
Council

18 June, 2019

Name of Cabinet Member:

N/A

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

City wide

Title:

Exercise of Emergency Functions

Is this a key decision?

N/A

Executive Summary:

This report informs Council of decisions undertaken by the Chief Executive, in accordance with the Constitution and in consultation with the Leader of the Council, Councillor G Duggins, to exercise emergency functions in respect of:

- 1) The acceptance of a Grant Award of £2,517,500 from the Clean Bus Technology Fund for the delivery of the Clean Bus Technology Project and the addition of this Grant Award to the Council's Capital Programme, and;
- 2) The acceptance of a Grant Award of £4,500,000 from the Government's Joint Air Quality Unit (JAQU) for the development and delivery of the Council's Local Air Quality Action Plan (LAQAP); the undertaking of associated work to meet the terms of the Direction issued by Government on 26th March 2019; and the addition of this Grant Award to the Council's Capital Programme.

The Council has made it clear to JAQU that acceptance of the grant in no way indicates that the Council accepts that a Clean Air Zone will form part of the revised LAQAP. That will depend purely upon the outcome of the additional modelling work that the Council has agreed to undertake in compliance with Article 4 of the Direction.

The Council will therefore accept the grant offer of £4.5 million on the basis that it will not access these funds prior to the submission of the additional evidence following the additional modelling work, and agreement with government regarding the LAQAP proposals to be taken forward to statutory consultation and subsequently to Full Business Case development by 27 September 2019.

List of Appendices included:

None

Background papers:

Report to Cabinet on 17 July 2018 – “Coventry Local Air Quality Action Plan”

Report to Cabinet on 12 February 2019 – “Coventry Local Air Quality Action Plan”

Other useful documents

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes

Will this report go to Council?

Yes – 18 June 2019

Report title: Exercise of Emergency Functions

1. Context (or background)

- 1.1 On 17 July 2018, Cabinet considered a report "Coventry Local Air Quality Action Plan" and approved the Council to act as Accountable Body and for the addition to the Council's capital programme of £1.5m capital grant from the Clean Bus Technology Fund.
- 1.2 Subsequently, the Council was invited to submit a further bid to the Clean Bus Technology Fund and, in partnership with Transport for the West Midlands and a number of bus companies, submitted a bid for £2,517,500. The funding would enable the retrofit of a further 131 buses operating within Coventry.
- 1.3 In March 2019, the Government confirmed the success of the bid and issued a Grant Award offer for the full amount. As Government was seeking to issue the funding before the end of the financial year (31 March 2019), there was insufficient time available to secure the usual formal approvals to accept the Grant offer, hence the use of emergency powers.
- 1.4 On 12 February 2019, Cabinet considered a further report "Coventry Local Air Quality Action Plan" and approved the submission of the Outline Business Case for the LAQAP to the Government's Joint Air Quality Unit (JAQU) for consideration.
- 1.5 The Minister has subsequently issued a Direction upon the City Council to undertake further modelling work, including review of the scope and scale of additional measures and a Clean Air Zone, and has allocated Grant funding of £4.5 million to the Council to undertake this task. JAQU has, in addition, allocated a further £500,000 in resource funding in response to an earlier request by the City Council for additional funding to support the delivery of the Full Business Case for the LAQAP.
- 1.6 In order to release the funding requested, the Council has had to accept the initial Grant offer for the £4.5 million. In doing so, the Council has made it clear to JAQU that acceptance of the grant in no way indicates that the Council accepts that a charging Clean Air Zone will form part of the revised LAQAP. That will depend purely upon the outcome of the additional modelling work that the Council has agreed to undertake in compliance with Article 4 of the Direction.
- 1.7 To safeguard the Council's position in respect of a charging Clean Air Zone, only the £500,000 that had been previously requested will be used for the current modelling work.
- 1.8 The Council has therefore accepted the Grant offer of £4.5 million on the basis that it will not access these funds prior to the submission of the additional evidence following the additional modelling work, and agreement with government regarding the LAQAP proposals to be taken forward to statutory consultation and subsequently to Full Business Case development.
- 1.9 The emergency powers were invoked in the case of this Grant offer as there was insufficient time available to secure the usual formal approvals to accept the Grant offer and the need to ensure that the £500,000 was unlocked at the earliest possible moment to enable the Full Business Case development work to be funded.

2. Options considered

- 2.1 In both of the above situations, the Chief Executive agreed that the circumstances constituted an emergency and was satisfied that the decisions to be taken pursuant to this emergency provision were incidental and also broadly aligned with the objectives which were authorised by Cabinet at their meetings on 17 July 2018 and 12 February 2019.

3. Results of consultation undertaken

- 3.1 In accordance with the Constitution, the exercise of emergency functions were undertaken in consultation with the Leader of the Council, who confirmed his agreement to this course of action.

4. Timetable for implementing this decision

- 4.1 The decisions to accept these Grant Awards has already been implemented. The programme to retrofit the buses operating within the city will be completed by March 2021. The ministerial Direction requires submission of the Full Business Case for the Local Air Quality Action Plan by 27th September, 2019.

5. Comments from Director of Finance and Corporate Services

Financial implications

The acceptance of the Grant funding for the LAQAP means that the Council will not need to spend at risk to undertake the additional modelling work required under the JAQU Direction.

Legal implications

Part 2M of the City Council's Constitution provides for the Scheme of Functions delegated to Employees, including to the Chief Executive/Head of Paid Service. Paragraph 3.8 of Part 2M enables the Chief Executive, in consultation with the Leader, to make decisions in an emergency.

Failure to comply with the terms of the Direction issued by JAQU on 26 March, 2019 would potentially result in the Council facing legal sanctions, meaning that access to the Grant funding for the development of the Local Air Quality Action Plan was considered to be important to deliver the additional modelling work required as part of the Direction.

6. Other implications

6.1 How will this contribute to the Council Plan

- 6.1.1 The grant funding that has been accepted through use of the emergency powers will enable the Council to develop and deliver projects that will improve air quality within the city, by enabling the delivery of a cleaner fleet of vehicles operating bus services within the city, and by supporting the development of the Local Air Quality Action Plan.

6.2 How is risk being managed?

- 6.2.1 Risk registers are being maintained, and monitored by the relevant programme boards, for both the Local Air Quality Local Plan and the Low Emission Bus retrofit programmes.

6.3 What is the impact on the organisation?

6.3.1 The Grant funding secured for the development of the Local Air Quality Action Plan will enable the Council to undertake the development of the Full Business Case without needing to fund this work from other Council budgets.

6.4 Equalities / EIA

6.4.1 There are no direct impacts upon equalities.

6.5 Implications for (or impact on) climate change and the environment

6.5.1 The Grant funding that has been accepted through the use of these emergency powers will be used to support projects aimed at improving the environment within Coventry, specifically air quality, by enabling local bus companies to convert their vehicles to low emission operation, and by enabling the City Council to fully develop the Full Business Case for its Local Air Quality Action Plan, which will set out how the Council will reduce NO₂ levels within the city.

6.6 Implications for partner organisations

6.6.1 The CBTF grant will enable National Express and other bus companies operating within Coventry to upgrade their bus fleet to be compliant with desired standards in terms of low emission requirements.

Report author(s):

Name and job title:

Colin Knight, Director Transport and Highways
Suzanne Bennett, Governance Services Co-ordinator

Directorate:

Place

Tel and email contact:

Colin.knight@coventry.gov.uk 024 7697 2089
Suzanne.bennett@coventry.gov.uk 024 7697 2299

Enquiries should be directed to the above

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Adrian West	Members and Election Team Manager	Place	06/06/19	06/06/19
Names of approvers for submission: (officers and members)				
Finance: Barry Hastie	Director of Finance and	Place	06/06/19	06/06/19

	Corporate Services			
Legal: Julie Newman	City Solicitor and Monitoring Officer	Place	06/06/19	06/06/19
Director: Martin Reeves	Chief Executive		06/06/19	10/06/19
Members: Councillor G Duggins	Leader of the Council		07/06/19	07/06/19

This report is published on the council's website:
www.coventry.gov.uk/councilmeetings