

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET MEMBERS FOR TRANSPORT AND ROADS AND FOR VALUE FOR MONEY AND EFFICIENCY JOINTLY WITH THE CORPORATE DIRECTOR, ECONOMY
Report of:	ASSISTANT DIRECTOR – TRANSPORTATION AND CONNECTIVITY
Date of Decision:	2 June 2017
SUBJECT:	BIRMINGHAM CYCLE REVOLUTION: A38 BRISTOL ROAD (SELLY OAK TO CITY CENTRE) FULL BUSINESS CASE
Key Decision: No	Relevant Forward Plan Ref: n/a
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:	Councillor Stewart Stacey – Transport and Roads Councillor Majid Mahmood – Value for Money and Efficiency
Relevant O&S Chairman:	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:
<p>1.1 To seek approval to the Full Business Case (FBC) for the A38 Bristol Road (Selly Oak to City Centre) scheme as part of the Birmingham Cycle Revolution programme at an estimated cost of £10,097,300.</p> <p>1.2 To agree to proceed with implementation of the scheme, having taken account of the consultation feedback and considered the formal objections received to the Traffic Regulation Orders required to implement the scheme.</p> <p>1.3 To note the proposals for the future development of those elements of the Green Travel Districts aligned with the Bristol Road scheme.</p> <p>1.4 To seek approval for the Assistant Director – Transportation and Connectivity to appoint contractors and place orders for the construction of the works.</p> <p>1.5 The accompanying private report contains confidential market information which could impact on the tender process.</p>

2. Decision(s) recommended:

That the Cabinet Members for Transport and Roads and for Value for Money and Efficiency jointly with the Corporate Director, Economy:-

- 2.1 Having considered the responses to the objections received to the Traffic Regulation Orders required to implement the scheme, approve the Full Business Case (Appendix A) for the Birmingham Cycle Revolution A38 Bristol Road (Selly Oak to City Centre) scheme and agree to proceed with its implementation, to be delivered at a total cost of £10,097,300 including works, contingencies and fees.
- 2.2 Note that the proposals contained within this report supersede the previously approved 'Birmingham Cycle Revolution: Bristol Road Corridor Highway Schemes – Full Business Case' by the then Cabinet Member for Development, Transport and the Economy and the then Cabinet Member for Commissioning, Contracting and Improvement on the 20th October 2015.
- 2.3 Note that a programme of complementary schemes will be developed as part of the Green Travel District (GTD) elements of the overall BCR programme proposals in accordance with the revised programme agreed as part of the Birmingham Cycle Revolution (BCR): Progress Update and Programme Revision Report of the Strategic Director for Economy to Cabinet 13th December 2016, as detailed in Appendix A

Lead Contact Officer(s):	Varinder Raulia – Head of Infrastructure Projects
Telephone No: E-mail address:	0121 303 7363 Varinder.raulia@birmingham.gov.uk

3. Consultation

3.1 Internal

- 3.1.1 The Deputy Leader has been informed of the implications for Council owned land and the impact on trees. The Cabinet Member for Clean Streets, Recycling and the Environment and the Cabinet Member for Transparency Openness and Equality have also been consulted.
- 3.1.2 The relevant Ward Councillors and District Chairs have been consulted by E-mail and through BCC officer attendance at District and Ward Committee meetings wherever possible. Their responses are included in Appendix F – section A – page 26-27.
- 3.1.3 The Assistant Director for Highways and Infrastructure and Corporate Director of Place have been consulted and comments included within the design process.
- 3.1.4 Officers from City Finance, Procurement, and Legal and Democratic Services have been involved in the preparation of this report.

3.2 External

- 3.2.1 Relevant MPs, Emergency Services, Bus Operators, Disabled Groups and Cycling and Walking Groups have been consulted. Comments have been received and are provided in Appendix F.
- 3.2.2 All properties and businesses within a buffer of approximately 250m either side of the main corridor route received a leaflet informing them of the consultation and signposting them to further information. This buffer was extended as appropriate to capture additional residences, businesses and adjacent places of interest. This general geographic area of distribution is shown on the plan in Appendix F.
- 3.2.3 To promote the consultation exhibitions posters were distributed to a selection of local shops and public buildings. The consultation was promoted more widely via local press releases and Birmingham City Council and Birmingham Cycle Revolution social media channels. Commuters and other road users were specifically made aware of the consultation process by placement of 20 road signs along the corridor and on all arms of approaches to junctions with the Bristol Road.
- 3.2.4 For those without web access, information packs were provided in accessible local buildings across the area for the duration of the six week consultation period. Paper questionnaire forms were also provided in these venues for people to complete and place in a feedback box. The drawings were uploaded on the Birmingham Be-Heard website enabling residents to make comments online

- 3.2.5 All comments received have been considered during the FBC preparation. Full details are given in Appendix F, including design team responses to the key comments received. Design changes as a result of the consultation process are identified in the FBC at Appendix A.
- 3.2.6 A further consultation exercise was carried out in line with statutory requirements in respect of the Traffic Regulation Orders required to deliver the proposals. Comments and objections received and the design team responses are detailed in Appendix G.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

- 4.1.1 The BCR programme supports the City Council's policy objectives in particular '*a strong economy*' and '*a healthy happy city*'. The measures also support the policies within the Birmingham Development Plan (BDP), the aspirations of Birmingham Connected, the Health and Wellbeing Strategy, and the West Midlands Strategic Transport Plan. Further details are included in Appendix A.
- 4.1.2 All contractors on the Highways and Infrastructure Works Framework are accredited signatories to the Birmingham Business Charter for Social Responsibility. Prior to the award of works within this FBC actions will be agreed with the selected contractor and included in their action plan for BCR and will be monitored during the delivery of the overall programme.

4.2 Financial Implications

- 4.2.1 The estimated total capital cost of the highway infrastructure schemes covered by this report in Appendix A is £10,097,300. This is funded from the DfT's Cycle City Ambition Grant (CCAG) (£10,023,200) allocations and the City Council's Integrated Transport Block (ITB) (£74,100). Further details are included in the FBC at Appendix A.
- 4.2.2 This project will create assets that will form part of the highway upon completion of the project; as such they will be maintained within the overall highway maintenance regime. The estimated net cost of including these newly created assets within the highway maintenance regime is £45,702.47 per year. This cost will be funded from the provision for Highways Maintenance held within Corporate Policy Contingency. A Maintenance Finance Statement is included at the end of Appendix A.

- 4.2.3 The proposals will result in the removal of 5 on-street 'pay and display' parking bays on Wrentham Street and 8 on Kent Street. The loss of parking revenue income to the City Council from the removal of these bays is estimated to be approximately £11,122 per year. This cost will be offset by rescinding the previous decision by the Cabinet Member for Development, Transport and the Economy to remove 23 on-street 'pay and display' parking bays on Bromsgrove Street (£25,000 per year) as part of the original Bristol Street proposals as this is no longer necessary, resulting in a reduced cost to the specific policy contingency allocation for car park closures.
- 4.2.4 Cycling Infrastructure measures are supported by marketing and promotion activities funded from within approved revenue budgets.
- 4.2.5 A Risk Management Assessment has been undertaken for this scheme (see Appendix C)

4.3 Legal Implications

- 4.3.1 The City Council carries out transportation and infrastructure related works under the relevant primary legislation including the Highways Act 1980, Town and Country Planning Act 1990, Traffic Management Act 2004, Transport Act 2000, and other related regulations, instructions, directives and general guidance.
- 4.3.2 The locations covered by this report are principally within areas of highway maintainable at public expense (HMPE) and planning or other consents are not required.
- 4.3.3 Traffic Regulation Orders and Notices have been advertised as part of the scheme design and consultation process where required. Details are included in the FBC Appendix A.

4.4 Public Sector Equality Duty

- 4.4.1 An initial Equality Analysis was carried out prior to approval of the Project Definition Document and submission of the bid in March 2015. A revised analysis for the highway infrastructure schemes is included in Appendix B (Ref EA001494).
- 4.4.2 The Equality Analysis identified a risk of detriment to people with disabilities in sharing footways with cyclists, with a need to consult with groups representing physically disabled and visually impaired people, and to ensure that the schemes meet appropriate design standards and best practice. Groups representing disabled people were included in the scheme consultations and meetings have taken place with Access Committee for Birmingham and Guide Dogs as part of the development of the new Birmingham Cycle Design Guide. The installation of shared footways for cyclists is a standard solution used in many parts of the UK and is covered by existing design guidance. Their use in Birmingham will be in accordance with best practice, including provision of tactile paving, and in compliance with the Birmingham Cycle Design Guide. The effect of the scheme on disabled people will be monitored as part of the overall BCR programme

- 4.4.3 The Equality Analysis also identified the need to ensure that, wherever practical, cycle facilities are designed to be useable by non-standard bikes which may be used by cyclists with disabilities. All of the facilities proposed within this FBC are suitable for use by a wide range of cyclists, including people with disabilities. There will also be improvements for other disabled road users, for example through improvements to bus stops and side-road crossing points.

5. Relevant background/chronology of key events:

5.1 BCR Programme Summary

- 5.1.1 The BCR programme is currently being delivered in three phases. All three phases include a combination of highway infrastructure, off road routes, and supporting measures. Further details of the BCR programme are provided in Appendix A. On 13th December 2016 Cabinet approved the Birmingham Cycle Revolution (BCR) Progress Update and Programme Revision Report which approved changes to the BCR Programme and budget allocations as well as delegating future approval of schemes within the programme to the Cabinet Member for Transport and Roads and the Cabinet Member for Value for Money and Efficiency, jointly with the Strategic Director for Economy.

5.2 BCR A38 Bristol Road Proposals

- 5.2.1 In line with the approved strategy it is proposed to deliver a high quality cycling scheme along the A38 Bristol Road (Selly Oak to City Centre). The scheme incorporates a high quality segregated two-way cycle track for the majority of its length, either within the central reservation or along one side of the carriageway, together with a number of significant changes to key junctions along the route to improve priority for cyclists. The proposals also contain a number of changes to Traffic Regulation Orders necessary to enable delivery of the scheme. Full details of the current proposals and the result of the statutory consultation process are provided in the FBC at Appendix A and on the drawings in Appendix D.
- 5.2.2 These proposals are part of a wider capital investment in support of a 20-year strategy to embed cycling into the mainstream transport offer and increase the proportion of cycle trips from less than 2% to 5% by 2023 and 10% by 2033. The scheme will help unlock and support growth across the investment area by supporting cycle access to major employment sites and Enterprise Zones, better integrating cycling as part of a longer journey by public transport, improve and equalise access to opportunity, reduce congestion at key pinch-points and support improved health and wellbeing.
- 5.2.3 The current A38 Bristol Road proposals include elements of the 'Bristol Road Corridor Highways Scheme' previously approved by the Cabinet Member for Development, Transport and the Economy and the Cabinet Member for Commissioning, Contracting and Improvement on the 20th October 2015. These have been reviewed and amended to ensure they meet current design aspirations.

5.2.4 However, in line with the Birmingham Cycle Revolution (BCR) Progress Update and Programme Revision Report of 13th December 2016, the following elements of the 'Bristol Road Corridor Highways Scheme' will not be included and have been removed from the wider programme or deferred until suitable additional funding can be identified. These are;

- The section of route along Lee Bank Middleway between Ryland Road and Five Ways, deferred pending completion of adjacent off-highway developments and suitable financial resources identified to implement cycle facilities to similar standard as the rest of the route ;
- The section of route along Henstead Street and Bromsgrove Street (including the removal of the on street 'pay and display' parking bays on Bromsgrove Street) deleted in favour of a better quality segregated route along Kent Street.

5.3 Green Travel District Development

5.3.1 To compliment the A38 Bristol Road proposals appraisal work will be undertaken on options for cycle infrastructure within the Selly Oak and Kings Heath/Moseley Green Travel Districts in line with the revised highway scheme implementation strategy. From preliminary assessment a number of priority schemes have been identified to concentrate future development as identified below;

- Highbury Park Green Route Links: Development of complementary highway proposals linking the Highbury Park Green Route with Kings Heath local centre and the Rea Valley Cycle Route. This would enable a strategic link to be provided between Kings Heath and the City Centre, as well as the Selly Oak local centre/university and hospital areas via the A38 Main Corridor scheme;
- Selly Oak Centre Links; consideration of cycling links around Selly Oak centre as an extension to the A38 Bristol Road Main Corridor Route, in particular cycling provision along Aston Webb Boulevard. These links would provide direct access to the centre itself, as well as the adjacent hospital and university areas, and the Selly Oak Triangle development;
- Quinton/Harborne to Selly Oak Centre/Hospital/University Links: This has been identified as a key movement corridor with potential for a significant increase in the number of cycle trips. Further study work will include an assessment of route options including the introduction of possible cycle infrastructure along Harborne Park Road.

5.3.2 The funding for this development work was approved as part of the overall programme development contained in the Birmingham Cycle Revolution: Phase 3: Programme Definition Document' Report of the Deputy Chief Executive to Cabinet 16th March 2015.

5.4 Procurement

5.4.1 The works for the A38 Bristol Road scheme will be delivered through the City Council's Highways and Infrastructure Works Framework Contract 2014-18 (Lot 4) in accordance with the strategy in Appendix A.

5.5 Programme

5.5.1 The proposed programme for the delivery of the works is as follows;

- Notify Contractor to commence works: 1st June 2017
- Construction Period: 19th June 2017 to 13th April 2018
- Scheme Commissioning/Opening: April/May 2018
- Defects Correction Period: 13th April 2018 to 12th April 2019

6. **Evaluation of alternative option(s):**

- 6.1 Alternative options could include 'Do Nothing'. This would lead to the loss of the Department for Transport funding which has been secured, and a failure to provide infrastructure schemes to improve conditions for cyclists. As a result the Council would be unlikely to meet its target of cycling forming 5% of all journeys by 2023.
- 6.2 An options appraisal exercise was undertaken for the A38 Bristol Road corridor leading to the development of the scheme which best fits the local conditions and the overall programme objectives. The proposals have been modified where appropriate to take into account comments received during the consultation process.
- 6.3 Existing mature trees and 'pay and display' parking spaces could be retained, but this would lead to a reduced level of provision for cyclists including more mixing with pedestrians and road traffic.

7. **Reasons for Decision(s):**

- 7.1 The approval of this FBC for the Birmingham Cycle Revolution A38 Bristol Road (Selly Oak to City Centre) will allow the proposals to be finalised, Traffic Regulation Orders sealed and contracts entered into for delivery.

	<u>Signatures</u>	<u>Date</u>
Councillor Stewart Stacey Cabinet Member for Transport and Roads
Councillor Majid Mahmood Cabinet Member for Value For Money and Efficiency
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

List of Appendices accompanying this Report (if any):

1. Appendix A – Full Business Case
2. Appendix B – Equality Analysis Ref EA001494
3. Appendix C – Risk Management Assessment
4. Appendix D – Scheme Plans
5. Appendix E – Implementation Programme
6. Appendix F – Consultation Summary
7. Appendix G – TRO Consultation Summary

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 at 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 the standard 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 – see page 9 (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	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(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	<p>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:</p> <ul style="list-style-type: none">(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	<p>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.</p>
4	<p>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:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(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