

## REQUEST FOR DIRECTOR DECISION – DD1254

### Title: Air Quality Programme and Resourcing

#### Executive Summary:

Following endorsement of the Air Quality Programme for 2014/15 by the GLA's Investment and Performance Board (IPB), the Executive Director of Development, Enterprise and Environment is requested to approve additional resources for the Air Quality Unit, to approve minor amendments to the 2014/ 15 Air Quality Programme, to approve an extension of the delivery of the School's Clean Air Zone Project and to reallocate funding received from the EU Joint Air Quality Initiative (JOAQUIN).

#### Decision:

The Executive Director for Development, Enterprise and Environment approves:

1. Expenditure of up to £107,000 in 2014-15 to undertake the activities and associated expenditure relating to the delivery of the 2014-15 Air Quality Programme.
2. Minor amendments to the air quality programme under the delegations in MD1121 and MD1314.
3. Submission of a claim of £13,000 to the EU Joint Air Quality Initiative (JOAQUIN) and provision of a grant for the same amount to the City of London Corporation to cover the cost of the Mayor's Air Quality Mansion House event held on 29 July 2014.
4. An extension of the delivery of the School's Clean Air Zone Project authorised under MD1121 until January 2015 to enable the resolution of outstanding contractual processes, communications work and other issues.

#### AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities. It has my approval.

**Name:** Fiona Fletcher-Smith

**Position:** Executive Director, Development, Enterprise and Environment

**Signature:**



**Date:**

15/9/14

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 Improving air quality is a priority for the Mayor. Since he was first elected Low Emission Zone standards have been tightened, measures have been taken to reduce emissions from the bus fleet and the oldest, most polluting taxis have been retired. These and other measures have reduced the emissions of oxides of nitrogen (NO<sub>x</sub>) by an estimated 20 per cent and of small particles (PM10 and PM2.5) by an estimated 15 per cent since 2008. London (alongside Manchester and Birmingham) is in breach of NO<sub>2</sub> limit values and are not forecast to be compliant until the 2030s without further action. Although the number of people living in areas exceeding EU limit values for NO<sub>2</sub> has halved, more needs to be done in order that air quality consistently meets European limit values designed to protect human health. In light of this, the Mayor has also set out proposals for an Ultra Low Emission Zone (ULEZ) in central London from 2020.
- 1.2 In addition to the pressing environmental and public health rationale for improving air quality, the Mayor has statutory responsibilities in relation to air quality, set out in the Ambient Air Quality Directive and related regulations, the Environment Act 1995 (as amended) and the Greater London Authority Act 1999. The Mayor, alongside the Government, London boroughs and other relevant public bodies, has a duty under EU law to take appropriate measures within his powers to ensure the implementation of European legislation, including bringing any infractions of the Ambient Air Quality Directive NO<sub>2</sub> limit values to an end as soon as possible.
- 1.3 The Mayor's powers include managing in London the Local Air Quality Management (LAQM) process under the Environment Act 1995, with powers to direct the boroughs to take action if necessary. It is widely accepted that the current LAQM process is not fit for purpose with the Department for Environment, Food and Rural Affairs (Defra) now consulting on amending it to make it more effective.
- 1.4 This request puts in place the additional resources needed to allow the GLA to comply with its legal duties, by providing staff support and additional funding for the activities mentioned in paragraphs 2.4 and 2.5 below. Given the need to take further action and to continue fulfilling the Authority's statutory obligations the Executive Director of Development, Enterprise and Environment (DE&E) is asked to provide additional resources to fulfil an air quality programme in 2014/15 as set out below. The Executive Director of DE&E is also asked to approve an extension of the delivery of the School's Clean Air Zone Project (see paragraph 3.4 below), and to reallocate JOAQUIN funding (see paragraph 2.6 below).
- 1.5 The Mayor's air quality programme for 2014/15 includes and builds upon activity included in MD987, MD1121, MD1314, DD944 and DD998.
- 1.6 The GLA's Investment and Performance Board (IPB) in May 2014 has endorsed the proposed air quality programme for 2014/15 as set out below and recommended that an additional £107,000 from the central programme budget be allocated to it. This is required to cover the costs of the additional activity set out below of £60,000 and £47,000 to fund an 11-month fixed term contract for a Grade 8 post. It is the intention that the post become permanent as an additional full-time post from April 2015 onwards, subject to the budget prioritisation process which will take place this Autumn.

#### **2 Air Quality Programme and Resourcing**

##### ***Air Quality Programme (2014-15)***

- 2.1 The following sets out the air quality programme for 2014/15. (Please note that this excludes business as usual tasks such as briefings, Mayor's Questions and correspondence.)

Area of activity	Activity	Resources / funding
Air quality project delivery	<b>Mayor's Air Quality Fund (MAQF)</b> Co-ordinate projects to maximise synergies whilst also building capacity at borough level through thematic workshops to share best practice	TfL has provided £20 million in funding for the MAQF with GLA/TfL officers providing support in selecting and monitoring projects, disseminating best practice through workshops etc.
	<b>AQ Nurseries, Schools and Academies Programme</b> Building on the initial GLA pilots, GLA and TfL will develop a new programme to improve air quality in schools, including identifying funding sources and coordinating existing MAQF / borough activity. As an initial step £10,000 of funds allocated through JOAQUIN will be used to deliver a green wall in partnership with London Borough of Waltham Forest.	£100,000 had been provided as part of CAF2 for pilots in six schools in four boroughs (Hillingdon, Camden, City and RB Kensington and Chelsea). These projects are nearing completion.  A detailed proposal is currently being developed on how to roll-out the schools programme and a further update will be provided to IPB in due course.
	<b>Breathe Better Together</b> Campaign to raise awareness and change behaviour about air quality delivered in partnership with Croydon, Islington, City and Camden. The campaign includes business outreach, general marketing, the use of social media and public events and is based on the "Spare the Air" model developed in San Francisco.	Funding through MAQF, Defra and GLA (£25,000 authorised under a previous IPB decision).
	<b>Air Quality and Health</b> Building on a pilot with Barts Hospital to reduce emissions and exposure to poor air quality and raise awareness with vulnerable groups. The project will be delivered by Global Action Plan, in partnership with Barts Health, TfL, the City and LBs of Newham, Tower Hamlets and Waltham Forest. This project will be complemented by a new health and economic cost study.	Funding through MAQF, Defra and GLA (£25,000 authorised under a previous IPB decision).
	<b>Joint Air Quality Initiative for North West Europe (JOAQUIN)</b> Manage £167,000 EU programme ensuring commitments are delivered and reporting is complete (funding supports Breathe Better Together, schools and cleaner air champions)	Participation in JOAQUIN was authorised by MD1314 following consideration by IPB. A fixed term JOAQUIN-project officer will be appointed to administer the project, with all costs fully reimbursed by JOAQUIN.
	<b>Non Road Mobile Machinery (NRMM) emission standards</b> Following adoption of new minimum emission standards for NRMM the GLA must inform construction companies/trade bodies and train London borough staff in how to	<b>THIS IS FOR APPROVAL BY THIS DD</b>

Area of activity	Activity	Resources / funding
	identify NRMM emission standards and enforce the new scheme.	
	<b>Air Quality Alert Service</b> Develop new poor air quality alert service to provide critical information to emergency services, key groups, schools, hospitals and vulnerable Londoners.	GLA and TfL are working together to develop this service, which will be linked to the schools programme and Breathe Better Together.
Air Quality Policy	<b>Ultra Low Emission Zone</b> Develop an Ultra Low Emission Zone for central London from 2020, including completing a Scheme Order by April 2015 subject to consultation and statutory processes.	TfL are providing the majority of resources, with GLA providing policy support and coordinating sign-off with City Hall.
	<b>New low emission buses</b> Develop funding formula to reduce / remove additional costs of hybrid buses over conventional buses.	TfL are providing the majority of resources, with GLA providing policy support and coordinating sign-off with City Hall.
	<b>Zero emission capable taxis</b> Begin consultation on new zero emission capable policy with supporting technology trials as required, to complement ULEZ consultation in November	TfL are providing the majority of resources, with GLA providing policy support and coordinating sign-off with City Hall.
	<b>Transport Emissions Action Plan and Toolkit</b> Comprehensive approach to tackling emissions from transport sources in London.	TfL are providing the majority of resources, with GLA providing policy support and coordinating sign-off with City Hall.
	<b>Tackling building air pollutant emissions</b> Finalise business case for an air quality boiler replacement programme and integrate the scheme into RE:FIT and associated delivery programmes.	GLA staff resource. Consultancy support funded from 2013/14 air quality programme.
	<b>London Atmospheric Emissions Inventory</b> Atmospheric inventory detailing concentrations, emissions and exposure in London. Used by boroughs for their statutory reporting. New inventory to be published in 2015.	Working with TfL to integrate the London Atmospheric Emissions Inventory and London Energy Greenhouse Gases Inventory (LEGGI) to develop a single inventory, to deliver efficiencies, ensure consistency and reduce duplication. LAEI funding currently provided through Environment Team statutory budget.
	<b>Air quality in the planning system</b> Manage consultants under a call off contract to provide expert advice and support on assessing air quality impact of planning applications / planning frameworks as well as to provide specialist advice and support in relation to air quality planning policy and design.	Resource currently provided by Environment Team Statutory Budget.

Area of activity	Activity	Resources / funding
Local Air Quality Management (LAQM)	<b>London LAQM Framework and Guidance</b> Liaise with Defra and London boroughs to produce new London-specific LAQM process with supporting guidance.	<b>THIS IS FOR APPROVAL BY THIS DD</b>
	<b>Cleaner Air Boroughs and Businesses</b> develop methodology for selecting Cleaner Air boroughs and businesses. Includes Mayoral event on 29 <sup>th</sup> July 2014.	Resource for this transitional year currently provided by Environment Team Statutory Budget and JOAQUIN funding. A grant of £13,000 will be provided to City of London Corporation to help deliver this activity.
	<b>Assess LAQM progress reports and respond to LAQM</b> Assess reports, draft analysis, monitor, submit response.	Resource for this transitional year currently provided by Environment Team Statutory Budget.
Partnerships and lobbying	<b>Partnerships and lobbying</b> Represent London on the Eurocities and AIR working groups. Lead C40 Low Emission Vehicles Network. Work with Government on mitigating infraction proceedings, ensuring a fit for purpose Clean Air Act and maximising London's share of Office for Low Emission Vehicles (OLEV) funding.	GLA staff resource, with support from TfL as required.

### ***Areas to be delivered jointly with Transport for London***

2.2 In fulfilment of previous IPB recommendations, over the last few months GLA and TfL officers have been working closely to develop a shared work programme to deliver improvements in air quality while maximising economies of scale. This approach has had the effect of reducing costs borne directly by the GLA and increasing the overall air quality budget. Areas of partnership include:

- development of **air quality policy** such as the Transport Emission Action Plan, Ultra Low Emission Zone, zero emission capable taxis and hybrid/electric buses.
- the joint delivery of a new **air quality programme for schools** (a separate programme update will be provided to IPB at a later date);
- integrating the **London Atmospheric Emissions Inventory** and London Energy Greenhouse Gases Inventory (LEGGI) to develop a single inventory, to deliver efficiencies, ensure consistency and reduce duplication;
- joint working on a new **air quality alert service** to ensure that emergency services, key agencies, schools, hospitals and vulnerable Londoners are appropriately informed in the run up to an air pollution episode; and
- joint working on quantifying **health and economic impacts** of air pollution to inform business case development and lobbying.

The Audit Report mentioned Action should be taken by the GLA to secure and collect funding committed by Transport for London for Air Quality initiatives

### ***Additional resourcing***

- 2.3 The majority of the above activities are already funded either directly by the GLA (e.g. through the provision of staff or by previous decisions implementing IPB recommendations), by European funding or in partnership with Transport for London.
- 2.4 However, there are a number of additional urgent items which are not currently funded. IPB endorsed the allocation of additional resources from the central programme budget to cover these costs, which are as follows:

<b>Additional Activity</b>	<b>Cost</b>
A budget to support the development of a London LAQM Framework and Guidance to be issued by the Mayor using powers under the Environment Act 1995 (subject to consultation), including modelling/analysis to develop new NOx policies and understand the timeline to compliance to feed into the Government's revised statutory NO <sub>2</sub> plan for the European Commission and to undertake an Integrated Impact Assessment.	£30,000
Implementing newly adopted non-road mobile machinery Low Emission Zone standards will require training of borough officers in how to identify different types of NRMM, engagement with the manufacturers and plant hire association to raise awareness and some small scale targeted publicity. The new standards come into effect in September 2015 so is vital this activity starts as soon as possible.	£30,000
<b>Total</b>	<b>£60,000</b>

- 2.5 **In addition to the above, funding of up to £47,000** is required to resource a fixed term contract for a Grade 8 post for 11 months (May 2014 – March 2015) to develop, deliver and operate a new London-specific Local Air Quality Management framework and to undertake other statutory functions in relation to air quality (see Appendix 1). This post would report to the existing Grade 10 Principal Policy and Programmes Officer (Air Quality) post. It is the intention that the post become permanent as an additional full-time post from April 2015 onwards, subject to the budget prioritisation process which will take place in the Autumn.

### ***Reallocation of JOAQUIN funding***

- 2.6 The GLA will receive £167,000 from the Joint Air Quality Initiative (JOAQUIN). The GLA has recently hosted a joint event with the City of London Corporation at Mansion House to launch the Air Quality Manifesto and Cleaner Air Boroughs. The GLA's share of costs is £13,000. This was originally to be covered by the Environment Team programme budget but we have now been informed it is eligible for reimbursement from the JOAQUIN project. Approval is sought to reclaim this funding from JOAQUIN, reallocate funding to be received as set out under MD1314 accordingly and to provide a grant for the same amount to City of London Corporation to compensate them for the GLA's share of costs incurred for the air quality Mansion House event.

## **3. Follow up to audit process**

- 3.1 In 2014 the GLA Environment Team was audited. As part of this the activities of the Air Quality Unit were reviewed. The outcome was successful with the Audit Report concluding that the "control framework is adequate and controls to mitigate key risks are generally operating effectively."

3.2 Two recommendations relating to the Air Quality Unit were included in the report as follows:

Item	Findings and Risk	Priority	Recommendations	Accepted	Management Response and Responsibility
1	The Investment and Performance Board initially approved a budget of £200,000 for the CAF2 programme based on Transport for London (TfL) reimbursing this amount, though this funding has yet to be secured. A further £90,000 temporarily funded by the GLA for the CAF3 programme is also yet to be secured. The sustainability of Air Quality programmes and projects are at risk if committed funds are not secured.	2	Action should be taken by the GLA to secure and collect funding committed by Transport for London for Air Quality initiatives.	Yes	GLA and TfL officers have now agreed that GLA will cover the £290,000. Discussions are still ongoing regarding TfL support for the air quality programme in future years. Any TfL funding for future years will be subject to Mayoral decision, as part of the normal approvals process. The reimbursement process is now complete. Future years AQ funding will be discussed at the April IPB meeting with a Mayoral Decision shortly thereafter.  <i>Responsibility: Principal Policy and Programme Officer (Air Quality)</i>
2	A change in the School's Clean Air Zone Project grant funding agreement period with the London Borough of Camden has yet to be formally documented, though is in the process of being done and has yet to be approved by the officer holding the appropriate authority to do so. Unapproved time extensions could hamper the GLA's delivery of the overall project/programme.	3	Project changes that affect the term of the grant funding agreement are formally documented and approved by the appropriate authority as per approved procedures.	Yes	The decision to extend the funding period will be approved by the responsible senior officer, appropriately documented and put into place ahead of the proposed 6 month extension.  <i>Responsibility: Principal Policy and Programme Officer (Air Quality)</i>

3.3 Regarding item 1, the ongoing arrangements with TfL are now set out in 2.2 of this DD.

3.4 In fulfilment of item 2 of the management response to the Audit Report, the Executive Director is asked to approve an extension of the delivery of the School's Clean Air Zone Project (authorised under MD1121) until January 2015 to enable the resolution of outstanding contractual processes, communications work and other issues. This does not affect formal delivery of the programmes and infrastructure at the schools, which are now substantively complete.

#### 4. Equality comments

4.1 Under section 149 of the Equality Act 2010, in making this decision "due regard" must be had to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, sexual orientation (and marriage or civil partnership status for the purpose of the duty to eliminate unlawful discrimination only). The equalities impacts have been taken into account in developing these proposals.

- 4.2 There is currently significant exposure of the London population to levels of NO<sub>2</sub> above the EU limit value and that this exposure is predicted to decline significantly (86%) by 2020. However, current modelling results show that in 2020 there will still be more than 300,000 people living in locations with average NO<sub>2</sub> above the EU limit value. In contrast, average concentrations of particles (PM<sub>10</sub> and PM<sub>2.5</sub>) were, by 2010, already within EU Limit Values for the annual average concentrations.
- 4.3 Populations living in the most deprived areas are on average currently more exposed to poor air quality than those in less deprived areas. 51% of the LSOAs within the most deprived 10% of London have concentrations above the NO<sub>2</sub> EU limit value. This is in contrast to 1% above the NO<sub>2</sub> EU limit value in the 10% least deprived areas. However there is a wide variation in pollution concentration values across the social gradient, with all deciles showing a large range between minimum and maximum values.
- 4.4 In developing and designing this programme we have worked with the London boroughs and other stakeholders to develop our proposals as well as taking Londonwide action. The provision of alerts services for vulnerable Londoners explicitly reflects and responds to health inequalities. In shaping our interventions with schools, a prioritisation based on exposure and key boroughs identified above will ensure that limited resources are targeted in such a way that they both tackle air pollution while also reducing social and health inequality.

## 5. Other considerations

### a) Key risks and issues

- 5.1 Non-compliance with EU limit values for NO<sub>2</sub> has potential for causing significant reputational, financial and legal risk to the GLA, boroughs and the UK Government. The air quality programme has been partly designed to fill existing gaps in GLA activity and is an important part of the mitigation of that risk.

### b) Links to Mayoral strategies and priorities

#### 5.2 *Mayoral strategies*

- Mayor's Air Quality Strategy (MAQS):
  - **Policy 3:** Identifying priority locations and improving air quality through a package of local measures
  - **Policy 4:** Reducing emissions from public transport, including buses
  - **Policy 12:** Raising public awareness of air quality issues  
'Develop a central air quality website for London on the GLA website, which will include data, technical information and advice on how to improve air quality.'
  - **Policy 14:** The Mayor will assist boroughs in carrying out the exercise of their statutory duty to improve air quality in London.
- **Mayor's Transport Strategy (MTS):**
  - **Proposal 92:** Reducing emissions from public transport, including buses
  - **Proposal 94:** Introducing targeted local measures at poor air quality priority locations to reduce emissions and improve local air quality.
- **Mayor's Health Inequality Strategy (MHIS):**
  - **Commitment 22:** Improve the quality of London's existing homes and neighbourhoods, especially in those areas with the poorest levels of health.

### c) Impact assessment and consultation



- 5.3 No further impact assessment or consultation is required in respect of the decisions for which approval is sought under this Decision Form. A comprehensive impact assessment was undertaken for the development of the Mayor's Air Quality Strategy which they partly implement. There was also an extensive public and stakeholder consultation as well as formal consideration by the London Assembly. Going forward Defra, the boroughs and relevant stakeholders, including the London Assembly, will be consulted on the proposed new London LAQM Framework and Guidance. Relevant impact assessments will also be undertaken at the appropriate stage.

## **6. Financial comments**

- 6.1 Approval is sought for expenditure of £107,000 to deliver the approved air quality programme for 2014/15 as set out in 2.4 and 2.5 above, funded from the 2014/15 central programme budget. This is required to cover the costs of the additional activity of £60,000 set out in table 2.4 above and £47,000 to fund an 11-month fixed term contract for a Grade 8 post.
- 6.2 Funding for this expenditure is available in 2014/15 only. If a budget carry forward into 2015/16 is required, a request will need to be submitted and is subject to approval as part of the 2014/15 year end process. There is no on-going funding available for this fixed-term post to be extended at the end of the contract period; therefore any decisions regarding the establishment for 2015/16 will be subject to approval as part of the budget prioritisation process, which will take place in October.
- 6.3 Approval is also sought to claim £13,000 from the EU Joint Air Quality Initiative (JOAQUIN) funding set out under MD1314 and to provide a grant for the same amount to the City of London Corporation to cover the cost of the Mayor's Air Quality Mansion House event held on 29<sup>th</sup> July 2014 as set out in paragraph 2.6 above. There are no financial implications to this decision as income from EU will be used to reimburse City of London Corporation.
- 6.4 The Executive Director of DE&E is also asked to approve an extension of the delivery of the School's Clean Air Zone Project authorised under MD1121 until January 2015 to enable the resolution of outstanding contractual processes, communications work and other issues as set out in paragraph 3.4. There are no financial implications in extending the delivery till January 2015.
- 6.5 If part of the programme relates to contracts, officers have to ensure that the requirements of the Authority's Contracts & Funding Code are adhered to. Also if any contracts are consultancy based, officers also have to ensure that the requirements relating to consultancy services within the Authority's Financial Regulations and Expenses & Benefits Framework are adhered to.
- 6.6 All requisite budget adjustments will be made and any changes to this proposal must be subject to further approval via the Authority's decision-making process.
- 6.7 The Environment Team within the Development, Enterprise and Environment Directorate will be responsible for managing this project and associated funding agreements..

## **7. Legal comments**

- 7.1 No particular legal implications arise from the decisions sought that have not already covered elsewhere in this report.

## **8. Planned delivery approach and next steps**

<b>Activity</b>	<b>Date</b>
Create a new London LAQM STAF and commence recruitment	May 2014
Appoint new London LAQM officer under STAF	July 2014
Bid for the London LAQM officer post to become permanent during budget prioritisation discussions	Autumn 2014
Publish draft Mayoral London LAQM Framework and Guidance for consultation	December 2014
Publish final Mayoral London LAQM Framework and Guidance	March 2015
Implement new Mayoral London LAQM approach	March 2015 onward
End of STAF post (and if confirmed permanent post starts)	March 2014
Provide information for Government for inclusion in revised NO2 action plan	tbc

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

**Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

**Part 1 Deferral:****Is the publication of Part 1 of this approval to be deferred? YES**

If YES, for what reason:

This DD includes information which is legally privileged, commercially sensitive or will be released in due course as part of the Mayor's communications efforts to improve awareness about air pollution. Releasing this information early could prejudice the GLA's legal position, prevent it from securing best value or undermine the Mayor's efforts to effectively present and explain the policies he is adopting to improve London's air quality.

Until what date: 1 June 2015 once the 2014-15 Air Quality programme has set in this document has been delivered fully

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to  
confirm the  
following (✓)

**Drafting officer:**

Elliot Trehan has drafted this report in accordance with GLA procedures and confirms that:

✓

**Assistant Director/Head of Service:**

Stephen Tate has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

**Financial and Legal advice:**

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**

*M. J. Allen*

**Date**

*15.9.14*

