

BIRMINGHAM CITY COUNCIL

SUSTAINABILITY AND TRANSPORT O&S COMMITTEE

1430 hours on 25th October 2019, Committee Room 6 – Actions

Present:

Councillor Liz Clements (Chair)

Councillors Zaker Choudhry, Timothy Huxtable and Julie Johnson.

Also Present:

Andy Everest, Infrastructure Delivery, BCC

Councillor Jon Hunt, Perry Barr ward

Councillor Morriam Jan, Perry Barr ward

Councillor Robert Alden, Erdington ward

Jas Chahal, Infrastructure Delivery Manager, BCC

Phil Edwards, Assistant Director, Transport & Connectivity, BCC

Baseema Begum, Scrutiny Officer

Rose Kiely, Overview & Scrutiny Manager

1. NOTICE OF RECORDING/WEBCAST

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

2. APOLOGIES

Councillors Afzal, Armstrong, Freeman and Jones.

3. DECLARATIONS OF INTERESTS

Standing declaration of those Members of the Committee who are on the West Midlands Combined Authority's Transport Delivery Committee was noted.

Cllr Alden also declared that he was a member of the West Midlands Combined Authority's Transport Delivery Committee.

4. REQUEST FOR CALL IN - WORKPLACE PARKING LEVY - INVESTIGATION OF OPTIONS FOR DEVELOPING AND IMPLEMENTING A SCHEME FOR BIRMINGHAM

(See document No.1)

The Chair, Cllr Clements outlined the process that would be applied for hearing the two call-ins on the Committee's agenda and in doing so welcomed all attendees.

Cllrs Alden and Hunt were asked to state their reasons for the call-in request.

Cllr Alden highlighted the reasons as set out in the call-in request form and added the following: -

- There was concern about what consultation had been carried out with businesses and what the impact of the Workplace Parking Levy (WPL) might be on businesses prior to the policy being announced.
- There were also concerns that this policy was based on other policies yet to be adopted by the City Council and these will have an impact.
- The decision has caused particular controversy with the amount of press and social media coverage and this has been overlooked.
- The decision is novel in that there is only one other scheme in operation in Nottingham which gives cause for concern.
- There is no economic assessment to consider the impact of this policy and additionally the policies supporting the WPL have not yet been adopted and details have not been shared outside of the Executive therefore there is a lack of clarity for other Members. This gives concern about what supporting evidence is being used to support the WPL and that decisions were been taken in isolation rather than consistent with Council strategies already in place and others being proposed.

Cllr Alden highlighted that Nottingham had not introduced a Clean Air Zone (CAZ) because they have a WPL and therefore Birmingham is alone in trying to introduce both where no other city has both charging mechanisms.

There was also concern that by charging employers the levy that this cost would be passed onto employees and subsequently effect economic growth. The impact on the lowest paid in the city centre was emphasised and the productivity of those employees that need to use their car but will be hit by the extra charge including the City Council's social workers. There was concern that small businesses would be adversely affected as they will struggle to absorb the cost.

Cllr Alden added that there was no electoral mandate for the WPL as it was not in the Labour Party election manifesto. Previously the administration had stated that they would not introduce it.

It was also felt that it would create more congestion and increase pollution in the city centre as in some areas there will inevitably be an increase in on-street parking.

Cllr Jon Hunt added his points for requesting the call-in: -

- Initiatives are being introduced in a piecemeal fashion and in isolation because the overarching objectives are set out in the Birmingham Transport Plan (BTP) and that has yet to come forward. In addition, this was another initiative for charging on top of the CAZ.
- Where is the revenue of WPL to be used? A list is included in the papers on investment in sustainable methods of travel however a coherent strategy is needed for getting people into the city centre (such as Park and Ride) and not focussed on 1 or 2 routes. This links back to the BTP which is not yet public. Therefore, this initiative needs to be parked until the BTP is in place.

The Cabinet Member responded: -

- This report is seeking permission to investigate and engage with all stakeholders affected.
- No assumptions can be made until the investigative work has been done at which point the evidence will be considered and a report compiled.
- The Greater Birmingham Chamber of Commerce (GBCC) have commented on the proposal. In terms of the CAZ an event and engagement has taken place with the GBCC membership.
- Other local authorities are looking at a WPL including Leicester.
- Nottingham ruled out a CAZ as their modelling showed that they were legally compliant on NO2 emissions, so they did not have to put any other measures in place. This has been due to the investment that has been put into their transport network.
- The levels of air pollution in Birmingham are the second biggest outside of London. There is a need for the city to fight back with a range of plans and policies including encouraging people to change their travel behaviour.
- Park and Ride is being developed. Transport for West Midlands (TfWM) are leading on this. Officers are looking at a number of options to move people onto sustainable forms of transport.

Phil Edwards, Assistant Director added that:

- The BTP is moving forward with the work as laid out in the Birmingham Connected Policy as agreed and adopted by the Council in 2014. This included giving authority for a number of further initiatives to be explored including a commitment to look at income generation locally. The BTP is therefore taking forward policies that have already been agreed.
- This report is requesting permission for investigatory work to be done to understand the number of private parking spaces in the city centre. There is no data available for this as the only data collected previously has been on public car parking spaces. A number of private car parking spaces can be hidden or out of site so therefore it is imperative that this work is carried out before any further decisions are made.
- Nottingham is being used as an example and a starting point for the work here as this scheme is already in operation.

- The economic impact is a key piece of work that will be undertaken once permission is granted to do the necessary investigations.

A Member of the Committee then made the following point: -

- The Nottingham scheme does have exemptions in place. There is a need for the consultation to take place to see how it will benefit Birmingham especially the impact on the lowest paid employees.

The Cabinet Member and Officer responded that: -

- There has been work undertaken elsewhere that has looked at various options (for example charging based on time on time of arrival). At the moment the work has not been done so can't pre-empt findings. It will take in the region of 3 years to set up a development process for the work required.
- If the decision is taken to proceed with a WPL based on the evidence from the investigatory work, then Business Improvement Districts amongst others will be engaged with before a consultation takes place. The ambition would be to co-design a consultation.
- A key policy is to get more people moving around the city and in particular commuting into the city centre in a more sustainable way to cut back on pollution and congestion. It has been reported that £1m is lost per day due to congestion (GBCC figure). The Council has declared a climate emergency that was supported cross-party, so a variety of options need to be explored including improving public transport. Other cities are in a similar position to Birmingham. This report is the first step in exploring options.
- The cost of the levy would be to the employer at the first point however this can be passed onto the employee.

RESOLVED: -

Following a vote of Committee Members, it was decided following an explanation by the Chair that she would be using her casting vote to not 'call-in' the decision based on the evidence presented.

5. REQUEST FOR CALL-IN - A34 PERRY BARR HIGHWAY IMPROVEMENT SCHEME FULL BUSINESS CASE – CALL IN

(See document No. 2)

The Chair, Cllr Clements invited Cllrs Hunt, Alden and Jan as the three Members who had made the request to state their reasons for the call-in.

Cllr Hunt cited reasons 7 and 9 as listed in the call-in request form and added that:

- There has been a large response to the consultation and a petition submitted to the Council however the petition was being heard at a meeting of the City Council on 5th November following a decision taken at the Council Business Management Committee (CBM). However, the decision has been taken prior to that petition debate taking place.

- Petitions were submitted during the consultation period as part of the consultation and a response to those was not discharged at the last cabinet meeting therefore the decision to proceed has been taken prior to concluding a response to the consultation and therefore this is open to legal challenge. In addition, there was no recommendation at that cabinet meeting to adopt a formal response to the consultation however it had ordered a consultation in the first place. There was also no legal advice supporting the decision and no attempt made to get legal advice. Therefore, cabinet has put itself in a dangerous position with this decision.
- It was also highlighted that Cabinet had not been made aware in making its decision of the proposed Park and Ride at Junction 7 and the implications on bus services.
- A cost benefit analysis for this project is not available and therefore it is not possible to compare it with other possibilities.
- Concerns that only one bus route is showing an improved journey time by 2 minutes and whether this justifies the amount of disruption that the removal of the flyover will cause.
- Air quality modelling data show some improvements however at the junction by the flyover where new housing will be created there is a significant reduction.
- Highways England requested a full transport corridor assessment – has this been carried out?
- There is no record in the papers of individual councillors lodging their objections or support so have these been recorded?

Cllr Jan then made her points: -

- The removal or not of the flyover has no impact on the journey time of the SPRINT bus and that Aston Villa Football Club and National Express West Midlands (NXWM) were also not supportive of the removal of the flyover in the responses provided to the consultation.
- Local residents and those from neighbouring areas would be adversely affected when travelling through the area. The impact of the removal of the flyover will hit a range of people travelling through the area including school staff and children, emergency services and others that need to get to medical appointments and other community facilities.

Cllr Alden cited his reasons for the call-in as listed in the meeting papers and made the following points:

- With much work happening in the area is it necessary to remove the flyover before the Commonwealth Games?
- Cabinet had taken the decision before the City Council debate as mentioned by Cllr Hunt. It was also imperative to note how this looks to the public in that the decision has been taken before all councillors could take part in a discussion.

- It was added that CBM had put the debate on the November City Council agenda when it could have been scheduled for September as the agenda for this meeting was set at a meeting of CBM at the end of August. Furthermore, opposition members at this meeting were not told of when the decision on the A34 Perry Barr works would be scheduled and assumed that it would be at a cabinet meeting after the City Council debate.
- Cllr Alden added that he felt that the air quality assessment undertaken was incomplete. This had an impact on other schemes making the air quality worse in 3 areas with the removal of the flyover. There was also no evidence presented of an improvement in congestion.
- In addition, a range of people had objected to the works that covered a wide range of public and private sector organisations.

Members of the Committee then raised the following points: -

- There was no reason why a special City Council meeting to hold the debate could not be called before a decision was made at cabinet.
- It is not essential to remove the flyover before the Games. It would be better if it was considered properly and the work done after the Games rather than a case of rushing it through as there is so much regeneration going on in Perry Barr.
- Is the flyover currently unsound or unsafe?

The Cabinet Member and Officers responded to the points made: -

- At the CBM meeting in August the Leader took the decision to refer the petition to the Sustainability & Transport O&S Committee however opposition members from the Conservative and Liberal Democrat groups insisted that it was discussed at City Council. There was no City Council meeting scheduled for October therefore the earliest opportunity for discussion would be at the November meeting.
- During the construction period there will be an impact on the highway network however this is being managed with the network resilience team at TfWM.
- Carbon gases were analysed as part of the air quality modelled.
- Technical data shows that there would be beneficial receptors on air quality as an end result. Transport data shows that a number of journeys do not show an increase in travel time, but it is important to note that these are predictions based on modelling done and this is the only tool available to illustrate the potential impact of the work being carried out. Therefore, there may be some small increases in journey times.
- It is better to complete this scheme quickly and efficiently as part of other work happening to avoid further delays again after the Games.
- There are no structural issues with the flyover.
- In terms of the additional housing being created in the area there is a need to change the road layout.

- Journey times have been published as an appendice to the report. It was summarised for the public consultation. Bus priority at traffic signals and the SPRINT bus lane were not modelled. Contractor advice has been taken in planning of all the works.
- SPRINT bus journey times are not included in the figures as it does not have an impact on congestion.
- Scientific evidence shows that signalled junctions for example increase air pollution however the City Council has agreed a cross-party motion on Climate Change therefore this needs to be considered going forward in all the work that the City Council is involved in.

The Chair, Cllr Clements then added that advice had been 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 City Council can debate the motion on the Petition, it cannot make an executive decision.

RESOLVED: -

The Committee then voted by 3:1 in favour for the decision to be 'called-in' on the criteria that: -

"9. – the decision appears to give rise to significant legal, financial or propriety issues".

The Chair clarified that the Committee was in favour of calling-in the Cabinet decision based on the fact that the Cabinet decision was taken on 15th October, prior to the Petition being debated at the meeting of the City 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.

Cllr Clements outlined that the Committee will now formally ask the Cabinet to consider delaying making any further decision on the Perry Barr Highway Improvement Scheme until after the petition has been debated in City Council on 5th November 2019.

It was also noted that the Committee would continue to monitor the work on the A34 Perry Barr Highway with the next quarterly update in the new year.

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

None.

7. OTHER URGENT BUSINESS

None.

8. AUTHORITY TO CHAIRMAN 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 17:26 hours.