



A34 Perry Barr Highway Improvement Scheme Full Business Case

Call In by the Sustainability and Transport Overview & Scrutiny Committee

1 Request for “Call-In”

1.1 On 15th October 2019 Cabinet took a decision to:

- (i) Approve the Full Business Case (FBC) for the A34 Perry Barr Highway Improvement Scheme as set out in Appendix A to the report at an estimated capital cost of £27.1m (plus £2.95m contingency) and as shown on the scheme plan in Appendix B of the report; and
- (ii) Approve the placing of orders up to £30.05m, subject to the Commonwealth Games Change Control process for the £2.95m contingency provision, to deliver the scheme;
- (iii) Agree to delegate the award of the highway construction works contract using the Council's Highways and Infrastructure Works Framework Agreement to the Assistant Director of Transport and Connectivity subject to the works cost being within budget;
- (iv) Agree to delegate the approval of the changes to the highway including the highway boundary arising from upgrading the Bus Interchange (subject to final design and planning consent being secured) to the Assistant Director of Transport and Connectivity;
- (v) Agree to delegate authority to the Assistant Director of Transport and Connectivity to:
 - Authorise the Bus Interchange works to be delivered by Transport for West Midlands (TfWM) subject to a Section 278 agreement or
 - (Subject to a delivery agreement with TfWM) Authorise the Bus Interchange works to be included within the A34 Perry Barr Highway Improvement Scheme construction works.
- (vi) Authorise the discharge of petitions 2109, 2121 and 2137 submitted to the Council, received post Options Appraisal Report presented to Cabinet on 12 February 2019, in relation to the removal of the Perry Barr Flyover and that Councillors Jon Hunt and Morriam Jan and the first-named petitioners be informed accordingly, with the exception of petition no 2142 (and 2156) which will be debated at Full Council as detailed in Section 5, paragraph 5.12 to the report;



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- (vii) Authorise the Assistant Director of Transport and Connectivity and the Assistant Director of Planning, subject to agreement between the respective parties, including Lendlease, as to the financial impact arising from the reallocation of works between the two contracts, to make variation to the A34 Perry Barr Highway Improvement Scheme contract and the Perry Barr Residential Scheme contract to transfer the design and delivery of the Aldridge Road public realm works to the highways contract;
- (viii) Approve placing orders with statutory undertakers to move their apparatus up to the value of £2m, which is included within the estimated overall scheme costs of £27.1m as set out in decision (i) above;
- (ix) Authorise the City Solicitor (or their delegate) to complete all relevant documents necessary to give effect to the above decisions.

- 1.2 A request for Call-In was made to the Sustainability & Transport Overview and Scrutiny (O&S) Committee by Councillors Jon Hunt, Morriam Jan and Robert Alden on 18th October 2019.
- 1.3 The Sustainability and Transport O&S Committee met on 25th October 2019 to consider the matter. In doing so, Members heard from Councillor Waseem Zaffar, Cabinet Member for Transport & Environment, Philip Edwards, Assistant Director, Transport & Connectivity, Andy Everest, Infrastructure Delivery and Jaswant Chahal, Infrastructure Delivery Manager.

2 The Discussion

Reasons for the Call-In

- 2.1 At the meeting, Councillors Jon Hunt, Morriam Jan and Robert Alden stated that the focus of the request for call-in was the Cabinet decision to approve the Full Business Case and Contract Award for the A34 Perry Barr Highway Improvement Scheme as set out in the report dated 15th October. They highlighted the following reasons for the request for call-in:
 - 4. *the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision.*
 - 5. *the Executive appears to have overlooked some relevant consideration in arriving at its decision.*
 - 6. *the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do.*
 - 7. *The decision appears to be particularly "novel" and therefore likely to set an important precedent.*
 - 8. *There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to work of the Council.*
 - 9. *The decision appears to give rise to significant legal, financial or propriety issues.*



- 2.2 A number of issues were raised as objections to the Cabinet decision which had previously been raised and discussed, either at the previous call-in or at Cabinet. These included:
- the incomplete economic assessment;
 - queries about how the Transport Appraisal was done, the potential impact on bus services and public transport, the fact that bus priority at traffic signals was not included in the modelling, the apparently marginal improvements to journey times and the fact that there is no evidence of congestion improvement and no traffic modelling was done for this;
 - queries about how the Air Quality Assessment was done and in particular the fact that in spite of the recent climate change emergency motion which was agreed in City Council (11th June 2019) by all parties, carbon gases were not included as part of the analysis and no baseline figures for 2026 were included;
 - the wider impact on the highways works in terms of traffic disruption in the local area and the impact on local residents during the construction period.
 - The sequencing of the work was queried in terms of timescales and whether all of the infrastructure projects need to be delivered before the Commonwealth Games with so many regeneration schemes happening in the Perry Barr area at the same time.
- 2.3 The main objection raised however was that the Cabinet decision on 15th October was made in spite of the fact that thousands of residents have objected to the proposals, both by responding to the consultation and via petitions where a large number of signatures were gathered and submitted, demonstrating strong public opposition. The main Petition is to be debated at City Council on 5th November. This would appear to give rise to legal and propriety issues. To have made the decision on 15th October before debating the Petition in Full Council on 5th November gives the appearance of disregarding the concerns expressed by residents in the petitions.

Cabinet Member and Officer Response

- 2.4 The Cabinet Member stated that the Perry Barr regeneration scheme which includes demolishing the flyover needs to go ahead order to deliver the other infrastructure schemes and that there was no other option than to proceed with the work.
- 2.5 Advice was provided to the meeting by the Deputy Monitoring Officer to the effect that constitutionally, the Cabinet made an executive decision taking into account all consultation responses. Although Full Council can debate the motion on the Petition, it cannot make an executive decision.

The Committee Resolution

- 2.6 The Committee voted and by a margin of 3:1 resolved to call-in the decision for reconsideration by Cabinet, on the grounds that:
- 9. – the decision appears to give rise to significant legal, financial or propriety issues.*



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- 2.7 The fact that the Cabinet decision was taken on 15th October, prior to the Petition being debated in Full Council on 5th November, although strictly constitutionally correct, gives the appearance that the Cabinet decision was taken before giving adequate consideration to the petition submission.
- 2.8 The Committee therefore formally asks the Cabinet to consider delaying making any further decision on the Perry Barr Highway Improvement Scheme until after the Petition has been debated in Council on 5th November 2019.

Cllr Liz Clements, Chair
Sustainability and Transport Overview and Scrutiny Committee