BIRMINGHAM CITY COUNCIL

JOINT CABINET MEMBER AND CHIEF OFFICER

THURSDAY, 04 APRIL 2019 AT 00:00 HOURS IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB

AGENDA

1 CLEAN AIR ZONE GRANT ACCEPTANCE

<u>3 - 30</u>

Item Description

Item 1

Birmingham City Council

Report to the Cabinet Member for Transport & Environment, Jointly with the Chief Finance Officer and Director Inclusive Growth



Date: 28th March 2019

| Subject: | Clean Air Zone: Grant Acceptance |
|-----------------------------|--|
| Report of: | Assistant Director Transport & Connectivity |
| Relevant Cabinet Member: | Councillor Waseem Zaffar – Transport and Environment |
| Relevant O &S Chair(s): | Councillor Liz Clements – Sustainability and Transport |
| Report author: | Phil Edwards, Assistant Director Transport & Connectivity Telephone No: 0121 303 6467 |

Email Address: Philip.edwards@birmingham.gov.uk

| Are specific wards affected? | □ Yes | ☑ No – All wards affected |
|---|-----------------|------------------------------|
| If yes, name(s) of ward(s): | | |
| Is this a key decision? | ⊠ Yes | □ No |
| If relevant, add Forward Plan Reference: | | |
| Is the decision eligible for call-in? | \boxtimes Yes | □ No |
| Does the report contain confidential or exempt information? | □ Yes | ⊠ No |
| If relevant, provide exempt information paragraph number or | reason if cor | nfidential : |

1 Executive Summary

1.1 On 11th December 2018 Cabinet approved the submission of a Full Business Case (FBC) to Government for the implementation of a Clean Air Zone (CAZ) in the city, which included a bid for £50.861m from the Clean Air Fund (CAF) and £17.845m from the Implementation Fund (CIF). Further to a detailed analysis of the bid by the Joint Air Quality Unit (JAQU) of Government and the updating of civil engineering works estimates by the Council, a final award of £37.958m CAF and £14.214m CIF was announced by the Parliamentary Under-Secretary of State for

Environment on 13th March 2019. This report seeks authority to accept these grant resources in accordance with the recommendations contained within the 11th December 2018 Cabinet report and notes that the final detail of the Council's CAZ will be reported to Cabinet in June 2019 in respect of the CAZ Charging Order.

2 Recommendations

- 2.1 Approves the acceptance of £37.958m (Clean Air Fund) and £14.214m (Implementation Fund) grant from the Joint Air Quality Unit to fund the implementation and administration of the Council's Clean Air Zone.
- 2.2 Notes that the final detail of the Council's Clean Air Zone and the required Clean Air Zone Charging Order will be reported to Cabinet in June 2019.
- 2.3 Authorises the City Solicitor to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.

3 Background

- 3.1 On 11th December 2018 Cabinet approved the submission of a Full Business Case (FBC) to Government for the implementation of a Class D Clean Air Zone (CAZ) in the city, which responds to National and European requirements for Birmingham to achieve compliance with the EU Directive on legal Nitrogen Dioxide limits in the shortest possible time. Several reports have been approved by Cabinet in respect of the CAZ as listed in section 9 of this report.
- 3.2 The FBC bid was for £50.861m from the Clean Air Fund (CAF) and £17.845m from the Implementation Fund (CIF), the former funding a range of mitigations and exceptions to offset the social and economic impacts of the CAZ, and the latter the implementation costs. Further to a detailed analysis of the bid by the Joint Air Quality Unit (JAQU) of Government and the updating of civil engineering works estimates by the Council, a final award of £37.958m CAF and £14.214m CIF was announced by the Parliamentary Under-Secretary of State for Environment on 13th March 2019.
- 3.3 Whilst the reduced CIF award reflects refined civil engineering estimates provided by the Council and the non-award of a small amount of funding for air quality monitoring (£0.140m), the reduced CAF award has seen the removal of funding by Government for a number of proposed mitigations to offset the impacts of the CAZ. These comprise: measures to address parking in areas outside of the CAZ (£5.0m); credit for ULEV vans to use the city's charging network (£0.75m); and mobility support for individuals residing outside of the CAZ (£6.5m). Whilst specialist consultants engaged by the Council do not believe that these reductions will impact upon air quality compliance, there are potentially social and economic impacts for residents and businesses. Alternative options in this respect are currently being assessed and will be reported to Cabinet in June 2019 as part of the final CAZ Charging Order.

4 Options considered and Recommended Proposal

- 4.1 The options appraisal for Birmingham's CAZ D plus additional measures has been detailed in previous reports to Cabinet, as listed in section 9 of this report.
- 4.2 Options to potentially offset the impact of grant funding reductions will be presented to Cabinet as appropriate, as financial values would be in excess of delegations to the Cabinet Member for Transport and Environment jointly with the Chief Finance Officer and Director Inclusive Growth.

5 Consultation

5.1 A statutory public consultation was undertaken by the Council between July and August 2018. This was reported to Cabinet in September 2018.

6 Risk Management

6.1 Risks were reported to Cabinet in December 2018. A live risk register is maintained by the Brum Breathes project board in accordance with the Council's project governance procedures and arrangements.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The recommendations of this report are fully consistent with the Council Plan 2018-2022, with clean air a key corporate priority.

7.2 Legal Implications

- 7.2.1 Government issued a Ministerial Direction in December 2017, which required the Council to submit a business case to Government by 15th September 2018 for measures to deliver compliance with legal nitrogen dioxide limits in the shortest possible time.
- 7.2.2 The CAZ will be introduced pursuant to the Transport Act 2000. A Charging Order is currently being drafted and will be submitted to Cabinet for approval in June 2019.
- 7.2.3 The full extent of the legal implications for the Council were detailed in a report to Cabinet in June 2018.

7.3 Financial Implications

7.3.1 This report seeks approval to accept three grant awards from JAQU as follows and as set out in the grant award letters provided as appendices to this report. Clean Air Fund: Revenue £10,237,529.00 Capital £27,720,000.00 Implementation Fund £14,214,722.00. Grant conditions are also set out within the award letters and have been discussed in detail with

Government. They are not considered to be onerous and changes and/or variations can be discussed and agreed with JAQU as required.

7.4 **Procurement Implications (if required)**

7.4.1 Procurement arrangements have previously been agreed by Cabinet.

7.5 Human Resources Implications (if required)

7.5.1 Human resource implications have been previously agreed by Cabinet, with new posts or agency worker requests to be handled by the Council's Review Board in accordance with normal practise.

7.6 Public Sector Equality Duty

7.6.1 An equality assessment has been undertaken previously and reported to Cabinet in December 2018. This will be updated in respect of the report to Cabinet in June 2019 covering the CAZ Charging Order.

8 Appendices

- 8.1 Appendix A Clean Air Fund Capital Award Letter
- 8.2 Appendix B Clean Air Fund Revenue Award Letter
- 8.3 Appendix C Implementation Fund Capital Award Letter

9 Background Documents

- 9.1 Tackling Air Quality in Birmingham, Cabinet Report, 26th June 2017.
- 9.2 Birmingham Clean Air Zone submission of a Preferred Option Business Case to Government, Cabinet report 10th September 2018.
- 9.3 Joint Cabinet Member/Chief Officer report "Joint Air Quality Unit Early Measures Fund for Local NO2 Compliance – Application for and acceptance of funding"19thSeptember 2018.
- 9.4 Birmingham Clean Air Zone Submission of Full Business Case and Request to Proceed with Implementation, Cabinet Report, 11th December 2018.

Department for Environment Food & Rural Affairs

Phil Edwards 1 Lancaster Circus Queensway, PO Box 14439, Birmingham, B2 2JE

Dear Phil,

Clean Air Fund - Capital

This statement is to confirm I have received clearance to make a grant payment of £27,720,000.00 of capital funding to Birmingham City Council under Section 31 of the Local Government Act 2003. I attach a signed Grant Determination Form. You will also receive two separate letters, informing you of your revenue award under the Clean Air Fund, and a capital award from the Implementation Fund.

This funding is to help you support individuals and businesses who will be affected by your local plan to reach legal nitrogen dioxide compliance in the shortest possible time. The projects that are supported are listed in Annex B.

The conditions of the grant and the monitoring and reporting expectations are also outlined in Annex B. The first reporting submission is expected by 30th June 2019 and subsequent quarterly submissions. If this funding is not exhausted delivering the projects set out in Annex B we will request it to be used for delivering air quality improvements and/or supporting individuals and businesses affected by local air quality plans.

Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require a variation. Your acceptance of the award of this grant payment will be made by signing the below. No other form of acknowledgement will be accepted. Please remember to quote the reference number in any future communications relating to this grant.

If you have any questions regarding this letter, please do not hesitate to contact me.

Yours sincerely



Ref: GD 31/3634 20th March 2019



ANDREW JACKSON

w

HEAD OF THE JOINT AIR QUALITY UNIT

NO₂ PLAN CLEAN AIR FUND GRANT DETERMINATION 2019: No 31/3634.

The Secretary of State for Transport ("the Secretary of State"), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the NO₂ Plan Clean Air Fund 2019 No31/3634.

Purpose of the grant

2) The purpose of the grant is to provide funding to local authorities in England to help them support individuals and businesses who will be affected by their local plans to reach legal nitrogen dioxide compliance in the shortest possible time.

Determination

3) The Secretary of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex A.

Grant conditions

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Secretary of State determines that the grant will be paid subject to the conditions in Annex B.

Treasury consent

5) Before making this determination in relation to local authorities in England, the Secretary of State obtained the consent of the Treasury.

Signed by authority of the Secretary of State for Transport.

Richard Bruce

Director of Energy, Technology, and Innovation

20th March 2019

ANNEX A

Capital allocation for the 2018/19 financial year

| Authority to which grant is to be paid | Amount of grant to be paid |
|--|----------------------------|
| Birmingham City Council | £27,720,000.00 |

Signed for on behalf of Birmingham City Council

| Name | |
|-----------|--|
| Title | |
| Signature | |
| Date | |

Signed for on behalf of the Joint Air Quality Unit

| Name | Jenny Ward |
|-----------|-----------------------------|
| Title | Deputy Head of JAQU |
| Signature | 19 |
| Date | 20 th March 2019 |

Annex B: Grant Projects and Conditions

Grant Conditions

1. Grant paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.

2. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of JAQU of the Department for Transport a declaration, to be received no later than by 31st March 2020, in the following terms:

"To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to NO₂ Plan Clean Air Fund: No31/3634 have been complied with".

3. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister of State may reduce, suspend or withhold grant; or by notification in writing to the authority, require the repayment of the whole or any part of the grant.

4. Any sum notified by the Minister of State under paragraph 3(b) shall immediately become repayable to the Minister.

5. Monitoring and evaluation of measures in the local plan will need to be carried out in accordance with guidance on Huddle.

Birmingham City Council will be required to submit quarterly monitoring reports detailing progress with the implementation of the local plan. The first reporting submission is expected by 30th June 2019. In addition to specific reporting on the above measures, this will include the provision of:

- Existing air quality monitoring such as diffusion tubes and continuous analysers.
- Existing and planned relevant transport monitoring such as traffic surveys.

Evidence may also be requested to support use of funding, such as contracts, contractor reports, invoices and timesheets.

6. Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require a variation.

Grant Projects

The funding awards have been made on the basis of the information submitted as part of your Full Business Case and we require you to deliver the measures in line with the information provided. A high-level summary of the projects supported, their costs, implementation timelines, and monitoring and evaluation requirements has been included below.

This grant letter deals specifically with your capital allocation – the revenue allocation is dealt with in a separate letter.

| Measures | Description | Amount (Capital) |
|--|---|------------------|
| Mobility support for individuals working within the CAZ (M1a) | This will provide individuals working within (but living outside) the CAZ with £1000-2000 of support depending on what option they choose (mobility credit, scrappage-for-mobility credit, or scrappage- for-vehicle-support) | £5,420,000* |
| Hackney carriage support package (M2a) | This will support hackney carriage drivers to either retrofit or upgrade their vehicles (£5,000 of support per vehicle). | £2,500,000 |
| Council Hackney carriage leasing scheme (M2b) | This will support hackney carriage drivers who do not want to purchase a new vehicle as they are only going to be working for a few more months/years. | £2,750,000 |
| Private Hire Vehicle upgrade support (M2c) | This will support PHV drivers to upgrade their vehicles (£1000-2,000 of support per vehicle depending on what upgrade Euro 6 - ULEV). | £7,000,000 |
| HGV & Coach compliance fund (M4) | This will support HGV and coach operators to retrofit or upgrade their vehicles (£15,0000 of support per vehicle). | £10,050,000 |
| TOTAL | | £27,720,000 |

Projects supported

*A further £5,420,000 of revenue support for this measure is set out in a separate letter. As set out in the letter from Minister Coffey to Cllr Ward on 11 March this funding is being provided with a condition that a minimum of 50% of this funding is delivered through the scrappage-to-mobility-credit part of the measure.

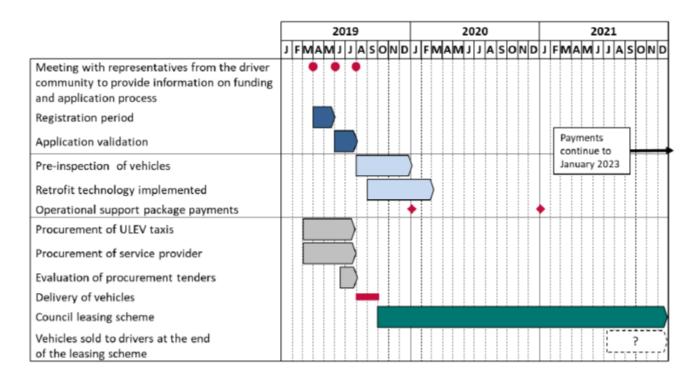
Implementation Timeline

Timeline for M1a (and exemptions)

| | | | | 2019 2020 | | | | | | | | | | | | | | | | 2 | 2021 | | | | | | | |
|---|----------------|---|---|-----------|---|---|---|---|---|---|-----------|----|----|-----------|-----------|---|---|---|-----------|---|-----------|---|----|----|----|---|---|---|
| Activity | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 |
| Development of portal and survey | | | | | | | | | | | \square | | | \square | \square | | | Γ | \square | | \square | | | | | | | Γ |
| Creation of webpage | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Preparation of help desk | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Agreement with dealerships | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final Swift agreement and pass on | survey results | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CAZ resident exemption scheme | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Exemption scheme opens | Not in CAF | | | | | | | | | | | | | | | | | | | | | | | | | | | Γ |
| Application window | but process | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Validation process | similar to | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Exemption applicants informed | below | | | | | | | | | | • | | | | | | | | | | | | | | | | | |
| Exemption period | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mitigation scheme opens | CAZ workers | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| validation process (2nd) | only | | | | | | | | | | | | | | | | | | | | - | | | | | | | |
| Mitigation applicants informed | , | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| User creates Swift account | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mobility credit awarded | | | | | | | | | | | | | | | | | | | | | | | | | | • | | |
| 5. Scrappage validation | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Award of mobility credits | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Payments to dealerships/individe | uals | | | | | | | | | | | | | | | | | | | | | | | | | | | |

BCC action
Milestone
Applicant action Exemption

Timeline for M2a, M2b and M2c (with timelines for M2c mirroring those for M2a)



Timeline for M4

| | Γ | | | | | 20 | 19 |) | | | | | 2020 | | | | | | | | | | | | | 2021 | | |
|--|---|-----|----|-----|----|----|----|---|---|----|----|-----|------|---|---|---|---|-----------|---|---|---|-----------|-----------|----|---|------|---|--|
| Activity | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |)1 | 112 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | |
| Development of portal for uploading documents | | | | Γ | | | | | | Γ | Γ | | | | | | | \square | | | | \square | \square | | | | | |
| 1. Retrofit process agreed with providers | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Design of compliance competition | | - | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Application scheme opens | | | | | ۰. | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Businesses respond to competition | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Application scheme closes | | | | | | | | • | | | | | | | | | | | | | | | | | | | | |
| 4. Assessment of applications | | | | | | | | | | • | | | | | | | | | | | | | | | | | | |
| Applicants notified | | | | | | | | | | • | | | | | | | | | | | | | | | | | | |
| Exemption period (if applicable) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Retrofits carried out | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Compliant vehicles bought/leased | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5&6. Validation and payment | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| BCC action | Ν | ۸il | es | tor | ne | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant action | E | xe | m | oti | on | | | | | | | | | | | | | | | | | | | | | | | |

Department for Environment Food & Rural Affairs

Phil Edwards 1 Lancaster Circus Queensway, PO Box 14439, Birmingham, B2 2JE

Dear Phil,

Clean Air Fund - Revenue

This statement is to confirm I have received clearance to make a grant payment of £10,237,529.00 of revenue funding to Birmingham City Council under Section 31 of the Local Government Act 2003. I attach a signed Grant Determination Form. You will also receive a separate letter, informing you of your capital award under the Clean Air Fund, and your capital award under the Implementation Fund.

This funding is to help you support individuals and businesses who will be affected by your local plan to reach legal nitrogen dioxide compliance in the shortest possible time. The projects that are supported are listed in Annex B.

The conditions of the grant and the monitoring and reporting expectations are also outlined in Annex B. The first reporting submission is expected by 30th June 2019 and subsequent quarterly submissions. If this funding is not exhausted delivering the projects set out in Annex B we will request it to be used for delivering air quality improvements and/or supporting individuals and businesses affected by local air quality plans.

Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require a variation. Your acceptance of the award of this grant payment will be made by electronic signature carried out in accordance with the 1999 EU Directive 99/93 (Community framework for electronic signatures) and the UK Electronic Communications Act 2000. Acceptance of the offer comprised in this Agreement must be made within 7 days from the date of this Award Letter. The Agreement is formed on the date on which the Authority communicates acceptance on the Recipient's electronic contract management system ("Bravo"). No other form of acknowledgement will be accepted. Please remember to quote the reference number in any future communications relating to this grant.

If you have any questions regarding this letter, please do not hesitate to contact me.



for Transport

Item 1

Ref: GD 31/3635 20th March 2019 ANDREW JACKSON

with

HEAD OF THE JOINT AIR QUALITY UNIT

NO₂ PLAN CLEAN AIR FUND GRANT DETERMINATION 2019: No 31/3635.

The Secretary of State at the Department for Environment, Food, and Rural Affairs, in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the NO₂ Plan Clean Air Fund 2019 [No31/3635].

Purpose of the grant

2) The purpose of the grant is to provide funding to local authorities in England to help them support individuals and businesses who will be affected by their local plans to reach legal nitrogen dioxide compliance in the shortest possible time.

Determination

3) The Secretary of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex A.

Treasury consent

4) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Secretary of State for the Department for Environment, Food, and Rural Affairs.

Andrew Jackson

Deputy Director,

Joint Air Quality Unit

18th March 2019

ANNEX A

ANNEX A: Revenue allocation for the 2018/19 financial year

| English Local Authorities | 18/19 | Total |
|---------------------------|----------------|----------------|
| | £10,237,529.00 | £10,237,529.00 |
| TOTAL | £10,237,529.00 | £10,237,529.00 |

Annex B: Grant Projects and Conditions

Grant Conditions

1. Monitoring and evaluation of measures in the local plan will need to be carried out in accordance with guidance published on Huddle.

Birmingham City Council will be required to submit quarterly monitoring reports detailing progress with the implementation of the local plan. The first reporting submission is expected by 30th June 2019. In addition to specific reporting on the above measures, this will include the provision of:

- Existing air quality monitoring such as diffusion tubes and continuous analysers.
- Existing and planned relevant transport monitoring such as traffic surveys.

Evidence may also be requested to support use of funding, such as contracts, contractor reports, invoices and timesheets.

2. Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require a variation.

Grant Projects

The funding awards have been made on the basis of the information submitted as part of your Full Business Case and we require you to deliver the measures in line with the information provided. A high-level summary of the projects supported, their costs, implementation timelines, and monitoring and evaluation requirements has been included below.

This grant letter deals specifically with your revenue allocation – the capital allocation is dealt with in a separate letter.

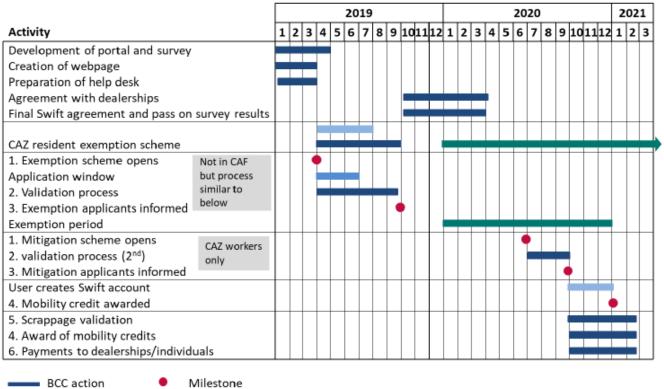
Project Supported

| Measures | Description | Amount (Revenue) |
|--|---|---------------------|
| Mobility support for individuals working within the CAZ (M1a) | This will provide individuals working within (but living outside) the CAZ with £1000-2000 of support depending on what option they choose (mobility credit, scrappage-for-mobility credit, or scrappage- for-vehicle-support) | £5,420,000* |
| Hackney carriage support package (M2a) | This will support hackney carriage drivers to either retrofit or upgrade their vehicles. | £2,500,000 |
| Marketing and engagement campaign (M5) | This supports all the measures (both RDEL and CDEL) and helps ensure they are taken up by the right cohorts. | £350,000 |
| Administration and support | This is for the staff required to administer the measures and exemptions. | £1,967,529 |
| TOTAL | | £10,237,529 |

*A further £5,420,000 of capital support for this measure is set out in a separate letter. As set out in the letter from Minister Coffey to Cllr Ward on 11 March this funding is being provided with a condition that a minimum of 50% of this funding is delivered through the scrappage-to-mobility-credit part of the measure.

Implementation Timeline

Timeline for M1a (and exemptions)



Applicant action Exemption

Timeline for M2a

| | Г | 2019 | | | | | 2020 | | | | | | | | | | | | 2021 | | | | | | | | | | | | | |
|--|---|------|---|----|---|----|-----------|---|---|---|---|-----|---|---|---|---|---|---|------|---|----|---|---|---|----|----|---|-------------|-----|----|-----|-----|
| | J | F | N | ΛA | N | IJ | J | Α | s | ο | Ν | D | ٦ | F | м | A | N | J | J A | 1 | 50 | N | D | J | FN | ЛА | M | IJ | J / | ٩s | o | ND |
| Meeting with representatives from the driver | Γ | | 1 | ¢ | 1 | • | • | | | | | | | | | | | | | | | | | | | | | | | | | |
| community to provide information on funding | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| and application process | | | | | - | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Registration period | | | | | - | _ | | | | | | | | | | | | | | | | | | | | | | | | 4 | | |
| Application validation | | | | | | | | | | | | | | | | | | | | | | | | | | | | nts Je t | | | | |
| Pre-inspection of vehicles | | | | | | | | | _ | | | | , | | | | | | | | | | | | - | | | | 023 | | Π | |
| Retrofit technology implemented | | | | | | | | | | | | _ ' | | | | | | | | i | | | | | | | | | | | | |
| Operational support package payments | L | | | | | | | | | | | • | | | | | | | | | | | • | | | | | | | | | |
| Procurement of ULEV taxis | | | | | | | \rangle | | | | | | | | | | | | | | | | | | | | | | | | | |
| Procurement of service provider | | | Ī | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Evaluation of procurement tenders | | | | | | | |) | | | | | | | | | | | | | | | | | | | | | | | | |
| Delivery of vehicles | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Council leasing scheme | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Vehicles sold to drivers at the end | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | ? | |
| of the leasing scheme | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 5 | 1 | 177 | -1' |

Timeline for M5 January 2019: launch of campaign targeting businesses and individuals. January 2020: launch of Business Breathe campaign

Item 1

Department for Environment Food & Rural Affairs

Phil Edwards 1 Lancaster Circus Queensway, PO Box 14439, Birmingham, B2 2JE Department for Transport

> 19th March 2019 Ref. GD31/3627

Dear Phil,

Support for measures identified in the Birmingham City Council Full Business Case for tackling roadside nitrogen dioxide exceedances

I am writing to confirm I have received clearance to make a capital grant payment of £14,214,722.00 to Birmingham City Council under Section 31 of the Local Government Act 2003. I attach a signed Grant Determination Form. You will also receive separate letters regarding your revenue and capital awards under the Clean Air Fund.

This funding is to implement your local plan to reach compliance with legal limits for nitrogen dioxide in the shortest possible time. This was presented in the Full Business Case of your local plan submitted in January 2019 (with further information provided in February) to be a Charging Clean Air Zone Class D, complemented by additional measures. Subsequently, you have received a Ministerial letter and associated Ministerial Direction accepting the plan and requiring the council to implement it. The scheme and activities that are supported are listed in Annex B.

The conditions of the grant and the monitoring and reporting expectations are outlined in Annex B. The first reporting submission is expected by 30th June 2019 and subsequent quarterly submissions. If this funding is not exhausted delivering the projects set out in Annex B we will request it to be used for delivering air quality improvements and/or supporting individuals and businesses affected by local air quality plans.

Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require a variation. Your acceptance of the award of this grant payment will be made by signing the below. No other form of acknowledgement will be accepted. Please remember to quote the reference number in any future communications relating to this grant.

If you have any questions regarding this letter, please do not hesitate to contact Fiona Walters (<u>fiona.walters@defra.gov.uk</u>) and for finance questions please include Jonathan Woolley (jonathan.woolley@defra.gov.uk).

Yours sincerely,

ANDREW JACKSON

JOINT AIR QUALITY UNIT

Page 24 of 30

Joint Air Quality Unit, Seacole Building, 2 Marsham Street, London, SW1P 4DF

NO₂ PLAN IMPLEMENTATION FUND GRANT DETERMINATION 2019: No 31/3627.

The Secretary of State for Transport ("the Secretary of State"), in exercise of the powers conferred by Section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the NO₂ Plan Implementation Fund 2019 No 31/3627.

Purpose of the grant

2) The purpose of the grant is to provide funding to local authorities in England to implement their NO₂ plan to bring forward compliance.

Determination

3) The Secretary of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex A.

Grant conditions

4) Pursuant to section **3**(3) and **3**(4) of the Local Government Act 2003, the Secretary of State determines that the grant will be paid subject to the conditions in Annex B.

Treasury consent

5) Before making this determination in relation to local authorities in England, the Secretary of State obtained the consent of the Treasury.

Signed by authority of the Secretary of State for Transport.

Richard Bruce

Director of Energy, Technology and Innovation

19th March 2019

ANNEX A

Capital allocation for the 2018/19 financial year

| Authority to which grant is to be paid | Amount of grant to be paid |
|--|----------------------------|
| Birmingham City Council | £14,214,722.00 |

Signed for on behalf of Birmingham City Council

| Name | |
|-----------|----|
| | |
| Title | |
| | |
| Signature | |
| | м. |
| Date | |
| | |

Signed for on behalf of the Joint Air Quality Unit

| Name | JENNY WARD |
|-----------|-----------------------------------|
| | |
| Title | DEPUTY NEAD OF |
| | DEPUTY MEAD OF JPAGE 26) of 30 |
| Signature | |
| Date | 19/03/19 |

ANNEX B: GRANT CONDITIONS

1. Grant paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.

2. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of the Joint Air Quality Unit of the Department for Environment, Food, and Rural Affairs & Department for Transport a declaration, to be received no later than 31st December 2019 in the following terms:

"To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to 'Support for local authorities implementing new measures for tackling roadside nitrogen dioxide concentrations' No 31/3627 have been complied with".

3. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister of State may-

a) reduce, suspend or withhold grant; or

b) by notification in writing to the authority, require the repayment of the whole or any part of the grant.

4. Any sum notified by the Minister of State under paragraph 3(b) shall immediately become repayable to the Minister.

5. Reporting, monitoring and evaluation of measures in the local plan will need to be carried out in accordance with guidance which will be published on Huddle.

Birmingham City Council will be required to submit quarterly monitoring reports detailing progress with the implementation of the local plan until a year after compliance is demonstrated. The first reporting submission is expected by 30th June 2019. In addition to specific reporting on the measures, this will include the provision of:

- Existing air quality monitoring such as diffusion tubes and continuous analysers.
- Existing and planned relevant transport monitoring such as traffic surveys.

Evidence may also be requested to support use of funding, such as contracts, contractor reports, invoices and timesheets.

If any risks to the ability to meeting compliance as set out in the legal direction are identified JAQU must be notified as soon as possible and in advance of the reporting periods. The actions taken to mitigate this will need agreed with JAQU.

6. Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require variation.

Grant projects

The funding awards have been made on the basis of the information submitted as part of your Full Business Case and we require you to deliver the measures in line with the information provided. This is to implement a class D charging Clean Air Zone (covering the geography outline in the Full Business Case) as well as additional measures as soon as possible and at least in time to bring forward compliance to 2021.

A high-level summary of the activities supported, their costs, implementation timelines, and monitoring and evaluation requirements has been included below. More detail is provided in Full Business Case submitted on 9 January 2019.

List of measures

| Measure | Description | Implementation funding |
|---|---|---------------------------|
| Detailed design – additional measures | The local highways road network changes on Suffolk Street Queensway, Lister Street and Great Lister Street, parking schemes and associated costs such as street furniture and traffic management. | £2,798,748 |
| Marketing and communications | Strategy to be actioned prior to the implementation of the CAZ in Birmingham to raise awareness and understanding of the scheme. | £831,931 |
| Signage | The local highways road network signage requirements for the entry/exit points along the CAZ boundary, advanced warning they are approaching a CAZ and associated costs such as street furniture. | £2,211,548 |
| Cameras solution | Delivering a network of ANPR cameras and associated infrastructure to capture all vehicles travelling Page 2 within the CAZ. This will facilitate the charging of all non-compliant buses/coaches, taxis/private hire vehicles, HGVs, LGVs and cars travelling into, out of and within the CAZ. | £3,087,077 |
| Back office payment and enforcement function (IT and staff recruitment and mobilisation) | System development activity to ensure the Council can operate and enforce the CAZ, including management and maintenance of white list (exemptions). | £1,555,483 |

| Project management of implementation | Work associated with managing the CAZ implementation | £1,644,268 |
|--------------------------------------|---|-------------|
| Risk allowance | To address the integration risks with the central CAZ system and to cover potential design changes/additional works as a result of civil surveys | £2,085,667 |
| Total | | £14,214,722 |

Implementation Timeline

| January 2019 | Camera contract commenced |
|------------------------------|---|
| February 2019 | Marketing and communications to raise awareness commenced |
| Spring 2019 | Registration of white list (exemptions) commenced |
| Spring 2019 | Staff recruitment commenced |
| July 2019 | Civil works for network changes commenced |
| September – December 2019 | Testing of cameras and back office systems |
| January 2020 | Solution live |

Joint Air Quality Unit, Seacole Building, 2 Marsham Street, London, SW1P 4DF

Page 30 of 30