and visitors to the District.

It has been developed in recognition of the legal requirement on the local authority to work towards Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process. The Act does not prescribe any timescale for preparing an AQAP. However, the Government expect them to be completed within 12 months following the designation of any AQMAs. The prime responsibility for preparing and submitting the AQAP rests with LDC; however, there is a requirement on other relevant stakeholders to collaborate with LDC to identify proposals in pursuit of the AQS objectives within their respective responsibilities and functions.

A dispersion modelling exercise usually provides the technical backup for the appraisal of measures targeting emissions reduction to be included within the AQAP. The AQAP should refer to the findings of this assessment in terms of source apportionment (i.e. where emissions are coming from) so that action plan measures may be targeted appropriately.

An AQAP must include the following elements:

- Quantification of the source contributions to the predicted exceedences of the relevant objectives; this will allow the AQAP measures to be effectively targeted;
- Evidence that all available options have been considered;
- How the local authority will use its powers and also work in conjunction with other organisations in pursuit of the air quality objectives;
- Clear timescales in which the authority and other organisations and agencies propose to implement the measures within its plan;

- Where possible, quantification of the expected impacts of the proposed measures and an indication as to whether the measures will be sufficient to meet the air quality objectives. Where feasible, data on emissions could be included as well as data on concentrations where possible; and
- How the local authority intends to monitor and evaluate the effectiveness of the plan.

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2 Summary of Current Air Quality in Lichfield

LDC is situated in the north of the West Midlands, close to some highly industrialised parts of the UK. To the south west lie Walsall and Birmingham. LDC is only moderately industrialised, but there are a number of major roads in the region, including the M6 Toll, A38 and A5. Consequently, road traffic is the main source of air pollution in the area. Burntwood and Lichfield are the two largest urban areas in the District⁴.

This draft AQAP has been prepared following the declaration of two Air Quality Management Areas (AQMAs) for nitrogen dioxide (NO₂), to be delivered. The first AQMA is in the Muckley Corner area, the second along the A38 between Streethay and Alrewas.

2.1 A5 Muckley Corner AQMA

In 2008 LDC declared an AQMA⁵ for the area encompassing the Muckley Corner Roundabout on the A5 along with a number of surrounding buildings.

Detailed dispersion modelling of the Muckley Corner Junction was undertaken prior to declaration. The junction was previously identified as showing exceedences of the NO₂ annual mean AQS objective and subsequently declared an Air Quality Management Area in 2008. Modelling was carried out for the base year 2009 and the assessment year 2010 (which includes the committed junction redesign). Source apportionment was undertaken showing the contribution of specific vehicle classes (cars, LGV, OGV1, OGV2 and PSV) and background levels of pollution make towards overall NO_x concentrations. The necessary NO_x reductions required to meet the UK annual mean NO₂ objective of 40µg/m³ were calculated for 2010 as it represented the current year at the time.

An Action Planning appraisal assessment, based on the findings of the [then] Further Assessment was also undertaken. Within this work the direct impact of the junction redesign was assessed by comparing with and without scheme scenarios for the same model year (2010). Despite this work, which is predicted to reduce local road traffic emissions and improve air quality, it is expected that the more significant improvements could be achieved through increased use of the M6 Toll Road.

⁴ 2013 Air Quality Progress Report: Lichfield District Council

⁵ Local Air Quality Management 2010 Nitrogen Dioxide Further Assessment and Air Quality Action Plan for Muckley Corner

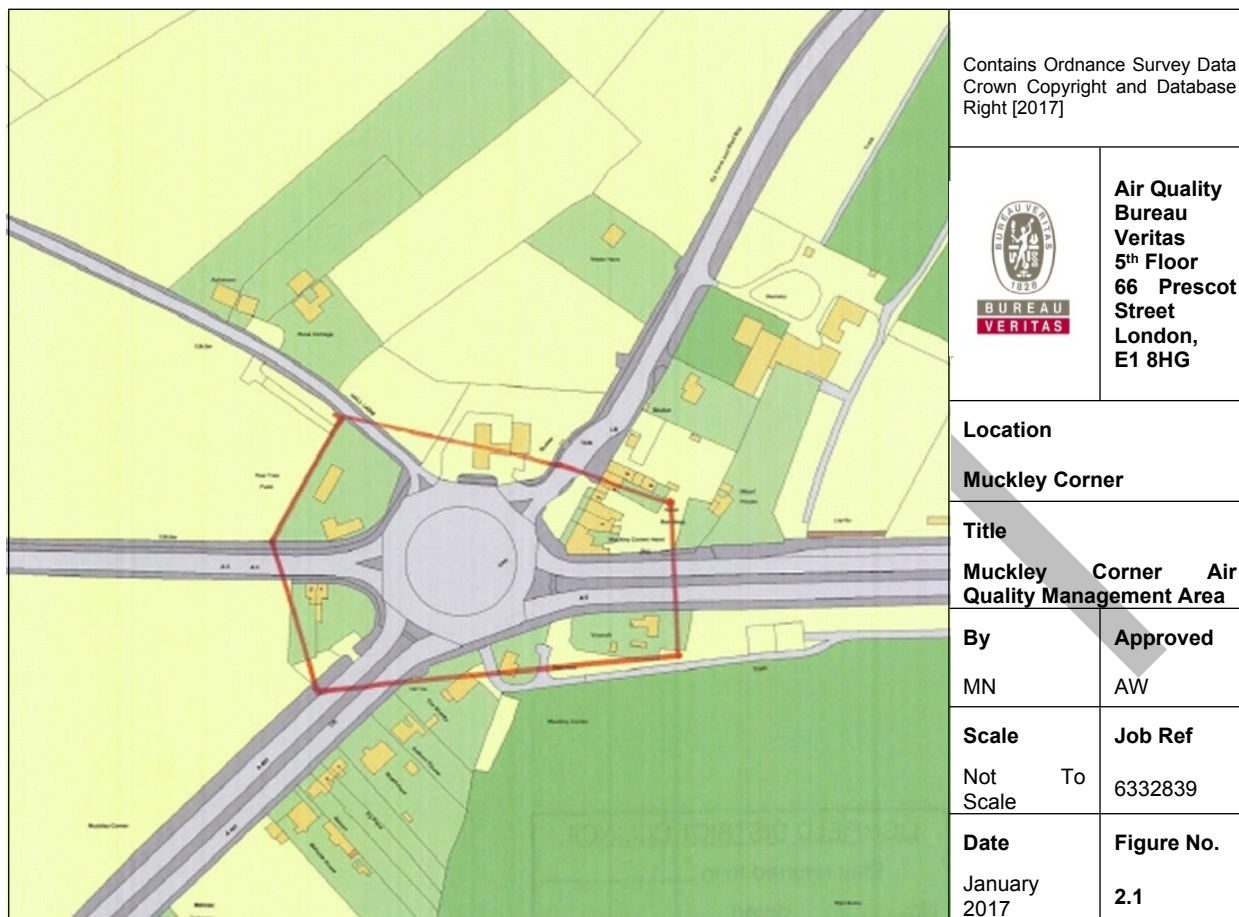
The Council considers that should the operator of the M6 Toll Road, (Midland Express Ltd) change their pricing policy, a considerable positive impact could be achieved through reducing congestion and HGV traffic on the A5. Unfortunately, enquiries with Midland Expressway Ltd. suggest that there is currently no intention for the pricing policy to be changed. Work is taking place with Midlands Connect (a collaboration of local authorities including Staffordshire CC, Local Enterprise Partnerships and other key partners from across the Midlands), however, to identify long term solutions as well as short term plans to reduce congestion, including measures to make best use of the M6 Toll, which still has room for growth when a significant number of vehicles are travelling through the Midlands using more congested routes.

The Midlands Connect Long Term Motorway Hub Strategy (June 2018) (<https://www.midlandsconnect.uk/media/1175/midlands-motorway-hub-summary-report-final-06062018.pdf>) recommends improving the quality of information on signage on the M6, providing smarter information to the travelling public, which could help divert traffic onto the M6 Toll at peak times or during incidents. This element of the Hub strategy could be delivered within the next two years and if completed, has the potential to also draw traffic away from the A5 during peak times or incidents on the M6 where traffic might have previously moved to the A5.

The Study states: “Additional signage, smart information and strengthened governance arrangements to encourage greater use of the M6 Toll at any time, but particularly during incidents on the M6. This will reduce the volume of traffic re-routing through urban areas with associated air quality, noise and safety impacts. Our data collection suggests that there is still a market for some people to shift from using the M6 to the M6 Toll if the benefit of doing so is better understood”.

The base modelling and source apportionment work has subsequently been updated as part of the preparation of this draft AQAP, with source apportionment being undertaken for a more detailed breakdown of vehicles.

Figure 2.1 - Muckley Corner AQMA

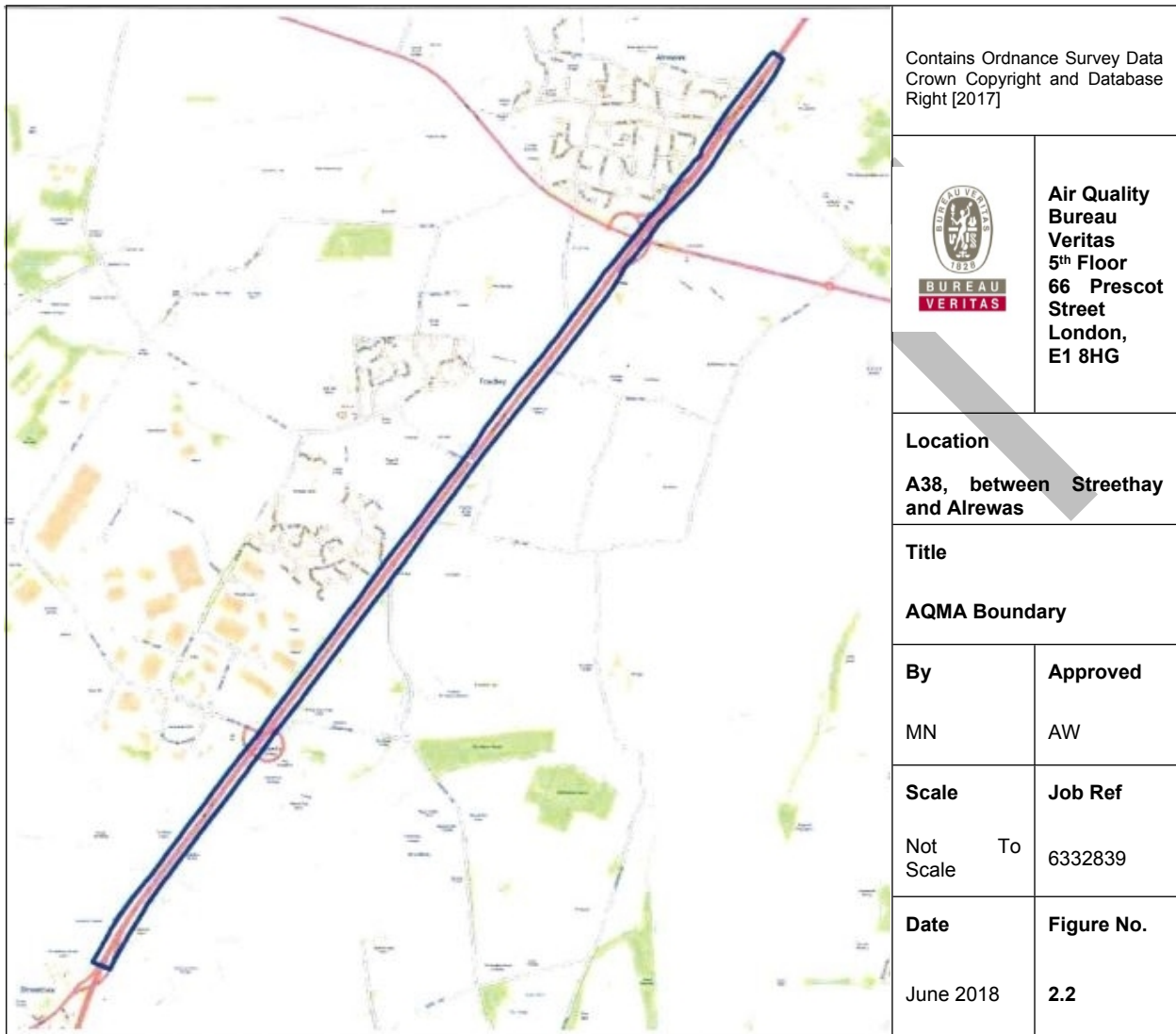


2.2 A38 AQMA

The conclusions of the 2015 Detailed Assessment of the A38, specifically the region in the vicinity of the Rykneld St junction, were that annual mean NO₂ concentrations were found to be exceeding the 40µg/m³ annual mean AQS objective at six locations of relevant exposure. The gridded output of the model demonstrated that the geographical extent of the exceedence covers the area along the A38 from the junction with the A5127 Burton Road to the District north boundary. The Council declared an AQMA in this area in 2016, the extent of which is shown below in

Figure 2.2. Source apportionment was conducted for this area as part of the preparation of this draft AQAP, building on the inputs of the 2015 Detailed Assessment.

Figure 2.2 - A38 AQMA



Since declaration of the Muckley Corner AQMA, the Council has taken forward a number of measures in pursuit of improving local air quality, as summarised below. More details on the measures can be found in the Local Plan (2008-2029) and Integrated Transport Strategy (2015-2029). Key completed measures are:

- Public transport services have been maintained and improved through 2014/15 with more bus services linking to Burntwood and Tamworth, and more frequent services to Burton on Trent; and
- The A5/A5148 Wall Island improvement scheme was required due to traffic congestion and queuing problems during peak periods. Works were delivered in 2014 as part of the Highways Agency's Pinch Point Programme. Traffic signals were introduced on two junction approaches with gap closures and

carriageway widening works. This has helped to alleviate daily traffic congestion and reduce journey times as well as improving road safety at the junction.

The Council expects the measures outlined in this draft AQAP, which is considered applicable to both areas given the predominant emissions source in both AQMAs is road traffic, to form the next steps in improving local Air Quality. As a minimum, this Plan will be reviewed every five years, with progress on measures set out within this Plan reported annually within the Council's ASR.

2.3 Recent Monitoring

During 2016, there were a total of thirteen sites where the annual mean NO₂ objective was exceeded. Sites A38-2A/B, MUC-1A/B/C and MUC-1 exceeded the annual mean objective with reported concentrations of 45.1µg/m³, 49.4µg/m³ and 47.2µg/m³ respectively. All three monitoring sites were at locations representing relevant exposure and therefore distance correction was not required.

The annual mean concentrations at the exceeding sites, A38-1, A38-4A/B, A38-5A/B, A5-1A, A5-2B, MUC-6, MUC-2, MUC-3, MUC-4 and MUC-5 were all distance corrected to estimate the concentration at relevant exposure. Of the sites that were distance corrected; only MUC-3 and MUC-4 were still found to be exceeding the annual mean NO₂ objective at the receptor façade, with reported concentrations of 46.0µg/m³ and 44.1µg/m³ respectively.

Further details are available in the Council's latest statutory LAQM report on Air Quality in the District⁶.

⁶ <https://www.lichfielddc.gov.uk/Residents/Environment/Environmental-health/Pollution/Air-quality-monitoring.aspx>

3 Lichfield District Council's Air Quality Priorities

3.1 Public Health Context

The Air Quality Indicator in the Public Health Outcomes Framework (England) provides further impetus to join up action between the various local authority departments which impact on the delivery of air quality improvements.

To help facilitate this, Defra commissioned research to develop a toolkit to help local authorities and public health professionals tackle air pollution in their area⁷. The toolkit provides a one-stop guide to the latest evidence on air pollution, guiding local authorities to use existing tools to appraise the scale of the air pollution issue in its area. It also advises local authorities how to appropriately prioritise air quality alongside other public health priorities to ensure it is on the local agenda.

Integral to a successful process is the development of communication methods for localised air quality and health impact information. Communication guides were developed through a series of workshops and interviews. Participants included Directors of Public Health, public health professionals, local authority air quality managers and members of the public.

The toolkit comprises the following key guides:

- Getting to grips with air pollution – the latest evidence and techniques;
- Understanding air pollution in your area;
- Engaging local decision-makers about air pollution;
- Communicating with the public on air pollution; and
- Air Pollution: an emerging public health issue: Briefing for elected members.

For LDC, the fraction of mortality attributable to air pollution⁸ is 5%, which is similar to the national average of 5.1%. When combined with age standardised mortality rates per 100,000 in Lichfield given by the office of national statistics⁹, an estimate of approximately 47.3 deaths per 100,000 per year is attributable to air pollution. This is comparable to the number of deaths from cancers considered preventable in persons

⁷ <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=18580>

⁸ Specifically anthropogenic pm_{2.5}

⁹ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsregistrationsummarytables/2015>, 2014 used as was the year of PHOF indicator

under the age of 75, at 65.8. Thus, air pollution is a considerable public health issue in the District. It should be noted that this figure only accounts for one pollutant (PM_{2.5}) for which stronger scientific evidence on links with mortality exist, and not NO₂, for which the AQMAs are declared, so the true figure is possibly even higher.

3.2 Planning and Policy Context

There are a number of related policies and strategies at the local and regional level that can be tied in directly with the aims of the AQAP. A majority of these policies and strategies are focused on transportation issues and, therefore are likely to help contribute to overall improvements in air quality across the LDC area. The review of these strategies and policies also assists in not duplicating the work within this AQAP, but instead focus on measures outside those considered within these strategies and policies, but that still contribute toward their overall aims.

3.2.1 Local Transport Plan 2011-2026

Staffordshire County Council (SCC) is responsible for producing a statutory Local Transport Plan (LTP) which sets out the Council's strategy for transport. The LTP covers all aspects of transport such as walking, cycling, public transport as well as proposed road building and improvements to existing roads and bridges.

A third LTP (LTP3), covering the period from 2011 to 2026, was submitted to the Department for Transport in March 2011. The Plan is split into the following two documents:

The Strategy Plan¹⁰

The strategy Plan sets out the County Council's proposals and policies for transport provision within the County, including walking, cycling, public transport, car based travel and freight, together with the management and maintenance of local roads and footways.

The County Council's Transport vision in the county is:

A transport system that supports Staffordshire's economy, and safely and conveniently connects people and services within Staffordshire and beyond; it provides opportunities for services and jobs to be accessed in a sustainable way, and

¹⁰ Reference has been made to the Staffordshire LTP 2011 –Strategy Plan in writing Section 3.1 <http://www.staffordshire.gov.uk/transport/transportplanning/localtransportplan/staffordshirelocaltransportplan2011-strategyplan.pdf>

makes sure that any adverse effect of transport on Staffordshire's rich environment and on residents' quality of life is minimised.

The Implementation Plan¹¹

The Implementation Plan for Staffordshire's third LTP is split into two parts; the first part sets out how available funding will be used in order to deliver the LTP objectives over the period (2011/12 to 2014/15). The second part describes the arrangements that have been put in place for overseeing LTP delivery and ensuring that it remains on track to meet its objectives.

▪ Existing Road Network and Future Transport Pressures¹²

Within LDC there are a number of major link roads, including the M6 Toll, A38 and A5. Consequently, road traffic is the predominant source of air pollution in the area. Considering the wider region, Staffordshire is a diverse county situated near the geographical centre of England and has the greatest population of all the shire counties in the West Midlands. It shares borders with 11 other strategic authorities and influences traffic into the East Midlands and the North West. To the south of the county the economies of the Black Country and Birmingham strongly influence work travel patterns, as do the economies of Stoke-on-Trent, Cheshire and Derbyshire in the north and east of the county. Conversely, Staffordshire influences travel to work patterns in these areas, with 16% of the county's workforce living outside of the county.

The current and future challenges and constraints on regional traffic and transport are set out in the following sections:

▪ Local Transport Plan Objectives

- *Supporting Growth and Regeneration**
 - Stimulating areas of generation and deprivation.
 - Supporting rural communities.
 - Facilitating tourist activity.
 - Maximizing the impact of events on traffic movement.
 - Managing network capacity.

¹¹ Reference has been made to the Staffordshire LTP 2011 - **Implementation Plan** in writing Section 3.1 <http://www.staffordshire.gov.uk/transport/transportplanning/localtransportplan/implementationplan.pdf>

¹² Local Air Quality Management 2010 Nitrogen Dioxide Further Assessment and Air Quality Action Plan for Muckley Corner.

- Keeping the highway in good state of repair.
- Improving the efficiency of freight distribution.

- *Maintaining the Highway Network**
 - Ensuring the maximum benefit from the highway.
 - Delivering better street lightening
 - Designing for maintenance.
 - Delivering winter services.
 - Delivering sustainable highway maintenance.
 - Improving communication.
 - Ensuring better co-ordination of activities and joint working.

- *Making Transport Easier to Use and Places Easier to Get to**
 - Improving integration between transport and land-use planning
 - Improving bus services
 - Supporting residents with mobility impairments and those without access to private motor vehicle
 - Improving and integration 'other' transport services.

- *Improving Safety and Security*
 - Delivering engineering measures
 - Delivering road safety education, training and publicity
 - Supporting road safety enforcement.
 - Reducing crime fear of crime and anti-social behavior.
 - Planning for and responding to damage caused to transport infrastructure.

- *Reducing Road Transport Emissions and Their Effects on the Highway Network*
 - Promoting alternatives to private motor vehicles
 - Promoting the use of low-emitting vehicles and vehicle efficiency
 - Leading by example
 - Improving the resilience of the transport network to climate change.

- *Improving Health and Quality of Life*
 - Getting more people walking and cycling.
 - Supporting access to services.
 - Enabling community cohesion.
 - Reducing the number and severity of road traffic collisions.
 - Reducing the impact of traffic noise.
 - Reducing emissions from road transport.
 - Reducing the impact of artificial light.

- *Respecting the Environment.*
 - Reducing road transport emissions.
 - Reducing the negative impact of artificial light.
 - Minimising flooding, soil erosion and pollutants entering watercourses.
 - Minimising the risk of soil contamination.
 - Improving townscapes and heritage assets on the highway.
 - Enhancing the quality of rural landscapes and the associated biodiversity.
 - Protecting the network of internationally significant nature conservation sites.

Considering the above in the context of regional air quality improvement, the LTP3 sets out the following policies:

Policy 5.1: Promote alternatives to private motor vehicles

This will be achieved by:

- Investing in measures to improve conditions for pedestrians and cyclist particularly in urban areas.
- Encouraging major employers to develop travel plans as a way of managing travel to and from work in a sustainable way.
- Encouraging local planning authorities to secure development patterns and mixes that reduce the need to travel and enable the use of smarter travel modes.
- Supporting new development that includes or is located in areas with good public transport links.

- Working with local planning authorities and developers to mitigate impacts of development in less sustainable locations but which is essential to support regeneration and economic growth.
- Promoting the financial and environmental benefits to businesses of adopting flexible working practices.
- Ensuring transport and access is considered at an early stage in service design and delivery.
- Raising awareness of the financial, environmental and social benefits of taking services to communities/people.
- Sharing information about improving local air quality through the Staffordshire Air Quality Forum (SAQF).
- Promoting the financial, environmental and health benefits of smarter travel modes to Individuals.
- Promoting (and running) schemes that encourage the take up of smarter travel modes.
- Encouraging local planning authorities to keep their car parking strategies under review.
- Introducing Traffic Regulation Orders (such as clear zones, low-emission zones and no stopping/parking zones), subject to there being suitable alternative routes, especially in urban areas, AQMAs, and areas given specific environmental designation such as Special Areas of Conservation (SAC) and Areas of Outstanding Natural Beauty (AONB).

Policy 5.2: Promote the use of low-emitting vehicles and vehicle efficiency

This will be achieved by:

- Investigating measures that will encourage the adoption of low-emitting vehicles such as the installation of electric vehicle charging points in pilot areas.
- Encouraging individuals to purchase low-emitting vehicles and undertake eco-driver training.
- Investigating the possibility of giving low-emitting vehicles greater road priority.
- Encouraging businesses with a company car fleet that when replacing vehicles they consider purchasing lower emitting vehicles, put their drivers through eco-driver training and minimise their business mileage.

- Encouraging public transport operators that when replacing vehicles they consider purchasing lower emitting vehicles and put their drivers through eco-driver training.
- Lobbying Government, Network Rail and train operating companies to electrify more of the county's rail lines.
- Creating Freight Quality Partnerships where partners are willing and benefits are identifiable.

Policy 5.3: Leading by example to reduce Staffordshire Road Transport Emissions

This will be achieved by:

- Replacing the County Council vehicles (when required) with ones that are less polluting and more fuel efficient, wherever possible.
- Assessing the County Council essential car user criteria to ensure that it is fit for purpose.
- Reviewing the County Council staff car parking facilities
- Continuing to develop initiatives, such as flexible working, that reduce the need for employees to use their cars to get to work.
- Investigating the introduction of eco-driver training for some essential car users.
- Ensuring all main council offices have access to a pool bicycle and/or car.
- Using recycled and locally sourced materials whenever possible in County Council highway construction and maintenance schemes.
- Delivering other priorities contained within the County Council's Travel Plan (available on request)

Policy 5.4: Improve the resilience of the transport network to changing climatic conditions

This will be achieved by:

- Delivering the priorities contained within the Council's Climate Change Adaptation Strategies (www.staffordshire.gov.uk).
- Assessing, managing and minimising risks posed by climate change to people and property where it relates to the transport network.
- Managing disruption and ensuring rapid recovery of the transport network from the impact of a climate change related event.

- Encouraging all owners of the transport network to manage, maintain and develop it with climate change in mind.
- Supporting new development that has been designed with climate change in mind by, for example, including green space, tree planting and artificial shade.

3.2.2 Lichfield Climate Change Strategy

There are a number of policy's and strategies at regional and local level that support or require the reduction and impacts of climate change to be addresses in the development of planning policies.

At county level, Staffordshire County Council has published a corporate climate change strategy "Green Shoots" 3rd edition in 2013. This sets the ambitious target of 80% reduction in CO₂ emissions by 2050 from 1990 levels¹³.

The key projects in the action plan of the this climate change strategy that will be undertaken by the county council over the next five years, in order to fulfil the carbon reduction targets are:

- Renewable Energy:
 - Installation of solar Photo Voltaic (PV) across school estate.
 - Installation of biomass heating systems on schools estate
 - Installation of solar PV across corporate estate.
 - Renewable energy delivery plan.
- Energy Efficiency
 - Ensure insulation is 270mm in corporate buildings.
- Travel
 - A reduction in business mileage by 10%.
 - Revision of Sustainable Travel Plan.
 - Changes to the specification of leased vehicles.
- Road Lighting
 - Reduced hours / levels of street lighting
- Energy Efficiency
 - White light technology

¹³Staffordshire County Council _Corporate Climate Change Strategy "Green Shoots" 3rd Edition _2013
<http://www.staffordshire.gov.uk/environment/climatechange/Green-Shoots-Final-Version2.pdf>

- Carbon Trust Collaborative Low Carbon Schools Service
- Information and Communications Technology (ICT)
 - Replacement of desktop personal computers to thin clients.
- Waste and Recycling
 - Improved Recycling Rates and Joint Municipal Waste Management Strategy Refresh
- Procurement
 - Revision of sustainable procurement policy
- Communications
 - NUS Green Impact Programme
 - Science for Sustainability
- Partnership Working
 - Staffordshire Climate Change Partnership and Student Placements
- Energy Efficiency
 - Community Energy Audits
- Supporting Local Businesses
 - Support local businesses to reduce their energy bills and make them more resilient to climate change

3.2.3 Lichfield Local Plan Strategy February 2015

The Lichfield District Local Plan: Strategy was submitted for examination in March 2013. In 3 September 2013, following hearings in June-July 2013, main modifications were recommended. The Lichfield Local Plan Strategy was adopted, after modification, in February 2015.

This document provides the broad policy framework and establishes a long-term strategy to manage development, provide services, deliver infrastructure and create sustainable communities. The Strategic priorities related to air quality in the LDC's Local Plan Strategy is as follows:

Strategic Priority 3: Climate Change

To create a District where development meets the needs of our communities whilst minimising its impact on the environment and helps the District to mitigate and adapt to the adverse effects of climate change.

Strategic Priority 5: Sustainable Transport

To reduce the need for people to travel by directing most growth towards existing sustainable urban and rural settlements and by increasing the opportunities for travel using sustainable forms of transport by securing improvements to public transport, walking and cycling infrastructure.

The following core policies will have a direct impact on local air quality and are to be delivered in the context of the above strategic goals.

Core Policy 3: Delivering Sustainable Development

The Council will require development to contribute to the creation and maintenance of sustainable communities, mitigate and adapt to the adverse effects of climate change, make prudent use of natural resources, reduce carbon emissions, enable opportunities for renewable energy and help minimise any environmental impacts.

Within this, also directly relevant is:

Policy SC2: Renewable Energy - Biomass Energy Development

- minimise pollution from noise, emissions and odours;
- minimise emissions and waste products, including airborne emissions, emissions to watercourses and ash

Core Policy 5: Sustainable Transport

The Council will continue to work with partners to improve accessibility, by enhancing sustainable transport opportunities and encouraging development that reduces the need to travel and changes to travel behaviour through a balance of transport measures. Future development within the District will be focused on the most accessible settlements and locations to reduce the need to travel.

Development proposals will, either individually or collectively, have to make appropriate provisions for:

- Reducing the need to travel;
- Widening travel choices and making travel by sustainable means of transport more attractive than the private car;
- Improving road safety; and

- Improving air quality and reducing the impact of travel upon the environment, in particular reducing carbon emissions that contribute to climate change.

Core Policy 10: Healthy & Safe Lifestyles

The District Council will ensure that the current high standard of air quality in the District is monitored and maintained and, where possible, improved with no decline in standards being deemed acceptable as a result of new development.

3.3 Source Apportionment

The AQAP measures presented in this report are intended to be targeted towards the predominant sources of emissions within the Council's area, with specific focus on those emissions sources which contribute to the exceedances of the annual mean AQS objective for NO₂ within the AQMAs.

To better understand the contribution of various emissions sources to the total annual mean NO₂ concentrations, a source apportionment exercise was undertaken, for both NO_x and NO₂.

The methodology to achieve this involves dispersion modelling of road traffic emissions. Emissions are attained using traffic data obtained from the Department for Transport (DfT)¹⁴, input into version 6.0.2 of the Emissions Factor Toolkit¹⁵, set up under 'Detailed Option 2'. To enable source apportionment of Road-NO_x emissions, the 'breakdown by vehicle' and 'source apportionment' additional outputs were utilised.

Road-NO_x contributions for each source type at receptor locations are then modelled using the ADMS-Roads (Version 4.0) atmospheric dispersion model developed by Cambridge Environmental Research Consultants (CERC), utilising various other inputs including meteorological data.

Background pollutant concentrations, as derived for the area from UK-Air, have been added to the ADMS-Roads modelled road source output to calculate predicted total annual mean concentrations of NO_x and NO₂. Both pollutants can then be apportioned appropriately. NO_x is converted to NO₂ concentrations, following the methodology in Defra's Local Air Quality Management Technical Guidance,

¹⁴ Department for Transport – Traffic Counts (2014) <http://www.dft.gov.uk/traffic-counts/>

¹⁵ EFT_v6.0.2 available at - <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>

LAQM.TG(16)¹⁶; and using the NO_x to NO₂ conversion tool (version 4.1¹⁷) published by Defra for consistency with previous model outputs for the A38 AQMA. For further details consult Appendix D.

Local sources contributions have then been defined by modelling local traffic emissions. The vehicle splits are as follows:

- Cars;
- Buses/Coaches;
- LGVs;
- HGVs; and
- Motorcycles.

LAQM.TG(16)¹⁶ also recommends the separation of regional background (over which local authorities do not have control), local background contribution (over which authorities should have some influence) and local sources (the principal sources for the local authority to control).

For each location the total NO_x from all vehicle classes as well as the percentage attributable to background sources has been therefore been predicted.

Separate exercises have been conducted for each of the two AQMAs.

A source apportionment study for the Muckley Corner AQMA was initially carried out as part of the Further Assessment completed following declaration, as then required by the LAQM regime. This has been updated with more recent data as part of this AQAP, requiring a base model set up and a new verification exercise (the details of which are presented in Appendix D).

A source apportionment study has also been undertaken for the A38 AQMA, subsequent to the Detailed Assessment that led to its declaration, building on the base model used in that assessment. For the full verification and methodology of that modelled domain, consult the Detailed Assessment⁶.

Source apportionment results for modelled NO_x concentrations are presented in the following sections, separated for NO_x and NO₂, as follows:

¹⁶ Department for Environment, Food and Rural Affairs (Defra) Local Air Quality Management Technical Guidance (TG16), April 2016, available at <http://laqm.defra.gov.uk>. Used under Open Government Licence v.3. © Crown copyright 2016

¹⁷ <http://laqm.defra.gov.uk/review-and-assessment/tools/background-maps.html#NOxNO2calc>

- An illustration of the high level source apportionment of NO_x concentrations averaged across all modelled locations, providing information regarding:
 - The regional background, which the Council is unable to influence;
 - The local background, which the Council may have some influence over; and
 - Other local sources (explicitly modelled), which the Council may have full control over.
- A more detailed source apportionment of the local source contributions to NO_x concentrations, based on:
 - The average across all modelled locations. This provides useful information when considering possible action measures to test and adopt. It will however understate road NO_x concentrations in problem areas;
 - The average across all locations with NO₂ concentration greater than 40µg/m³. This provides an indication of source apportionment in areas known to be a problem (i.e. only where the AQS objective is exceeded). As such, this information should be considered with more scrutiny when testing and adopting action measures; and
 - The location where the maximum road NO_x concentration has been predicted. This is likely to be in the area of most concern and so a good place to test and adopt action measures. Any gains predicted by action measures are however likely to be greatest at this location and so would not represent gains across the whole modelled area.
- The source apportionment results for NO₂ concentrations use the same approach as was undertaken for NO_x, as follows:
 - High level source apportionment of NO₂ concentrations averaged across all modelled locations; and
 - More detailed source apportionment of the local sources contribution to NO₂ concentrations, based on the average across all modelled locations; the average at all locations with NO₂ concentration greater

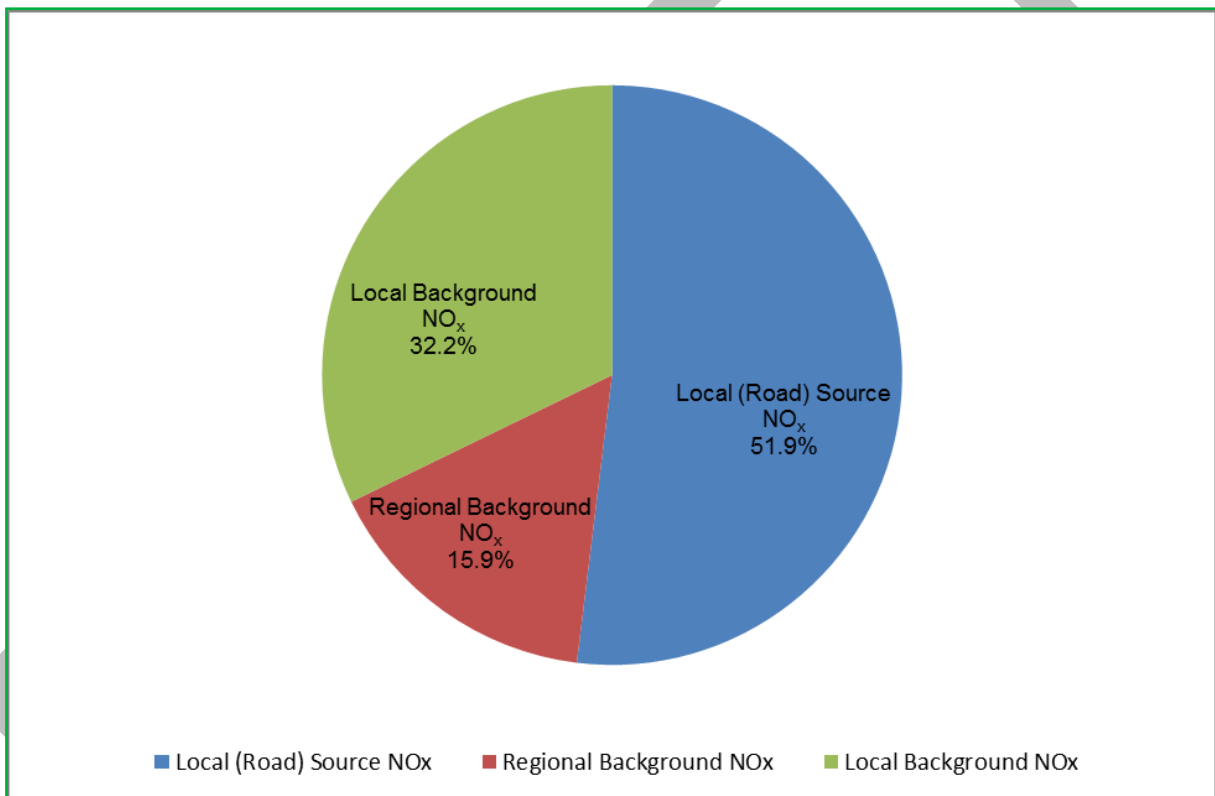
than $40\mu\text{g}/\text{m}^3$; and at the location where the maximum road NO_2 concentration has been predicted.

3.3.1 Muckley Corner

The following section describes the source apportionment results in the Muckley Corner area, presented first for NO_x and then for NO_2 .

For NO_x , Figure 3.1 demonstrates the contributors to NO_x concentrations at a high level.

Figure 3.1 - High Level Source Apportionment of NO_x Concentrations Averaged Across All Modelled Locations at Muckley Corner



Local road sources have the largest contribution at 51.9%, followed by local background at 32.2%, then regional background at 15.9%. This means the Council may be able to either directly and indirectly influence 84.1% of total NO_x concentrations with targeted intervention measures and policies (i.e. the sum of the local road sources and the local background) within the Muckley Corner area.

As demonstrated in Table 3.3, when considering the average NO_x concentration across all modelled locations, road traffic accounts for $46.4\mu\text{g}/\text{m}^3$ (66.9%) of total NO_x ($54.2\mu\text{g}/\text{m}^3$). Of this total average NO_x , HGVs account for the greatest

contribution (25.3%) of any of the vehicle types on average, followed by Cars (15.3%).

When considering the average NO_x concentration at locations with an NO₂ concentration greater than 40µg/m³, the road traffic contribution is much higher, accounting for 61.3µg/m³ (70.1%) of total NO_x (87.5µg/m³). Of this 87.5µg/m³, HGVs account for the greatest contribution (38.9%) of any of the vehicle types, followed by Cars (17.8%).

At the location with the maximum road NO_x concentration (77.9µg/m³ out of a total NO_x of 104.1µg/m³, predicted at 'DT7'), road traffic accounts for 74.9% of the overall NO_x. Of this 104.1µg/m³, HGVs account for the greatest contribution (44.9%) of any of the vehicle types, followed by Cars (17.3%).

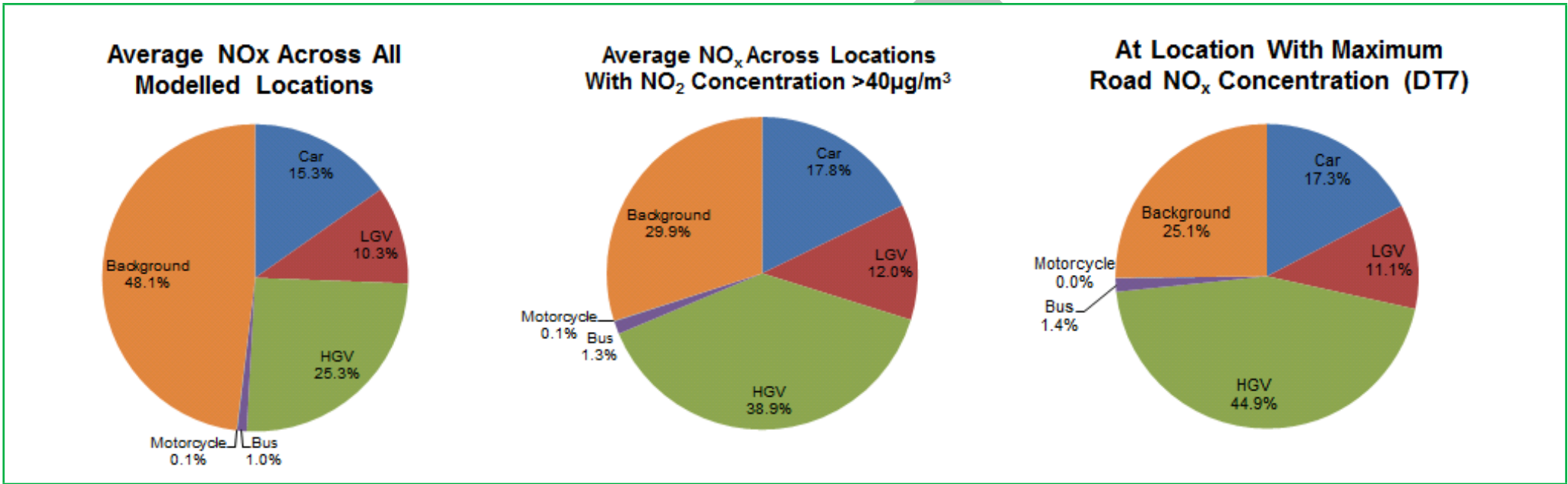
Table 3.1 - Detailed Source Apportionment of NO_x Concentrations – Muckley Corner

Metric	All Vehicles	Car	LGV	HGV	Bus	Motorcycle	Background
Average Across All Modelled Locations							
NO _x Concentration (µg/m ³)	28.2	8.3	5.6	13.7	0.5	0.0	26.1
Percentage of Total NO _x	51.9%	15.3%	10.3%	25.3%	1.0%	0.1%	48.1%
Percentage Contribution to Road NO _x	100.0%	29.4%	19.9%	48.7%	1.9%	0.1%	-
Average Across All Locations With NO₂ Concentration Greater Than 40µg/m³							
NO _x Concentration (µg/m ³)	61.3	15.6	10.5	34.0	1.2	0.0	26.2
Percentage of Total NO _x	70.1%	17.8%	12.0%	38.9%	1.3%	0.1%	29.9%
Percentage Contribution to Road NO _x	100.0%	25.5%	17.1%	55.5%	1.9%	0.1%	-
At Location With Maximum Road NO_x Concentration (DT7)							
NO _x Concentration (µg/m ³)	77.9	18.0	11.6	46.8	1.5	0.0	26.2
Percentage of Total NO _x	74.9%	17.3%	11.1%	44.9%	1.4%	0.0%	25.1%
Percentage Contribution to Road NO _x	100.0%	23.2%	14.8%	60.0%	1.9%	0.0%	-

Figure 3.2 illustrates the detailed source apportionment of NO_x concentrations in pie chart format.

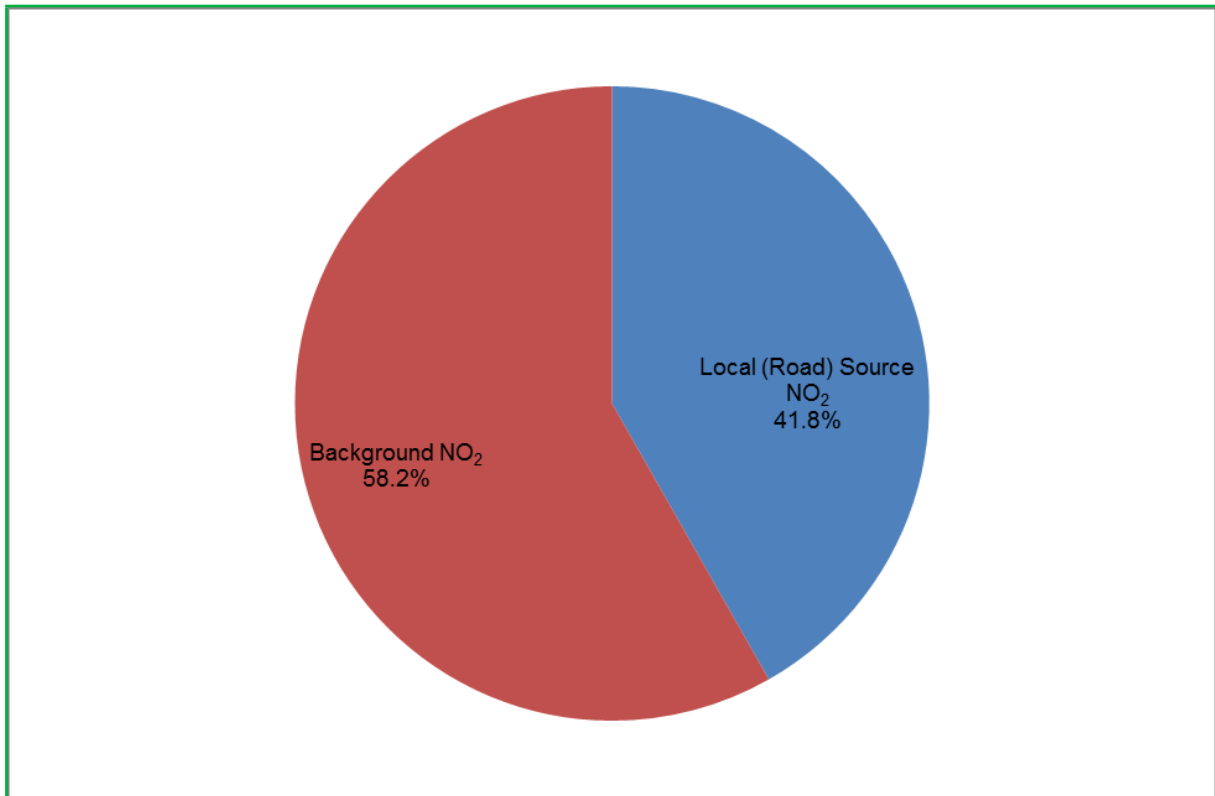
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Figure 3.2 - Detailed Source Apportionment of NO_x Concentrations in Muckley Corner



For NO₂, Figure 3.3 demonstrates the contributors to NO₂ concentrations at a high level.

Figure 3.3 - High Level Source Apportionment of NO₂ Concentrations Averaged Across All Modelled Locations at Muckley Corner



At a high level, the background component has the greater contribution to total NO₂ concentrations at 58.2%, whilst local road sources contribute the remaining 41.8%. It should be noted that it is not possible to separate out the regional and local components of the overall NO₂ background contribution. This means that Council actions could potentially have a direct impact on 41.8% of the total NO₂ concentrations within the Muckley Corner area.

As demonstrated in Table 3.2, when considering the average NO₂ concentration across all modelled locations, road traffic accounts for 13.2µg/m³ (41.8%) of total NO₂ (31.6µg/m³). Of this total average NO₂, HGVs account for the greatest contribution (20.2%) of any of the vehicle types on average, followed by Cars (12.4%).

When considering the average NO₂ concentration at locations with an NO₂ concentration greater than 40µg/m³, the road traffic contribution is much higher, accounting for 27.1µg/m³ (59.5%) of total NO₂ (45.6µg/m³). Of this 45.6µg/m³, HGVs

account for the greatest contribution (33%) of any of the vehicle types, followed by Cars (15.1%).

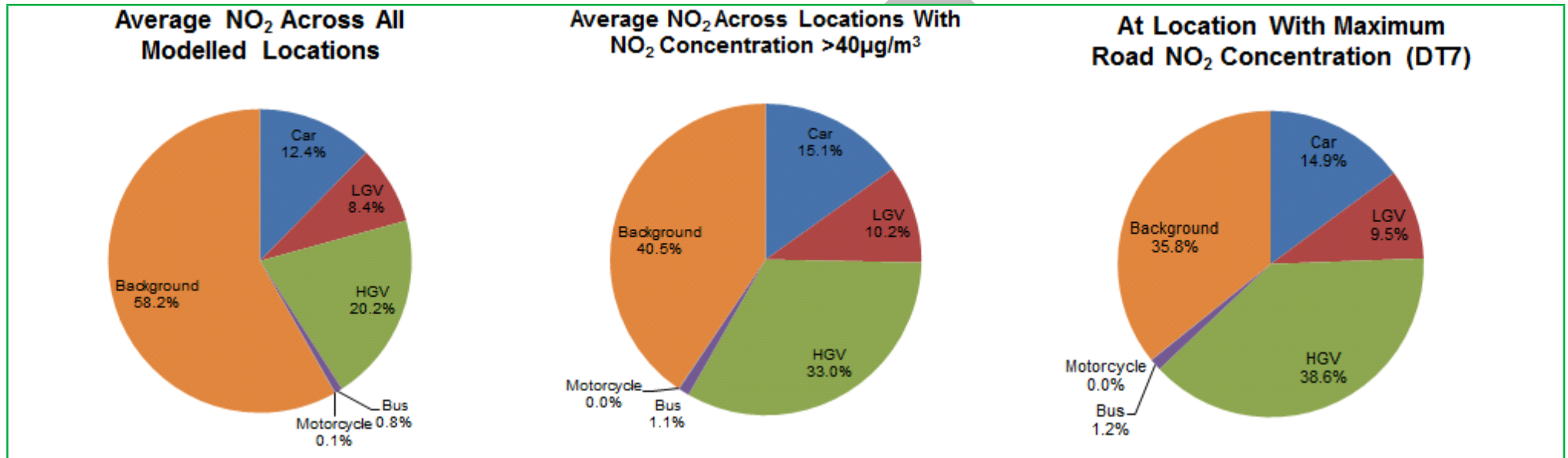
At the location with the maximum road NO₂ concentration (33.2µg/m³ out of a total NO₂ of 51.7µg/m³, predicted at 'DT7'), road traffic accounts for 64.2% of the overall NO₂. Of this 51.7µg/m³, HGVs account for the greatest contribution (38.6%) of any of the vehicle types, followed by Cars (14.9%).

Table 3.2 - Detailed Source Apportionment of NO₂ Concentrations – Muckley Corner

Metric	All Vehicles	Car	LGV	HGV	Bus	Motorcycle	Background
Average Across All Modelled Locations							
NO ₂ Concentration (µg/m ³)	13.2	3.9	2.6	6.4	0.3	<0.1	18.4
Percentage of Total NO ₂	41.8%	12.4%	8.4%	20.2%	0.8%	0.1%	58.2%
Percentage Contribution to Road NO ₂	100.0%	29.6%	20.0%	48.4%	1.9%	0.1%	-
Average Across All Locations With NO₂ Concentration Greater Than 40µg/m³							
NO ₂ Concentration (µg/m ³)	27.1	6.9	4.6	15.0	0.5	<0.1	18.5
Percentage of Total NO ₂	59.5%	15.1%	10.2%	33.0%	1.1%	<0.1%	40.5%
Percentage Contribution to Road NO ₂	100.0%	25.5%	17.1%	55.4%	1.9%	0.1%	-
At Location With Maximum Road NO₂ Concentration (DT7)							
NO ₂ Concentration (µg/m ³)	33.2	7.7	4.9	19.9	0.6	<0.1	18.5
Percentage of Total NO ₂	64.2%	14.9%	9.5%	38.6%	1.2%	<0.1%	35.8%
Percentage Contribution to Road NO ₂	100.0%	23.2%	14.8%	60.0%	1.9%	<0.1%	-

Figure 3.4 illustrates the detailed source apportionment of NO₂ concentrations in pie chart format.

Figure 3.4 - Detailed Source Apportionment of NO₂ Concentrations in Muckley Corner

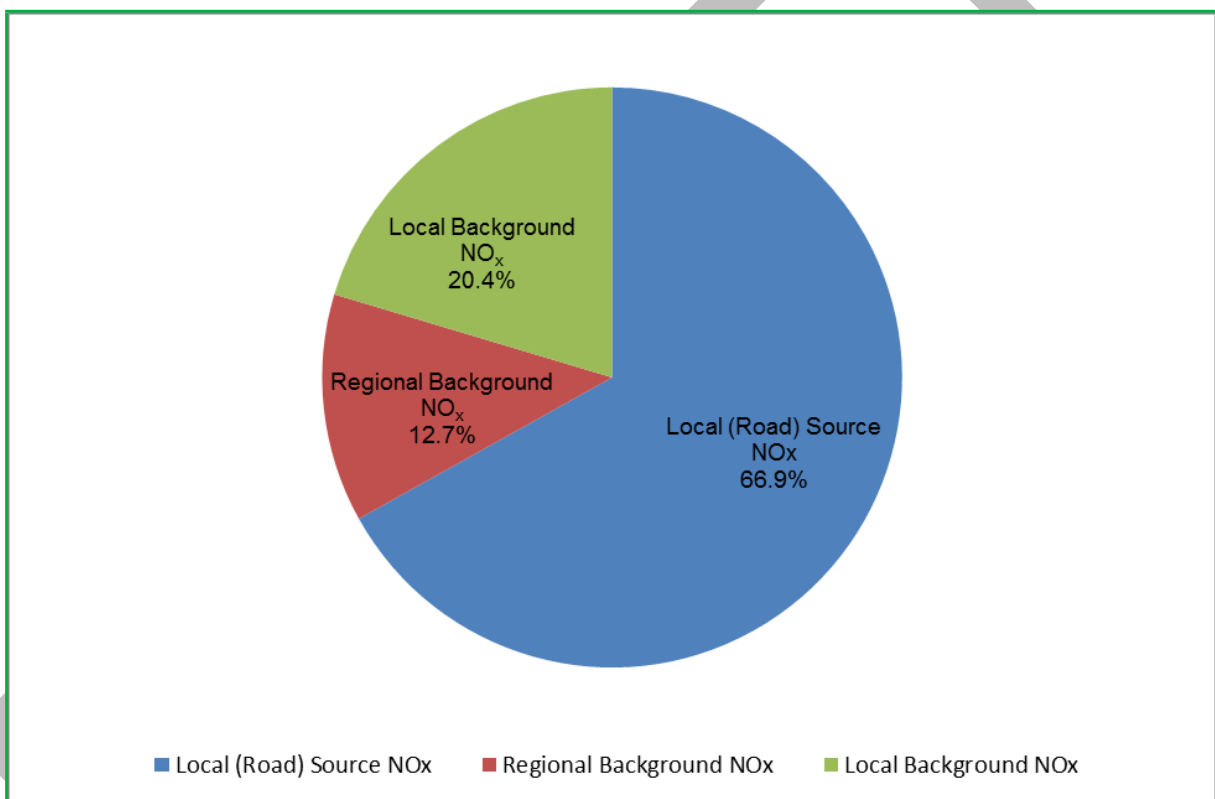


3.3.2 A38 AQMA

The following section describes the Source Apportionment results in the A38 AQMA area, presented first for NO_x and then for NO₂.

For NO_x, Figure 3.5 demonstrates the contributors to NO_x concentrations at a high level.

Figure 3.5 - High Level Source Apportionment of NO_x Concentrations Averaged Across All Modelled Locations at the A38



Local road sources have the largest contribution the at 66.9%, followed by local background at 20.4%, then regional background at 12.7%. This means the Council may be able to either directly and indirectly influence 87.3% of total NO_x concentrations with targeted intervention measures and policies (i.e. the sum of the local road sources and the local background) within the A38 AQMA.

As demonstrated in Table 3.3, when considering the average NO_x concentration across all modelled locations, road traffic accounts for 46.4µg/m³ (66.9%) of total NO_x (69.4µg/m³). Of this total average NO_x, Cars account for the greatest

contribution (28.9%) of any of the vehicle types on average, followed by HGVs (24.3%).

When considering the average NO_x concentration at locations with an NO₂ concentration greater than 40µg/m³, the road traffic contribution is much higher, accounting for 58.2µg/m³ (71.3%) of total NO_x (81.6µg/m³). Of this 81.6µg/m³, Cars account for the greatest contribution (29.8%) of any of the vehicle types, closely followed by HGVs (27.3%).

At the receptor with the maximum road NO_x concentration (85.7µg/m³ out of a total of 108.5µg/m³, predicted at 'R2'), road traffic accounts for 79% of the overall NO_x. Of this 108.5µg/m³, Cars account for the greatest contribution (38.2%) of any of the vehicle types, followed by HGVs (22.1%).

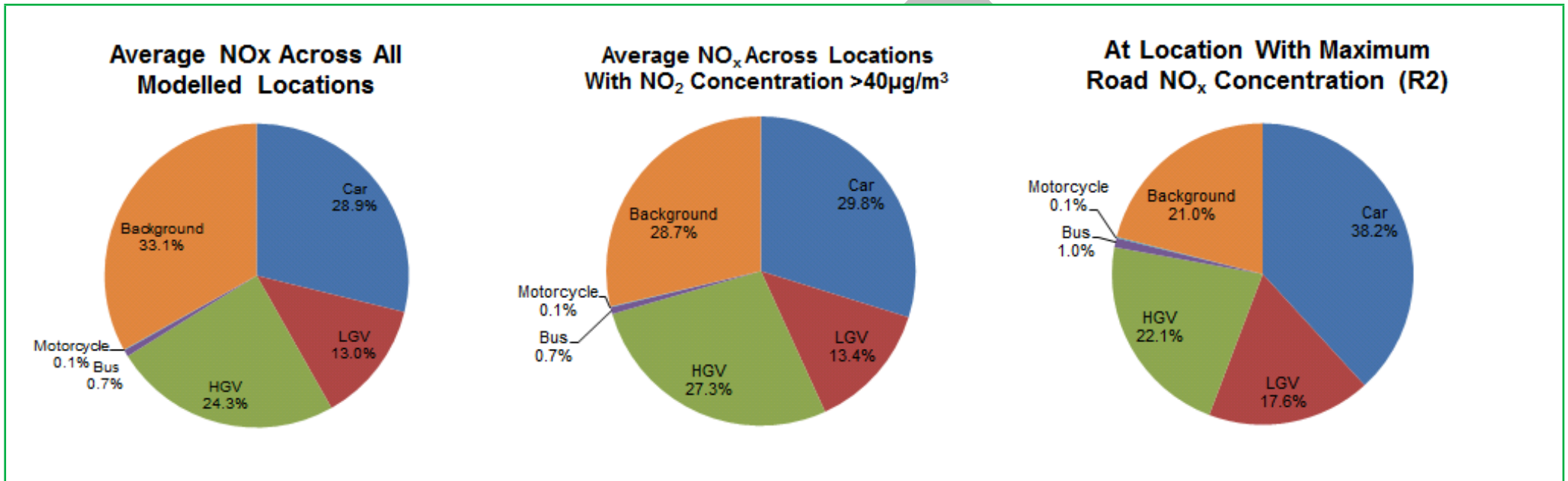
Table 3.3 - Detailed Source Apportionment of NO_x Concentrations – A38 AQMA

Metric	All Vehicles	Car	LGV	HGV	Bus	Motorcycle	Background
Average Across All Modelled Locations							
NO _x Concentration (µg/m ³)	46.4	20.0	9.0	16.9	0.5	0.1	23.0
Percentage of Total NO _x	66.9%	28.9%	13.0%	24.3%	0.7%	0.1%	33.1%
Percentage Contribution to Road NO _x	100.0%	43.1%	19.4%	36.3%	1.1%	0.1%	-
Average Across All Locations With NO₂ Concentration Greater Than 40µg/m³							
NO _x Concentration (µg/m ³)	58.2	24.3	10.9	22.3	0.6	0.1	23.4
Percentage of Total NO _x	71.3%	29.8%	13.4%	27.3%	0.7%	0.1%	28.7%
Percentage Contribution to Road NO _x	100.0%	41.8%	18.7%	38.3%	1.0%	0.1%	-
At Location With Maximum Road NO_x Concentration (R2)							
NO _x Concentration (µg/m ³)	85.7	41.4	19.1	23.9	1.1	0.1	22.8
Percentage of Total NO _x	79.0%	38.2%	17.6%	22.1%	1.0%	0.1%	21.0%
Percentage Contribution to Road NO _x	100.0%	48.4%	22.3%	27.9%	1.3%	0.2%	-

Figure 3.6 illustrates the detailed source apportionment of NO_x concentrations in pie chart format.

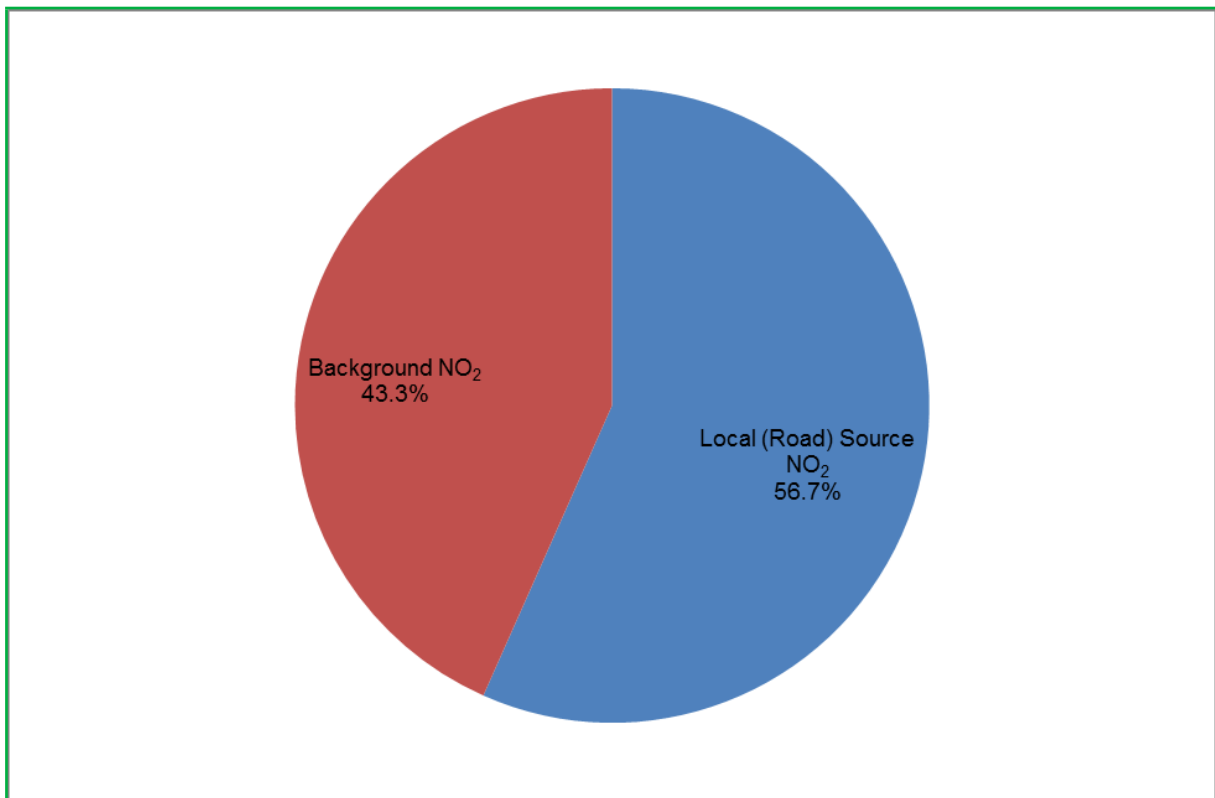


Figure 3.6 - Detailed Source Apportionment of NO_x Concentrations in A38 AQMA



For NO₂, Figure 3.7 demonstrates the contributors to NO₂ concentrations at a high level.

Figure 3.7 - High Level Source Apportionment of NO₂ Concentrations Averaged Across All Modelled Locations at A38 AQMA



At a high level, the local road component has the greater contribution to total NO₂ concentrations at 56.7%, whilst the background contributes the remaining 43.3%. It should be noted that it is not possible to separate out the regional and local components of the overall NO₂ background contribution. This means that Council actions could potentially have a direct impact on 56.7% of the total NO₂ concentrations within the A38 AQMA area.

As demonstrated in Table 3.4, when considering the average NO₂ concentration across all modelled locations, road traffic accounts for 21.4µg/m³ (56.7%) of total NO₂ (37.8µg/m³). Of this total average NO₂, Cars account for the greatest contribution (24.4%) of any of the vehicle types on average, followed by HGVs (20.6%).

When considering the average NO₂ concentration at locations with an NO₂ concentration greater than 40µg/m³, the road traffic contribution is much higher, accounting for 26.3µg/m³ (61.2%) of total NO₂ (42.9µg/m³). Of this 42.9µg/m³, Cars

account for the greatest contribution (25.5%) of any of the vehicle types, closely followed by HGVs (23.5%).

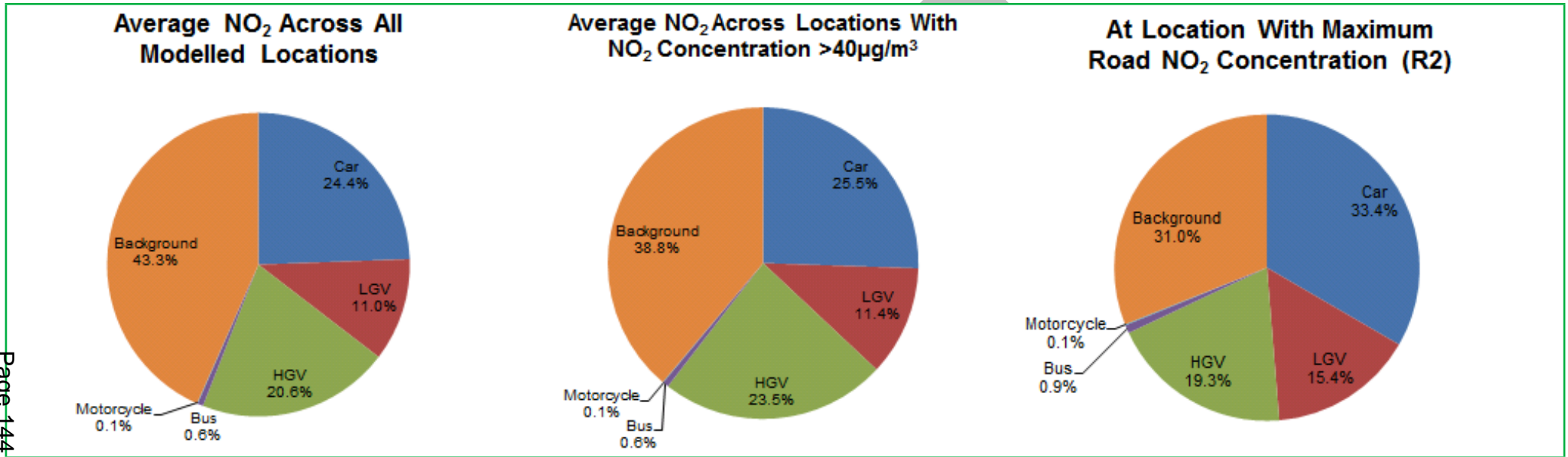
At the location with the maximum road NO₂ concentration (36.2µg/m³ out of a total NO₂ of 52.5µg/m³, predicted at 'R2'), road traffic accounts for 61.2% of the overall NO₂. Of this 52.5µg/m³, Cars account for the greatest contribution (33.4%) of any of the vehicle types, followed by HGVs (19.3%).

Table 3.4 - Detailed Source Apportionment of NO₂ Concentrations – A38 AQMA

Metric	All Vehicles	Car	LGV	HGV	Bus	Motorcycle	Background
Average Across All Modelled Locations							
NO ₂ Concentration (µg/m ³)	21.4	9.2	4.2	7.8	0.2	<0.1	16.4
Percentage of Total NO ₂	56.7%	24.4%	11.0%	20.6%	0.6%	0.1%	43.3%
Percentage Contribution to Road NO ₂	100.0%	43.1%	19.4%	36.3%	1.1%	0.1%	-
Average Across All Locations With NO₂ Concentration Greater Than 40µg/m³							
NO ₂ Concentration (µg/m ³)	26.3	11.0	4.9	10.1	0.3	0.0	16.7
Percentage of Total NO ₂	61.2%	25.5%	11.4%	23.5%	0.6%	0.1%	38.8%
Percentage Contribution to Road NO ₂	100.0%	41.7%	18.7%	38.5%	1.0%	0.1%	-
At Location With Maximum Road NO₂ Concentration (R2)							
NO ₂ Concentration (µg/m ³)	36.2	17.5	8.1	10.1	0.5	0.1	16.3
Percentage of Total NO ₂	69.0%	33.4%	15.4%	19.3%	0.9%	0.1%	31.0%
Percentage Contribution to Road NO ₂	100.0%	48.4%	22.3%	27.9%	1.3%	0.2%	-

Figure 3.4 illustrates the detailed source apportionment of NO₂ concentrations in pie chart format.

Figure 3.8 - Detailed Source Apportionment of NO₂ Concentrations in A38 AQMA



3.4 Required Reduction in Emissions

In line with the methodology presented in Box 7.6 of LAQM.TG(16)¹⁶, the necessary reduction in Road NO_x emissions required to bring each AQMA into compliance is calculated below. This is done at each worst-case exposure location.

3.4.1 Muckley Corner

Metric	Value (Concentrations as µg/m ³)
Worst-Case Relevant Exposure NO ₂ Concentration	51.1
Equivalent NO _x Concentration	102.4
Background NO _x	26.2
Background NO ₂	18.5
Road NO _x - Current	76.3
Road NO _x - Required (to achieve NO ₂ concentration of 39.9µg/m ³)	57.2
Required Road NO _x Reduction	19.1
Required % Reduction	25.0%

3.4.2 A38

Metric	Value (Concentration as µg/m ³)
Worst-Case Relevant Exposure NO ₂ Concentration	52.5
Equivalent NO _x Concentration	108.5
Background NO _x	22.8
Background NO ₂	16.3
Road NO _x - Current	85.7
Road NO _x – Required (to achieve NO ₂ concentration of 39.9µg/m ³)	51.1
Required Road NO _x Reduction	34.5
Required % Reduction	40.3%

3.5 Key Priorities

Based on the above information, the proposed AQAP measures should be divided into five targeted categories, although there is often considerable overlap between some of the categories:

- Transport measures – provision of additional transport infrastructure, changes to road layout or operation, formulation of traffic plans, with the aim being to encourage the use of greener modes of transport and/or reduce congestion and associated vehicle emissions;
- Leading by example measures – measures that LDC will implement to encourage wider behavioural changes;
- Education, community and partnership measures – provision of information to increase community awareness to facilitate behavioural change;
- Statutory measures – use of legislation and targeted enforcement to control air pollution; and
- Air quality monitoring – ensure satisfactory air quality monitoring data and evidence base is available to allow effective management of air quality.

Through consultation with the steering group and the Council's EHO, and based on the source apportionment information, three Transport measures have been identified as a strong priority, and for each of these a direct appraisal of the quantitative impact of these intervention scenarios will be undertaken¹⁸. As both the A38 and A5 are Highways England managed roads¹⁹, there is little the Council itself can affect by way of intervention measures. However, these are initiatives that Highways England and the Council can jointly support. Whilst a number of assumptions are made under the appraisal of each scenario, this enables the impact of each policy to be quantified to demonstrate its relative effectiveness in advance of implementation. The three priority measures and scenarios that will be assessed in this way are;

- Implementation of the EcoStars Project;
- Alteration to traffic flows based on increased use of the M6 Toll Road; and
- Upgrade of A-Roads to Expressway status

The above scenarios will account for quantifying the individual effects associated with each of the intervention measures in isolation. A detailed description of these priority measures is given in Section 5. The modelling of any additive, cumulative or

¹⁸ Completed post-consultation and confirmation of engagement with measures

¹⁹ <https://www.gov.uk/government/publications/roads-managed-by-the-highways-agency>

synergistic air quality impacts associated with the various combinations and permutations of multiple AQAP measures are not accounted for.

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4 Development and Implementation of Lichfield DC's AQAP

4.1 Consultation and Stakeholder Engagement

Local authorities are required to consult on their AQAP. To facilitate this process, an Action Planning Steering Group was formed to provide an appropriate forum for developing the AQAP. The composition of the Steering Group was carefully considered to ensure the efficacy of the AQAP.

It is also important for the success of the AQAP to seek involvement from all local stakeholders including local residents, community groups and local businesses in the drawing up of the AQAP, in addition to their active participation in achieving the AQAP measures.

The following is a list of statutory and non-statutory consultees to which the final draft Plan is to be sent:

- Department for Environment, Food and Rural Affairs;
- Highways Agency;
- Staffordshire County Council;
- LDC Councillors and Officers;
- Clinical Commissioning Groups;
- Neighbouring local authorities;
- Local residents within and bordering the AQMA;
- Relevant local businesses, community groups and forums; and
- Other relevant local stakeholders.

All comments from both statutory and non-statutory consultees received on the draft AQAP will be considered and incorporated where appropriate into the final AQAP. It is recommended that the consultation period be no less than 6 weeks in duration to enable consultees the opportunity to contribute to the process. The Plan will be

presented to LDC for endorsement and subsequently placed on the Council's website²⁰.

Following consultation and the formal adoption of the AQAP, the Council is also required to submit annual AQAP progress reports (in the form of summary table within the regular ASR), and also revise the AQAP appropriately when circumstances influence the content and progress of the plan.

4.2 Steering Group

The draft AQAP has been led principally by the EHOs at LDC, with support from the appointed consultants. Other parties have been drawn upon as necessary, including the managers of the EcoStars project²¹ and regional representatives from Highways England. This core group has formed the basis of the project direction.

This will be opened up to wider statutory consultees in due course prior to final publication.

4.3 Keeping the AQAP up to date

The success of this AQAP is dependent upon the on-going assessment and reporting of progress in the implementation of measures, as well as the evidence acquired from on-going evaluation of the impacts of measures. The use of monitoring to show the decline in pollutant concentrations attributed to the implementation of measures is an obvious basis of evidence. However, for some measures, such as the EcoStars project, alternative indicators, such as the number of vehicles and companies registered, should also be used.

The Council will ensure an AQAP Steering Group continues to have regular meetings after the adoption and implementation of measures contained within their AQAP in order that a review of the AQAP and its progress is undertaken. This progress will be reported within the Council's statutory ASR report, which forms the basis of the LAQM reporting requirements since 2016.

Where, in undertaking review, evidence shows that unforeseen barriers to progress have arisen, or measures are no longer suitable, the AQAP should be updated to

²⁰ <https://www.lichfielddc.gov.uk/>

²¹ Specialist Transport Consultants TRL, <http://www.stoke.gov.uk/ccm/content/environment/environmental-health/pollution/air-quality/eco-stars-project.en>

reflect the local authority’s position. The AQAP will be maintained as a “live” strategy. Where necessary, updates to source apportionment will be considered.

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5 AQAP Measures

Table 5.1 shows Lichfield's AQAP measures. It contains:

- a list of the actions that form part of the plan;
- the responsible individual and departments/organisations who will deliver this action;
- estimated cost of implementing each action (overall cost and cost to the local authority);
- expected benefit in terms of pollutant emission and/or concentration reduction;
- the timescale for implementation; and
- how progress will be monitored.

A full summary of each measure is provided below the table, organised by the category of the measure. Please see future ASRs for regular annual updates on implementation of these measures.

Table 5.1 - Air Quality Action Plan Measures

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Measure No.	Measure	EU Category	EU Classification	Lead Authority	Planning Phase	Implementation Phase	Key Performance Indicator	Target Pollution Reduction in the AQMA	Progress to Date	Estimated Completion Date	Comments
1	Ecostars	Vehicle Fleet Efficiency	Fleet efficiency and recognition schemes	Lichfield DC and supporting Third Party	N/a	On-going	Reduction in fuel consumption & emissions	<tdc after quantitative appraisal>	On-going	On-going	http://www.ecostars-uk.com/
2	Increase the volume of through traffic using M6 Toll	Traffic Management	UTC, Congestion management, traffic reduction	Midlands Connect Partnership	Planning	Not yet commenced	Reduction in HGV % in AQMAs	<tdc after quantitative appraisal>	Report outlining proposals by Midlands Connect has been produced	2020	Subject to work undertaken by Midlands Connect Partnership
3	Upgrading Trunk A-Roads to Expressways	Traffic Management	UTC, Congestion management, traffic reduction	Highways England	Stalled	Not yet commenced	Reduction in traffic congestion	<tdc after quantitative appraisal>	Some discussion with Highways England	Unknown	Subject to Highways England engagement – this measure may never happen but it included as Lichfield DC needs to maintain pressure for it to happen
4	Pollution abatement equipment for HGVs	Vehicle Fleet Efficiency	Vehicle Retrofitting programmes	Lichfield DC/OLEV	2017/18	2018-2022	# vehicles retrofitted	Reducing emissions contribution from HGVs	Planning Phase	2022	Consider OLEV or AQ grant application funding
5	Replacing older vehicles	Promoting Low Emission Transport	Company Vehicle Procurement - Prioritising uptake of low emission vehicles	Lichfield DC/OLEV	2017/18	2018-2022	# vehicles replaced (in addition to normal fleet turnover)	Reducing emissions from all council owned vehicles	Planning Phase	On-going	Consider OLEV or AQ grant application funding
6	Travel planning amongst LDC employees	Promoting Travel Alternatives	Workplace Travel Planning	Lichfield DC	2018	2018-2022	Implementing travel plan by end 2018	Reducing emissions from LDC employees	Planning Phase	2019	Requires employee education and engagement

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Planning Phase	Implementation Phase	Key Performance Indicator	Target Pollution Reduction in the AQMA	Progress to Date	Estimated Completion Date	Comments
7	Education Initiatives inc. website information updates	Public Information	Other	Lichfield DC	2018/19	2018-2022	New website information by end 2018	Through public awareness	Planning Phase	2019	
8	Staffordshire Air Quality Forum	Policy Guidance and Development Control	Regional Groups Co-ordinating programmes to develop Area wide Strategies to reduce emissions and improve air quality	County-wide	Completed	On-going	Full LA engagement across the group + Regular Meetings	N/a	On-going	On-going	Partnership to continue indefinitely
9	Use the planning regime to minimise impact of new developments on AQMAs	Policy Guidance and Development Control	Air Quality Planning and Policy Guidance	Lichfield DC / Staffordshire AQ Forum	Ongoing	Ongoing	Supplementary Planning Guidance implemented	Reducing emissions contribution and restricting impact on AQMAs	On-going, discussions around partnership joint guidance to follow	2019	Staffordshire-wide Planning Guidance under development but requires some buy in from other authorities
10	Inspect under the Environmental Permit regime and enforce legislation to reduce combustion processes	Environmental Permits	Introduction/ increase of environment charges through permit systems and economic instruments	Lichfield DC	Completed	On-going	Installations adhering to permits and enforcement/penalties for breaches	By restricting emissions from industrial processes	On-going	Continual	This is standard LDC work in Environmental Protection
11	Air quality monitoring	Public Information	Other	Lichfield DC/Defra	On-going	On-going	# monitoring locations and On-time submittal of ASRs	Through EHO/public awareness	On-going annually	Annual	Possibly liaise with Defra regarding need for additional monitoring and/or AURN funding. Consider continuous monitoring and AQ grant application

5.1 Transport Measures

As discussed in Section 3.3, in the Muckley Corner AQMA 41.8% of NO₂ concentrations are contributed by road traffic, and in the A38 AQMA the figures are even higher at 56.7%. Therefore, pollution concentrations in both the AQMAs can be tackled by reducing traffic volumes, smoothing the flow of traffic (to reduce the stop-start acceleration cycle), removing the most polluting vehicles and modal shift towards vehicles with cleaner technologies. The following measures have therefore been considered for inclusion in the finalised AQAP:

5.1.1 EcoStars Project

ECO Stars (Efficient and Cleaner Operations) Fleet Recognition Scheme encourages and helps operators of HGVs, buses, coaches, vans and taxis to run fleets in the most efficient and sustainable way.

The scheme provides recognition for best operational practices, and guidance for making improvements. The ultimate aim is to reduce fuel consumption which naturally leads to fewer vehicle emissions and has the added benefit of saving money.

Members are awarded an ECO Star rating when they first join - ranging from 1 Star to 5 Stars - based on an assessment of their current operational and environmental performance. One of the ECO Stars team (all industry experts with years of transport experience) rates each individual vehicle and how the fleet is run as a whole.

The ECO Stars assessment is based on six key pillars which make up fleet operational efficiency:

- Fleet composition;
- Fuel management;
- Driver skills development;
- Vehicle specification and preventative maintenance;
- IT support systems; and
- Performance, monitoring and management.

Lichfield joined the scheme in 2015 as part of the eight Boroughs of Staffordshire and Stoke working in partnership with fleets to improve air quality in the Staffordshire

area and uptake has been excellent, with 32 entities becoming members²². A majority of these achieved a 4 star rating, so whilst standards are already high in the District there is significant scope for improvement.

The impacts of the project on air quality are to be quantified using uptake data from the scheme, and applying some modifications to the default fleet assumptions within the calculations of vehicle emissions along the route. Whilst there are some assumptions inherent in the estimates, which will be detailed in Appendix C, it is considered that the impacts of upgrading the members of the scheme will be demonstrably positive.

This measure is in direct support of LTP3 Policy 5.1: promoting alternatives to private motor vehicles and Policy 5.2: Promote the use of low-emitting vehicles and vehicle efficiency, as well as Core Policy 5: Sustainable Transport, of the Lichfield Local Plan Strategy.

5.1.2 Alteration to traffic flows based on increased use of M6 Toll;

The source apportionment exercise highlights a disproportionate contribution from HGVs (20.2% of overall NO₂ across all modelled locations in the Muckley Corner area) across both locations, although particularly in the Muckley Corner AQMA. It is considered that a contributory factor to this has been the cost of using the M6 Toll road, with freight operators sending their vehicles on alternative routes, such as the A5, rather than the new motorway due to high fees. With the M6 Toll operators not currently considering a change in pricing, however, it is the proposals from the Midlands Connect Partnership which are considered a more likely route to increasing traffic levels moving to the M6 Toll.

The possible benefits are to be demonstrated by reducing the percentage of HGVs operating in both the Muckley Corner and A38 areas, the details of which will be specified in Appendix C.

This measure is in direct support of LTP3 Policy 5.1: promoting alternatives to private motor vehicles and Policy 5.2: Promote the use of low-emitting vehicles and vehicle efficiency, as well as Core Policy 5: Sustainable Transport, of the Lichfield Local Plan Strategy.

²² Figures as of February 2016

5.1.3 Upgrade of A-Roads to Expressway status

There had previously been plans for Highways England to upgrade key A-roads into “Expressways” – a new classification between an A-road and a Motorway.

The fundamental principal is to get traffic flowing more freely. To do this, junctions are modernised, with roundabouts and traffic lights removed and emergency refuge and maintenance areas provided. In addition, advanced technology can be used to detect and help clear incidents more quickly and get traffic moving.

On inception, 18 major routes were initially set to become Expressways, with a further seven projects being considered. Although elements of the Expressways are inspired by work which is already completed (e.g. the technology provision which has been rolled out on the motorway network), fitting these into the existing trunk road network is laborious and complex. There are many aspects of the concept which need to be progressed with funding before Expressways will be brought forward.

That said, whilst neither of the sections of the A38 nor the A5 relevant to the Council’s AQMAs are currently targeted for this upgrade (to the Council’s current knowledge), it is considered that this would be of major benefit to the AQMA areas, especially Muckley Corner where congestion is consistently formed around the roundabout. The Council will engage with Highways England to try to ensure these routes are targeted for upgrade in the future. Whilst the decision to upgrade roads to Expressways is outside of the Council’s control, it is considered important that pressure is maintained via discussions with Highways England and Midland Connects.

As such, the potential impacts of an upgrade to Expressway status will be modelled in both areas, by making improvements to the dimension of junctions and the speed at which they are approached within the models. This has the effect of reducing overall emissions, despite the absolute vehicle numbers remaining constant.

This is in direct support of LTP3 Policy 5.1: promoting alternatives to private motor vehicles and Policy 5.2: Promote the use of low-emitting vehicles and vehicle efficiency, as well as Core Policy 5: Sustainable Transport, of the Lichfield Local Plan Strategy.

5.2 Leading by Example Measures

To minimise and control air pollution from the fleet, LDC gives a commitment to the following, in line with LTP3 Policy 5.3: Leading by example to reduce Staffordshire Road Transport Emissions:

5.2.1 Fit pollution abatement equipment if necessary to older Heavy-Goods Vehicles and Buses to help minimise pollution

Retrofitting of old Council owned HGVs and Buses with pollution abatement equipment will be considered by the Council where technically and financially feasible.

5.2.2 Establish and implement a rolling programme for replacing older more polluting vehicles with newer cleaner vehicles

Where this is not possible, the Council will look to replacing old vehicles within the fleet with more modern cleaner vehicles, which comply with the prevailing EURO standard. This will be extended to all Council owned vehicles.

5.2.3 Investigate options for better travel planning amongst Lichfield District Council employees

This measure would aim at reducing vehicle pollution from staff travelling to and from work. Additional benefits involve cost savings and a healthier workforce, although it is acknowledged that this can be challenging due to factors such as reluctance to give up car, the lack of cycling facilities and safety concerns, which need to be overcome.

Proposed options include the following:

- Develop a workplace travel plan for LDC;
- Undertake staff travel surveys to establish current travel patterns to and from Council premises;
- Establish car-sharing practices by implementing a car-sharing database;
- Encourage use of public transport among staff;
- Encourage walking and cycling among staff (such as by providing improved cycle security storage as completed in June 2018);
- Video conferencing; and

- Flexible working practices such as remote working enabled by remote IT access.

This plan would be of greatest benefit if targeting employees who use routes going through the AQMAs to get to work or as part of their duties, so it may be prudent to undertake a survey prior to implementation to avoid unnecessary effort.

5.3 Education, Community and Partnership Measures

To ensure that members of the public have access to information about air pollution and can make informed choices, LDC gives a commitment to:

5.3.1 Implement initiatives to educate communities on air pollution issues and ways to minimise impacts on air quality

LDC will consider the development of our website as a resource for air quality documents and as a means of making Air Quality a more accessible and relevant issue to local residents.

This will also involve uploading the Council's statutory reports to the website as soon as they are approved by Defra, so that the latest information is always available.

Other educational materials will also be considered for their efficacy.

5.3.2 Staffordshire Air Quality Forum

The Council is part of the regional group formed of the 8 local authorities, co-ordinating programmes to develop area wide strategies to reduce emissions and improve air quality. This has the benefit of building complementary strategies and measures that have external as well as local benefits. Under the partnership, such projects as Ecostars have become viable. We commit to continuing this partnership and maintaining an active engagement with the Forum.

5.4 Statutory Measures

To ensure that air pollution is controlled by legislation and targeted enforcement, LDC will continue to:

5.4.1 Use the planning regime to minimise impact of new developments on AQMAs

The Council will ensure the effective use of planning conditions and obligations to help mitigate the transport and air quality impacts of development. Section 106 agreements and Community Infrastructure Levy (CIL) charges can be used to improve air quality and make other environmental improvements, or offset the air quality impacts of a proposed development, and have been effective elsewhere in aiding with the implementation of AQAP measures and providing investment for air quality monitoring activities.

As part of any new schemes that are likely to influence traffic flows through either AQMA, conditions of planning permission should include provision for workplace, residential and personalised travel plans. All new residents should be made aware of the travel plan through the property information pack received with new properties. Public transport (e.g. bus) travel vouchers can be offered as part of these packs, if viable.

The Council, through the Staffordshire AQ Forum, will put together Supplementary Guidance for consultants and planners preparing air quality assessments for applications in the area, so as to be consistent in the methodology and the appraisal of such reports. This should serve to benefit the quality of information coming in as part of the application, and therefore enable Officers to make better and more informed decisions relating to air quality impacts.

5.4.2 Inspect industrial premises under the Environmental Permit regulatory regime and enforce relevant legislation to reduce burning of commercial and domestic waste

The Council continues to use its powers to control industrial premises and ensure they comply with the relevant regulations. It also enforces relevant legislation to reduce burning of commercial and domestic waste. This should be particularly pertinent in areas within, or close to, the two AQMAs, with the most stringent measures possible employed in areas that Officers deem to have an impact on the AQMAs.

5.5 Air Quality Monitoring

To ensure that there is adequate air pollution monitoring data with which to manage air quality within the AQMA, LDC reinforces its obligation to provide:

5.5.1 Accurate, precise and extensive air quality monitoring

The Council will continue monitoring pollutants relevant to LAQM, with particular reference to NO₂. This will enable future decision making to be made against the best possible evidence base. This should be targeted and focussed around the AQMAs, but that should not be to the detriment of other areas (e.g. town centres) so as to ensure other hot-spot areas are not overlooked.

The Council will consider installing continuous monitoring, within both AQMAs if possible. All funding sources should be explored, but Air Quality Grant application should be considered.

Monitoring data are to be compliant with best practice guidance on Quality Assurance / Quality Control (QA/QC), available in LAQM.TG(16)¹⁶. Comprehensive information in relation to QA/QC is provided every year in statutory air quality reports.

We will make the monitoring information freely available to the public in an easily understood form, through the annual statutory report.

5.6 Measures not pursued

A range of other measures are available and have been employed in other areas to combat against pollution within AQMAs, but which are not considered viable for implementation to our two AQMAs. These are summarised in Appendix B and include, but are not limited to, the following:

5.6.1 Bus Park and Ride

This measure was deemed most effective for AQMAs within town centres/visitors to a location, which is not necessarily the case with either of Lichfield's AQMAs. User uptake would be minimal, and thus not worth the investment.

5.6.2 Introduction of Low Speed Restrictions

Imposing a 20mph speed limit on the roads within and surrounding the AQMAs would have a dual effect; it would likely lead to increases in pollutant concentrations in areas where traffic is currently free flowing at speeds averaging greater than 20mph, but would likely decrease concentrations in areas where there is currently congestion and average speeds are lower than 20mph. This is due to the lower speed limits

'smoothing' traffic flows and thereby reducing the degree of acceleration, which is when emissions are highest. However, this would not be feasible in either AQMA as they are A-Roads, and would only serve to increase congestion and thus emissions.

5.6.3 Parking Strategies

Parking is not the principal issue in either AQMA as they are major through roads with limited parking and no multi-storey complexes. Managing a parking strategy for the areas would therefore have little effect.

5.6.4 Carry out regular emissions testing of vehicle fleet to ensure that all vehicles comply with the law

This is considered to be too costly relative to its actual impact on air quality, which would be minimal at best.

5.6.5 Compulsory Purchase

Compulsory purchase of properties located within the AQMAs is not considered to be feasible from both cost and practicality perspectives, and in any case would not address the underlying air pollution problem.

5.6.6 Road Closures

No practicable road closures that would benefit air quality are currently identified. All AQMA roads carry significant volumes of traffic and no practicable alternative roads are identified that would benefit air quality. Closure of these routes would only move the problem elsewhere.

5.6.7 Low Emission Zone/Clean Air Zone

The Council is aware of the Government's policy in dealing with non-compliant areas of poor air quality, which is the imposition of Clean Air Zones²³ (similar to Low Emission Zones). Such statutory measures are to be imposed with central government assistance and are considered impracticable and not proportional to the air quality issues within LDC. The enforcement of these zones would require the installation of costly Automatic Number Plate Recognition (ANPR) cameras which in themselves would do nothing to reduce air pollution. The Council considers therefore

²³ <https://www.gov.uk/government/collections/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2015>

that its limited resources are better appropriated to other projects which will have direct impacts on vehicular emissions.

5.6.8 Provide public with 'real time' travel and air quality information

Real time passenger information (RTPI) systems can assist by making greener alternative modes of transport as attractive as possible and increase rates of uptake. Bus stops, new developments in public spaces and new residential schemes are areas where such schemes can be targeted. Coupled with 'real-time' information on local air quality, this will enable commuters to make informed choices about their transport options. This would require infrastructure investment, so engagement from County Council would also be required.

It is considered that such systems will do nothing to address air quality in both AQMAs, given that they are through routes and not city centre locations.

Appendix A: Response to Consultation

Table A.1 – Summary of Responses to Consultation and Stakeholder Engagement on the AQAP

Consultee	Category	Response
e.g. Chamber of Commerce	Business	E.g. Disagree with plan to remove parking on High Street in favour of buses and cycles; consider it will harm business of members.

<To be completed post-consultation>

Appendix B: Reasons for Not Pursuing Action Plan Measures

Table B.1 – Action Plan Measures Not Pursued and the Reasons for that Decision

Action category	Action description	Reason action is not being pursued (including Stakeholder views)
Bus Park and Ride	Installing parking areas outside of AQMAs and transporting people through AQMAs using public service vehicles	As per section 5.6.1.
Introduction of Low Speed Restrictions	Imposing a speed limit of 10, 20 or 30mph	As per section 5.6.2
Parking Strategies	Reviewing parking in AQMAs	As per section 5.6.3
Carry out regular emissions testing of vehicle fleet to ensure that all vehicles comply with the law	Bespoke emissions testing for Council vehicles	As per section 5.6.4
Compulsory Purchase	Purchase by the Council of properties in AQMAs	As per section 5.6.5
Road Closures	Closing afflicted roads	As per section 5.6.6
Low Emission Zone/Clean Air Zone	Implementing zones or corridors where certain vehicles cannot enter based on their emissions rating	As per section 5.6.7

Appendix C: Quantitative Appraisal of Measures

<This section will include details of the quantitative appraisal of the 3 key measures once agreed with the Council and applied>

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Appendix D: ADMS and Model Verification

The ADMS-Roads dispersion model has been widely validated for this type of assessment, and as such is regularly used for LAQM purposes by a large number of local authorities.

Dispersion modelling requires a number of inputs including traffic and meteorological data. For the Muckley Corner source apportionment, it was necessary to set up a new base model, the inputs to which are summarised below.

The ADMS-Roads assessment incorporates numbers of road traffic vehicles as AADT (Annual Average Daily Traffic flows), vehicle speeds on the local roads and the composition of the traffic fleet. The traffic data for this assessment has been collated from Department for Transport (DfT), Traffic Counts web resource¹⁴ and is outlined in Figure D.1. Traffic speed data has been derived from the speed limit on free flowing links. Where appropriate, the speeds have been reduced to simulate queues at junctions and traffic lights.

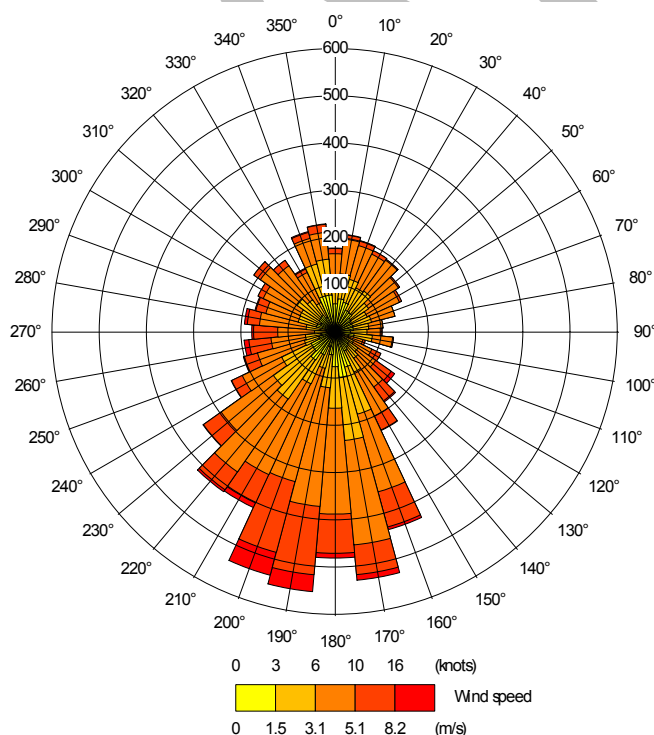
Figure D.1 - Traffic Data used in Source Apportionment of Muckley Corner

Link ID	AADT	% Car	% LGV	% Rigid HGV	% Artic HGV	% Bus and Coach	% Motorcycle	Speed (kph)
A5_East_EB	16789	68.0	17.5	5.3	8.5	0.3	0.4	90
A5_East_EB_J1	16789	68.0	17.5	5.3	8.5	0.3	0.4	20
A5_East_EB_J2	16789	68.0	17.5	5.3	8.5	0.3	0.4	50
A5_East_WB	16789	68.0	17.5	5.3	8.5	0.3	0.4	90
A5_East_WB_J1	16789	68.0	17.5	5.3	8.5	0.3	0.4	20
A5_East_WB_J2	16789	68.0	17.5	5.3	8.5	0.3	0.4	50
A5_West_1	27312	68.4	19.2	4.3	7.0	0.4	0.7	90
A5_West_2	27312	68.4	19.2	4.3	7.0	0.4	0.7	90
A5_West_EB	13656	68.4	19.2	4.3	7.0	0.4	0.7	90
A5_West_EB_J1	13656	68.4	19.2	4.3	7.0	0.4	0.7	20
A5_West_J2	27312	68.4	19.2	4.3	7.0	0.4	0.7	50
A5_West_WB	13656	68.4	19.2	4.3	7.0	0.4	0.7	90
A5_West_WB_J1	13656	68.4	19.2	4.3	7.0	0.4	0.7	20
Lichfield_Rd_NB	7895	71.8	17.8	5.3	4.1	0.4	0.5	90
Lichfield_Rd_NB_J1	7895	71.8	17.8	5.3	4.1	0.4	0.5	20
Lichfield_Rd_NB_J2	7895	71.8	17.8	5.3	4.1	0.4	0.5	50
Lichfield_Rd_SB	7895	71.8	17.8	5.3	4.1	0.4	0.5	90
Lichfield_Rd_SB_J1	7895	71.8	17.8	5.3	4.1	0.4	0.5	20
Lichfield_Rd_SB_J2	7895	71.8	17.8	5.3	4.1	0.4	0.5	50
R1	24684	68.0	17.5	5.3	8.5	0.3	0.4	20
R2	21551	68.4	19.2	4.3	7.0	0.4	0.7	20

R3	21625	68.4	19.2	4.3	7.0	0.4	0.7	20
R4	24758	68.0	17.5	5.3	8.5	0.3	0.4	20
Wallsall_Rd	7969	81.4	13.9	2.2	1.2	0.6	0.7	80
Wallsall_Rd_J1	7969	81.4	13.9	2.2	1.2	0.6	0.7	20
Wallsall_Rd_J2	7969	81.4	13.9	2.2	1.2	0.6	0.7	50

Meteorological data from a representative station is required by the dispersion model. 2014 meteorological data from Coleshill weather station has been used in this assessment. A wind rose for this site is shown in Figure D.2. LAQM.TG(16)¹⁶ recommends that meteorological data should only be used if the percentage of usable hours is greater than 75%, and preferably 90%. 2014 meteorological data from Coleshill includes 8,665 lines of usable hourly data out of the total 8,760 for the year, i.e. 98.9% usable data. This is therefore suitable for the dispersion modelling exercise.

Figure D.2 - Coleshill Met Data 2014 Wind Rose



Defra maintains a nationwide model of existing and future background air pollutant concentrations at a 1km grid square resolution. The data sets utilised for this AQAP include annual average concentration estimates for NO_x and NO₂, using a base year of 2011. The model used is semi-empirical in nature; it uses the National Atmospheric Emissions Inventory (NAEI) emissions to model concentrations of

pollutants at the centroid of each 1km grid square, then calibrates these concentrations with actual monitoring data from the AURN (UK Automatic Urban and Rural Network). These have been used for consistency with the conclusions of the Detailed Assessment⁶ of the A38 AQMA.

Annual mean background concentrations have been obtained from the Defra published background maps²⁴, based on the 1km grid squares which cover the modelled area and the affected road network.

The background concentrations applied to the Muckley Corner AQMA Source Apportionment are as follows:

Figure D.3 - Background Concentrations applied to Muckley Corner AQMA Source Apportionment

Grid Square (E,N)	2014 Unadjusted Annual Mean Concentration (µg/m ³)	
	NO _x	NO ₂
408500, 306500	26.2	18.5
409500, 306500	26.5	18.7
408500, 307500	21.3	15.3
407500, 306500	26.0	18.3
AQS objective	-	40

For equivalent information pertaining to the A38 modelled domain, please consult the Detailed Assessment, the data for which is employed in the Source Apportionment exercise in this AQAP.

Verification of Modelling

Model validation undertaken by the software developer (CERC) will not have included validation in the vicinity of the proposed development site. It is therefore necessary to perform a comparison of modelled results with local monitoring data at relevant locations. This process of verification attempts to minimise modelling uncertainty and systematic error by correcting modelled results by an adjustment factor to gain greater confidence in the final results.

The predicted results from a dispersion model may differ from measured concentrations for a large number of reasons, including uncertainties associated with:

²⁴ Defra Background Maps (2016). <http://laqm.defra.gov.uk/review-and-assessment/tools/background-maps.html>

- Background concentration estimates;
- Source activity data such as traffic flows and emissions factors;
- Local weather conditions;
- Monitoring data, including locations; and
- Overall model limitations.

Model verification is the process by which these uncertainties are investigated and where possible minimised. In reality, the differences between modelled and monitored results are likely to be a combination of all of these aspects.

Model setup parameters and input data were checked prior to running the model in order to reduce these uncertainties. The following were checked to the extent possible to ensure accuracy:

- Traffic data;
- Distance between sources and monitoring as represented in the model;
- Speed estimates on roads;
- Background concentrations; and
- Local air quality monitoring data.

Verification was required only for the Muckley Corner area, as this was a new model domain. For verification of the A38 area, see the associated Detailed Assessment⁶.

LDC undertakes passive diffusion tube monitoring at 10 locations located along roads within the Muckley Corner modelled area, which have therefore been considered for the purpose of model verification.

The full details of these monitoring sites are presented in the Council's ASRs.

Verification Calculations

The verification of the modelling output was performed in accordance with the methodology provided in Chapter 7 of LAQM.TG(16)¹⁶.

For the verification and adjustment of NO_x/NO₂, the LAQM diffusion tube monitoring data was used as in the 2015 USA. Data capture for 2014 was good, and was above 90% for all sites. Table D.1 below shows an initial comparison of the monitored and

unverified modelled NO₂ results for the year 2014, in order to determine if an adjustment was required.

Table D.1 - Comparison of Unverified Modelled and Monitored NO₂ Concentrations

Site ID	Background NO ₂ (µg/m ³)	Monitored total NO ₂ (µg/m ³)	Unverified Modelled total NO ₂ (µg/m ³)	% Difference (modelled vs. monitored)
DT1 A5 - 1	18.3	34.3	29.3	-14.7
DT2 A5 - 1A	18.3	37.2	36.0	-3.2
DT3 A5 - 2A	18.5	32.1	29.4	-8.3
DT4 A5 - 2B	18.5	38.5	31.8	-17.5
DT5 MUC - 1	18.5	41.5	41.6	0.1
DT6 MUC - 2	18.5	37.6	36.8	-2.1
DT7 MUC - 3	18.5	54.6	46.4	-15.1
DT8 MUC - 4	18.5	42.1	41.5	-1.4
DT9 MUC - 5	18.5	47.2	39.2	-17.1
DT10 MUC - 6	18.5	38.0	31.7	-16.7
DT11 MUC - 1ABC	18.5	46.8	31.0	-33.7

In **bold**, exceedence of the NO₂ annual mean AQS objective of 40µg/m³

The model was under predicting in most cases, and no further improvement of the modelled results could be obtained on this occasion. At one of the sites, the difference between modelled and monitored concentrations was greater than or close to 25%, and for five of the sites it was outside the desirable range of ±10%, meaning adjustment of the results was necessary, as per LAQM.TG(16)¹⁶ guidance. The relevant data was then gathered to allow the adjustment factor to be calculated.

Model adjustment needs to be undertaken based on NO_x and not NO₂. For the diffusion tube monitoring results used in the calculation of the model adjustment, NO_x was derived from NO₂; using NO_x/NO₂ calculator tool¹⁷.

Table D.2 provides the relevant data required to calculate a model adjustment factor, based on regression of the modelled and monitored road source contribution to NO_x.

Table D.2 - Data Required for Adjustment Factor Calculation

Site ID	Monitored total NO ₂ (µg/m ³)	Monitored total NO _x (µg/m ³)	Background NO ₂ (µg/m ³)	Background NO _x (µg/m ³)	Monitored road contribution NO ₂ (total - background) (µg/m ³)	Monitored road contribution NO _x (total - background) (µg/m ³)	Modelled road contribution NO _x (excludes background) (µg/m ³)
DT1 A5 - 1	34.3	59.6	18.3	26.0	16.0	33.6	22.3
DT2 A5 - 1A	37.2	66.4	18.3	26.0	18.9	40.4	37.6
DT3 A5 - 2A	32.1	54.4	18.5	26.2	13.6	28.3	22.4
DT4 A5 - 2B	38.5	69.3	18.5	26.2	20.0	43.2	27.6
DT5 MUC - 1	41.5	76.8	18.5	26.2	23.0	50.6	50.7

Site ID	Monitored total NO ₂ (µg/m ³)	Monitored total NO _x (µg/m ³)	Background NO ₂ (µg/m ³)	Background NO _x (µg/m ³)	Monitored road contribution NO ₂ (total - background) (µg/m ³)	Monitored road contribution NO _x (total - background) (µg/m ³)	Modelled road contribution NO _x (excludes background) (µg/m ³)
DT6 MUC - 2	37.6	67.2	18.5	26.2	19.1	41.0	39.1
DT7 MUC - 3	54.6	112.6	18.5	26.2	36.1	86.5	63.2
DT8 MUC - 4	42.1	78.3	18.5	26.2	23.6	52.1	50.6
DT9 MUC - 5	47.2	91.6	18.5	26.2	28.7	65.5	44.7
DT10 MUC - 6	38.0	68.1	18.5	26.2	19.5	42.0	27.2
DT11 MUC - 1ABC	46.8	90.6	18.5	26.2	28.3	64.4	25.9

Figure D.4 provides a comparison of the Modelled Road Contribution NO_x versus Monitored Road Contribution NO_x, and the equation of the trend line based on linear regression through zero. The equation of the trend lines presented in Figure D.4 gives an adjustment factor for the modelled results of 1.28.

Figure D.4 - Comparison of the Modelled Road Contribution NO_x versus Monitored Road Contribution NO_x

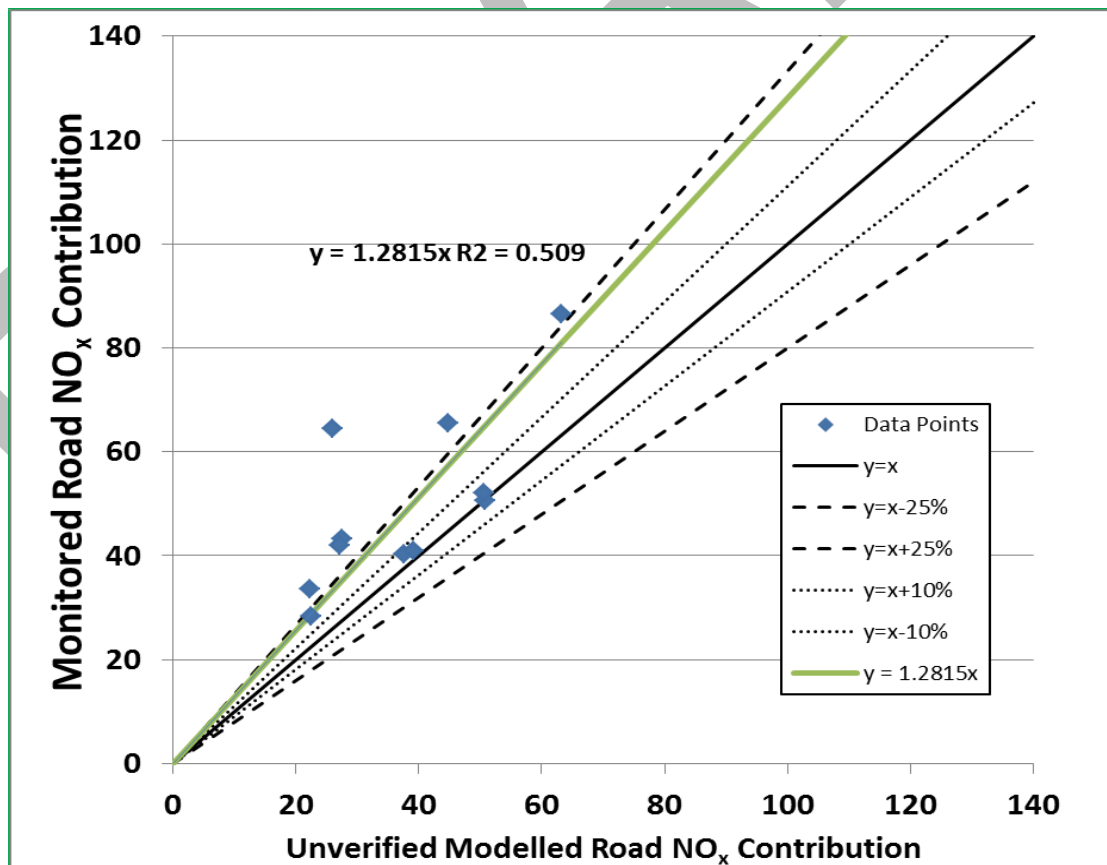


Table D.3 shows the ratios between monitored and modelled NO₂ for each monitoring location based on the above adjustment factor. There is some variation demonstrated, and using a factor of 1.28 to adjust all modelled results would lead to an under prediction of concentrations at one of these monitoring locations by up 26.8%. In order to provide more confidence in the model predictions, the majority of results should be within 25%, ideally within 10%, of the monitored, and consequently 1.28 is not a suitable verification factor.

Table D.3 - Adjustment Factor and Comparison of Verified Results against Monitoring Results

Site ID	Ratio of monitored road contribution NO _x / modelled road contribution NO _x	Adjustment factor for modelled road contribution NO _x	Adjusted modelled road contribution NO _x (µg/m ³)	Adjusted modelled total NO _x (including background NO _x) (µg/m ³)	Modelled total NO ₂ (based upon empirical NO _x / NO ₂ relationship) (µg/m ³)	Monitored total NO ₂ (µg/m ³)	% Difference (adjusted modelled NO ₂ vs. monitored NO ₂)
DT1 A5 - 1	1.51	1.281	28.6	54.6	32.1	34.3	-6.4
DT2 A5 - 1A	1.07		48.1	74.1	40.4	37.2	8.6
DT3 A5 - 2A	1.26		28.7	54.9	32.3	32.1	0.6
DT4 A5 - 2B	1.57		35.3	61.5	35.2	38.5	-8.6
DT5 MUC - 1	1.00		65.0	91.2	47.0	41.5	13.3
DT6 MUC - 2	1.05		50.2	76.3	41.3	37.6	9.9
DT7 MUC - 3	1.37		81.0	107.1	52.7	54.6	-3.4
DT8 MUC - 4	1.03		64.8	91.0	47.0	42.1	11.6
DT9 MUC - 5	1.46		57.3	83.5	44.1	47.2	-6.5
DT10 MUC - 6	1.54		34.9	61.1	35.0	38.0	-7.8
DT11 MUC - 1ABC	2.49		33.2	59.4	34.3	46.8	-26.8

DT11 MUC - 1ABC was taken out of the verification process due to the fact it is located at the same X,Y location as DT5 MUC – 1, at an increased height, but at higher concentration. This is inverse to the relationship expected, and therefore raises concern about the monitored concentration. Comparison with the other verification locations identified this site as the outlier. Removing this results in a decrease of the model verification factor and increased alignment between monitored and modelled values as shown in Table D.4 and Figure D. 6. The equation of this

new trend line presented gives an increased adjustment factor for the modelled results of 1.23, as shown in Figure D. 5.

Table D.4 - Adjustment Factor and Comparison of Verified Results against Monitoring Results after Removal of Verification Point

Site ID	Ratio of monitored road contribution NO _x / modelled road contribution NO _x	Adjustment factor for modelled road contribution NO _x	Adjusted modelled road contribution NO _x (µg/m ³)	Adjusted modelled total NO _x (including background NO _x) (µg/m ³)	Modelled total NO ₂ (based upon empirical NO _x / NO ₂ relationship) (µg/m ³)	Monitored total NO ₂ (µg/m ³)	% Difference (adjusted modelled NO ₂ vs. monitored NO ₂)
DT1 A5 - 1	1.5	1.233	27.5	53.5	31.6	34.3	-7.8
DT2 A5 - 1A	1.1		46.3	72.3	39.7	37.2	6.6
DT3 A5 - 2A	1.3		27.6	53.8	31.8	32.1	-0.9
DT4 A5 - 2B	1.6		34.0	60.1	34.6	38.5	-10.1
DT5 MUC - 1	1.0		62.5	88.7	46.1	41.5	11.1
DT6 MUC - 2	1.0		48.3	74.4	40.6	37.6	7.9
DT7 MUC - 3	1.4		77.9	104.1	51.7	54.6	-5.4
DT8 MUC - 4	1.0		62.4	88.6	46.1	42.1	9.4
DT9 MUC - 5	1.5		55.2	81.3	43.3	47.2	-8.3
DT10 MUC - 6	1.5		33.6	59.8	34.5	38.0	-9.3

Figure D. 5 - Second Comparison of the Modelled Road Contribution NO_x versus Monitored Road Contribution NO_x

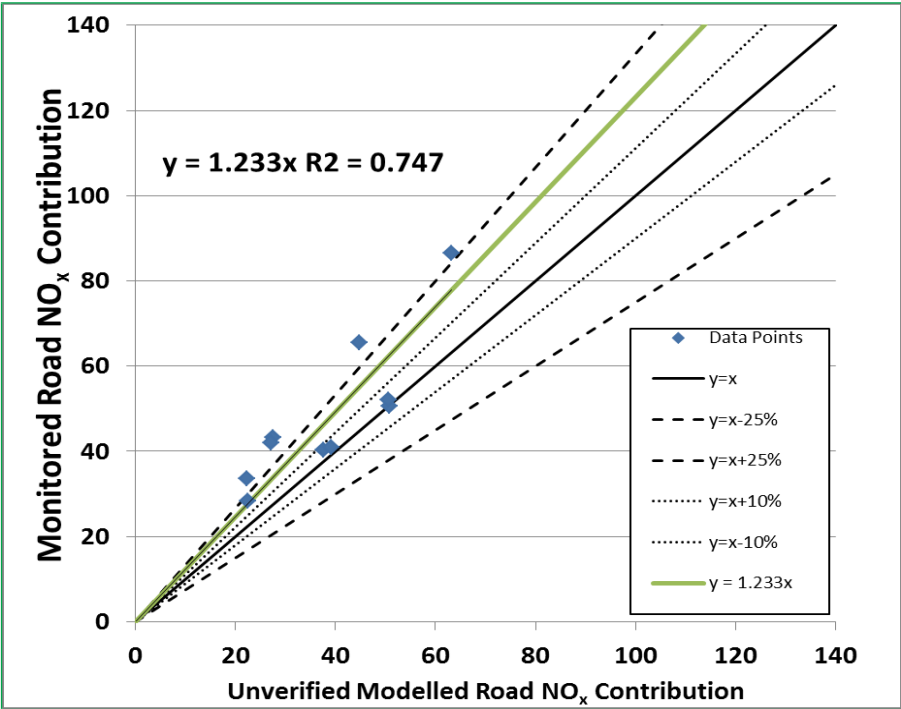
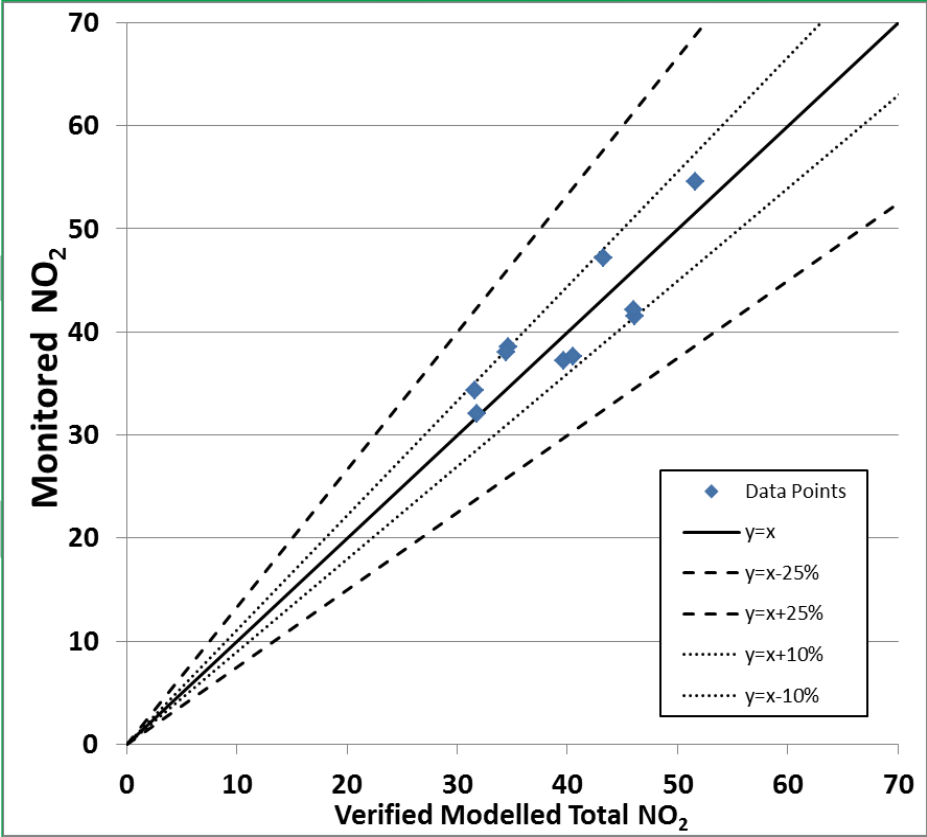


Figure D. 6 - Final Comparison of the Modelled NO₂ versus Monitored NO₂



The adjustment factor of 1.23 was applied to the road-NO_x concentrations predicted by the model in the Muckley Corner area before using the NO_x/NO₂ calculator tool to

estimate total NO₂ concentrations. All sites show an acceptable agreement between the monitored and modelled NO₂, with modelled concentrations mostly within ±10% of the measured concentrations, with only two locations marginally outside. A factor of 1.23 also reduces the Root Mean Square Error (RMSE) from a value of 5.0 to 3.3.

All NO_x and NO₂ results presented and discussed herein for the Muckley Corner area are those calculated following the process of model verification using an adjustment factor of 1.23.

All NO_x and NO₂ results presented and discussed herein for the A38 area are those calculated following the same process of model verification using an adjustment factor of 1.40. For full details, consult the associated Detailed Assessment⁶.

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Glossary of Terms

Abbreviation	Description
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AADT	AADT Annual Average Daily Traffic flows
ADMS	Atmospheric Dispersion Modelling System
AONB	Areas of Outstanding Natural Beauty
AQAP	Air Quality Action Plan - A detailed description of measures, outcomes, achievement dates and implementation methods, showing how the local authority intends to achieve air quality limit values'
AQMA	Air Quality Management Area – An area where air pollutant concentrations exceed / are likely to exceed the relevant air quality objectives. AQMAs are declared for specific pollutants and objectives
AQS	Air Quality Strategy
ASR	Air quality Annual Status Report
AURN	Automatic Urban and Rural Network
CERC	Cambridge Environmental Research Consultants
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
EU	European Union
FCC	Freight Consolidation Centre
FQP	Freight Quality Partnership
HGV	Heavy Goods Vehicle
ITS	Intelligent Transport Systems
LAQM	Local Air Quality Management
LDC	Lichfield District Council
LGV	Light Goods Vehicle
LTP	Local Transport Plan
NAEI	National Atmospheric Emissions Inventory
NO ₂	Nitrogen Dioxide
NO _x	Nitrogen Oxides
PM _{2.5}	Airborne particulate matter with an aerodynamic diameter of 2.5µm (micrometres or microns) or less
PM ₁₀	Airborne particulate matter with an aerodynamic diameter of 10µm (micrometres or microns) or less
PTP	Personalised Travel Planning

QBP	Quality Bus Partnership
RMSE	Root Mean Square Error
RTPI	Real Time Passenger Information
SAC	Special Areas of Conservation
SAQF	Staffordshire Air Quality Forum
SCC	Staffordshire County Council
UTMC	Urban Traffic Management and Control
µg/m ³	Micrograms per cubic metre

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