

**BIRMINGHAM CITY COUNCIL**

**SUSTAINABILITY AND TRANSPORT O&S COMMITTEE**

**1400 hours on 21<sup>st</sup> December, Committee Room 6, Council House**

---

**Present:**

Councillor Lee Marsham (Chair)

Councillors David Barker, Colin Green, Timothy Huxtable and Waseem Zaffar

**Also Present:**

Councillor Liz Clements, Cabinet Member for Transport (online)

Mark Wolstencroft, Operations Manager Environmental Protection (online)

Stephen Arnold, Head of Clean Air Zone

Mark Shelswell, Assistant Director, Highways and Infrastructure

Stephen Walton, Head of Highways PFI Procurement

Rajesh Parmar, Senior Solicitor

Amelia Wiltshire, Overview & Scrutiny Manager

Baseema Begum, Scrutiny Officer

---

The meeting started at 14:03 hours.

**1. NOTICE OF RECORDING/WEBCAST**

The Chair advised those present that the meeting would be webcast for live and subsequent broadcast and that Members of the press/public may record and take photographs except where there are confidential or exempt items.

**2. APOLOGIES**

Councillors Martin Brooks and Richard Parkin.

**3. DECLARATIONS OF INTERESTS**

Cllr Zaffar declared that he undertakes some consultancy work on Air Quality.

#### **4. MINUTES**

(See Item No.4)

The minutes of the meeting held on 7<sup>th</sup> September 2023 were approved.

#### **5. SUSTAINABILITY AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE ACTION TRACKER**

(See Item No. 5)

The Action Tracker was noted.

#### **6. BRUM BREATHE CLEAN AIR STRATEGY UPDATE**

Stephen Arnold, Head of Clean Air Zone; Mark Wolstencroft, Operations Manager Environmental Protection and Councillor Liz Clements, Cabinet Member for Transport were in attendance for this item.

Stephen Arnold gave a brief overview of the report and appendices highlighting the information provided gives details on the Brum Breathes Clean Air Strategy and the progress made on improving air quality following the introduction of the Clean Air Zone (CAZ).

Updates on the use of CAZ net surplus revenues and the implementation of air quality monitors in schools as part of phase 1 and preparations for phase 2 of the programme were also shared. The Air Quality Framework recently published by the West Midlands Combined Authority (WMCA) also recognises the need for local authorities to collaborate across the region in relation to improving air quality. Extra resources are being put in place to support service areas to ensure that the Council is meeting its statutory obligations.

Mark Wolstencroft explained that Environmental Health has separately over a 3-year period measured levels of nitrogen dioxide in some areas outside the city centre (including key arterial routes) where it felt that these may be high. Tranches 1 and 2 monitoring has been completed and indicative data shows that there has been no increase in nitrogen dioxide levels outside of the city centre. Once the data for 2023 has been finalised a report will be presented to the Cabinet Member. This can also be shared with this committee. Further monitoring as part of Tranche 3 will take place in 2024.

A discussion was then held and in response to issues raised the following were among the points made: -

- There was a target of Phase 1 of the rollout of Air Quality monitors to be completed within a year however there are challenges for some schools, and this has caused a delay. Phase 2 has also seen some delay due to spend control. It is anticipated that an offer to schools as part of this phase will be ready and achievable for September 2024 and lessons have been learnt from Phase 1.

- The Council monitors 3 sites across the city for particulate matter. The levels are currently at PM 2.5 and under the level set by government. Several interventions have been introduced to help reduce air pollution and it was envisaged that the city was probably not far off reaching the background level. The Council is working with the University of Birmingham on the WMAir project and looking to increase its monitoring network.
- There are two Air Quality monitors on Moor Street however most of what is being captured is directly from buses although it was acknowledged that most buses were CAZ compliant.
- In relation to emissions at railway stations this was a matter for the owner of the station. It was highlighted however that the Committee had previously scrutinised the work carried out to reduce the high levels of air pollution at New Street station and the measures in place to lower it. There may be scope to take this work forward with partners encompassing other city centre railway stations to see what more can be done.
- There are no plans to extend the CAZ as its purpose was to specifically reduce the exceedances in the city centre. Evidence shows that there is no displacement of pollution outside of the CAZ. If the CAZ was extended it would become much more difficult to manage. The work of the Air Quality Action Plan helps to understand where there are issues.
- Exceedances of nitrogen dioxide levels by Five Ways have been reported. As this area is outside of the CAZ further work would be needed to identify if vehicles or trains were causing the issue.
- It was clarified that PFI funding received was to maintain the public highway. Anything outside of this remit is the responsibility of the Council. As part of the procurement process for a new contractor to maintain the highway other issues highlighted can be considered including the maintenance of new assets to the network and to ensure that there are no additional pressures on the Council's general fund. A new maintenance arrangement is being considered as part of the refresh of the PFI in relation to accruing assets.
- It was acknowledged that the Birmingham Transport Plan outlines the need to break down silo working to maximise the impact of policies and projects in local areas. Work is taking place across council service areas in relation to monitoring and analysing air quality data and with the University of Birmingham. A colleague from Public Health has also joined the CAZ team who has knowledge on behavioural change and will be leading this work including issues related to indoor air pollution in council properties.
- The resurrection of the Brum Breathes Board is planned and will deal with all issues related to air quality. There are measures already in place as part of the Birmingham Transport Plan to deal with the increase in traffic and associated issues.
- The budget for the pedestrianisation and associated public works in the city centre was approximately £15m. Further details on compliance will be shared.
- The Council operates 1000-1500 waste vehicles. A number are not compliant with the CAZ standard and further information will be provided on this by the relevant service area.

- There will be a report to Cabinet in the new year on the Transport and Development programme and included in this will be what the next tranche of net surplus revenues from the CAZ will be used to for. This will align with some of the Council's short-term challenges set within the parameters of the CAZ scheme.
- In reference to comments made by Commissioners with reference to the CAZ it was clarified that there is a sum of £7m in reserves to cover pressures. Decommissioning of the CAZ would cost approximately £2m (to cover the removal of physical infrastructure e.g., cameras). The remaining £5m would cover operational costs if there is a reduction in income in the future as it is anticipated that this will happen over time. It was added that this is reviewed annually and based on forecast data.

**RESOLVED: -**

- 1) The report was noted.
- 2) A breakdown of the 3 schemes listed in Appendix 6 including costings and further details on what the schemes are.
- 3) Further information on the additional projects proposed in all other wards that will be receiving Brum Breathes funding including information for Members on the scope of what the funding can be used for.
- 4) City Operations to provide further information on the compliance of waste vehicles being utilised within the CAZ and proposals for upgrading/replacement of the fleet.
- 5) Air Quality Monitoring report with details of the outputs from the monitoring undertaken in Tranches 1 & 2 and proposals for Tranche 3 to be shared when this is available.

**7. HIGHWAYS MANAGEMENT AND MAINTENANCE SERVICES PFI**

Mark Shelswell, Assistant Director, Highways & Infrastructure and Stephen Walton, Head of Highways PFI Procurement were in attendance for this item.

The Chair, Cllr Marsham outlined that officers would be updating the Committee on the government's decision on the Outline Business Case submitted by the Council for the revised Highways PFI agreement.

Cllr Marsham explained that the item would be discussed in two parts with a public and private session as the Council is taking legal advice on the government's decision. The private session would allow Members to hear legally privileged information. Any issues that can be shared publicly will be noted and shared as part of the public minutes.

Mark Shelswell briefly explained the timeline of events in relation to the submission of a full business case to government that was approved by Cabinet for funding up until 2035 at a sum of £50.3m per year. Formal notification from government of the intention to withdraw the funding for the PFI was received by the Council on 30<sup>th</sup> November. The Council is considering its position in relation to the impact of this and is seeking clarification from government. Due to the Council's current financial situation, there was concern as to whether it can afford to match the sum given by

government under the PFI. A short-term mitigation has been discussed and further clarification is being sought. It was highlighted that the Council is in a very fast and changing environment in relation to this and Members need to be advised of the rationale for the decision. Therefore, due to legally privileged information this will be shared with Members in private session to protect the Council from any litigation.

Following this the Chair stated that the public meeting would be paused so that Members could consider this information in private.

**RESOLVED: -**

1. The report was noted.
2. The private minutes to be reviewed to ensure any information that can be shared will be included in the public minutes.

**8. WORK PROGRAMME**

The Chair noted that due to the issuing of the Stabilisation Plan there would need to be more flexibility in the Committee's work programme to respond accordingly. This will enable the Committee to respond at short notice to any changes that may occur as required.

Further to this the Chair outlined some changes to the work programme to allow items to be reframed as follows: -

- A discussion of the Road Safety Terms of Reference will now take place in January.
- The Active Travel Inquiry that the Committee has completed will require some further discussion in consideration of the above.
- The Flood Risk Management report will remain in March as this is a statutory report that the Committee must receive.
- The next formal Committee meeting will be in February as January's meeting will be a discussion on the future work programme.
- Members were requested to submit any issues for discussion on the future work programme if they are unable to attend the January meeting.

The Chair agreed that he would feedback to Co-Ordinating Committee concerns raised about the role of Scrutiny Committees in supporting the Council and Commissioners in its recovery and stabilisation work.

**RESOLVED: -**

1. The report was noted.
2. Chair to write to Mark Shelswell, Assistant Director, Highways & Infrastructure to ensure that future reports are submitted on time to avoid changes being made to set meeting agendas and dates.
3. The Committee to receive monthly progress updates on the Highways Maintenance PFI arrangement for 2024-25 until further notice.
4. Members to be provided with alternative meeting times and a hybrid meeting option for the informal meeting agreed for 11<sup>th</sup> January.

5. The Committee to hold a meeting in May (date to be confirmed) to replace a meeting that was cancelled in October.

**9. DATE OF NEXT MEETING**

The informal work programme session will take place on 11<sup>th</sup> January with the time to be confirmed. The next formal meeting will take place on 8<sup>th</sup> February.

**10. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS (IF ANY)**

None.

**11. OTHER URGENT BUSINESS**

None.

**12. DATE OF NEXT MEETING**

Noted.

**13. AUTHORITY TO CHAIR AND OFFICERS**

Agreed.

**RESOLVED: -**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

---

The meeting ended at 16:09 hours.