

BIRMINGHAM CITY COUNCIL

SUSTAINABILITY AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 07 MARCH 2024 AT 14:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

5 - 8

4 **MINUTES**

To confirm the minutes of the meeting held on 8th February 2024.

9 - 10

5 **ACTION TRACKER**

To note the action tracker.

6 **COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA**

To note that the reports on this agenda have been reviewed but no comments have been received from the Commissioner on this agenda.

11 - 14

7 **HIGHWAYS MAINTENANCE AND MANAGEMENT SERVICES PFI**

To provide a further update to the Committee, following the previous briefing dated 8 February 2024 on the Government's decision on the Outline Business Case (OBC) which set out the Council's proposals for the revised Highways Maintenance PFI arrangement.

Mark Shelswell, Assistant Director, Highways & Infrastructure and Stephen Walton, Head of Highways PFI will be presenting this report.

15 - 28

8 **WORK PROGRAMME 23/24**

That the Committee considers its 23/24 work programme, and attached appendices, and agrees any updates/amendments required.

9 **DATE AND TIME OF NEXT MEETING**

To note the date of the next meeting at 1400 hours on 11 April, 2024 in Committee Rooms 3 & 4.

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

To consider any request for call in/councillor call for action/petitions (if received).

11 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

12 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

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

BIRMINGHAM CITY COUNCIL

SUSTAINABILITY AND TRANSPORT O&S COMMITTEE

1400 hours on 8th February 2024, Committee Rooms 3&4, Council House

Present:

Councillor Lee Marsham (Chair)

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

Also Present:

Luke Keen, Networks Highway Manager

Judy Johnson, Procurement Manager (Commercial)

Amelia Wiltshire, Overview & Scrutiny Manager

Baseema Begum, Scrutiny Officer

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

Apologies were received from Councillors Akhlaq Ahmed and Richard Parkin.

3. DECLARATIONS OF INTERESTS

There were no declarations of interests submitted.

4. MINUTES

RESOLVED: That the Public Minutes of the meeting held on 21st December 2023 be approved as a correct record and signed by the Chair.

RESOLVED: That the Private Minutes of the meeting held on 21st December 2023 be approved as a correct record and signed by the Chair.

5. SUSTAINABILITY AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE ACTION TRACKER

RESOLVED: That the action tracker be noted.

6. COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA

RESOLVED: It was noted that no comments had been received.

7. HIGHWAYS MANAGEMENT AND MAINTENANCE SERVICES PFI

Luke Keen, Highways Network Manager and Judy Johnson, Procurement Manager (Commercial) were in attendance for this item.

The Highways Network Manager gave an overview of the current position and explained that the current contract in place has been extended for a 2-month period whilst the Council is in discussion with the Department for Transport (DfT). For clarification the DfT confirmed that the Council will continue to receive PFI credits until 31st March 2024.

The Procurement Manager (Commercial) confirmed that the Council had sought a Judicial Review and a hearing is expected to take place in March. There was no further information available on when a judgement could be expected. The Council was working on contingency arrangements to ensure that there is service continuity.

Members then held a discussion, and the following were among the points made: -

- If the PFI was discontinued the Council would receive the same amount of funding (approximately £50.1m) for highways maintenance for the period April 2024 - March 2025 from government. The understanding was that it would be administered by West Midlands Combined Authority (WMCA) in a similar way to how other Councils in the region receive funding for highways maintenance through the City Region Sustainable Transport Settlement (CRSTS). However further conversation would be needed with the government on how this would work when allocated. Conversations are also taking place with officers at the WMCA.
- Concerns were raised on the possibility of cuts made to the Council's own funding budget for highways maintenance and the negative impact of this on both PFI and non-PFI highway related schemes in future financial years. The Chair felt that there was scope for the Committee to consider the impact and risks once the budget proposals have been approved. The Committee will also be considering these in further detail as part of the budget savings items scheduled for upcoming meetings.
- Officers confirmed that all scenarios were being carefully considered however what could be delivered would depend on the amount of funding received.
- The state of the highway network and the need for investment was noted. It was highlighted that the road network is significantly different to when the PFI contract was originally procured, and the Council needs to ensure that the

conversation with current and future contractors is focussed on ensuring safety.

- The Procurement Manager (Commercial) explained that the current contract with Kier has been extended to 31st May on the same terms. Kier were in regular dialogue and very supportive of the Council including recognition of its financial position.
- It was confirmed that the current contract with Kier could only be extended twice with the second extension, if required, until 31st July.
- The Council's requires best value in any new contract negotiations and further advice would be sought from Procurement once funding has been approved.

RESOLVED: -

1. That the report be noted.
2. That the Chair writes to the Chief Executive to request that a copy of the letter received by the Council from the DfT is shared with the Committee once it is legally able to do so.

8. WORK PROGRAMME

The Chair outlined that the work programme and the Road Safety Inquiry Terms of Reference had been reframed in line with the Improvement and Recovery plan to ensure that the Council was supporting the work on financial recovery and resilience.

The Chair added that the Active Travel Inquiry was being finalised with a discussion planned in March.

The Council's budget will be discussed at Full Council in early March. The Chair was of the view that it may be helpful to change the date of the Committee's meeting scheduled for the 7th to later in the month to allow for a full discussion and ensure that papers were available for the meeting.

In April the Committee will consider the budget and financial recovery further. The work of the Customer Services relating to Highways is also scheduled.

The Annual Flood Risk Management report will be received in May. The Committee will also continue its work on monitoring budget savings and the impact on services.

The Chair requested that where possible, when using a larger room layout Member seating arrangements be changed.

RESOLVED: -

1. That the report be noted.
2. That further details for the May meeting are confirmed and shared with Members.

9. DATE OF NEXT MEETING

It was noted that the next meeting of the Sustainability & Transport Overview and Scrutiny Committee is scheduled for 7th March 2024. However, it was highlighted that

this was subject to change to allow Members to hold a full discussion on the budget and financial recovery issues.

RESOLVED: -

1. That scrutiny officers check availability of other dates for the March meeting.

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

There were no requests for Call In received.

11. OTHER URGENT BUSINESS

Cllr Green asked for an update on the report into illegal dropped kerbs that the Committee were due to receive. The Chair explained that this would be incorporated into the work of the Road Safety Inquiry.

RESOLVED: -

1. That the Chair would write to the Assistant Director for Highways and Infrastructure to ascertain why the 3 month rolling highways programme spreadsheet on the Council website had not been updated recently, when it would be rectified and if it would continue to be updated publicly in the future.

12. AUTHORITY TO CHAIR AND OFFICERS

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 14:37 hours.

SUSTAINABILITY AND TRANSPORT O&S COMMITTEE
ACTION TRACKER 2023-24

Date	Agenda Item	Action	Update	Completion
21 st December	Brum Breathes Clean Air Strategy Update	A breakdown of the 3 schemes listed in Appendix 6 including costings and further details on what the schemes are.	Stephen Arnold, Head of CAZ to provide	Some information circulated on 1 Feb. Further information to follow
21 st December	Brum Breathes Clean Air Strategy Update	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.	Stephen Arnold, Head of CAZ to provide	
21 st December	Brum Breathes Clean Air Strategy Update	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.	Stephen Arnold, Head of CAZ to liaise with colleagues in City Operations for a response	
21 st December	Brum Breathes Clean Air Strategy Update	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.	To be shared once all the data is collated	
21 st December	Highways Maintenance & Management PFI Update	Minutes of the Private Session to be reviewed with officers from Highways and Legal Services to ensure that information that is in the public domain can be referenced in the public minutes of the meeting.	Scrutiny office.	Completed.
21 st December	Work Programme	Chair to write to Mark Shelswell, Assistant Director, Highways & Infrastructure to ensure that reports requested are ready for the set deadlines to avoid any changes being made to committee meetings to accommodate late changes to the proposed agenda.	Chair has spoken to the Assistant Director, Highways & Infrastructure.	Completed.

SUSTAINABILITY AND TRANSPORT O&S COMMITTEE
ACTION TRACKER 2023-24

21 st December	Work Programme	Receive monthly progress updates on the Highways PFI contract and arrangements for 24-25 until further notice.	Added to the work programme for the remainder of the municipal year	Completed.
21 st December	Work Programme	Arrangements to be made for the January meeting to be held informally with options provided on timings and a hybrid facility.	Members were asked for preferences with the majority agreed for 1pm, 11 th January	Completed.
8 th February	Highways Maintenance PFI arrangement	That the Chair writes to the Chief Executive to request that a copy of the letter received by the Council from the Department for Transport is shared with the Committee once it is legally able to do so.	Chair wrote to the Chief Executive on 23 rd February.	Completed.
8 th February	Work Programme	Further details to be confirmed and diary invitations sent to Members in relation to the meeting agreed for May 16 th .	Scrutiny Office	Completed.
8 th February	Date of Next Meeting	That scrutiny officers check availability of other dates for the March meeting to allow members to hold a full discussion on the budget and financial recovery issues, if possible.	Scrutiny office	Completed.
8 th February	Other Urgent Business	The Chair agreed to write to the Assistant Director for Highways and Infrastructure to ascertain why the 3 month rolling highways programme spreadsheet on the Council website has not been updated recently, when it will be rectified and if it will continue to be updated publicly in the future.	Chair wrote to the Assistant Director, Highways & Infrastructure on 23 rd February.	Completed.

Birmingham City Council

Sustainability & Transport Overview and Scrutiny Committee

7 March 2024



Subject: Highways Maintenance and Management Services PFI
Report of: Craig Cooper, Strategic Director City Operations
Report author: Stephen Walton
stephen.walton@birmingham.gov.uk

1 Purpose

- 1.1 To provide a further update to the Committee, following the previous briefing dated 8 February 2024 on the Government's decision on the Outline Business Case (OBC) which set out the Council's proposals for the revised Highways Maintenance PFI arrangement.
- 1.2 Please note, the information provided within this report reflects the position of the project at the time of writing (22 February 2024).

2 Recommendations

- 2.1 The Committee notes the report.

3 Confidentiality

- 3.1 As the Council has now taken steps to commence Judicial Review proceedings (as explained below at paragraph 4), it is important to be aware that (i) any "new" material which is created which relates to the Judicial Review case would be disclosable and that the legal team should be consulted before doing so; and (ii) that no personal views/opinions should be expressed regarding the proceedings, as this may compromise the Council's position in court. This includes publishing anything in the public domain in written format and saying anything verbally in the public domain. Please note that any internal documents created may also be disclosable unless they are covered by legal privilege.

4 Current Position

- 4.1 Please refer to the previous briefing for detail concerning events leading up to the DfT's decision on 30 November 2023 (DfT's decision being communicated in the "Decision Letter") in respect of the OBC.

- 4.2 Following the Decision Letter, and after taking external legal advice, the Council issued a letter to DfT setting out the basis of its proposed Judicial Review challenge pursuant to the Pre-Action Protocol Letter for Judicial Review (dated 11 December 2023) (the “PAP Letter”).
- 4.3 No substantive response was received from DfT to the PAP Letter. DfT requested an extension of time to respond to 15 January 2024 (the PAP Letter contained a deadline of 18 December 2023).
- 4.4 As no substantive response was received to the PAP Letter within the time permitted, the City Solicitor instructed the Council’s external legal advisers to file and serve a Judicial Review challenge at court on 2 January 2024. On 3 January 2024, the court sealed those documents and the Council’s external legal advisers sent the documents to the Government Legal Department (acting on behalf of DfT), albeit, in accordance with the Civil Procedure Rules, the documents were not deemed served until the second business day after despatch, being Friday 5 January 2024. On 8 January 2024 the court made an order requiring DfT to file its Acknowledgment of Service and Summary Grounds of Defence by 19 January 2024.
- 4.5 On 19 January 2024 DfT filed and served an Acknowledgment of Service and Summary Grounds of Defence, to which BCC responded in brief on 22 January 2024.

5 Next Steps

- 5.1 The court has confirmed that a hearing for the Judicial Review proceedings will take place on 21st & 22nd March 2024.
- 5.2 Our priority remains continued delivery of statutory highway functions and services across the city, ensuring the safety of our citizens and visitors across the network.
- 5.3 The Council will continue to ensure the delivery of these services via the current interim services contract that is delivered by Kier.
- 5.4 The Interim Service Contract is currently in place and has been extended until the end of May 2024 and further interim arrangements will need to be considered prior to then in order to provide continuation of services.
- 5.5 Depending on the result of the Judicial Review a longer-term review of service provision will be considered.
- 5.6 Contingency plans have also been put in place to cover different scenarios.
- 5.7 Members will be briefed and consulted with on the Council’s position and consulted with as appropriate as the position with government develops.

6 Any Finance Implications

- 6.1 Please refer to the briefing dated 21 December 2023 for an overview of the finance implications.

7 Any Legal Implications

- 7.1 Please refer to paragraph 3 above with respect to confidentiality. Failure to adhere to the guidance set out at paragraph 3 may jeopardise the Council's legal position.

8 Any Equalities Implications

- 8.1 There are no equalities implications to be considered in relation to this report at the time of writing. However, officers will continue to keep this under review.

9 Background Documents

- 9.1 Report of the Assistant Director (Highways and Infrastructure) to Sustainability & Transport Overview & Scrutiny Committee, 21 December 2023 ("Highways Maintenance and Management Services PFI")
- 9.2 Report of the Strategic Director, City Operations to Cabinet, 5 September 2023 ("Highway Maintenance and Management PFI Contract")

Birmingham City Council

Sustainability and Transport Overview and Scrutiny Committee

7 March 2023



Subject: Sustainability and Transport Overview and Scrutiny Committee's Work Programme

Report of: Christian Scade, Head of Scrutiny and Committee Services

Report author: Amelia Wiltshire, Overview and Scrutiny Manager
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07825 979253

1 Purpose

- 1.1 This report sets out the proposed work programme for the Sustainability and Transport Overview and Scrutiny Committee for 2023-24. Following the findings and recommendations from the independent Governance Review of the Council, and specifically recommendation 5, the Committee has reframed its work programme to be aligned to the Council's improvement and recovery priorities. Appendix 1 outlines the topics identified, aims and objectives as well as the preferred method of scrutiny to achieve these objectives.
- 1.2 Appendix 1 also provides information on other topics, which had previously been identified by the Committee. In light of the reframing of this work programme, these topics will be deferred by the Committee for future consideration at the right time.
- 1.3 The report also provides a progress update on its two inquiries: Active Travel and Road Safety.

2 Recommendations

- 2.1 That the Committee:
 - Notes the information set out in Appendix 1 and identifies if any further topics need to be added which are aligned to the Council's improvement and recovery priorities.
 - Considers the request by Councillors Timothy Huxtable and Richard Parkin to include in the future work programme the impact of Cadent roadworks on

the city's highways network specifically, and more broadly on the management of the Highways network and co-ordination of roadworks.

- Agrees, subject to further input from the Chair and Deputy Chair, the issues that the Committee will consider during April – May 2024, the proposed aims and objectives and the preferred method of scrutiny.
- Notes, subject to further input from the Chair and Deputy Chair outside of the meeting, its proposed work programme will be submitted to Co-ordinating Overview and Scrutiny Committee to enable work to be planned and co-ordinated throughout the year.

3 Background

3.1 The [statutory guidance for local government overview and scrutiny](#) sets out the role it can play in holding an authority's decision makers to account. This makes it fundamentally important to the successful functioning of local democracy.

3.2 Effective Overview and Scrutiny should:

- Provide constructive 'critical friend' challenge.
- Amplify the voices and concerns of the public.
- Be led by independent people who take responsibility for their role.
- Drive improvements in public services.

3.3 The role and functions of Overview and Scrutiny Committees are outlined in [The City Council's Constitution | Birmingham City Council](#) They will:

- Make reports and/or recommendations to the full Council, the Executive and/or other organisations in connection with the discharge of the functions specified in their terms of reference.
- Consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; relevant to the Council's strategic objectives; relevant to major issues faced by officers in managing a function of the Council; and likely to make contribution to moving the Council forward and achieving key performance targets.

3.4 Effective scrutiny needs to add value. A well planned and timely work programme enables Overview and Scrutiny Committees to be involved at the right time and in the right way, and ensure their involvement is meaningful and can influence the outcome.

3.5 Members often have a number of topics suggested to them and are therefore required to **prioritise** matters for consideration. The Scrutiny Framework sets out the following factors to be considered:

- Public interest: concerns of local people should influence the issues chosen.
- Ability to change: priority should be given to issues that the Committee can realistically influence.

- Performance: priority should be given to areas in which the Council and Partners are not performing well.
- Extent: priority should be given to issues that are relevant to all or a large part of the city.
- Replication: work programme must take account of what else is happening to avoid duplication.

Looking Ahead

- 3.6 Since June 2023, Overview and Scrutiny Committees have identified a ‘menu’ of issues (including policy development, policy review, issues of accountability and statutory functions). Each Committee has then regularly reviewed their ‘menu’ and decided which issues needed to be examined further, and how that work would be undertaken.

Scrutiny Methods

- 3.7 There are a range of ways to undertake scrutiny. The approach for 2023-24 enables flexible scrutiny and outlines a shift from monthly formal meetings to a combination of approaches. The Committee will choose the most effective scrutiny method to achieve the desired aims and objectives for each topic.
- 3.8 Scrutiny activities should be thorough and undertaken in a timely manner.
- 3.9 Based on Statutory Guidance published in 2019, different scrutiny methods include (but are not limited to):
- A single item, or items, on a committee agenda – this method fits more closely with the “overview” aspect of the Scrutiny function and provides limited opportunity for effective scrutiny. It is most appropriate for specific issues where the committee wants to maintain a watching brief.
 - A single item meeting, either as the committee or a more limited number of Members. It has the capacity to enhance the previous option by taking evidence from a number of witnesses.
 - A task and finish day - provided that these are properly focused, they ensure Councillors can swiftly reach conclusions and make recommendations and are effective even for complex topics.
 - A task and finish review – this is an enhancement of the previous option being held over four or six meetings spread over a limited number of months.

Sustainability and Transport Overview and Scrutiny Committee

- 3.10 The Committee’s Terms of Reference is to fulfil its functions as they relate to any policies, services and activities concerning:
- Sustainable transportation policy and programmes, projects and initiatives
 - Strategic highways matters

- Maintenance of roads and streets, traffic management and car parks and enforcing rights of way
- Cooperation with the WMCA and Mayor in relation to the key route network
- An Air Quality strategy for Birmingham
- A financially and environmentally sustainable waste strategy
- A robust re-use and recycle strategy
- A strategy for sustainability, liveability and environmental improvements
- Citywide and national policy development to tackle the causes and consequences of climate change

3.11 The Committee is chaired by Cllr Lee Marsham, and its membership comprises Cllrs Saima Ahmed, David Barker, Martin Brooks, Timothy Huxtable, Colin Green, Richard Parkin and Waseem Zaffar

4 The Governance Review – Reframing the Work Programme 2023-24

4.1 The Co-ordinating Overview and Scrutiny Committee on 15 December 2023 acknowledged the recommendations in the Governance Review of Birmingham City Council agreed by Cabinet on 12 December 2023. Recommendation 5 stated the need to reframe scrutiny work programmes on the Council's improvement and recovery priorities, and that alignment of work programmes should focus on:

- a) Having an active part in the 2024/25 budget development process.
- b) The safe and effective delivery of key services supporting vulnerable people.
- c) Critical performance issues emerging "by exception".
- d) Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by exception), and other priority scrutiny activity relating to the Budget.
- e) Culture, behaviour change and organisational development.

4.2 On 11 January 2024, the Sustainability and Transport Overview and Scrutiny Committee met informally to consider the developing Improvement and Recovery Plan and the findings and recommendations of the Governance Review. The Committee reconsidered its work programme for February – April and reframed it to ensure it aligns with the issues set out above.

4.3 The Committee also proposed to meet in May 2024 to replace the cancelled Committee in October 2023. This will be critical to ensure it can cover the topics it has identified.

4.4 Appendix 1 outlines the proposed work programme for April and May 2024. It also provides information on topics which have now been deferred by the Committee as a result of these discussions.

- 4.5 The Committee may decide to add further items to the work programme during the remainder of the year. When considering this, the Committee is advised to consider where it can best add value through scrutiny aligning to the Council's priorities and improvement journey, and how it can prioritise topics for consideration based on the Scrutiny Framework referred to in paragraph 3.5 above.
- 4.6 The Council's latest [Forward Plan February 2024](#) may assist Members in identifying future topics. The following reports are of particular relevance to this Overview and Scrutiny Committee:

Reference	Title	Portfolio	Proposed Date of Decision
011743/2024	Financial Plan 2024-2028	Finance & Resources	27 Feb 2024
012520/2024	Improvement and Recovery Plan	Deputy Leader	19 Mar 2024
012587/2024	BEAS Energy Efficient Grant (Department of Energy Security and Net Zero) Acceptance of management fee	Leader	19 Mar 2024
011821/2023	Transportation & Highways Delivery Programme 2024/25 to 2029/30 - Annual Programme Update	Transport	19 Mar 2024
010756/2023	A45 Birmingham to Airport and Solihull SPRINT Phase 2 – Full Business Case	Transport	19 Mar 2024
010763/2023	A34 Walsall to Birmingham Sprint Phase 2 – Full Business Case	Transport	19 Mar 2024
011969/2023	Transportation and Infrastructure Partnership Procurement Strategy Report	Finance & Resources	23 Apr 2024
007686/2020	Historic Environment Supplementary Planning Document	Leader	23 Apr 2024
010173/2022	Our Future City Plan 2040 – Draft Central Birmingham Framework	Leader	14 May 2024
012296/2024	Birmingham Local Plan – Preferred Options Consultation	Leader	14 May 2024
011429/2023	Southside Public Realm Improvement Scheme - Revised Financial Appraisal	Transport	14 May 2024
010635/2023	Paradise Phase 3	Leader	25 Jun 2024
011584/2023	Average Speed Enforcement: Revised Approach	Transport	25 Jun 2024

- 4.7 Overview and Scrutiny Chairs are advised to maintain regular engagement with Cabinet Members to enable flexibility to be built into the Overview and Scrutiny work programme, so as to respond to the Council's policy priorities in a timely way.

5 Inquiries

Active Travel

- 5.1 The cross party Task and Finish Group for this inquiry is chaired by Councillor Lee Marsham, and also includes Councillors Martin Brooks; Colin Green and Timothy Huxtable.
- 5.2 Evidence gathering for this inquiry has concluded. The inquiry group has considered its key findings and recommendations. A draft report will be shared with the inquiry group for its consideration later in March. It is the intention that this will be presented to the Committee in April to be agreed. The Executive response to this inquiry will be considered at a future Committee.
- 5.3 The preparation of its final report has been delayed. This is due to the impact of the extensive budget scrutiny process and activities arising from the Governance Review recommendations on scrutiny resources.

Road Safety

- 5.4 The cross party Task and Finish Group for this inquiry is chaired by Councillor David Barker, and also includes Councillors Richard Parkin and Waseem Zaffar from the Committee itself. Councillor Izzy Knowles has also been co-opted onto the group in the place of Councillor Colin Green.
- 5.5 The terms of reference for this inquiry were agreed by the Committee in February. Evidence gathering for this inquiry will commence in April once scrutiny resources can be released from the Active Travel inquiry. Further timelines will be reported to the Committee as the inquiry progresses.

6 Any Finance Implications

- 6.1 There are no financial implications arising from the recommendations set out in this report.

7 Any Legal Implications

- 7.1 There are no legal implications arising from the recommendations set out in this report.

8 Any Equalities Implications

- 8.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 The protected characteristics and groups outlined in the Equality Act are Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex, and Sexual Orientation.
- 8.3 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and making recommendations. This should include considering how policy issues impact on different groups within the community, particularly those that share a relevant protected characteristic; whether the impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within Birmingham; and whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.
- 8.4 The Committee should ensure that equalities comments, and any recommendations, are based on evidence. This should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

9 Appendices

- 9.1 Appendix 1: Work Programme 2023-24, March
- 9.2 Appendix 2: Letter (dated 13 February 2024) from Councillors Timothy Huxtable and Richard Parkin regarding Highways disruption caused by Cadent

10 Background Papers

- 10.1 [Birmingham City Council Constitution](#)
- 10.2 Birmingham City Council Overview and Scrutiny Framework April 2021

Sustainability and Transport Overview and Scrutiny Committee Work Programme 2023/24

Month	Item/Topic Link with Corporate Priorities	Aims and Objectives	Scrutiny Method	Cabinet Member/ Lead Officer	Other Witnesses	Additional Information and Outcome*
April	Budget Challenge and Financial Recovery CGFS Independent Governance Review recommendation 5: Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by exception), and other priority scrutiny activity relating to the Budget	Track the progress on savings made to date. Consider the impact of savings on policy and service delivery. Consider how relevant services are mobilising to delivery budget savings for 24-25 and agree how the Committee will monitor these savings.	Committee Meeting single item: 2pm Venue: Committee Rooms 3 and 4, Council House	Cabinet Member for Environment, Cllr Majid Mahmood Cabinet Member for Transport, Cllr Liz Clements Paul Kitson Strategic Director, Place, Prosperity & sustainability Craig Cooper, Strategic Director, City Operations	Phil Edwards, Assistant Director, Transport & Connectivity Mark Shelswell Assistant Director, Highways & Infrastructure	Cabinet Members to be invited specifically to consider how this will impact on policy in service areas. This will be specific to the remit of this Committee. This will be a standard agenda across all Overview and Scrutiny Committees.
April	Highways and Highways PFI CGFS Independent Governance Review recommendation 5: Critical performance issues emerging “by exception”	Receive a progress update on the Highways PFI contract and arrangements for 24-25.	Committee meeting single item: 2pm, Committee Rooms 3 and 4, Council House	Mark Shelswell, Assistant Director, Highways and Infrastructure	Stephen Walton, Head of Highways PFI Procurement	The Committee has requested this report is provided monthly until further notice.

April	<p>Customer Service Programme</p> <p>CGFS Independent Governance Review recommendation 5: Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by exception), and other priority scrutiny activity relating to the Budget</p>	<p>Monitor the progress and impact of the recommendations from the Customers Services programme (as previously undertaken by Co-ordinating O&S Committee)</p> <p>Understand how the Customer Services programme has been impacted by budget savings. Consider if and how the impact of the budget savings can be mitigated to deliver better outcomes for citizens</p>	<p>Committee Meeting single item: 2pm</p> <p>Venue: Committee Rooms 3 and 4, Council House</p>	<p>Wendy Griffiths, Assistant Director Customer Services and Business Support</p> <p>Mark Shelswell, Assistant Director, Highways and Infrastructure</p>	None	<p>Aligned to Improvement and Recovery Plan (IRP) workstreams.</p> <p>Co-ordinating O&S Committee convened Task and Finish groups to identify, and monitor progress of, recommendations to improve customer services in 4 areas including Highways Repairs.</p> <p>A final Task and Finish group took place on 7 July 2023, and a report presented to Co-ordinating O&S in July. It was agreed that Sustainability and Transport O&S Committee takes forward this work for Highway Repairs in the future.</p>
April	Inquiry: Active Travel Report	Agree proposed key findings and recommendations to Executive	<p>Committee Meeting single item: 2pm</p> <p>Venue: Committee Rooms 3 and 4, Council House</p>	<p>Cllr Lee Marsham, Chair of Sustainability and Transport Overview and Scrutiny Committee</p> <p>Amelia Wiltshire, Overview and Scrutiny Manager</p>		Final report to be presented to the Committee. An Executive response will be provided to a future Committee.
April	Inquiry: Road Safety	Evidence gathering session	Vary – committee meeting single item/ informal session	Cllr David Barker, Deputy Chair of Sustainability and		Evidence gathering sessions to commence

				<p>Transport Overview and Scrutiny Committee</p> <p>Amelia Wiltshire, Overview and Scrutiny Manager</p>		
May	<p>Annual Flood Risk Management Plan</p> <p>CGFS Independent Governance Review recommendation 5: Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by exception), and other priority scrutiny activity relating to the Budget</p>	<p>Review the plan and work undertaken to mitigate against flooding within the city over the past 12 months</p> <p>Consider the Flood Risk management plan for 24-25 and specifically, the impact of the budget challenge and financial recovery programme.</p>	<p>Committee Meeting single item: 2pm</p> <p>Venue: Committee Room 6, Council House</p>	Hannah Hogan, Flood Risk Manager	None	<p>As the October session had to be cancelled due to clash with Extraordinary Council meeting, the Committee will hold a further meeting in May.</p> <p>This is an annual report. Latest report to the Committee is here.</p>
May	<p>Highways and Highways PFI</p> <p>CGFS Independent Governance Review recommendation 5: Critical performance issues emerging “by exception”.</p>	<p>Receive a progress update on the Highways PFI contract and arrangements for 24-25.</p>	<p>Committee Meeting single item: 2pm</p> <p>Venue: Committee Room 6, Council House</p>	Mark Shelswell, Assistant Director, Highways and Infrastructure	Stephen Walton, Head of Highways PFI Procurement	<p>The Committee has requested this report is provided monthly until further notice.</p>

May	Inquiry: Road Safety	Evidence gathering session	Vary – committee meeting single item/ informal session	Cllr David Barker, Deputy Chair of Sustainability and Transport Overview and Scrutiny Committee Amelia Wiltshire, Overview and Scrutiny Manager		Evidence gathering sessions to continue
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*Outcome: This will be populated once the item/topic has been completed. It will highlight the added value and impact.

Menu of Options for Future Consideration

The following items had been identified as potential topics for future consideration. This approach enables the Overview and Scrutiny Committee to remain flexible and respond in a timely manner to emerging issues.

This is a live work programme work programme. New items may be added, or items removed during the course of the year. Proposed aims and objectives as well as scrutiny methodology may also be subject to change.

Item/ Topic	Proposed Aims and Objectives	Proposed Scrutiny Method	Additional Information
Recycling and Waste Reduction	To be determined.	To be confirmed	No further information at this time
Route to Net Zero	Consider how the Council is supporting community leadership. Other aims and objectives to be determined.	To be confirmed	If this is an in-depth piece of work, to be scheduled following the completion of the Road Safety topic.
Public Transport	To be determined by the Committee	Committee Meeting	The intention is to consider information from multiple bus providers as well as the rail sector and WMCA. It may be followed by visits to public transport facilities

Scrutiny Method Options:

Committee meeting - single item

Sustainability and Transport Overview and Scrutiny Committee, March 2024 – Appendix 1

Committee meeting - single theme

Task and Finish Group (outline number of meetings)

On location

Other - (describe)

Corporate Priorities, Performance and Outcomes

Corporate Priorities 2022 – 26:

- | | |
|--|---|
| 1 Support inclusive economic growth | 11 Increase affordable, safe, green housing |
| 2 Tackle unemployment | 12 Tackle homelessness |
| 3 Attract inward investment and infrastructure | 13 Tackle health inequalities |
| 4 Maximise the benefits of the Commonwealth Games | 14 Encourage and enable physical activity and healthy living |
| 5 Tackle poverty and inequalities | 15 Champion mental health |
| 6 Empower citizens and enable citizen voice | 16 Improve outcomes for adults with disabilities and older people |
| 7 Promote and champion diversity, civic pride and culture | 17 Improve street cleanliness |
| 8 Support and enable all children and young people to thrive | 18 Improve air quality |
| 9 Make the city safer | 19 Continue on the Route to Zero |
| 10 Protect and safeguard vulnerable citizens | 20 Be a City of Nature |
| | 21 Delivering a Bold Best in Class Council |

Information on the Corporate Priorities, Performance and City Outcomes was reported to the Neighbourhoods Overview and Scrutiny Committee OSC in June 2023: [Document.ashx \(cmis.uk.com\)](https://cmis.uk.com/document/ashx)

APPENDIX 2

COUNCILLOR TIMOTHY HUXTABLE CONSERVATIVE, HALL GREEN SOUTH SHADOW CABINET MEMBER FOR TRANSPORT



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BIRMINGHAM,
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Councillor Lee Marsham
Chair, Sustainability and Transport
Overview and Scrutiny Committee
Birmingham City Council

Sent by email

13 February 2024

Dear Lee,

Highways Disruption caused by Cadent

We write following concerns raised by a large number of residents about disruption to Birmingham's Highway network caused by roadworks and in particular the performance of Cadent. We believe this should be an issue that the Sustainability and Transport Overview and Scrutiny Committee should look at in more detail and so formally request that it is added to the work programme. We also believe that as part of this work, Cadent should be invited before the committee to account for the steps they are taking to improve performance and minimise the impact of their work on residents.

You will be aware that this was an issue raised by Councillor Matt Bennett at the last Full Council meeting, where he highlighted problems caused in his ward of Edgbaston in recent months, including barriers and temporary lights going up on the key bus route of Harborne Road 5 days before any work started. In neighbouring Harborne, residents are currently facing significant disruption from works, whilst some of this is a response to a leak that needed urgently addressing, the management of the works appears to have been poor and it follows on from other work by Cadent in the area which has seen roads only recently relayed by the council dug up. Across parts of Sutton Coldfield too, we have seen Cadent recently returning to areas where work has only just been completed.

It is clear that this is an issue across the whole city and the council should be leveraging all its powers, including soft power, to hold Utilities to account for the time they spend carrying out work on the road network. Scrutiny has a key role in this.

Whilst we have specific concerns about the impact of recent work by Cadent, we believe that this could form part of a wider piece of work by Scrutiny on the management of our highways network and the coordination of roadworks. This could include investigating proposals previously put forward by our Group to follow up the work done to introduce a permit scheme in the city, with a Lane Rental Scheme for roadworks, that would further incentivise utility firms to reduce the amount of time that roadworks are in place. This work should also look at how we ensure that where necessary works are carried out, the highway or footway is returned to a suitably high quality, with matching materials to the surrounding road\path.

Yours Sincerely

The image shows two handwritten signatures in dark ink. The signature on the left is 'Timothy Huxtable' and the signature on the right is 'Richard Parkin'. Both are written in a cursive, flowing style.

Councillors Timothy Huxtable and Richard Parkin