

Environmental Protection Service

Risk Air Quality - JAQU - Bus Retrofit

Likelihood	H			
	M			
	L			R/G
		L	M	H
	Impact			

Impact Measures

Risk Description

March 2020 - Covid-19 may affect ability to meet direction - project being kept under review.
 Ministerial Direction served on NULBC ON 5th October 2018 requiring buses running on specified census ID's equating to (A53 between Sandy Lane and Etruria/A500 roundabout) to be either retrofitted to bring upto Euro 6 or Euro 6 buses to be used no later than 1st Jan 2021 or in the shortest possible time. Reliant on First Bus and First Group fully engaging and supporting project.

Potential Consequences

Failure to deliver within prescribed timescale.
 Damage to health / potential legal challenge and further action by Government including intervention in LA air quality function.
 Significant financial implications. Lack of public confidence, reputational damage.
 Failure to deliver existing workload commitments and statutory duties.
 Viability of bus service may be affected by forced retrofit.

Implication

Damage to health / potential legal challenge and further action by Government including intervention in LA air quality function.
 Significant financial implications. Lack of public confidence, reputational damage.
 Failure to deliver existing workload commitments and statutory duties.

Risk Owners

Nesta Barker

Risk Rating

Medium Amber 3

Last Review

08/02/2021

Final Risk Rating

Medium Amber 3

Next Review

09/05/2021

Target Risk Level

Treatment

Tolerate

Path

Environmental Protection Service/Environmental Services/Operational Services/Newcastle Under Lyme

Key Controls Identified

- Comprehensive guidance and support from JAQU.
- Legal advice sought on State Aid rules.
- Project updates to JAQU.
- Procurement advice sought.
- Cabinet approval given 18/03/20 - item 7
- Project Plan.
- EMT/IC/portfolio holders kept up to date on progress.
- Signed legal agreement with First to deliver project by end November 2020

Action Plans

	Action Plan Description	Action Plan Type	Action Plan Owner	Due for Completion by	Comments
Monthly project delivery review.	Contact First for details of progress and obstacles and raise issues with JAQU if there is a risk of failure to meet direction	Planned	Nesta Barker Darren Walters	30/04/2021	05/08 - contacted and progress report received on track 03/09 - contacted and progress report requested 07/09 - contacted and confirmed on tack to compete by 20th November 2020 November 2020 - requested update to confirm on track by end of month. December 2020 - works completed. Still need to complete bus wrapping and quarterly returns to JAQU.

Risk Air Quality - North Staffs Local Air Quality Plan (NSLAQP)

Likelihood	H			G
	M			R
	L			
		L	M	H
	Impact			

Impact Measures

Risk Description

Failure to deliver compliance with statutory limits on roadside NO2 concentrations across the borough in the shortest possible time, which could lead to failure to comply with requirements of Ministerial direction served on NULBC and SOTCC on 5th October 2018.

Potential Consequences

Failure to deliver within the prescribed timescale may result in legal challenge by third parties such as environmental campaign groups, on the basis that illegal levels of air pollution have been allowed to persist for too long. This could lead to financial penalties imposed on the Council by Government, under the powers afforded by the Localism Act 2011.

Implication

Any challenge to Government by either mandated authority, regarding the need to achieve compliance with nitrogen dioxide concentration targets in the shortest possible time, could adversely impact on the other authority's compliance with the requirements of the Direction. With no AQ improvements this will lead to damage to health / potential legal challenge and further action by Government including intervention in LA Air Quality function. Significant financial implications. Lack of Public Confidence. Reputational damage. Fines if passed down are likely to adversely impact council services

Risk Owners

Nesta Barker

Risk Rating

High Red 9

Last Review

08/02/2021

Final Risk Rating

Medium Amber 6

Next Review

09/05/2021

Target Risk Level

Treatment

Treat

Path

Environmental Protection Service/Environmental Services/Operational Services/Newcastle Under Lyme

Key Controls Identified

- Comprehensive guidance and monitoring from JAQU.
- Joint working with SOTCC and SCC.
- Project plan created.
- Comms strategy.
- EMT/IC/portfolio holders kept up to date on progress.
- External Professional support obtained from Transport and AQ consultants.
- Head of Service on project team.
- Joint governance arrangements with SOTCC/NULBC/SCC in place with JOG and JAG meetings.
- Legal advice sought.
- Procurement advice sought.
- Senior Responsible Officer and Project Manager have meetings with JAQU.
- Total grant award near £2m, in total, to date.

Action Plans

	Action Plan Description	Action Plan Type	Action Plan Owner	Due for Completion by	Comments
Failure to meet legal direction requirement to deliver FBC by 31st July 2021	Consultants are revising the project plan for the borough's component of the Preferred option, to determine a plan that still delivers compliance in the shortest possible time. This will be discussed and agreed with JAQU to ensure that the risk associated with failing to meet the legal direction requirement is addressed.	Planned	Nesta Barker	31/07/2021	Interim unapproved OBC reached in May 2020. New project plan indicated FBC submission in July 2021, JAQU confirm delay of four months due to COVID-19 and new FBC date of 31st July 2021. NULBC and SCC approved OBC in Dec 2020 - SOTCC approved with conditions to identify a variant preferred option for one of the City Exceedances. By end March 2021, the City have not yet agreed a solution with JAQU or members, due to this delay the July 2021 deadline is unachievable.
Funding to be provided to NULBC and SOTCC by JAQU	Full funding received from JAQU to cover all costs associated with OBC submission and subsequent Covid sensitivity analyses. Further funding for the FBC will be sought either by the City Council in their SRO role, or by the project manager on behalf of the Council (and Staffordshire County council) if the borough's component of the preferred option is progressed independently of the city components.	Planned	Nesta Barker	30/04/2021	Regular monthly financial submissions made to JAQU. Requests for financial assistance for officer time funding received to January 2021. Further grant application to be made by Stoke-on-Trent which will include NUL costs.
To formalise procurement / legal / financial and delivery arrangements for measures identified as securing compliance	A legal agreement will be drawn up at the start of FBC stage, that sets out delivery arrangements (between NULBC, SOTCC and SCC) for the relevant components of the preferred option, based on ministerial feedback to the City Council's objection to the city component of the preferred option. OBC project risks, procurement and legal completed.	Planned	Nesta Barker	30/04/2021	OBC submitted to JAQU. SRO role transferred to Stoke-on-Trent City Council with the responsibility for these arrangements for FBC.

Risk Local Air Quality Management

Likelihood	H			
	M			
	L			R/G
		L	M	H
	Impact			

Impact Measures

Risk Description Failure to deliver Local Air Quality Management function in line with statutory requirements - annual reporting

Potential Consequences Reputational damage to the council. Increased cost to the council. Removal of function from the council, Judicial review of decisions made/procedures. Potential for fines, imposed on UK Government for non compliance with EU objectives, passed onto local authority by UK government.

Implication

Risk Owners Darren Walters

Risk Rating Medium Amber 3

Last Review 27/11/2020

Final Risk Rating Medium Amber 3

Next Review 25/02/2021

Target Risk Level

Treatment Tolerate

Path

Environmental Protection Service/Environmental Services/Operational Services/Newcastle Under Lyme

Key Controls Identified

- Competent staff.
- Statutory guidance followed.
- Annual reporting.
- Air Quality Management areas declared.
- N02 diffusion tube monitoring.
- Air quality station data management.
- Project Plan for work to be undertaken in place.

Action Plans

	Action Plan Description	Action Plan Type	Action Plan Owner	Due for Completion by	Comments
2021 ASR outcome	Sept 2020 recommendations to be addressed in a revised report and to be submitted alongside ASR 2019 SPET 2020 Report accepted by DEFRA -	Planned	Nesta Barker Darren Walters	24/05/2021	October 2020 - ASR 2020 accepted. Recommend revoke 2 AQMA'S Madeley and Maybank-Wolstaton-Porthill based on monitoring data
ASR 2021 - Report to public protection	ASR 2021 - Report to public protection	Planned	Darren Walters	01/06/2021	
ASR 2021 - review feedback from DEFRA and advise Nesta	ASR 2021 - review feedback from DEFRA and advise Nesta	Planned	Nesta Barker Darren Walters	26/07/2021	
ASR 2021 - Submit to DEFRA	ASR 2021 - Submit to DEFRA	Planned	Darren Walters	24/05/2021	
Contract renewal for AQS at Queens Gardens, Data management / Repair and Maintenance. Current contract expires 31st March	Contract renewal for AQS at Queens Gardens, Data management / Repair and Maintenance. Current contract expires 31st March 2021	Planned	Darren Walters	04/01/2021	Reminder to seek quotations for renewal and repair maintenance and data management 19/20 FINANCIAL YEAR - Contracts n place
Seek quotations for NO2 diffusion tube supply and analysis from accredited laboratory for 1st Jan 2022 for 3 years	Seek quotations for NO2 diffusion tube supply and analysis from accredited laboratory for 1st Jan	Planned	Darren Walters	01/10/2021	
