

## **BIRMINGHAM CITY COUNCIL**

# **SUSTAINABILITY AND TRANSPORT O&S COMMITTEE**

**1000 hours on 29<sup>th</sup> January 2021, Online Meeting – Actions**

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**Present:**

Councillor Liz Clements (Chair)

Councillors Muhammad Afzal, Zaker Choudhry, Timothy Huxtable and Julie Johnson

**Also Present:**

Councillor Ian Ward

Councillor Waseem Zaffar

Cllr Jon Hunt

Cllr Roger Harmer

Phil Edwards, Assistant Director, Transport & Connectivity

Stephen Arnold, Head of Clean Air Zone (CAZ)

Stuart Rawlins, Head of Major Transport Projects

Tarndip Sidhu, Senior Solicitor

Ceri Saunders, Acting Group Overview & Scrutiny Manager

Baseema Begum, Scrutiny Officer

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**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 Olly Armstrong and Eddie Freeman.

**3. DECLARATIONS OF INTERESTS**

Standing declarations noted.

**4. REQUEST FOR CALL IN: BIRMINGHAM CLEAN AIR ZONE (CAZ) UPDATE TO CABINET ON DIGITAL AND PHYSICAL INFRASTRUCTURE DEVELOPMENT, AIR QUALITY MONITORING AND INCOME AND EXPENDITURE FORECAST**

(See Item No. 4)

The Chair, Councillor Clements welcomed attendees and following a request by Cllr Jon Hunt, proposer of the two call-ins it was agreed that a change in the order of the call-ins would be made as they were inter-relatable so that the Clean Air Zone (CAZ) call-in would be heard first.

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

Cllr Hunt highlighted the reasons for the call-in as set out in the call-in request form and drew the attention of the committee to the following points: -

- Key concern is the prioritisation process for the spending of the revenue generated from the CAZ. The issue was highlighted at the cabinet meeting on 19<sup>th</sup> January where it was stated that there would be a reduction in funds that was expected from Government from £85m to £41m and the impact of this on the proposed list of projects that were identified to be funded from these monies.
- Prioritisation for how the CAZ revenue would be used highlights the public realm project as one of two key priorities with £15m of the £41m set aside for it. However other city-wide projects have been downgraded for receipt of funding such as the rail infrastructure works on the Camp Hill line and at the University of Birmingham station and the cross-city bus service. The total sum of £12.8m for support of these projects is heavily dependent on the CAZ generating the target of £41m (in a shorter timescale). There are therefore additional risks to not meeting this sum as other factors such as behaviour change (commuters using other modes of travel instead of their car) and people changing their cars so they are CAZ compliant will have a bearing. This has a knock-on effect on the Council in not receiving the envisaged income as set out in the report to fund these other projects and priorities.
- The cabinet should have been clear and transparent on the process of setting new priorities especially with the reduction in funding with a specific recommendation stating that the cabinet approved changes of priorities specifically in reference to the City Centre Public Realm Phase 1 report that was also on the agenda for discussion at the meeting and that these works were its priority.
- Based on the Council's policies public transport projects have been excessively downgraded to get the public realm works completed.
- The report presented by the Leader to the West Midlands Combined Authority (WMCA) before the cabinet meeting did not make clear the risk to funding from the City Council to the transport projects highlighted and this information was not shared with the members of the cabinet making clear what the priorities were in order for a clear and transparent decision to be made.
- Clarification was needed on a legal issue as set out in paragraph 7.3.3 of the report that indicates that the use of net proceeds from CAZ funding "shall be applied for the purpose of directly or indirectly facilitating the achievement of

local transport policies of the authority” in relation to those set out in the Draft Birmingham Transport Plan (DBTP) that although consulted on has not been adopted by the Council as policy and is heavily city centre focussed.

Cllr Harmer then added that he was concerned about the level of prioritisation that public transport had been given in the report given that it makes the biggest contribution to tackling climate change. This was in light of the fact that the Council had unanimously declared a climate emergency. He felt that the improvements to the public realm given priority did not have the same return on benefits in comparison and that this was a failure to exploit the CAZ revenue available for an agreed priority.

The Cabinet Member and officers then responded to the points made: -

- It was clarified that the call-in did not reflect on the 3 decisions being made by the cabinet as part of this report.
- Prioritisation of funding and resource allocation has been cleared through a series of reports to cabinet such as the report on 25<sup>th</sup> June 2019 analysing the prioritisation of CAZ revenue funding and this was agreed with clear reference to the relevant legislation. Allocations will be subject to an Outline Business Case and a Final Business Case to finalise. Furthermore, on 17<sup>th</sup> March 2020 there was a separate cabinet report which provided that information for the West Midlands Combined Authority related transport projects as raised by Cllr Hunt. There has also been a separate report on hydrogen buses that highlights the importance of CAZ revenue funding as a substantial amount of funding towards the project had been lost and the CAZ revenue identified and filled that gap.
- Funding is being used to improve the pedestrianisation of the city centre public realm and is part of a separate report to enhance walking and cycling. The city transformation fund is being used for other improvements such as the improvements to the fountain.
- The report is in line with Birmingham Connected (in place for several years) and the Emergency Birmingham Transport Plan (EBTP) that are both adopted policies of the Council and as part of this outline plans to improve walking and cycling infrastructure.
- Section 7.1.3 of the report is clear that whilst the DBTP is referenced it is only one of a number of policies referenced in regard to compliance to local transport policies. More details are given in the Full Business Case that confirms the alignment of proposals with other policies such as the Birmingham Development Plan, the City Council Plan and the EBTP. The DBTP has been referenced for information as an emerging policy and to demonstrate the rationale behind the project and therefore the legal test is met in respect of net proceeds for improvements to the public realm.

In response to queries raised by members the following points were made: -

- The issue of expenditure is essentially that of cash flow (being that the Council is awaiting funds) and discussions have taken place with the WMCA in terms of the profiling of resources (including risks to funding) and they have made the necessary adjustments for this. All projects will be delivered to schedule.

- Clean air funding for wards remains an aspiration however due to the substantial reduction in CAZ funding this does need reviewing. Revenue will be monitored once the CAZ has been launched especially in terms of what actual support can be given to local transport schemes.
- It was explained that there had been separate reports relating to the procurement process for the mitigations application system and for a case management system and there was no interaction between the two systems. It was added that the requirements around the mitigations application system were dealt with internally, and this was because the original desired order was based on time constraints as the CAZ was due to launch in the summer of 2020. Furthermore due to the delay in the implementation of the CAZ this has allowed for further work to be undertaken that provides a combination of an application form that has been created by the Council's web-team and a system to support that has been developed by the CAZ team. Separate work on an end to end system is taking place with the Council's web team. The enforcement solution is wholly separate and was procured through a different route as this provides a different service.

Following this the Chair held a brief discussion and called a vote with 3:2 in favour of the decision not to be 'called-in' based on the information presented to the Committee.

**RESOLVED:** -

1. The Committee voted by 3:2 in favour for the decision not to be 'called-in'.
2. It was agreed that the Cabinet Member would provide regular updates on the CAZ including priorities for spending the surplus (net proceeds).

**5. REQUEST FOR CALL IN: CITY CENTRE PUBLIC REALM – PHASE 1 FULL BUSINESS CASE**

(See Item No.5)

Cllr Hunt formally withdrew the call-in request as it was dependent on the detail contained within the CAZ report.

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

None.

**7. OTHER URGENT BUSINESS**

The Chair confirmed that a letter has been sent to Stephen Arnold regarding the CAZ and further discussion will take place at a future meeting.

**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.

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The meeting ended at 10:55 hours.