

APPENDIX 6 – OPERATING BODY OPTIONS & RESPONSIBILITIES

1 OPERATING BODY OPTIONS & RESPONSIBILITIES

- 1.1 The 'Operating Body' will be a public sector body which will be responsible for day to day operation of the CAZ in particular, and the operation of other GM CAP measures. Paragraph 16.7 sets out further detail on the responsibilities / activities of the 'Operating Body'.
- 1.2 The Clean Air Steering Group assessed seven options for the potential bodies that could discharge the role of the Operating Body. They were:
 1. TfGM;
 2. GMCA;
 3. One (or more) of the ten Greater Manchester local authorities on behalf of remaining nine (or less);
 4. An arms-length body of a Greater Manchester family organisation – established through the setup of a Teckal company;
 5. A Local Authority Trading Company (LATC) to offer services to other Local authorities with similar requirements;
 6. External local authority to Greater Manchester to deliver on behalf of Local authorities (e.g. Leeds / Birmingham etc.); and
 7. Partnership with other local authority(ies) external to Greater Manchester (e.g. Pan Northern Clean Air Plan Delivery Body / Partnership).
- 1.3 Based on an initial high-level assessment, the group determined that Options 1 to 4 should be shortlisted for further assessment. That assessment subsequently led to it being agreed that TfGM were best placed to become the Operating Body and there were two options (Option 1 – TfGM and Option 4 – Teckal company established by TfGM) to be taken forward by TfGM for consideration in further detail.
- 1.4 TfGM is willing accept the Operating Body function and take on responsibilities for the CAZ integrating GM CAP delivery with wider strategic GM responsibilities which would be known as the "GM Clean Air Service" (Option 1).
- 1.5 There are a number of tax implications with TfGM becoming the Operating Body, the principles of which are yet to be agreed by HMRC, primarily around the corporation tax liability and VAT.
- 1.6 The corporation tax liability might arise if the charging scheme creates a surplus, at which point the surplus would be taxed at TfGM's standard rate. If the scheme operates at a deficit no corporation tax will be payable. TfGM are in dialogue with HMRC about including this activity within TfGM's 'Simplification Agreement' which would take the activity outside the scope of taxation.
- 1.7 The status of the VAT treatment is yet to be agreed between TfGM and HMRC. The expectation, and the current working assumption, is that all input VAT incurred will be recoverable on the implementation and operation of the scheme, although the mechanism for this needs to be agreed.
- 1.8 Operating Body – assumed responsibilities: Activities that may not be contracted out by the Operating Body:

- Issuing PCNs on behalf of the charging authorities to individuals who have failed to pay and managing refunds as appropriate (within agreed policy).
- Consideration of representations against PCN notices (internal appeals).
- Making of representations on behalf of the charging authorities' on any appeal to an external adjudicator.
- The making of any arrangements under section 192 of the 2000 Act.
- Authorising those to act as "authorised persons" for the purpose of exercising powers under Part 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013
- Management of the suppliers contracted to deliver the three discrete elements of the Charging Zone, namely Signage, CAZ Service and Debt Recovery.
- Keeping policy under review particularly in relation of discounts and exemptions.
- Financial Management of received funds and application of net proceeds.
- Deciding whether to Issue Charge Certificates where a penalty charge notice is not paid before the end of a relevant period (within agreed policy framework).
- Any decision to recover non-payments through Debt Management.
- Determining whether the circumstances are ones in which a PCN is not to be issued within the agreed policy e.g. when a HE Emergency Diversion Route (EDR) is activated.
- Provision of a set of accounts for the scheme.
- The monitoring and evaluation of the measures.
- Reporting performance of the CAZ and supporting measures to the Clean Air Committee.
- Proposing changes to the Clean Air Policy Framework.
- Complying with any direction given by the SoS in respect of traffic signs or the provision of specified information (assuming the necessary delegations have been provided by the charging authorities to the Operating Body) in relation to the CAZ.

1.9 Activities that may be contracted out by the Operating Body to approved suppliers:

- Capturing imagery from ANPR Cameras.
- Manage relationship, and interface, with JAQU Portal. Ensure data is transferred between local and central system securely, expeditiously and in the correct format.
- Manage relationship with other data utilising bodies as directed by the Operating Authority (as directed by Home Office guidance).
- Reconciling Payments from JAQU Portal.
- Identifying captured ANPR data with the reconciled payment data.
- Answering customer complaints & queries.
- Recovery of non-payments through Debt Management.
- Installing and maintaining the ANPR and signage network.
- Manage mobile ANPR camera deployment.
- Process applications for exemptions (and discounts) on behalf of the charging authorities within the agreed scheme rules as contained in the charging scheme order'.
- Maintain and ensure accuracy of GM Whitelist (vehicles exempt from charges).
- Identifying and working with repeat payment avoiders within the agreed policy Framework.
- The monitoring of the GM Diffusion tubes network.
- Undertake and align CAZ communications / Marketing campaigns with wider GM campaign activity.
- When instructed by the Operating Body, decommission the CAZ.

- Operational Administration of the Clean Commercial Vehicle Fund within the agreed policy.
- Operational Administration of the Clean Taxi Fund within the agreed policy.
- Operational Administration of Vehicle Finance Scheme within the agreed policy.

1.10 Clean Air Management Group – assumed responsibilities.

1.11 Responsible for management oversight of the GM Clean Air Service in line with the policies and decisions of the participating authorities.

- To have day to day oversight of the performance of the GM Clean Air Service and supporting measures and holding the operating body to account;
- To oversee Clean Air Zone communications / Marketing campaigns and interfaces with wider GM campaign activity;
- To ensure the GM Clean Air Service is adequately resourced to achieve its objectives;
- To brief the Authorities Leadership Teams on progress, development of solutions and any risks/issues associated with the service;
- To provide appropriate steer for the direction of the GM Clean Air Service and development of measures/solutions;
- To receive and appropriately challenge information presented on the GM Clean Air Service;
- To provide input to general GM Clean Air Service-related decisions; and
- To brief senior officers and elected members within their organisations on the information presented and agreed at the Management Group in particular prior to consideration of matters by the Clean Air Committee.