

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

4 March 2013

### Joint Report of the Director of Health and Housing and Cabinet Member for Environmental Services

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Council Decision

#### 1 DEFRA GRANT FOR AIR QUALITY WORK

##### Summary

In June, 2012 officers from Tonbridge and Malling Borough Council (TMBC) and Maidstone Borough Council (MBC), with support from KCC's Kent Highways and Transportation (KHT), submitted a joint bid to the Department for Environment, Food and Rural Affairs (DEFRA) for grant aid to evaluate the impact on local air quality from retrofitting buses with emissions reducing equipment. In January, 2013 DEFRA confirmed the bid had been successful and its intention to award £150,000 towards the cost of the project.

#### 1.1 Background

- 1.1.1 Following the recommendation from the Scrutiny Review of Air Quality in 2012 that officers in TMBC and MBC should work more closely together, an opportunity arose for officers to submit a joint bid to DEFRA to fund an Air Quality project involving retrofitting emissions reducing equipment to buses on the A20 corridor. This project would complement an award to Arriva, through KCC's bid under the Green Bus Fund, of a grant to purchase 11 hybrid buses along the same route, which are due to be commissioned in March 2013.
- 1.1.2 Whilst a bid for an Air Quality project can only be made by local authorities which have responsibility for executing the Local Air Quality Management (LAQM) regime, in this case TMBC and MBC, this project could not have been achieved without significant input from Paul Lulham of KCC's KHT department and from Meriden Peachey, KCC's Director of Public Health.
- 1.1.3 A report to the meeting of this Board in November, 2012 advised that a decision was expected from DEFRA on the bid by the end of 2012. The decision was notified to officers in January, 2013, subject to further clarification on an issue of "state aid" and the partners being satisfied with the terms and conditions of the grant award. In this situation, "state aid" refers to the award of a grant to a

company which could potentially give them a commercial advantage in a competitive environment.

1.1.4 Officers have submitted a detailed project plan to DEFRA which includes a timetable for the various stages of the project.

1.1.5 The project falls into three parts:

- procurement/purchase of the emissions reducing equipment for the buses;
- fitting of the equipment to the buses; and
- subsequent monitoring of the emissions from the buses.

1.1.6 It is intended that the procurement of the equipment and the monitoring work for the project will be subject to separate tendering processes.

1.1.7 Although this is a joint project with MBC, a condition of the grant award is that it can only be awarded to one authority. It was agreed that TMBC would be the lead authority.

1.1.8 Officers from TMBC, MBC and KCC's KHT intend that the day to day working and management of the project will be shared equitably, through a project team made up of officers and other partners as necessary. Responsibility for any monitoring undertaken will be shared between TMBC and MBC.

## **1.2 Legal Implications**

1.2.1 As lead authority, the grant money is being awarded to TMBC. Liability for the successful completion of the project rests with TMBC.

1.2.2 Legal agreements will be signed with Arriva, MBC and KCC KHT to minimise TMBC's liability.

1.2.3 Following full consultation with our solicitor, we are satisfied that the:

- "state aid" issue has been resolved;
- terms and conditions of a partnership agreement between TMBC, MBC, Arriva and KCC KHT have been agreed; and
- terms and conditions between TMBC, as the lead authority, and DEFRA have been agreed.

These will provide the necessary safeguards for the Council with regard to this funding.

## **1.3 Financial and Value for Money Considerations**

1.3.1 The project will need to be reflected in the Council's budgets.

- 1.3.2 It has been recommended by our Financial Services that Members approve the establishment of a Capital Plan Scheme of £150,000 and a revenue budget of £56,000, noting that both will be funded by the grant award from DEFRA (£150,000), a contribution from KCC (£50,000) and the balance of £6,000 to be split equally between TMBC and MBC. Written confirmation of KCC's contribution has been received.
- 1.3.3 The Council's contribution of £3,000 is to be met from existing budgets. An evaluation of the Capital Plan Scheme is provided at **[Annex 1.]**
- 1.3.4 All procurement for the project will be carried out in consultation with relevant colleagues within Tonbridge and Malling and Maidstone Borough Council.
- 1.3.5 There will be no ongoing capital or revenue commitments beyond the scope of the scheme.

#### **1.4 Risk Assessment**

- 1.4.1 Officers have involved colleagues from their respective legal and finance departments to endeavour to minimise any risks. If, for any reason, the project does not progress, the grant money can be returned in full to DEFRA.

#### **1.5 Equality Impact Assessment**

- 1.5.1 See 'Screening for equality impacts' table at end of report.

#### **1.6 Recommendations**

- 1.6.1 Cabinet are invited to consider and **RECOMMEND** that full Council:
- 1) **NOTE** the award of grant of £150,000 to install, monitor and investigate local air quality benefits from retrofitting emissions abatement equipment to buses along the A20 corridor, with an additional outcome of informing ongoing national research;
  - 2) **ESTABLISH** a Capital Plan (List A) scheme (£150,000) and revenue budget (£56,000) funded from grant and parties contributions as outlined in para1.3.2.
  - 3) **ENDORSE** the Council as lead authority for this programme of work.

Background papers:

contact: Jacqui Rands

Nil

John Batty  
Director of Health and Housing

Councillor Owen Baldock  
Cabinet Member for Environmental Services

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The award of the grant is to enable the Council to aim to improve the air quality for residents within a geographical area.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The report details the award of a grant from central government to enable the Council to fulfil a statutory duty.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*