

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET MEMBER FOR TRANSPORT AND ROADS AND CABINET MEMBER FOR VALUE FOR COMMERCIALISM, COMMISSIONING AND CONTRACT MANAGEMENT, JOINTLY WITH THE CORPORATE DIRECTOR ECONOMY
Report of:	ASSISTANT DIRECTOR – TRANSPORTATION AND CONNECTIVITY
Date of Decision:	5th February 2018
SUBJECT:	BIRMINGHAM CYCLE REVOLUTION: A38 BRISTOL ROAD (SELLY OAK TO CITY CENTRE) – TRAFFIC REGULATION ORDERS UPDATE REPORT
Key Decision: Yes / No	Relevant Forward Plan Ref: N/A
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member:	O&S Chair approved <input type="checkbox"/>
	Councillor Stewart Stacey – Transport and Roads
	Councillor Majid Mahmood – Commercialism, Commissioning and Contract Management
Relevant O&S Chair:	Councillor Zafar Iqbal – Economy, Skills and Transport
	Councillor Mohammed Aikhlaq – Corporate Resources and Governance
Wards affected:	Ladywood, Nechells, Edgbaston, Selly Oak

1. Purpose of report:

- 1.1 To provide the Cabinet Members and the Corporate Director with the additional information for the proposed Traffic Regulation Orders on the A38 Bristol Road (Selly Oak to City Centre), and to seek re-confirmation of the decision to implement the scheme as set out in the Full Business Case approved on 2nd June 2017 and included as Appendix C of this report.
- 1.2 To fully consider the requirements of Section 122 of the Road Traffic Regulation Act 1984. This amended report now provides the information that was not presented previously. The Cabinet Members and Corporate Director must consider the matter afresh in light of this revised information.

2. Decision(s) recommended:

That the Cabinet Members for Transport and Roads and for Commercialism, Commissioning and Contract Management jointly with the Corporate Director, Economy:

- 2.1 Having considered the further information contained in this report in relation to the Traffic Regulation Orders, confirm the decisions made on 2nd June 2017 to approve the Full Business Case for the Birmingham Cycle Revolution: A38 Bristol Road (Selly Oak to City Centre) scheme and to proceed with implementation of the Traffic Regulation Orders advertised on the 23rd November 2017 notwithstanding the objections received and subject to the minor amendments to the scheme identified in Appendix F as a consequence of the consultation process.

Lead Contact Officer(s): Varinder Raulia – Head of Infrastructure Projects
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3. Consultation

Consultation should include those that have an interest in the decisions recommended

3.1 Internal

- 3.1.1 Officers from City Finance, Procurement and Legal and Governance have been involved in the preparation of this report.

3.2 External

- 3.2.1 A comprehensive consultation exercise was undertaken both internally and externally as part of the development of the scheme, prior to the original Full Business Case (FBC) approval on 2nd June 2017. Full details are contained within that FBC listed as Appendix C. The consultation included a wider Public Consultation exercise and also included the Statutory Consultation of the Traffic Regulation Orders associated with implementing the scheme.
- 3.2.2 Following approval of the FBC, a pre-action protocol letter (PAPL) was received challenging the process followed in reaching that decision, specifically in relation to the proposed Traffic Regulation Orders; see Section 5 of this report for further details. This has necessitated further analysis into the potential impact of the scheme.
- 3.2.3 Following completion of the further analysis a decision was taken to re-advertise all the TROs associated with the scheme and to make the information available to all consultees. The statutory consultation in respect of the TROs included the same group of residents and key stakeholders as were consulted regarding the initial TRO advertisement in February and March 2017 as well as including the Calthorpe Residents Society who had requested to be made a stakeholder of the consultation.
- 3.2.4 There were two changes to the re-advertisement of the TROs from the original set that were advertised in February and March 2017. These reflect the proposed layouts at the Eastern Road and Pavenham Road junctions approved as part of the original FBC in June 2017, but not previously advertised. The re-advertised TROs were also posted on the Birmingham BeHeard website enabling residents and members of the wider public to view plans and technical reports and make comments on line.
- 3.2.5 Letters issued to residents made it clear that previous comments, support and objections on the scheme that were received under the original Public and Statutory Consultation would be considered along with any new responses against the second round of the Statutory Consultation.
- 3.2.6 A summary of comments, support and objections received together with BCC's response regarding the re-advertised TROs are included in Appendix F "TRO Consultation Summary (November/December 2017)". A record of all the latest communications received during the statutory consultation period is included in Appendix G "All initial Communications on TRO Consultation (November/December 2017)". All previous correspondence including BCC's responses is included in the original FBC report (Appendix C)

4. Compliance Issues:

- 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?
 - 4.1.1 Compliance issues were addressed in Section 4 of the original FBC document, which is appended to this report (Appendix C). Nothing has changed in this regard since the earlier report.
- 4.2 Financial Implications (How will decisions be carried out within existing finances and Resources?)
 - 4.2.1 Financial information was provided in the original public and private agenda reports and FBC approved on 2nd June 2017, The public documents are appended to this report (Appendix C). The contents of this report do not impact on the previous budget approvals.
- 4.3 Legal Implications
 - 4.3.1 Legal issues were addressed in Section 4 of the original FBC document which is appended to this report (Appendix C). Nothing has changed in this regard since the earlier report.
- 4.4 Public Sector Equality Duty (see separate guidance note)
 - 4.4.1 This was considered in Section 4.4 of the public agenda report for the FBC approved on 2nd June 2017, which is appended to this report (Appendix C). Nothing has changed in this regard since the earlier report.

5. Relevant background/chronology of key events:

- 5.1 Background
 - 5.1.1 The 'Birmingham Cycle Revolution (BCR): A38 Bristol Road (Selly Oak to City Centre)' Full Business Case (FBC) was approved on 2nd June 2017 by the Cabinet Member for Transport and Roads and the Cabinet Member for Value for Money and Efficiency, jointly with the Corporate Director, Economy.
 - 5.1.2 Subsequently a 'request for call in' was lodged by two of the Edgbaston Ward Councilors challenging the Cabinet Members' and Corporate Director's decision to approve the Business Case. The 'call in' was considered by Economy, Skills and Transport Overview and Scrutiny Committee on 15th June 2017 when the Committee resolved not to proceed with the call in request.
 - 5.1.3 On 12th July 2017 a pre-action protocol letter (PAPL) for Judicial Review was submitted by Ladders Solicitors representing a resident of Wellington Road, Edgbaston. The letter challenged *'the decision of the Cabinet Member for Transport and Roads to make the City of Birmingham (Bristol Road etc.) (Traffic Regulation) Order 1971 (Variation) Order ... and to proceed with works associated therewith in advance of the statutory publication of the TRO'*.
 - 5.1.4 Having considered the PAPL, the City Council recognised that full consideration had not been given particularly in respect of Section 122 of the Road Traffic Regulation Act 1984 before reaching the 2nd June 2017 decision. In light of this, the City Council have

subsequently re-advertised all relevant Traffic Regulation Orders having regard to the specific requirements of Section 122. This report provides additional information in relation to the Traffic Regulation Orders with reference to the matters to be considered. Section 5.2 below addresses the matters to be considered pursuant to Section 122 of the Road Traffic Regulation Act 1984 and Section 5.3 addresses all comments received in respect of the re-advertised Traffic Regulation Orders.

5.2 Road Traffic Regulation Act 1984

5.2.1 Section 122 of the Road Traffic Regulation Act 1984 details areas which must be considered by a decision-maker in relation to a decision on a TRO. An extract of Section 122 is set out below:

122 Exercise of functions by strategic highways companies or local authorities.

- (1) It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland the road.
- (2) The matters referred to in subsection (1) above as being specified in this subsection are:
 - (a) the desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
 - (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - (d) any other matters appearing to the strategic highways company or the local authority to be relevant

5.2.2 In addressing each element of Section 122, the City Council has given specific consideration to the issues as set out below:

5.2.3 *(1) It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland the road*

Birmingham's residents already make approximately 250,000 car journeys each day which are less than one mile in length. Furthermore, given current levels of predicted economic growth, it is estimated that over 80,000 more cars will be on the City's roads by 2031, with an additional 200,000 daily car trips as a result, which the existing highway network would not be able to sustain. It is against this background that Birmingham Connected, the City Council's long term vision for transport, sets out a strategy for the increased use of more sustainable forms of transport, including cycling. The target is to increase the proportion of cycle trips from the level of 2% in 2013 to 5% by 2023 and 10% by 2033.

The Birmingham Cycle Revolution (BCR) Programme has been established to deliver the

infrastructure required to precipitate this step-change in cycle usage. Bristol Road is an important scheme within the BCR programme having been identified as a key movement corridor for cycling, providing links to both the city centre and Selly Oak, including the University of Birmingham and the Queen Elizabeth Hospital. Feedback from cycle users and other stakeholders during the scheme's development has identified the need for cycle facilities with a high degree of segregation from other road users, this in line with current best practice both nationally and beyond.

In order to provide the required level of segregation for cyclists along the Bristol Road whilst maintaining the effective operation of the network, it will be necessary to ban a number of turning movements at key locations along the route. As a consequence of this, and in recognition of the City Council's obligations under Section 122 (1) of the Road Traffic Regulation Act 1984, specifically to secure the expeditious, safe and convenient movement of vehicular traffic, it has been deemed necessary to propose alternative access to sections of the network, in particular to the area of Edgbaston west of Bristol Road between Priory Road and the Ring Road.

5.2.4 (2)(a) the desirability of securing and maintaining reasonable access to premises

In developing the scheme, the City Council has given due consideration to the desirability of maintaining reasonable access following the banning of turns at the Bristol Road/Priory Road junction. The revocation of the banned right turn from Bristol Road into Wellington Road provides a local access point for residents and businesses in the area that would have previously accessed at the Bristol Road and Priory Road junction. This provides a relatively local alternative access point and avoids longer diversion routes. If Wellington Road were to remain closed residents and businesses would have to undertake longer diversion routes via Pebble Mill, Pershore Road and Priory Road to access the area increasing vehicle journey times. Other consequences may include quieter and smaller residential streets such as Spring Road being utilised to access the area.

A major benefit of the scheme is to provide safe controlled crossing facilities for pedestrians and cyclists at the Priory Road /Bristol Road junction and to increase accessibility for these modes in the area. Currently the junction has limited pedestrian facilities and acts as a barrier to pedestrian access in the area.

As a consequence of banning turns at Priory Crossroads, access to Priory Road and Edgbaston Road are being improved on the route via Pebble Mill Road. This is being achieved by banning the right turn out of Pebble Mill Road and the signalisation of the right turn into Pebble Mill Road.

The revoking of the one-way order on Gooch Street North improves the access to premises on this road and also provides an alternative access routing from the east, to premises on the short section of Wrentham Street that is being converted to one-way and to Henstead Street via Bromsgrove Street.

(2)(b) *the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run*

From the correspondence received during consultation specific objections and a number of key issues were raised and are considered under the title of 'amenities':

i. Air Quality

- ii. Noise
- iii. Increased Congestion
- iv. Vibration
- v. Frequency of heavy commercial vehicles
- vi. Parking
- vii. Trees
- viii. Conservation Area

(i) Air Quality

The impacts on air quality of imposing the TROs for the scheme has been assessed and results are included in Section (2)(bb) below and full results are in Appendix E. On the basis of this assessment the report concluded that the scheme has no significant impact on air quality.

(ii) Noise

The Design Manual for Roads and Bridges Part 7HD 213/11 Noise and Vibration cites the main factors influencing noise level on a road comprising freely flowing traffic is traffic volume, speed and composition (% heavy vehicles) and road gradient and surface characteristics. Noise impacts would be considered under the Noise Insulation Regulations 1975 (NIR) and these apply to new highways and amended highways e.g. with additional carriageways, and under the proposed scheme none of these apply.

As a result of implementing the TROs for the scheme there is the potential for increased traffic flows on roads such as Pebble Mill Road, Wellington Road, Pershore Road and Priory Road (between Pershore Road and Bristol Road). All of these roads carry existing traffic and increases in volume are not predicted to be such to trigger a perceptible change in noise levels.

This scheme does not include any proposed changes in speed limits as part of the proposals; however there are proposals in place to reduce speed limits on roads in the area as part of an area wide pilot to introduce 20 mph speed limits on predominantly residential roads.

There are no changes proposed to the existing road gradient and surface characteristics.

It should also be noted that mitigation measures are currently being assessed for the junction of Pershore Rd/Priory Road and for Wellington Road (which may include a proposal to restrict the weight limit).

As a result it is not considered that implementing the cycling scheme on the A38 will have an overall detrimental impact in terms of noise.

(iii) Increased Congestion

The main aim of the scheme is to promote modal shift and consequently reduce traffic volumes. At the opening of the scheme there is no predicted change in traffic volumes overall on the network as a result of the proposals however; in promoting cycling and pedestrian movements along the corridor certain manoeuvres have had to be banned. This will result in an increase in volume on

certain parts of the network. Improvements will be undertaken at the Pershore Road/Priory Road traffic signals to manage any changes in demand via the introduction of Microprocessor Optimisation Vehicle Actuation (MOVA). The junctions at Belgrave Middleway and Bristol Road/Priory Road are to be modified to balance the needs of vehicles and other users, such as cyclists and pedestrians.

Against the background of concerns raised by local residents a working group has been set up with local residents and chaired by the Edgbaston Ward Councillors to develop traffic calming measures for Wellington Road which could be implemented if required. The aim of the working group is to consult on a preferred option in early 2018 and to implement an agreed proposal either during or following the completion of the main works. The proposal will seek to make Wellington Road a less attractive 'through route' whilst maintaining accessibility for local residents and businesses.

(iv) Vibration

There is no predicted increase in Heavy Commercial Vehicles (HCV's) as a result of these works across the scheme, as such it is not considered that implementing the scheme will have a detrimental impact on Vibration.

As part of the Wellington Road working group one of the options being considered is the addition of a weight limit on the stretch of Wellington Road between the Bristol Road and Spring Road to prevent HCV's from using Wellington Road as an alternative route.

(v) Parking

The proposed TROs associated with the scheme have no loss of parking.

(vi) Frequency of heavy commercial vehicles

It is not envisaged that by implementing the scheme there will be an increase in the frequency of Heavy Commercial Vehicles (HCVs) on the network.

As part of the proposals to introduce traffic calming measures on Wellington Road there will be the option to insert a weight limit of 7.5 Tonnes on the stretch of Wellington Road between the Bristol Road and Spring Road junctions to prevent HCV's from using Wellington Road as a through route.

(vii) Trees

To maintain adequate width and directness for the proposed cycle route the scheme will result in the loss of 20 highways trees along the Bristol Road Corridor. Landscaping proposals have been developed to replace all trees removed on a 2 for 1 basis. New tree species will be chosen to maintain the character of the corridor including part of the Edgbaston Conservation area that runs along the A38. Plans of the Landscaping Proposals for the scheme are included in Appendix A of this report. There are a total of 40 new trees to be replanted wherever possible in the same locality from where they have been removed.

All of the affected trees are highway trees and as such can be removed under

Permitted Development rights. An application for Planning Permission is not required.

Ordinarily, the planning requirement for proposals involving tree works in a conservation area is for a survey as part of BS5837:2012 to accompany a Planning Application. However, as the works are covered by Permitted Development rights there is no requirement for a Planning Application to deliver these proposals.

The Planning Authority only requires an Arboricultural survey in connection with planning applications where there is Statutory Tree Protection in place. None of the trees impacted by the proposals have a Tree Preservation Order associated with them and the highways scheme does not require Planning Permission so there is no requirement for a survey of the trees to be undertaken.

It is open to the Council to protect the trees that will be affected through imposing Tree Protection Orders. However, it is not considered that this step is necessary in light of the anticipated impact upon trees.

The removal of trees has not been included within Air Quality assessment works, as the removal is not likely to have a significant effect on air quality. Also considering the proposals to plant two trees for every one removed, there should be a long term benefit

(viii) Conservation Area

Following reform of the Planning system there is no longer a need for a separate Conservation Area Consent so the scheme is still covered under permitted development

Nevertheless the Council's Conservation Officer has given careful consideration to the potential impacts of the proposed scheme on the Conservation Area (including tree removal), and considers that the scheme would preserve the character and appearance of the Conservation Area, pursuant to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council does not believe that the proposal will give rise to any harm in heritage and conservation terms.

(2) (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

Below is the Executive Summary from the results of the Air Quality Assessment as a result of implementing the TROs required to build the A38 Bristol Road (Selly Oak to City Centre) Cycle Route. The details of the full report are included in Appendix E.

Executive Summary

Birmingham City Council (BCC) plan to undertake highway works to deliver a segregated cycle route along the A38 between Selly Oak and Birmingham City Centre. This will involve the introduction of a number of Traffic Regulations Orders (TROs), which will result in the restricting of vehicle movements along the Bristol Road (A38) corridor. These restrictions to turning movements are necessary to install the proposed segregated cycle route.

This report details the assessment of air quality effects associated with the implementation of the TROs for the Bristol Road A38 Cycle Scheme (the Proposed Scheme), which has the potential to affect air quality concentrations as a result of changes to vehicle movements (and therefore emissions).

In consideration of Road Traffic Regulation Act 1984, Section 122, Subsection (2), with regard to air quality, the assessment was carried out in accordance with the Design Manual for Roads and Bridges (DMRB) HA207/07 Air Quality, associated Highways England (HE) Interim Advice Notes (IANs) and The Department for Environment, Food and Rural Affairs (DEFRA) Local Air Quality Management Technical Guidance (LAQM.TG16), where appropriate.

Two traffic datasets (one factored from AM and Inter-Peak (IP) traffic model [AMIP], and one factored from AM, IP and PM traffic models [AMIPPM]) were modelled using Atmospheric Dispersion Modelling Software ADMS-Roads 4.1 to evaluate the potential impact of the Proposed Scheme upon local air quality.

Roads included within the assessment were those identified by qualifying criteria published in HA207/07 based on changes between Do Minimum (DM) and Do Something (DS) scenarios, as follows:

- Horizontal road alignment will change by 5m or more;
- Daily traffic flows will change by $\geq 1,000$ Annual Average Daily Traffic (AADT);
- Heavy Duty Vehicle (HDV) flows will change by ≥ 200 AADT;
- Daily average speed will change by ≥ 10 kph; or
- Peak hour speed will change by ≥ 20 kph.

The assessment showed that between 30 and 35 properties that were predicted to exceed the annual mean air quality objective (AQO) for nitrogen dioxide (NO₂) were also predicted to receive small increases in pollutant concentrations, while between 2 and 4 properties that were predicted to exceed the annual mean AQO for NO₂ were also predicted to receive small decreases in pollutant concentrations.

Overall, changes in air pollution concentrations at modelled receptors did not satisfy criteria to classify overall scheme effects as significant. The Proposed Scheme therefore is not predicted to result in significant air quality effects.

(2)(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.

The only area where buses are affected is at Pebble Mill Road, one bus per hour (Diamond Bus route 146 from Redditch to Birmingham inbound) makes the right-turn into Bristol Road. Transport for West Midlands were consulted during the advertising of the TRO that will ban traffic movement turning right from Pebble Mill Road into Bristol Road and no objection was received. The alternative route available for this service is to carry on along Pershore Road up to Priory Road where it would turn left and then right onto Bristol Road at Priory Crossroads.

A meeting was held with Travel for West Midlands and National Express during the TRO consultation and measures were discussed to integrate proposals for the cycling scheme with future bus service provisions along the corridor.

(2)(d) any other matters appearing to the strategic highways company or ... the local authority ... to be relevant

No other significant relevant issues have been identified.

5.3 Consultation Feedback

5.3.1 As a result of the latest Statutory Consultation on the re-advertisement of the Traffic Regulation Orders required to deliver the proposed cycling measures along the A38 Bristol Road (Selly Oak to City Centre) proposals a number of objections/comments have been received, these can be categorised into the following key areas;

- Justification for the scheme
- Proposed turning restrictions at Bristol Road/Priory Road
- Opening up of right turn off Bristol Road into Wellington Road
- Eastern Road junction
- Access/egress of Pavenham Drive (Pebble Mill Road and Elmhurst dance school)
- Other Miscellaneous issues

5.3.2 Further details of the objections/comments and the design team responses are given in the consultation Summary in Appendix F. All comments received to the latest TRO consultation (Appendix G) together with previous comments as part of the Full Business Case (Appendix C) have been considered in reaching a decision.

5.3.3 Notwithstanding all the objections/comments received it is proposed to implement the proposed TROs and continue with the delivery of the scheme as approved in the Birmingham Cycle Revolution: A38 Bristol Road (Selly Oak to City Centre) Full Business Case report of the 2nd June 2017 (Appendix C), subject to any minor amendments identified in Appendix F.

5.4 Programme

5.4.1 Following approval of this report works are programmed to commence in late February/early March 2018, with completion by the end of the year.

6. Evaluation of alternative option(s):

6.1 The A38 Bristol Road scheme could be cancelled and as a result no TRO changes would be required. However, this would lead to a failure to improve conditions for cyclists on this corridor, and approved policies would not be implemented.

6.2 The A38 Bristol Road scheme could be implemented within the existing site constraints without any changes to TROs, with all traffic movements remaining as existing. However, this would create a significant reduction in traffic capacity at the main signal junctions particularly at Priory Road and Belgrave Middleway. Implementing the cycling facilities and providing the safe pedestrian crossing facilities at these junctions would increase delays across the immediate transport network. This could lead to an increase in 'rat run' traffic on Wellington Road and other side roads along the corridor. It would also mean that cyclists would be less segregated from traffic at the main junctions and so the main benefits of the scheme would not be realised. This goes against the Road Traffic Regulation Act 1984 which is concerned with the 'expeditious movement of traffic'.

6.3 The A38 Bristol Road scheme could be implemented as originally approved, except that the reopening of the right turn into Wellington Road could be deleted from the scheme. However:

- There is the potential for increased traffic levels on smaller side roads, such as Spring Road, being used to access Wellington Road via an alternative route.
- It has the potential to increase journey times for local residents and businesses
- Not providing access at Wellington Road would also increase traffic passing through alternative junctions on longer diversion routes – potentially increasing journey times, congestion and impacting on Air Quality.
- This option would maintain u-turning movements at this junction which present a safety concern with u-turning cars clashing with the cyclists on the proposed cycle route across the access to the shops on Wellington Road. There are limited options to stop u-turning vehicles, as access needs to be maintained to the car park for the businesses in this location. The central reserve cannot be extended as it will block these accesses. If the right turn facility is not opened up this U-turn manoeuvre to access Wellington Road will continue and potentially put cyclists at risk (as described in more detail in the appended technical report in Appendix D).

7. Reasons for Decision(s):

7.1 The approval of this TRO addendum report for the A38 Bristol Road (Selly Oak to City Centre) scheme will allow the Traffic Regulation Orders to be made and the scheme to proceed.

Signatures

Date

Councillor Stewart Stacey Cabinet Member for Transport and Roads
Councillor Majid Mahmood Cabinet Member for Commercialism, Commissioning and Contract Management
Waheed Nazir Corporate Director, Economy

List of Background Documents used to compile this Report:

- Birmingham Cycle Revolution Bristol Road Corridor Highway Schemes – Full Business Case 20th October 2015
- Birmingham Cycle Revolution Phase 3 Programme Definition Document Report of the Deputy Chief Executive to Cabinet 16th March 2015
- Birmingham Cycle Revolution Delivery Strategy and Highway Works for Phase 1a, 1b, 2 and 3. Report of the Interim Assistant Director for Transport and Connectivity to Cabinet member for Commissioning, Contracting and Improvement, jointly with the Deputy Chief Executive 25th September 2015
- Birmingham Cycle Revolution (BCR): Progress Update and Programme Revision Report of the Strategic Director for Economy to Cabinet 13th December 2016
- Birmingham Cycle Revolution (BCR): A38 Bristol Road (Selly Oak to City Centre) Full Business Case – 2nd June 2017

List of Appendices accompanying this Report (if any):

1. Appendix A – BCR A38 Landscape Mitigation Plan.
2. Appendix B – Excerpt from Road Traffic Regulation Act 1984.
3. Appendix C – Birmingham Cycle Revolution (BCR): A38 Bristol Road (Selly Oak to City Centre) Full Business Case – 2nd June 2017.
4. Appendix D – Bristol Road Wellington Road Technical Report.
5. Appendix E – A38 Bristol Road (Selly Oak to City Centre) Air Quality Assessment Report
6. Appendix F – TRO Consultation Summary (November/December 2017).
7. Appendix G – All Communications on TRO Consultation (November/December 2017).

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in section 4.4 of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation